



ORDINARY MEETING

AGENDA

9 MARCH 2021

Your attendance is required at an Ordinary meeting of Council to be held in the Council Chambers, 232 Bolsover Street, Rockhampton on 9 March 2021 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
4 March 2021

Next Meeting Date: 23.03.21

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 Shawn Mills from Gracemere Baptist Church.

2 PRESENT

Members Present:

The Mayor, Councillor A P Williams (Chairperson)
Deputy Mayor, Councillor N K Fisher
Councillor S Latcham
Councillor C E Smith
Councillor C R Rutherford
Councillor M D Wickerson
Councillor D Kirkland

In Attendance:

Mr E Pardon – Chief Executive Officer

3 APOLOGIES AND LEAVE OF ABSENCE

4 CONFIRMATION OF MINUTES

Minutes of the Ordinary Meeting held 23 February 2021

Minutes of the Special Meeting held 25 February 2021

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

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 matter be lifted from the table and dealt with accordingly:

- Implementation of Quarterly Rating for 2021/22 Financial Year

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 – Mayor Williams*

10.1 REQUEST FOR DEVELOPMENT INCENTIVES CONCESSIONS

File No:	13674
Attachments:	1. Letter from Adams + Sparkes Town Planning ↓
Authorising Officer:	Greg Bowden - Executive Manager Advance Rockhampton
Author:	Rick Palmer - Senior Executive Industry Engagement

SUMMARY

This report outlines a request from the developer of a multiple dwelling for Council to re-consider eligibility criteria for development incentives.

OFFICER'S RECOMMENDATION

THAT the Executive Manager Advance Rockhampton be authorised to negotiate with the proponent of the multiple dwelling project regarding infrastructure charges concessions for that project to a limit of 50 per cent of the assessed contribution for the original development application.

COMMENTARY

Council has received a request from Adams & Sparkes Town Planning to re-consider the eligibility criteria for concessions under Council's current Development Incentives Policy for The Loft development at 12 Archer Street, Rockhampton.

This proposed development will be made up of 31 residential units and a food and drink outlet. Its construction should significantly increase employment in the Rockhampton Region. The development will be located within the area bounded by Victoria Parade and North, Alma and Fitzroy Streets, Rockhampton. A copy of this letter is attached.

When the original development application for this project was lodged on 23 December 2015, the Development Incentives Policy provided that residential developments within the Special Use Inner City North Cultural Precinct within the Rockhampton CBD, which included 12 Archer Street, Rockhampton, could apply for infrastructure charges concessions.

The concessions were then limited to a maximum payment of 50 per cent of the infrastructure charges and expired three years after the development approval was issued by Council. This development approval was approved by Council on 12 August 2016 and the right to infrastructure concessions expired three years later on 13 August 2019.

Infrastructure charges for the project's initial version were assessed at \$188,131.50.

An application to amend the development approval was lodged with Council on 26 June 2020, when a refined version of the Policy applied which did not include any infrastructure charges concession for multiple dwelling developments.

Infrastructure charges for the project under the amended application increased to \$256,131.50.

Council adopted a new Development Incentives Policy on 8 December 2020 to apply during 2021.

This policy included a possible discretionary concession of up to 75 per cent of infrastructure charges for seven land uses which included:

“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 and which has the scale and standard which would reasonably be expected to significantly increase employment in the Rockhampton Region”.

The proponent of The Loft development does not qualify for developments incentives under the current policy as both applications were lodged with Council before the current Policy came into effect. However, the proponent would have been eligible for an infrastructure charge concession of up to 50 per cent under the original version had three years not passed after Council issued the development approval.

BACKGROUND

On 8 December 2020 Council adopted a new Development Incentives Policy to apply from 1 January 2021 until 31 December 2021.

This Policy includes a concession of up to 75 per cent on the payment of infrastructure charges in accordance with the adopted Infrastructure Charges Notice for seven land uses.

One of these land uses is for multiple dwellings which are “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 and which has the scale and standard which would reasonably be expected to significantly increase employment in the Rockhampton Region”.

Multiple dwellings include apartments, flats, units and townhouses.

PREVIOUS DECISIONS

Council’s initial Development Policy applied from 1 December 2013 until 31 July 2017. This Policy applied when the original development application was lodged.

The second development policy applied from 1 August 2017 until 14 May 2018 and the third, under which the amended application was lodged, applied from 15 May 2018 until 31 December 2020.

On 8 December 2020 Council adopted a new Development Incentives Policy to apply in 2021 while a new Economic Development Plan was being developed.

BUDGET IMPLICATIONS

The maximum development incentives concession which would have been payable under the original application would have amounted to \$94,065.75, 50 per cent of the assessed contribution of \$188,131.50. The obligation to claim this payment expired on 13 August 2019.

The maximum development incentives concession which would be payable under the current Policy would amount to \$192,098.62, 75 per cent of the assessed contribution of \$256,131.50.

RISK ASSESSMENT

Adams Sparkes Town Planning mention in their letter the possibility of their client re-lodging the development application to qualify for the larger concession under the current Policy.

CORPORATE/OPERATIONAL PLAN

The 2017-22 Corporate Plan outlines the development of “a thriving regional capital that creates and nurtures diverse opportunities to balance work, play and growth’ as the main economic theme.

This theme is supported by the following pair of corporate outcomes:

2.1 – A destination sought for lifestyle, community events and tourism; and

2.3 – The redevelopment and activation of major urban places to attract investment and improved lifestyles.

The 2020-21 Operational Plan, which underpins the Corporate Plan, includes the following relevant actions:

2.3.1 – Develop strategies and initiatives that promote redevelopment, business attraction and growth and ultimately revitalize all the Region’s commercial centres; and

4.4.2 – Review and update Council’s Development Incentives Policy.

CONCLUSION

Council has been asked to re-consider the eligibility criteria for concessions under its current Development Incentives Policy.

Rather than change the recently adopted Policy, Council could consider reaching a one off agreement with the multiple dwelling developer regarding the payment of development incentives for the particular project.

REQUEST FOR DEVELOPMENT INCENTIVES CONCESSIONS

Letter from Adams + Sparkes Town Planning

Meeting Date: 9 March 2021

Attachment No: 1



21 December 2020

The Chief Executive Officer
Rockhampton Regional Council
PO Box 1860,
Rockhampton QLD 4700

Attention: Evan Pardon
Via email: evan.pardon@rrc.qld.gov.au

Dear Evan,

RE: New Development Incentives Policy

I refer to the Development Incentives Policy adopted at the recent Council meeting of 8 December 2020.

By way of background, I wrote and later met with Council several years ago in relation to the first Development Incentives Policy in 2013. At that time, I commended Council for looking at ways to encourage further development and economic growth within Rockhampton. There was, however, a missed opportunity with the policy criteria, as it failed to capture any existing, already approved development approvals. In order to qualify for the incentives, you had to lodge a development application within a set period, e.g. between 1 January and 31 December of that calendar year. It was unclear as to why a lodgement time period was required and why it was necessary to preclude existing approvals that met all other criteria.

I note that as part of the new policy, Advance Rockhampton has identified that there is potential market interest in constructing multiple dwellings in the area bounded by Victoria Parade, North, Alma and Fitzroy Streets. I further note that there is the view that the new policy will "provide flexibility to act quickly upon new economic growth opportunities for the region." Upon review, I notice the same restriction has been applied in terms of "lodging" a development application between 1 January 2021 and 31 December 2021 to qualify for the incentives. Again, I see this as a missed opportunity for Council to capture 'approved' developments that would otherwise qualify, should they be re-lodged in this 2021 period.

As an example, on 27 July 2020, we gained a minor change to an existing approval for 31 units and a Food and Drink Outlet at 12 Archers Street, Rockhampton City (Council Ref: D/184-2015). The original development approval was granted by Council in 2016 and we subsequently qualified for the then Development Incentives. Upon receiving the recent minor change approval, we wrote to Council to seek an extension to this incentives policy, however this request was declined. Now that Council have adopted a new Development Incentives Policy, our client is caught between two policies, neither of which they technically meet due to the time period expiring under the now superseded policy, and the inability to meet the 'lodgement timeframe' under the new policy. So, although my clients have a development approval that is valid, it is for a land use that the policy seeks to encourage and is located within the specific CBD boundaries of the incentives area (see below), they cannot qualify.

P 07 5313 7705 **E** admin@astpd.com.au **W** astpd.com.au

SUNSHINE COAST | BRISBANE | ROCKHAMPTON



Figure 1 New Policy Area & location of approved development D/184-2015

The only way to not qualify for these incentives is to re-lodge the development application that is already approved. It is a little strange or backward to re-lodge a Development Application to simply 'qualify' for this policy, when there is a development, approved, within the applicable area, ready to go. I encourage Council to reconsider the eligibility criteria to ensure approved development, that is ready to go, can benefit from the generous incentives. I am sure the example provided is not the only valid approval within the CBD that would benefit from these incentives, so I would suggest a review of all current development approvals in the area would be useful exercise to undertake.

I welcome the opportunity to discuss this further with your team, as I see this as being an important change to help facilitate new development within the region and specifically the CBD.

Yours faithfully,
ADAMS + SPARKES
TOWN PLANNING

Pete Sparkes
DIRECTOR

CC: Greg Bowden - Executive Manager Advance Rockhampton
Rick Palmer - Senior Executive Industry Engagement

Our ref: 180310

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AIRPORT GROWTH AND DEVELOPMENT*Councillor Portfolio – Councillor Fisher*

No items for consideration

COMMUNITIES*Councillor Portfolio – Councillor Wickerson*

10.2 COMMUNITY ASSISTANCE PROGRAM - MAJOR SPONSORSHIP

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

SUMMARY

An application from the RACQ Capricorn Helicopter Rescue Service for Major Sponsorship Assistance towards the Colour Me Capricorn event is presented for Council consideration.

OFFICER'S RECOMMENDATION

THAT the Major Sponsorship application from RACQ Capricorn Helicopter Rescue Service for funding to assist with the staging of the Colour Me Capricorn event to be held on Sunday 28 March 2021 be approved for the amount of \$5,000.00 towards the event.

COMMENTARY

A Major Sponsorship scheme application has been received from RACQ Capricorn Helicopter Rescue Service for assistance with the staging of the Colour Me Capricorn event at the Rockhampton Kershaw Gardens on Sunday 28 March 2021 between 6am – 9am. The application seeks cash sponsorship of \$5,000.00.

The application details the event as Rockhampton's only 'colour' run, which provides the region with a fun, exciting and colourful run suitable for all ages and abilities. Invited are local gyms, sporting clubs and community groups to host a fun, active warm-up, which everyone loves. The event is designed to encourage people to live healthy and active lifestyles, with participants able to run, walk, dance or stroll along the path clouded in colour.

Assessment

In accordance with the adopted Policy and Procedure applications received through the Major Sponsorship Scheme will be assessed by Council against the following criteria:

- Applicant's capacity to undertake the event including any experience with similar events, relevant approvals and permissions required
- Community need or desire for the event and how this was determined
- Economic and community outcomes anticipated from the event
- Number of participants, including out of area visitors
- Value for money, including realistic budget with projected cost recovery

The applicant has had experience with previous events such as the Rescue Chopper Day, The Christmas Fair, River Glow Run and the CQ Mega Expo. Each of these events has been supported by Council, with the organisation satisfactorily completing grant acquittal reports.

Listed below are previous events Council has supported since 2008:

2008 - 2009	
Helicopter Rescue @ Paradise Lagoons	\$ 350.00
Sponsorship of Service	\$ 3,000.00
2009 - 2010	
Sponsorship of Service	\$ 5,000.00
2010 - 2011	
Sponsorship of Service	\$ 5,000.00
2013 - 2014	
Sponsorship of Service	\$ 5,000.00
CBD Christmas Fair	\$19,000.00
Rescue Chopper Day	\$ 5,000.00
2015 - 2016	
Rescue Chopper Day	\$ 2,500.00 (2015 Event)
St Valentine's Day dance (hall hire)	\$ 170.00
CBD Christmas Fair	\$20,000.00
Rescue Chopper Day	\$ 2,500.00
2016 - 2017	
CBD Christmas Fair 2017	\$20,000.00
CQ Mega Expo	\$12,245.00 (\$10,000 Cash)
2017 - 2018	
Colour Me Capricorn	\$ 1,000.00
River Glow	\$ 5,190.00 (\$ 2,000 Cash)
CBD Christmas Fair 2018	\$20,000.00
2018 - 2019	
Colour Me Capricorn	\$ 5,000.00
River Glow	\$ 5,000.00
CBD Christmas Fair 2019	\$20,000.00
2019 - 2020	
Colour Me Capricorn	\$ 3,300.00

The organisation has also received support from Council outside of the Community Assistance program, for example reimbursement of landing fees.

The event organiser are expecting to attract approximately 750 participants from a variety of different towns including Rockhampton, Yeppoon, Gracemere, Emu Park, Baralaba, Biloela, Monto, Mt Morgan and Marmor.

The budget for the event shows a total cost of \$10,552.60 with the major expenses being for:

- marketing, promotion and media \$2,030.40
- merchandise \$2,064.00
- colour powder \$2,820.00
- insurance \$755.00

With the cash contribution from Council factored in the projected income in the budget amounts to \$17,250.00, resulting in the event raising \$6,697.40 for the organisation.

For its contribution Council will be acknowledged through social media, logos on all advertising materials (including participant race bibs), verbal recognition by MC and have the opportunity to volunteer at the event.

PREVIOUS DECISIONS

Council approved at its Ordinary meeting on 10 December 2019 \$3,300 in funding towards the Colour Me Capricorn event to be held on Sunday 22 March 2020.

However, this event was cancelled at the last minute due to COVID-19 with monies already expended mainly against marketing and promotion. Accordingly, an acquittal of funds was submitted and accepted.

Therefore, the organisation are eligible to apply for funding of this event in the current financial year.

BUDGET IMPLICATIONS

Independent assessment by a panel of 4 have indicated an average sponsorship amount for each of the projects/events, which is within Council's Community Assistance Program Operational Budget, as well as taking into consideration the community value of the event and the positive impact it will have on the community post-COVID-19.

LEGISLATIVE CONTEXT

Administered under the Major Sponsorship Policy and Procedure.

LEGAL IMPLICATIONS

No legal implications for this non-Council project.

STAFFING IMPLICATIONS

No staffing implications for this non-Council project.

RISK ASSESSMENT

A COVID Safe Event Checklist has been completed and provided with the application together with a Risk Assessment of the event.

Successful applicants will also be required to contact Council's Rocky Advanced Events Supervisor to assist with Council's COVID-19 requirements pertaining to their event.

CORPORATE/OPERATIONAL PLAN

1.4.1 – Streamline Council's funding for community not for profit organisations to ensure fairness and equity.

CONCLUSION

Upon assessment of the information provided in the application against the rating tool and the community value of the event it is recommended Council approve the Assessment Panel's recommended funding allocation of \$5,000. A copy of the application has been supplied separately to Councillors for consideration, along with the rating tool as adopted by Council.

10.3 ROCKHAMPTON MUSEUM OF ART PHILANTHROPY BOARD MEMBERS

File No: 465
Attachments: 1. Resumes (confidential attachment)
Authorising Officer: John Webb - Manager Communities and Culture
Alicia Cutler - General Manager Community Services
Author: Bianca Acimovic - Gallery Director

SUMMARY

Following a recruitment process, recommendation is made for four new members of the Rockhampton Museum of Art Philanthropy Board.

OFFICER'S RECOMMENDATION

THAT Council appoint the following new members of the Rockhampton Museum of Art Philanthropy Board:

- a) Emeritus Professor Debbie Clayton
- b) Ben Poschelk
- c) Robert Rooney
- d) Brent Giles

BACKGROUND

Following the recent adoption of updated Terms of Reference (TOR) for the Rockhampton Museum of Art Philanthropy Board and recent board members terms concluding it is timely to consider the appointment of new board members.

In line with the TOR, the Rockhampton Museum of Art Philanthropy Board plays a strategic leadership role in the development and delivery of philanthropic actions and campaigns to help position Rockhampton Museum of Art to achieve its cultural vision for the Rockhampton region.

Skills recommended for a position on the Rockhampton Museum of Art Philanthropy Board as outlined in the TOR 4. Membership 4.1 – 4.7) are:

- 4.1 Strong support for Rockhampton Region and Rockhampton Museum of Art.
- 4.2 Strong appreciation of the role of public art galleries and museums for community enjoyment, education and wellbeing.
- 4.3 Capacity to think and act strategically and collaborate in team decisions and planning.
- 4.4 Ability to network and engage with stakeholders.
- 4.5 Understanding of philanthropy and that fund raising is the Philanthropy Board's core business.
- 4.6 Demonstrated achievement and expertise within dedicated profession.
- 4.7 Commitment to attend the regular Philanthropy Board meetings as scheduled.

The current membership of the board is:

- Dr Leonie Gray – Board Chair
- Tony Williams - Mayor of Rockhampton Regional Council, or nominated representative
- Bianca Acimovic - Director, Rockhampton Museum of Art
- Maria Harms – Member
- Zac Garven - Member

There are 5 membership positions vacant from the total of 10 maximum members (as per the terms of reference).

In February 2021 the Rockhampton Museum of Art Philanthropy Board undertook an active member attraction campaign. This member attraction activity was with full awareness of the opening of Rockhampton Museum of Art, and an understanding of the scope of work and activity that the Rockhampton Museum of Art Philanthropy Board will be undertaking in the lead up to opening of Rockhampton Museum of Art. The sitting Members acknowledge their scope of skills and expertise, and with that opportunities for additional members to build on and expand skills and expertise held in the Membership. The active member attraction was undertaken with the aim of building the sitting members whilst also providing future flexibility for the future growth and changes in the Rockhampton Museum of Art Philanthropy Board activities.

In line with the terms of reference an active and passive public attraction campaign was undertaken. The expression of interest for membership on the Rockhampton Museum of Art Philanthropy Board was advertised via:

- Rockhampton Museum of Art website
- Rockhampton Museum of Art Facebook page (public)
- Rockhampton Museum of Art LinkedIn page (public)
- Paid advertisement on ArtHub
- And promoted verbally by the Rockhampton Museum of Art Philanthropy Board members

The Rockhampton Museum of Art Philanthropy Board received 11 applications. All applications were assessed against the criteria above.

The Terms of Reference have capacity for (6) members sitting at one time to be recommended by Rockhampton Museum of Art Philanthropy Board to Rockhampton Regional Council for endorsement.

The Rockhampton Museum of Art Philanthropy Board recommend the following 2 members:

- a) Emeritus Professor Debbie Clayton
- b) Ben Poschelk

In line with the TOR 5 Rockhampton Museum of Art Philanthropy Board Membership, item 5.5.1 a maximum of two (2) members sitting at one time are recommended by Rockhampton Regional Council to Rockhampton Museum of Art Philanthropy Board.

Council recommended 2 members are:

- c) Robert Rooney
- d) Brent Giles

Upon endorsement of the above 4 applicants, membership of the Rockhampton Museum of Art Philanthropy Board will be at 9 members.

ACTIONS MOVING FORWARD

The Rockhampton Museum of Art Philanthropy Board will play a strategic leadership role in the development and delivery of philanthropic actions and campaigns to help position the Rockhampton Museum of Art to achieve its cultural vision for the Rockhampton region.

Rockhampton Museum of Art Philanthropy Board will provide expertise to support Rockhampton Museum of Art staff, particularly in the areas of philanthropy and stakeholder engagement through three key activity areas; Advocacy, Sustainability and Leadership. As Rockhampton Museum of Art grows closer to opening, the Rockhampton Museum of Art Philanthropy Board will be charged with a philanthropy target for the capital construction programs, and philanthropy targets to support the acquisition of artworks.

The recommended members bring with them a wealth of experience and opportunity to the current skills and experience of the Rockhampton Museum of Art Philanthropy Board Members.

CONCLUSION

The new members recommended for addition to the Rockhampton Museum of Art Philanthropy Board will compliment the existing members skills and help the board to complete the objective of raising funds for the Art Gallery and continuing the engagement with the wider Art Community.

INFRASTRUCTURE*Councillor Portfolio – Mayor Williams*

No items for consideration

PLANNING AND REGULATION*Councillor Portfolio – Councillor Smith*

10.4 ANIMAL MANAGEMENT STRATEGY

File No:	1464
Attachments:	1. Animal Management Strategy 2020-2023
Authorising Officer:	Doug Scott - Manager Planning and Regulatory Services Alicia Cutler - General Manager Community Services
Author:	Clint Swadling - Coordinator Local Laws

SUMMARY

The Rockhampton Regional Council Animal Management Strategy 2020-2023 is presented for adoption by Council following the Councillor Workshop held on Tuesday 16 February 2021. The strategy provided in Council Workshop will set an agreed direction designed to inform and guide Council operations, delivering industry best practice to animal management in line with Council's Corporate objectives.

OFFICER'S RECOMMENDATION

THAT the Rockhampton Regional Council Animal Management Strategy 2020-2023 be adopted and the Chief Executive Officer be authorised to take such action as required to implement the strategy so as to align with Council's Corporate Plan, Operational Plan, Budget and organisational resources.

BACKGROUND

As part of Council's continuous improvement strategy, Local Laws staff have continued to work to deliver a best practice approach to animal management within the Rockhampton Region. The adoption of an Animal Management Strategy, in addition to continued support from the wider community and stakeholders, will enable Local Laws to continue achieving these results now and into the future. It is recommended that Council formally adopts the Animal Management Strategy to provide clarity of direction to operational staff.

CONCLUSION

The adoption of the Animal Management Strategy is fundamental in continuing to deliver Council's message around responsible pet ownership, clarity of Council's strategic direction in addressing the issues described in the Animal Management Strategy and an essential guide for the Local Laws Section in its operational implementation. It is of utmost importance for Council to continue supporting the Animal Management Strategy through its policy and decision-making processes.

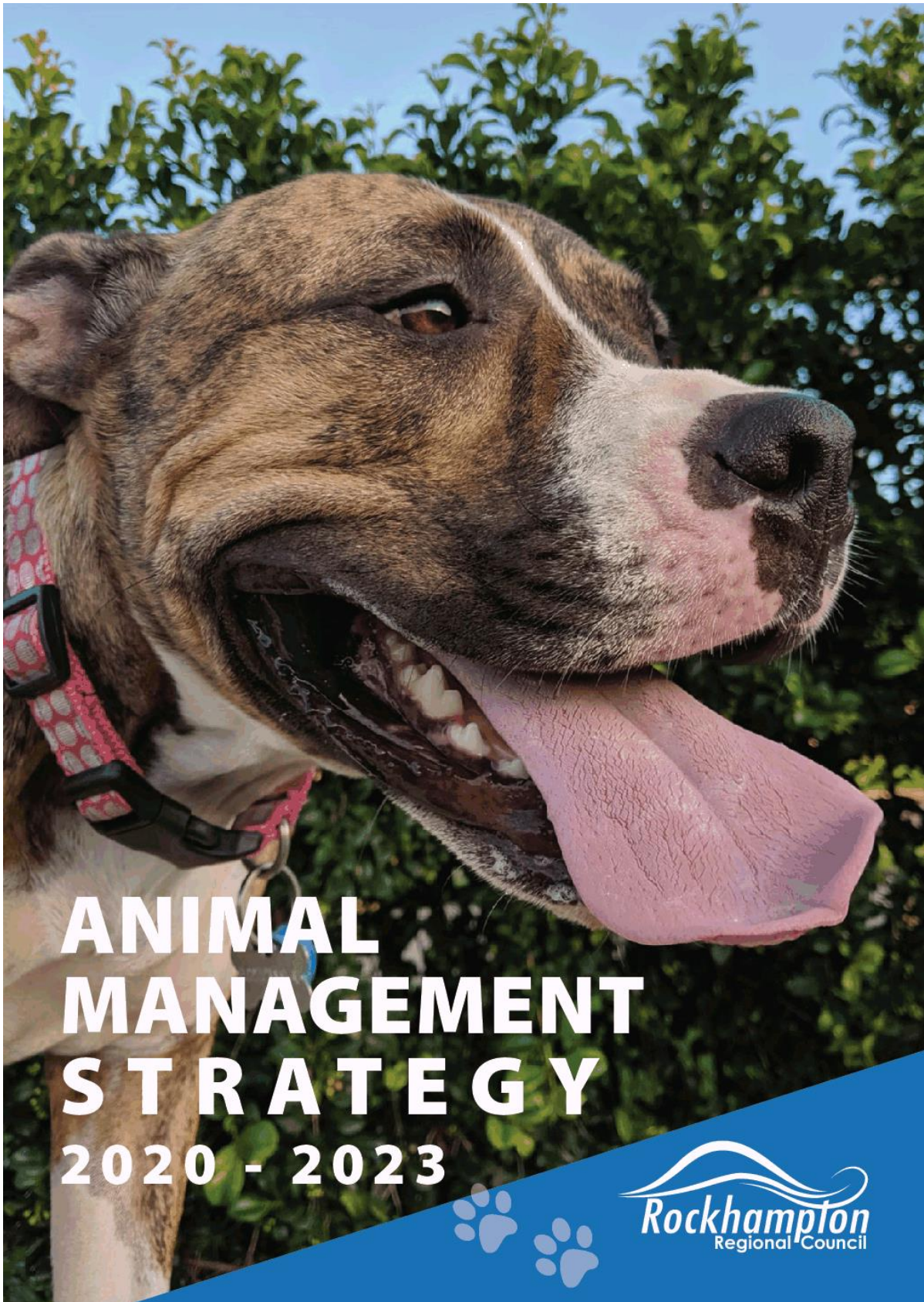
The Animal Management Strategy places a strong emphasis on community education and partnering with stakeholders to achieve voluntary compliance. However, the Animal Management Strategy implements heavy enforcement action where individuals deliberately and repeatedly fail to uphold their obligations in relation to responsible pet ownership.

ANIMAL MANAGEMENT STRATEGY

Animal Management Strategy 2020-2023

Meeting Date: 9 March 2021

Attachment No: 1



**ANIMAL
MANAGEMENT
STRATEGY
2020 - 2023**







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O V E R V I E W

IN THIS SECTION

Introduction

Objective

Guiding Principles

Links to Council's
Corporate Plan

Vision/Objective/
Outcomes

Legislative Framework





INTRODUCTION

The effective management of animals requires a commitment from the entire Rockhampton Region community.

Council's Local Laws Unit activities are aimed at improving the safety and social amenity of the region but can only be truly effective with the cooperation of pet owners and the broader community.

Current services provided include:

- investigation of dog attacks and aggressive dogs,
- investigation of animal nuisances,
- management of regulated dogs,
- registration of dogs and if approved, cats,
- provision of property-based approvals for the keeping of animals,
- impoundment and release of stray and wandering animals,
- patrols of public spaces,
- community education,
- disaster management response and recovery.

Rockhampton Regional Council as a responsible local government seeks to provide and maintain a safe, caring and healthy environment and recognises effective animal management is part of that scenario.

Consequently, as part of its planning and delivery it requires an Animal Management Strategy:

- to provide clear and unambiguous direction from Council to its organisation on how it expects the animal management function to be conducted,
- to enable the Local Laws Unit to operate with clear and consistent responses so all circumstances are treated in a consistent and fair manner,
- to provide the community with clarity as to the Council's approach to animal management and its expectations of animal owners.

OBJECTIVE

The objectives of the Animal Management Strategy 2020 - 2023 are:

- to ensure pet owners are educated and aware of the principles of responsible animal ownership,
- to ensure animals in the community are appropriately controlled and contained,
- to improve animal identification and reuniting of wandering or stray animals with their owners,
- to encourage voluntary compliance with State and local laws,
- to ensure any necessary interventions are conducted equitably, efficiently and humanely.

GUIDING PRINCIPLES

Education to raise awareness of responsible animal ownership behavior.

Incentives to encourage voluntary compliance.

Intervention

- to seek owner cooperation in remedying minor non-compliance,
- to act decisively in cases of danger to public health and safety.

Penalties to deter repeated or deliberate breaches of state and local laws.

LINKS TO COUNCIL'S CORPORATE PLAN

Council's Corporate Plan 2017 - 2022 sets the strategic direction and priorities.

Theme: Community

Goal: A connected community that values a sense of belonging, where residents celebrate their diversity and have modern services available to support a safe, healthy and engaged lifestyle now and into the future.

Outcomes:

- Safe, accessible, reliable and sustainable infrastructure and facilities,
- Safe places for our community,
- Inclusive, connected and informed community.



VISION 				
Your Pet, Your Responsibility				
 OBJECTIVES				
Ensure animal owners are educated and aware of the principles of responsible animal ownership.	Ensure animals in the community are appropriately controlled and contained.	Improve animal identification and reuniting of wandering and stray animals with their owners.	Encourage voluntary compliance with State and local laws.	Ensure any necessary interventions are conducted equitably, fairly, efficiently and humanely.
OUTCOMES 				
<p>All dogs are registered, desexed and microchipped.</p> <p>All cats are desexed and microchipped.</p> <p>There is a reduction in the number of matters requiring enforcement and prosecution.</p> <p>Responsible animal ownership initiatives are supported and delivered across the region.</p>	<p>There is a reduction in the number of public nuisances created by cats and dogs (wandering, attacking, barking).</p> <p>There is a reduction in the number of animals needing to be impounded.</p> <p>There is a reduction in the number of matters requiring enforcement and prosecution.</p>	<p>There is a reduction in the number of unidentifiable or unwanted cats and dogs.</p> <p>There is an increase in the proportion of wandering or impounded animals that are reunited with their owners.</p>	<p>There is a reduction in the number of matters requiring enforcement and prosecution.</p>	<p>Complaints about Council's actions and interventions are minimised.</p>



LEGISLATIVE FRAMEWORK

Council's Local Laws Unit is responsible for the administration and enforcement of a range of State and local laws throughout the Rockhampton Region. The legal framework associated with animal management includes:

- *Local Government Act 2009*
- *Animal Management (Cats and Dogs) Act 2008*
- *Animal Management (Cats and Dogs) Regulation 2019*
- *Local Law No. 1 (Administration) 2011*
- *Subordinate Local Law No. 1.5 (Keeping of Animals) 2011*
- *Local Law No. 2 (Animal Management) 2011*
- *Subordinate Local Law No. 2 (Animal Management) 2011*

ANIMAL MANAGEMENT (CATS AND DOGS) ACT 2008

The purpose of the *Animal Management (Cats and Dogs) Act 2008* is to:

- provide for the identification of cats and dogs,
- provide for the registration of dogs and if adopted, cats,
- provide for the effective management of regulated dogs,
- promote the responsible ownership of cats and dogs.

LOCAL LAW NO. 1 (ADMINISTRATION) 2011 AND SUBORDINATE LOCAL LAW NO. 1.5 (KEEPING OF ANIMALS) 2011

The purpose of *Local Law No. 1 (Administration) 2011* is to provide a legal and procedural framework for the administration, implementation and enforcement of the local government's local laws, subordinate local laws and specified regulatory powers under legislation and to provide for miscellaneous administrative matters.

The purpose of *Subordinate Local Law No. 1.5 (Keeping of Animals) 2011* is to supplement Local Law No. 1. In particular, the legal and procedural framework for the keeping of animals.

LOCAL LAW NO. 2 (ANIMAL MANAGEMENT) 2011 AND SUBORDINATE LOCAL LAW NO. 2 (ANIMAL MANAGEMENT) 2011

The purpose of *Local Law No. 2 (Animal Management) 2011* and its subordinate local law is to regulate and manage the keeping and control of animals in a way that:

- balances community expectations with the rights of individuals,
- protects the community against risks to health and safety,
- prevents pollution and other environmental damage,
- protects the amenity of the local community and environment.

STRATEGIC LINKS TO OTHER LEGISLATION

Local government must ensure the strategy does not breach the requirements of other legislation. Legislation local government needs to consider includes the:

- *Animal Care and Protection Act 2001*
- *Workplace Health and Safety Act 2011*

LOCAL GOVERNMENT ACT 2009

Although not containing specific provisions relating to animal management the *Local Government Act 2009*, provides the framework on when and how a local government may develop a local law.







KEY ISSUES

IN THIS SECTION

- Key Issue 1 – Animals not being under effective control
- Key Issue 2 – Unregistered dogs
- Key Issue 3 – Unidentified cats and dogs
- Key Issue 4 – Unwanted cats and dogs
- Key Issue 5 – Animal Management Centre
- Key Issue 6 – Animal noise nuisance
- Key Issue 7 – Animal management local laws
- Key Issue 8 – Animal management policies and procedures
- Key Issue 9 – Community education and awareness
- Key Issue 10 – Capability of staff





ANIMALS NOT BEING UNDER EFFECTIVE CONTROL

KEY ISSUE 1

In 2019, Council received over 2,100 notifications of wandering or restrained animals. In total, over 950 dogs and 890 cats were collected and taken to the Animal Management Centre.

These dogs account for the majority of animals impounded by Council and generally have escaped under, over, or through a fence, gate or property boundary and have not been under the control of their owner or keeper.

Animals not securely enclosed, wandering or not under effective control may result in:

- attacks causing physical injury to a person,
- emotional impacts on the victim, dog owner and families,
- attacks on animals (pets and livestock) causing injury or death,
- rush or menacing attacks causing fear,
- motor vehicle accidents,
- spread of disease (such as Parvo Virus and Feline HIV) and parasites,
- propagation of unwanted litters,
- fouling of footpaths and properties,
- disturbance or nuisance in the neighborhood.

The impact of an attack or experiencing aggressive behaviour from an animal is not only immediate but often results in lasting physical and emotional trauma.

While dog attacks and complaints about aggressive dogs total around 300 per year, anecdotal evidence suggests that this figure is not indicative of the actual incidences occurring.

This may be due to:

- victims may not report attacks or aggression because of the potential ramifications for themselves, their families or friends,
- owners and victims may settle through agreement to provide compensation, payment of vet/medical bills etc,
- organisations such as hospital, police and vets not having established clearly defined reporting or recording mechanisms linking with Council,
- people accepting attacks and aggressive behaviours are natural (dogs chase cats, and dogs guard properties etc.).

STRATEGIC RESPONSES



1.1 DOG ATTACKS AND AGGRESSIVE DOGS TO BE GIVEN PRIORITY ATTENTION

Council will ensure dog attacks and aggressive dogs continue to be given priority attention.

Council will:

- respond immediately to dog attacks,
- dogs surrendered as a result of attack will be euthanised after a 24 hour cooling off period,
- regulated dog declarations and penalties will be invoked according to the circumstances and legislative requirements,
- aggressive dog complaints will be given investigation priority to reduce Council's risk of exposure to the potential of the aggressive behaviour, subsequently resulting in an attack causing injury or even death,
- inform customers of the outcome of investigations and Council actions in relation to dog attacks and threats of attack – subject to privacy considerations.

1.2 DOG OFF-LEASH AREAS WILL BE EFFECTIVELY MANAGED

Dog off-leash areas are valued by the community and provide the opportunity for owners to exercise and socialise their dogs.

Council will:

- require dogs to be under effective control within off-leash areas and be on-leash in transit to and from the facility,
- design off-leash areas to separate large and small dogs and to minimise nuisance to the adjoining community,
- include dog off-leash areas and their access routes in rostered local law patrols,
- use dog off-leash areas to publicise activities relating to dog training, behavior and barking control to encourage voluntary compliance,
- alert users of dog off-leash areas to region wide disease outbreaks,
- attach to regulatory signs "Manners" for owners and their dogs using the off-leash areas to encourage appropriate behavior and voluntary compliance.

The Local Laws Unit will continue to provide advice and guidance as to suitable locations and designs for future off-leash areas.

1.3 WANDERING ANIMALS WILL BE RETURNED ON FIRST OFFENCE

Council will:

- return free of charge non-aggressive dogs found wandering to their owner on the first offence prior to being impounded when the dog is registered and microchipped and where the owner is able to be contacted and available to secure the dog immediately,
- provide the owner advice as to the requirement to contain the dog at all times and arrangements will be made to conduct a gate and fence check with the owner to ensure the dog can be secured on the property in future,
- if impounded and the dog is a "first impound", the dog may be released free of charge – but only if the dog is registered and microchipped, is claimed within one day and it has not been previously returned to the owner, otherwise normal Animal Management Centre release procedures will apply.

Other animals, not being stock, found wandering may be returned to their owner prior to being impounded where the owner is able to be contacted and available to secure the animal immediately. If the animal is a cat it must also be microchipped. Otherwise the animal will be impounded.

1.4 WANDERING STOCK AND OTHER ANIMALS WILL BE ADDRESSED BY EFFECTIVE PROCESSES

Council's responsibilities for animal management extend beyond dogs. Roaming and unregistered stock, cats and other large animals pose specific problems particularly at night.

Council will:

- maintain an effective process for wandering stock and other animals,
- increase interventions for wandering cats.



KEY ISSUES 2

The Animal Management (Cats and Dogs) Act 2008 places a mandatory requirement for dogs over 12 weeks of age to be registered with the relevant local government.

The Animal Management (Cats and Dogs) Act 2008 also places a mandatory requirement on the owner of a dog to give notice of changed information to Council within seven days of the change.

“Return to sender” registration notices and tags received following the annual mail out of renewals indicate a large number of owners do not update their personal address details with Council. This impacts on Council’s ability to reunite animals with their owners.

STRATEGIC RESPONSES

2.1 COMMUNITY EDUCATION

Council will:

- educate the community on the need to register and microchip all dogs,
- educate the community on the need to keep name, address, phone numbers and email information up to date at every interaction with Council.

2.2 ENSURE EFFICIENT DATA MANAGEMENT

Council will:

- conduct data cleansing of all unpaid dog registrations to confirm resident contact details,
- review its information technology systems and consider the use of emerging technology.

2.3 USE INCENTIVES TO PROMOTE REGISTRATION

Council will:

- promote the registration of puppies under 6 months of age at a reduced rate.

2.4 SYSTEMATIC INSPECTIONS AND INTERVENTION PROGRAMS WILL BE CONDUCTED

Council will:

- conduct periodic systematic inspections for unregistered dogs in accordance with legislation and available staffing resources,
- review Council’s Enforcement Strategy relating to animal management to encourage voluntary compliance through an initial notice and compliance period before infringement action is considered.

2.5 IMPOUNDED DOGS NOT RELEASED UNLESS REGISTERED

Council will:

- ensure all dogs released from the Animal Management Centre are registered.





KEY ISSUE 3

UNIDENTIFIED CATS AND DOGS

The Animal Management (Cats and Dogs) Act 2008 places a mandatory requirement for cats and dogs to be microchipped before they are supplied (given away, sold, exchanged) and for a person who is the owner of or becomes an owner of a cat or dog to have the animal microchipped before 12 weeks of age.

The Act also requires the owner of a cat or dog to give notice of the changed information within seven days of the change.

For example - ownership transfer of the cat or dog must be supplied to the original microchip provider to be able to ensure an animal is returned to its owner. Many animals cannot be reunited with their owner as the microchip details are not up to date, particularly the current owner's name and phone number.

Local Laws Officers carry microchip scanners and are able to identify the owner of a cat or dog if the animal is microchipped and the microchip details are up to date.

STRATEGIC RESPONSES

3.1 COMMUNITY EDUCATION

Council will:

- ensure emails and mobile numbers are collected at the point of registration and explore emerging technology to publicise cat and dog microchipping requirements and the need to keep records up to date,
- promote key messages via communication channels including social media, encouraging owners to microchip their cats and dogs,

- develop a process to ensure owners are reminded to update the microchip details of their cats and dogs when moving to a new house or changing telephone numbers,
- ensure microchipping information is provided to new or relocating residents.

3.2 USE INCENTIVES TO ENCOURAGE MICROCHIPPING

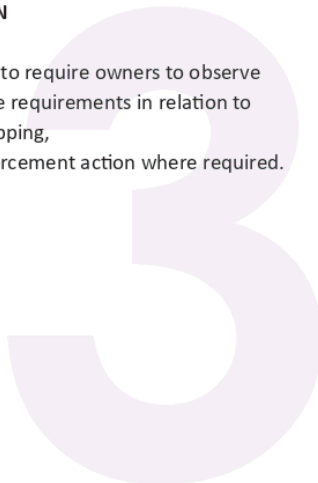
Council will:

- consider offering a fee based microchipping service and investigate the training and qualifications needed by staff for this implementation,
- implement compulsory microchipping of impounded cats and dogs at the Animal Management Centre inline with the requirement of *the Animal Management (Cats and Dogs) Act 2008* and local law.

3.3 ENFORCEMENT OF MICROCHIPPING LEGISLATION

Council will:

- continue to require owners to observe legislative requirements in relation to microchipping,
- take enforcement action where required.





KEY ISSUES

In 2019, Council received 310 dogs and 314 cats at the Animal Management Centre which were surrendered to Council by their owners.

The principal cause of the growth in numbers of unwanted animals is the failure of owners to desex cats and dogs. 97% of impounded cats and 80% of impounded dogs are entire.

Entire dogs are twice as likely to be involved in bite related incidents.

The high volume of unwanted animals being impounded means an increasing rate of euthanasia, which is distressing to the community and especially to the veterinarians and Council staff who must deal with the final act.

STRATEGIC RESPONSES

4.1 COMMUNITY EDUCATION

Council will:

- conduct regular promotions to encourage responsible pet ownership including desexing,
- ensure through an ongoing program of education the community is aware of cat and dog ownership responsibilities and ownership is regulated and infringement penalties apply.

4.2 USE INCENTIVES TO ENCOURAGE DESEXING

Council will:

- continue to offer reduced registration fees for desexed and microchipped dogs,
- continue to offer desexing and microchipping vouchers for qualifying persons,

- review the schedule of animal management fees and charges to reward responsible owners who have desexed their dogs by reducing animal management centre release fees provided the dog is also registered and microchipped and claimed within the statutory five days.

4.3 COMMUNITY ENGAGEMENT

Council will:

- initiate engagement with the community to gauge attitudes toward any proposed requirement for cats and dogs to be desexed prior to the point of sale or exchange of ownership. Consultation with licensed cat and dog breeders will form part of this engagement process.

4.4 WORK WITH STATE GOVERNMENT

Council will:

- liaise with the State Government to support legislation to eliminate puppy farming.

4.5 UNWANTED ANIMAL RE-HOMING POLICY

Council will:

- continue development of the existing Animal Management - surrendered and Unclaimed Animals Policy,
- promote stories of positive rehoming experiences,
- review outsourcing arrangements for the rehoming of unwanted cats and dogs for clarification in the policy.



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In 2019 Council received over 770 complaints regarding barking dogs and nearly 120 animal nuisance complaints.

It is natural for dogs to bark, as this is the way that dogs communicate with people and other animals.

Dogs bark for various reasons and small amounts of barking is acceptable. Nuisance barking occurs when a dog barks persistently and disturbs the peace of the neighbourhood regularly and for lengthy periods of time. Nuisance barking occurs for a variety of reasons including boredom, loneliness, anxiety, ongoing neighbourhood disturbances, pain, attention seeking, lack of food or water and/or excitement.

The first the owners may know about their dog’s excessive barking in their absence, is a complaint from a neighbour or contact from Council.

The value and importance of neighborhood conversations cannot be underestimated in the resolution of barking nuisances.

Where dog owners show empathy and consideration by altering their day to day routines to attempt to solve the barking, better outcomes are achieved. Otherwise, Council is required to undertake a comprehensive and impartial investigation to gather sufficient evidence to confirm that excessive barking is occurring, and the complaint is not a vexatious one.

This process takes time, during which community frustration about the noise nuisance can result in complaints of Council’s perceived lack of a timely response and even altercations between neighbours.

STRATEGIC RESPONSES

6.1 COMMUNITY EDUCATION

Council will:

- promote through its website helpful tips and advice about controlling nuisance barking,
- conduct information sessions particularly in neighbourhood areas where complaints of barking are prevalent.

6.2 PROGRESSIVE INTERVENTION

Council will:

- review the current Enforcement Strategy relating to Animal Management to develop a Compliance and Enforcement Procedure which includes guidelines for Local Laws Officers in exercising discretion when handling first offences,
- adopt an operational approach of seeking to encourage compliance from animal owners in the first instance where the matters concerned do not involve risks to public health and safety or blatant or repeated disregard for Council’s local laws and relevant legislation,
- continue to invest in technology to monitor barking dogs.



K E Y I S S U E 7

Council’s animal management local laws and subordinate local laws regulate and manage the keeping and control of animals within the region.

The laws regulate:

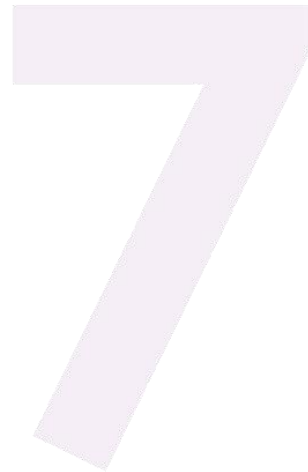
- the keeping of animals in terms of how many, what type, how, and where animals can be kept,
- the prescription of minimum standards for keeping animals,
- the seizure and destruction of animals in certain circumstances.

STRATEGIC RESPONSES

7.1 LOCAL LAW PROCESS REVIEW

Council will:

- conduct ongoing targeted community engagement under the local laws and Councils process,
- continue to review local laws with the view to meet the communities needs and recognise good practice in animal management,
- review the local laws and subordinate local laws to be consistent with the implementation of its Animal Management Strategy when adopted,
- continually review Council’s animal management processes to ensure the aligning with community expectations.





KEY ISSUES

Animal Management policies and procedures set the framework for officers to follow in conducting their operations in a consistent, reasonable, transparent and effective manner.

Adherence to well established procedures provides officers and Council with direction and the ability to confidently defend allegations of legal or regulatory violations.

The existing instruments include but are not limited to:

- Animal Management - Desexing Voucher Policy
- Animal Management -Surrendered and Unclaimed Animals Policy
- Animal Management - Impounded Cats and Dogs Registration and Microchipping Policy

STRATEGIC RESPONSES

8.1 REVIEW ANIMAL MANAGEMENT POLICIES AND PROCEDURES

Council will:

- review all existing policies and procedures and create new policies and procedures in response to continuous improvement and emerging trends in animal management and consistent with the Animal Management Strategy,
- continually review agreed service standards that guide response times and cross-organisation interactions,
- review the Schedule of Fees and Charges in response to any policy change,
- identify emerging risks in animal management and create or update Workplace Health & Safety instructions ensuring alliance with the safety first message of Council.



KEY ISSUES 9

Ensuring the community is adequately informed of responsible pet ownership obligations is an essential element of animal management.

Effective communication of information and engagement with key stakeholders is critical in improving animal management knowledge in the community and helping the future generations to grow into responsible pet owners.

STRATEGIC RESPONSES

9.1 COMMUNITY EDUCATION

Council will:

- develop a comprehensive Community Education Program scheduling appropriate events and promotions across the year,
- provide information to new residents to reinforce responsible pet ownership and compliance with State legislation and Council's local laws,
- ensure the currency and accuracy of promotional materials which are available on Council's public information sources,
- use relevant media to promote legislative and local law requirements and to remind pet owners about responsible pet ownership,
- continue to develop a responsible dog ownership campaign to ensure that;
 - owners understand the risks of owning a dog,
 - the community knows what is required of individual dog owners,
 - the community participates in defining irresponsible dog ownership as unacceptable,
 - owners take action to meet community expectations,
 - report information to Council so that the Local Laws unit can utilise intelligence based investigation processes.

9.2 PROVISION OF PREP, PRE-SCHOOL AND SECONDARY SCHOOL-BASED PROGRAMS

Council will:

- review and evolve current education programs engaging with students about animal management related matters, focusing on responsible pet ownership.



KEY ISSUE 10

Council recognises its competent and motivated staff are its greatest asset.

Recruitment and training of staff is key to delivering high quality consistent and transparent customer service in accordance with established legislation, policies, procedures and Councils core values.

STRATEGIC RESPONSES

10.1 REVIEW STAFFING RESOURCES

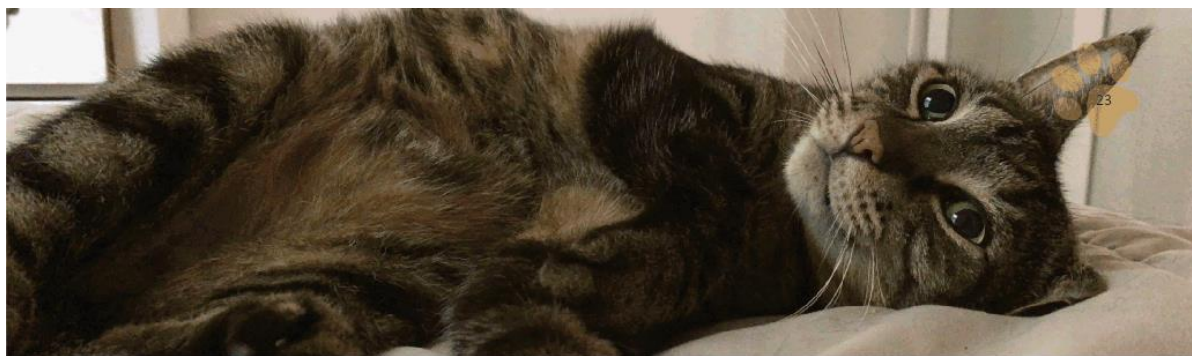
Council will:

- ensure the provision of appropriately qualified and trained staff,
- ensure the availability of suitable plant and equipment,
- provide ongoing professional development,
- provide high level investigative training.

10.2 STAFF TRAINING

Council will:

- develop a training program that can be delivered to staff to build investigation skills,
- develop a yearly training schedule and deliver to staff to keep training current.



REVIEW AND REPORTING

STRATEGY IMPLEMENTATION REVIEW AND PERFORMANCE REPORTING

To monitor and measure the effectiveness of the implementation of this strategy, Council will prepare and maintain an Action Delivery Plan incorporating operational requirements aimed at successfully progressing the strategic responses.

The operational actions will be assigned appropriate indicators so performance against the desired outcomes can be regularly assessed. Appropriate reporting frameworks will be put in place to ensure management can monitor performance and adjust operational effort.

CONTINUE RESEARCH AND STRATEGY DEVELOPMENT

Continuous research and strategy development will continue to be undertaken through developing business intelligence concerning animal management. This will assist in identifying causes and trends and will ultimately assist in the development of strategic responses and guide operational responses.

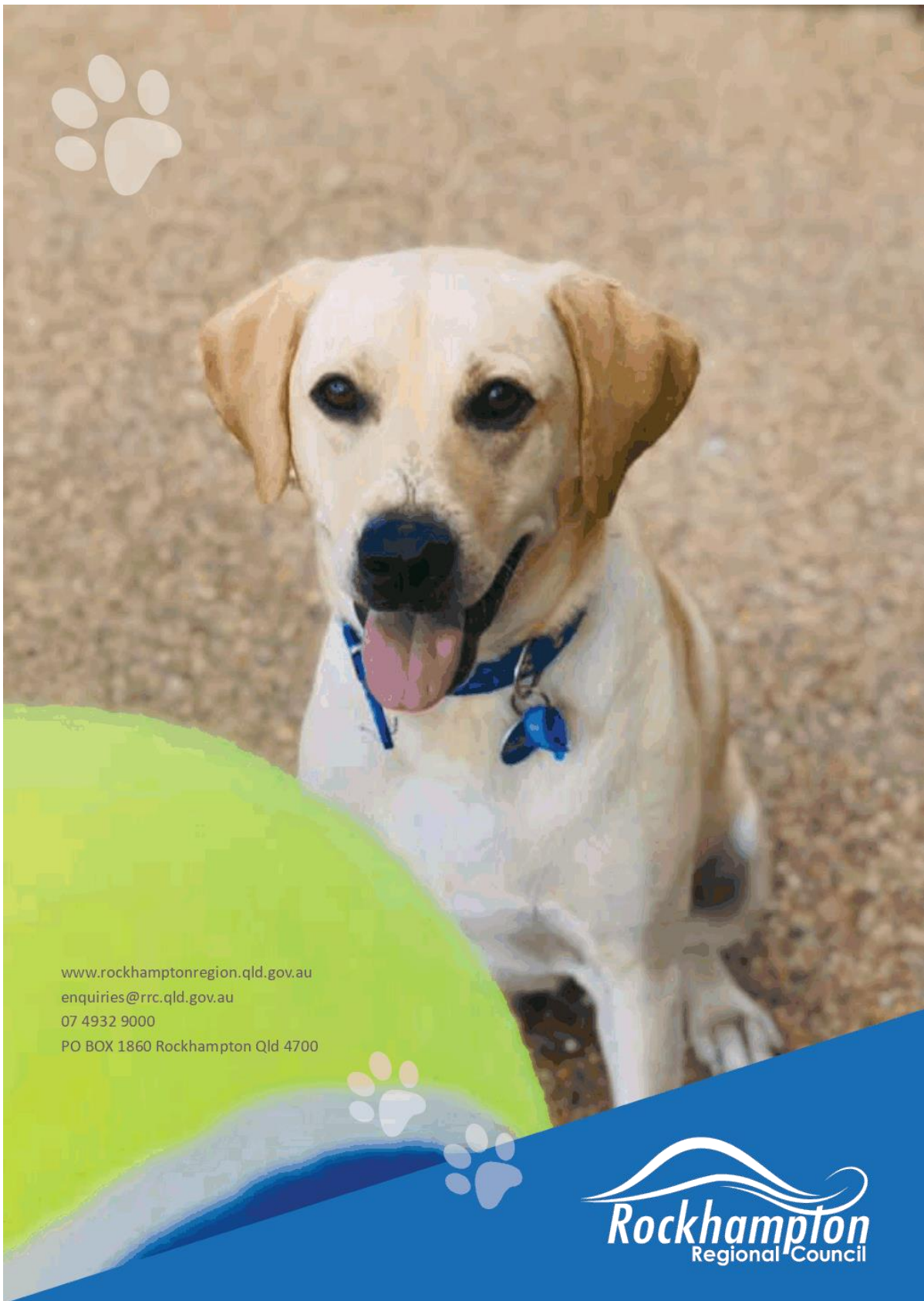
STRATEGY REVIEW AND REPORTING

An annual review on the strategic responses of this Strategy will be undertaken to ensure that;

- it aligns to the objectives of Council's corporate and operational plans,
- it identifies and reflects changing priorities, operational capacity and the legislative framework,
- the outcomes are achievable and align with community expectations,
- it has been afforded adequate financial and staffing resources.

An annual update on the performance of this Strategy will be presented to Council in February of each year. Identified and emerging priorities will be highlighted for inclusion in the Action Plan for the following year.





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Rockhampton
Regional Council

10.5 DEVELOPMENT APPLICATION FOR A MATERIAL CHANGE OF USE FOR A FOOD AND DRINK OUTLET (DRIVE-THROUGH COFFEE SHOP) AND OPERATIONAL WORKS FOR AN ADVERTISING DEVICE (WALL SIGN AND PROJECTING SIGN)

File No: D/127-2020

Attachments:

1. [Locality Plan](#)
2. [Site Plan](#)
3. [3D 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/127-2020

Applicant: Kele Property Group (QLD) Pty Ltd

Real Property Address: Lots 1 to 3 on RP602012, Parish of Rockhampton

Common Property Address: 40-44 Albert Street, Rockhampton City

Area of Site: 1,517 square metres

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

Planning Scheme Zone: Low Density Residential Zone

Planning Scheme Overlays: Airport Environs Overlay

Existing Development: Three (3) Dwelling Houses

Approval Sought: Development Permit for a Material Change of Use for Food & Drink Outlet and Operational Works for an Advertising Device (Wall Sign and Projecting Sign)

Level of Assessment: Impact Assessable

Submissions: Two (2) properly-made submissions, and one (1) not-properly-made submission

Referral Agency: Queensland Treasury (State Assessment and Referral Agency Department)

Infrastructure Charges Area: Charge Area 1

OFFICER'S RECOMMENDATION**RECOMMENDATION A**

THAT in relation to the application for a Development Permit for a Material Change for a Food and Drink Outlet (Drive-Through Coffee Shop) and Operational Works for an Advertising Device (Wall Sign and Projecting Sign), made by Kele Property Group (QLD) Pty Ltd, located at 40-44 Albert Street, Rockhampton City, described as Lots 1 to 3 on RP602012, Parish of Rockhampton, Council resolves to provide the following reasons for its decision:

STATEMENT OF REASONS

Description of the development	The proposed development is for a Material Change for a Food and Drink Outlet (Drive-Through Coffee Shop) and Operational Works for an Advertising Device (Wall Sign and Projecting Sign)	
Reasons for Decision	<p>a) The proposed development will service the day-to-day needs of residents of the local neighbourhood and will provide a convenience function which will not compromise the role or function of centres;</p> <p>b) The proposed development has been designed to ensure that the amenity of the surrounding residential area is not compromised as a consequence of the development;</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>	
Assessment Benchmarks	<p>The proposed development was assessed against the following assessment benchmarks:</p> <ul style="list-style-type: none"> • Low Density Residential Zone Code; • Airport Environs Overlay Code; • Access, Parking And Transport Code; • Filling and Excavation Code; • Landscape Code; • Stormwater Management Code; and • Waste Management Code; and • Water and Sewer Code. 	
Compliance with assessment benchmarks	<p>The development was assessed against all of the assessment benchmarks listed above and complies with all of these with the exceptions listed below.</p>	
	<p>The development was assessed against all of the assessment benchmarks listed above and wholly complies without exception.</p>	
	Assessment Benchmark	Reasons for the approval despite non-compliance with benchmark
Low Density Residential Zone Code	<p>PO21</p> <p>The proposed operating hours are from 0500 to 1500, Sunday to Saturday. This does not comply with Acceptable Outcome 21.1.</p> <p>Despite this non-compliance, the proposed development is not expected to affect the amenity of adjoining, or surrounding, residential uses.</p>	

		<p>The subject site will incorporate a 1.8 metre high acoustic fence, contiguous to the boundary of adjoining Lot 4 on RP602012. This will act as an appropriate noise mitigation measure from vehicles traversing the site adjacent to this common boundary.</p> <p>The design and layout of the proposed development will also ensure that adverse amenity impacts on the surrounding residential area are negligible. This includes locating the queueing space away from the adjoining residential allotment (positioned closer to Albert Street). This ensures vehicular noise from stationary cars is minimal to the adjoining residential property. The siting of the proposed building on the site is also oriented towards the Albert Street road frontage, enabling any amplified noise from persons taking or receiving orders to have negligible impact on adjoining residences.</p> <p>As such, the proposed development complies with the Performance Outcome.</p>
	<p>Advertising Devices Code</p>	<p>PO1</p> <p>The proposed Wall Sign and Projecting Sign do not comply with Acceptable Outcome 1.2, as Wall Signs are not envisaged in the Low Density Residential Zone. One (1) of the Wall Signs also projects further than 0.2 metres from the wall which it is affixed to.</p> <p>Despite this non-compliance, both signs will not cause a negative effect on the visual amenity of the surrounding area, particularly nearby residential properties. Both signs are oriented away from residential properties, and facing higher order roads, specifically Albert Street. The visual impact of both signs is therefore expected to be minimal and not contribute towards visual clutter particularly on the Albert Street road corridor. Further, their positioning towards the major road corridor is unlikely to cause an impact to the amenity of surrounding residential properties.</p> <p>As both signs are static (no digital images or movements), they will not</p>

		impede vehicle or pedestrian movements, reduce safety levels, or resemble traffic or road signs.
	Access, Parking and Transport Code	<p>PO1</p> <p>The access point into the subject site from George Street is within 25 metres of the signalised George and Albert Street intersection. The egress point onto Albert street is also within 20 metres of the unsignalised Albert Street and George Lane intersection. Both crossovers do not comply with Acceptable Outcome 1.1(a).</p> <p>Despite this non-compliance, the siting of this crossover is not expected to affect the safety or function of the transport network, including the operation of the intersection. The application was referred to the Department of Transport and Main Roads, who advised that they had no objection to the proposed development, and in particular, its impact on the George and Albert Street intersection.</p> <p>The proposed development is also considered to comply with the Performance Outcome. The application has provided an appropriate number of on-site car parking spaces and sufficient vehicle queuing spaces on-site expected for a Food and Drink Outlet, and in accordance with the Access, Parking and Transport Code.</p> <p>Further, the nature of traffic entering the site from the George Street crossover will not cause a conflict with vehicles using the George and Albert Street intersection. This is because patrons accessing the site from George Street will have to exit the site from the proposed crossover on Albert Street, after ordering goods from the drive-through building.</p> <p>The egress point onto Albert Street is also not expected to compromise the functionality of the road network. In particular, the George Lane and Albert Street intersection. A traffic assessment provided by the applicant demonstrated that the crossover complied with the Safe Intersection Sight Distance when looking west towards the Hospital for both George Lane and the site egress onto Albert Street.</p>

		As such, the proposed development is considered to comply with this performance outcome.
Matters raised in submissions	Issue	How matter was dealt with
	Consistency with the Low Density Residential Zone and compromising residential character and amenity	<p>Both submissions stated that the proposed development is not consistent with the intent of the Low Density Residential Zone, and should not be supported.</p> <p>The Low Density Residential Zone does make provision for some non-residential uses to occur within the zone. These are summarised in section 2(e) and Performance Outcome 16 of the zone code. It is considered that the development application has demonstrated compliance with the requirements for non-residential uses to occur in this zone. Compliance has been achieved through the following:</p> <ul style="list-style-type: none"> • The proposed facility will service the needs of the immediate local residential community, particularly The Range and Wandal; • The subject site has direct access to a higher-order road. Albert Street is classified as a 'Major Urban Collector'; • The proposed facility will not detract from the role and function of centres, nor result in the expansion of a centres zone. This is because the proposed development accommodates one (1) single tenancy; and • The site layout and other mitigation measures ensure that there are negligible impacts on the amenity of the surrounding residential area. This is also reinforced through several development conditions. <p>As such, it is considered that the proposed development is appropriate for the site, and is an acceptable form of non-residential development to occur in the Low Density Residential Zone.</p>
	Operating hours	Both submissions raised concerns regarding the proposed operating hours. The applicant has applied to operate from 0500 to 1500, seven (7) days a

		<p>week.</p> <p>The proposed operating hours do not comply with Acceptable Outcome 21.1 of the Low Density Residential Zone Code. Despite this non-compliance, the proposed development is not expected to affect the amenity of adjoining, or surrounding, residential uses.</p> <p>The subject site will incorporate a 1.8 metre high acoustic fence, contiguous to the boundary of adjoining Lot 4 on RP602012. This will act as an appropriate noise mitigation measure from vehicles traversing the site adjacent to this common boundary. The proposed plans of development also include landscaping and screening directly along the internal driveway to mitigate any amenity impacts.</p> <p>The design and layout of the proposed development will also ensure that adverse amenity impacts on the surrounding residential area are negligible. This includes locating the queueing space away from the adjoining residential allotment (positioned closer to Albert Street). This will ensure that vehicular noise from stationary cars is minimal to the adjoining residential property. The siting of the proposed building on the site is also oriented towards the Albert Street road frontage, enabling any amplified noise from persons taking or receiving orders to have negligible impact on adjoining residences.</p> <p>One (1) submission also raised concern with delivery vehicles entering the site before 0500, which may cause an unacceptable noise impact on the surrounding residential area. Condition 16.3 prohibits delivery and waste collection vehicles from entering or exiting the site prior to 0700, on Mondays to Saturdays, and prior to 0800 on Sundays.</p>
	<p>Vehicle queueing</p>	<p>Both submissions raised concerns with relation to on-site vehicle queueing. The submissions focussed on the specific number of vehicles queueing on-site (up to 10), and the potential environmental effects from smoke pollution and noise from queued vehicles.</p> <p>The Access, Parking and Transport Code under the current planning</p>

	<p>scheme requires on-site queuing for at least ten (10) vehicles. The Site Plan demonstrates that provision for queuing of more than ten (10) vehicles is made on-site, plus a short term car parking bay to the west of the proposed building. The proposed development therefore complies with the queuing requirements under the Access, Parking and Transport Code.</p> <p>To address issues relating to smoke and noise from queued vehicles, Council has conditioned that noise generated from the proposed development must not cause an environmental nuisance (refer to condition 15.2). An additional condition also requires the proposed development not to cause a significant impact on the amenity of adjoining premises or the surrounding area, by way of odour impacts (refer to condition 15.3). Condition 15.4 then makes provision for nuisance monitoring to be undertaken if Council receives a genuine complaint of nuisance, resulting from any noise or odour impacts.</p> <p>The proposed site layout has also been designed to minimise any amenity impacts from queued vehicles to the adjoining premise and surrounding area. This includes siting the vehicular queuing area and short term waiting bay, as close as possible to Albert Street. The location of the queued space is approximately fourteen metres away from the adjoining residence located at Lot 4 on RP602860. The site layout also incorporates a perimeter fence which will screen vehicles from the adjoining residence, minimising noise impacts to this property. This fence complies with the requirements for fencing under the Low Density Residential Zone Code (refer to response below for further detail).</p> <p>As such, on-site vehicle queuing is not expected to affect the amenity of adjoining residences or the surrounding area. Specifically, from noise and smoke pollution. Council has also included conditions requiring nuisance monitoring to be undertaken where Council is in receipt of a genuine complaint.</p>
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	Inadequate fencing	<p>A submission stated that the proposed fencing surrounding the proposed development was inadequate as a mitigation measure. This is because many of the surrounding residential houses are elevated.</p> <p>The proposed development complies with Acceptable Outcome 21.2 under the Low Density Residential Zone Code. This outcome requires non-residential uses to provide a 1.8 metre high solid screen fence along side and rear property boundaries. The proposed site plan makes provision for a 1.8 metre high solid wood fence along the common boundary between the subject site and adjoining Lot 4 on RP602860.</p> <p>As such, the proposed development is considered to comply with the assessment benchmarks relating to fencing requirements for non-residential development in the Low Density Residential Zone.</p>
	Light pollution from premises and vehicles	<p>A submission raised concern regarding potential light pollution from the proposed development. Light pollution would potentially be sourced from vehicles entering the premises and from the illuminated signage which may affect the living areas of surrounding properties which are elevated.</p> <p>Vehicles entering the site, outside of daylight hours in the morning, are not expected to cause a nuisance to surrounding residences. Lights from vehicles are not expected to protrude into the living spaces of nearby dwellings, which are predominantly located on an elevated level. A 1.8 metre high fence between the development site and adjoining Lot 4 on RP602012 will also minimise light emissions into the ground floor of the adjoining property. There is also no night time operation proposed as part of the development.</p> <p>Other lighting associated with the proposed development is also restricted by several conditions. Condition 15.1 restricts any lighting devices to be positioned so as not to cause glare or other nuisance to nearby residents and motorists. Council has also conditioned luminance restrictions for the proposed advertising devices (refer to condition</p>

		<p>20.1). These conditions reflect the luminance requirements outlined in the current planning scheme under Table 9.3.2.3.3. <i>Maximum luminance of an advertising device for land use zones</i>. This condition ensures compliance is achieved with Acceptable Outcome 2.2 under the Advertising Devices Code relating to illuminated advertising devices.</p>
	<p>Loss of affordable housing in inner city</p>	<p>A submission raised that the three (3) Dwelling Houses on the subject site provided an affordable housing (rental option) for current tenants. Removing these houses would cause the tenants hardship to find new accommodation in a competitive rental market.</p> <p>The impact of the proposed development on housing affordability, and the competitiveness of the rental market are not relevant planning considerations in the assessment of this development application.</p>
	<p>Traffic impacts on George Lane</p>	<p>A submission stated that there would be a significant increase of traffic into George Lane (identified as an urban lane way). The submission cited that there would be an increase of up to 44 vehicles per hour (vph) into the laneway during peak times, and 22vph during low-peak times, adding a further 15vph to the existing road network.</p> <p>The statement relating to 44vph entering the site via the laneway is inaccurate. The TIA report shows a peak of 18vph entering site from George Lane and 1vph exiting (refer to Figure 3 in the Traffic Impact Assessment). Very few, if any vehicles will enter or leave the site to/from the North Street end of George Lane as it is not logical to do so when other more convenient accesses are provided as part of the site layout and design.</p> <p>The development will not contribute significant 2-way traffic in George Lane as practically all traffic leaves via the exit directly to Albert Street in accordance with the swept paths contained in the Traffic Impact Assessment (TIA).</p> <p>The development is also contributing significantly to the widening of the laneway along its frontage to facilitate site access. As shown in the TIA, the</p>

		<p>frontage to George Lane is widened through the site access, the loading bay and more generous turn radii onto Albert Street. This will be further refined as part of a future Operational Works application to Council for assessment.</p>
	<p>Parking problems in proximity to the site</p>	<p>A submission raised concerns with the affect the proposed development would have on a pre-existing car parking problem in proximity to the site. Specifically, the lack of on-street car parking on George and Murray Streets. This is further exacerbated when football matches are played at Browne Park.</p> <p>The proposed development has achieved compliance with the car parking requirements under the Access, Parking and Transport Code under the current planning scheme. For a Food and Drink Outlet, the car parking requirements are one (1) space per fifteen metres of Gross Floor Area (GFA). The GFA of the proposed facility is 49 square metres. Therefore, the on-site car parking requirements for the proposed development were three (3) on-site car parking spaces, or part thereof. As demonstrated on the Site Plan, the applicant has complied with this requirement.</p> <p>Given the nature of the use, for a drive-through facility, it is not anticipated that patrons would utilise any on-street car parking on either George or Murray Streets. Patrons accessing the site are expected to access the site using their private vehicles, without the need to park, given the nature of the use for a drive-through facility. Further, there is no provision on-site for dining facilities which would necessitate the need for additional on-site car parking facilities, or use of on-street car parking spaces on George or Murray Streets.</p> <p>The submission also raised concerns with no lined car parking spaces on George Street. There is no requirement for the current development application to incorporate lined car parking spaces on George Street. Further, the proposed development will not be utilising on-street car parking spaces.</p> <p>It is therefore considered that the proposed development has provided</p>

		vehicle parking which is functional and sufficient to meet the demands likely to be generated by the development.
	Building not consistent with surrounding urban form	<p>A submission stated that the proposed building associated with the development was not consistent with the surrounding urban form. The area is located in a residential zone, and is surrounded by elevated weatherboard and fibro sheeted dwellings.</p> <p>The size of the proposed building will be approximately 49 square metres. It is considered that the size of this building is 'small-scale' in terms of its built form. While the proposed development will displace existing residential uses, the built form is consistent with existing non-residential uses in proximity to the site located on Albert Street. These include a car sales yard, several short-term accommodation (Motel) uses, and Service Stations. The proposed development is therefore considered to be consistent with the surrounding built form and streetscape.</p> <p>The proposed building has also achieved compliance with the height and setback requirements outlined in the Low Density Residential Zone Code for new buildings (refer to AO1.1 and AO13.1).</p>
	The proposed development does not service local needs	<p>A submission stated that the proposed development would not service the needs of the local community. The submission referenced the proximity of the site to the Rockhampton Base Hospital, which accommodates a café, and the presence of the Fast Lane drive-through coffee shop located at Lot 11 on SP129161. The submission also referenced the proximity of other coffee shops located on George and Archer Streets.</p> <p>The proposed development largely complies with the requirements for non-residential development located in the Low Density Residential Zone (refer to Performance Outcome 16). The facility is expected to service the day-to-day needs of residents of the local neighbourhood. In particular, residents from Wandal and The Range. It will also service persons travelling from north Rockhampton who require access to the Base Hospital and surrounding schools.</p>

		<p>In this regard, the proposed development is anticipated to provide a convenience function as envisaged for non-residential development in the Low Density Residential Zone.</p> <p>The coffee shops referenced in the submission are not considered to detract from the proposed facility, or result in the proliferation of similar facilities in the Rockhampton region. The coffee shops located at the Base Hospital serves a specific function for servicing patients, staff and families utilising this medical facility. The coffee shop located at the corner of George and Archer Streets (referenced in the submission) also serves a different function for dine-in customers, with no drive-through facility included. While the Fast Lane drive-through coffee shop located at Lot 11 on SP129161 provides a similar function to the proposed development, this facility services a different catchment to the proposed development. Specifically, it services patrons travelling into Rockhampton from Allenstown, Depot Hill, Port Curtis and Gracemere.</p> <p>As such, the proposed development is anticipated to service the needs of the surrounding residential community. Further, it does not result in a proliferation of coffee-shops, or drive-through coffee shops in the Rockhampton region.</p>
	<p>Development will detract from Centres Zones</p>	<p>A submission stated that the proposed development will both detract from the role and function of centres zones and result in the expansion of a centres zone.</p> <p>It is considered that the proposed Food and Drink Outlet will not undermine the viability and functionality of existing centres in the Rockhampton region. The subject site is located in the 'urban area' designation under the Strategic Framework. This designation states that small-scale Food and Drink Outlets are appropriate for the designation, provided that they service the needs of the local residential community. The proposed development is considered to service this function, and complies with Performance Outcome 16 in the Low Density Residential Zone, relating to non-residential development.</p>

		<p>The proposed development, which is for a single tenancy, does not constitute the expansion of a centres zone. While the subject site is in proximity to centres zoned land, the proposed development is not expected to detract from their functionality or viability, given the small-scale (singular) nature of the use.</p>
	<p>Overlooking residences of</p>	<p>Both submissions raised concerns regarding loss of privacy resulting from the proposed development ‘overlooking’ into nearby residential properties. One submission also stated that as the proposed development would be visible from each of the surrounding residential properties which would affect their enjoyment of their property.</p> <p>The proposed building associated with the development will not have the ability to overlook into adjoining or nearby residential properties. The proposed building is low-rise with a maximum height of approximately 7.6 metres to the top eave. This complies with the building height requirements for the Low Density Residential Zone (8.5 metres), as outlined in Acceptable Outcome 1.1 of the zone code. Given the proposed building is low-rise, and the proposed development is surrounded by a 1.8 metre high fence where adjoining residential properties, the proposed development, particularly the building, does not present the opportunity to overlook into adjoining residences.</p> <p>The same submission expressed concern regarding surrounding residential properties being able to ‘overlook’ into the development site, also causing a loss of privacy. To reiterate, the proposed development complies with the height requirements for new buildings in the Low Density Residential Zone Code (refer to Acceptable Outcome 1.1). The proposed building is low-rise, and does not present any opportunity for the proposed development to overlook into adjoining or surrounding properties. Further, the height, and orientation of the proposed building is not anticipated to be visually intrusive and generally complies with the requirements for new buildings under the current planning scheme.</p>

	<p>Safety concerns from patrons finding out where residents live</p>	<p>A submission raised concerns for the safety of surrounding residences. With patrons using the site they may discover where residents live, presenting personal safety risks.</p> <p>Interactions between patrons and residents is difficult for Council to mitigate as part of this development approval. Any civil interaction between surrounding residences and patrons which may present an abject safety concern would become a police matter. The proposed development itself is not expected to cause any additional safety issues to surrounding residences by way of its operation.</p>
	<p>Proposed signage is visually intrusive (size and lights)</p>	<p>A submission raised concern regarding the visual obtrusiveness of the proposed advertising devices associated with the development. The submission stated that the sign would be visible from residential properties, obtrusive, and lit up.</p> <p>The advertising devices are defined as a Wall Sign and Projecting Sign under the current planning scheme. Sign 1, which is on the south-eastern façade of the building has a total face area of 6 square metres. Sign 2, located on the north-eastern façade of the building will have two (2) face areas, with a total face area of 9 square metres. Sign 2 also projects slightly from the proposed building.</p> <p>The location of Sign 2, including its projection, does not project or face towards any residential properties in proximity to the site. The positioning of this sign is oriented towards George Street, which is facing towards a car sales yard. The opposite side of this sign, facing to the east, is the projected portion of the sign from the main building. It is not considered that this minor projection of Sign 2, facing to the east, will be visually obtrusive to surrounding residences, particularly on Murray Street.</p> <p>The size of both signs are also considered to be compatible with the character of the proposed building which they will be attached to. The visual impact of both signs is not expected to contribute to visual clutter along the Albert Street road corridor.</p>

		<p>Regarding illumination, Council has conditioned luminance restrictions for the proposed advertising devices (refer to condition 20.1). These conditions reflect the luminance requirements outlined in the current planning scheme under Table 9.3.2.3.3. <i>Maximum luminance of an advertising device for land use zones</i>. This condition ensures compliance is achieved with Acceptable Outcome 2.2 under the Advertising Devices Code relating to illuminated advertising devices.</p>
	<p>Impacts on Public Health (noise, odour, vibrations)</p>	<p>A submission raised concerns regarding the potential impact the proposed development would have on public health outcomes for surrounding residences. In particular, noise and vibrations from cars, odour from rubbish and urine from humans, and dust.</p> <p>Condition 15.3 requires the proposed development not to cause any off-site impacts which would affect the amenity of adjoining or surrounding residences by way of noise, light, odour or dust. Condition 15.4 then requires the applicant to undertake nuisance monitoring in the event of a genuine complaint of nuisance.</p> <p>The submission specifically referenced additional odour caused by 'urine from humans'. While it is not envisaged for this to occur on the site, this type of offence is not regulated under the planning scheme, and is enforceable by the Queensland Police. The same submission also referenced vibrations from heavy vehicles and V6 and V8 engines. Council cannot enforce the type of motor vehicle which persons will utilise to access the subject site. However, in the assessment of the development application, Council was satisfied that the proposed development would not detract from the amenity of surrounding area by way of environmental nuisance. Any nuisance that is caused by the proposed development would be a contravention of conditions 15.3 and 15.4.</p>
	<p>Impacts on housing supply and diversity</p>	<p>A submission objected to the proposed development as it will have an impact on housing supply and diversity across the Rockhampton region, as a consequence of the loss of the three (3)</p>

		<p>residential properties on the subject site.</p> <p>The current planning scheme identifies development projections for intended residential growth up until 2036. This is reflected in zoning and development provisions under the current planning scheme which will accommodate Rockhampton's future residential growth. The planning scheme has identified sufficient land supply for future greenfield development up to 2026.</p> <p>While the proposed development will result in the loss of three (3) residential properties, this is not expected to be at the detriment of future residential growth in Rockhampton. It is also not considered to have an impact on the overall liveability of Rockhampton's residential communities.</p>
	Increased pedestrian traffic to the site	<p>A submission raised concerns regarding increased pedestrian activity to the site. This was a result of on-site staff car parking, and the proximity of a bus stop on Murray Street. The submission implied that increased pedestrian activity to the site would cause safety issues to surrounding residences and exacerbate existing car parking issues on Murray and George Streets.</p> <p>The proposed development is for a "drive-through" coffee shop. Pedestrian access to the site is expected to be minimal given the nature of the use. Most customers are expected to access the site using their private vehicle – the proposed development is designed for this purpose (i.e. makes no provision for on-site dining). As such, pedestrian traffic to the site is expected to be minimal and not the primary source of access for patrons.</p> <p>The proposed development also complies with the minimum number of car parking requirements for a Food and Drink Outlet. The requirement is for one (1) space per 15 square metres of Gross Floor Area in accordance with the Access, Parking and Transport Code.</p>
	Proposed access through refuge island on Albert Street will create crash zone	<p>A submission raised concern that the proposed access, cutting through the refuge island on Albert Street will create a high crash zone and cause congestion towards the Hospital, nursing home.</p>

		<p>The proposed road works will be designed and constructed in accordance with the relevant engineering standards. Similar refuge islands, which allow for the safe queuing of vehicles before undertaking a right turn, are incorporated in the local road network in proximity to the site. Examples include Archer Street, Fitzroy Street and Denham Street.</p>
	<p>Environmental issues (coffee cups and cigarette butts)</p>	<p>A submission objected to the proposed development as it will produce waste that cannot be recycled. In particular, "single use coffee cups" and the implications for household waste from purchasing coffee.</p> <p>The environmental impacts of the proposed development were assessed against the assessment benchmarks in the current planning scheme. The planning scheme does not include specific benchmarks for restricting the use of specific products for consumption which may affect the environment. In this regard, the presence of polyethylene coating inside single use coffee cups. As such, the sale of single use coffee cups from the proposed development is not taken to be a relevant consideration for the proposed development.</p> <p>The same submission also raised concerns with increased littering from cigarette butts from patrons utilising the proposed facility. Littering from cigarettes is regulated under the <i>Waste Reduction and Recycling Act 2011</i> and enforced by the Queensland Police. The current planning scheme has no mechanism for patrons using cigarettes on-site, nor are the conditions of approval able to restrict this. As the use of, and potential littering of cigarettes, is not reflected in the assessment benchmarks under the current planning scheme, it was not considered to be a relevant consideration for the proposed development.</p>
	<p>Location of waste storage bins</p>	<p>An assessment of the proposed waste storage area was conducted against the Waste Management Code and Waste Management Planning Scheme Policy under the current planning scheme. The waste storage area was taken to generally comply with the requirements</p>

		<p>of this code.</p> <p>Compliance with this code has been achieved by providing a 1.8 metre high fence around the waste storage area, ensuring the waste storage area is set back a minimum of two (2) metres from any boundary, and not directly locating the waste storage area adjoining residential uses on neighbouring properties. Condition 16.6.4 also requires that washdown of the waste storage area does not discharge onto neighbouring properties or adjoining properties.</p> <p>The proposed development is considered to comply with the Waste Management Code by ensuring that the waste storage area is screened from adjoining properties and is located on-site in a manner which facilitates waste removal in a safe and efficient way.</p>
Matters prescribed by regulation	<ul style="list-style-type: none"> • The <i>Rockhampton Region Planning Scheme 2015</i> (version 2.1); and • The common material, being the material submitted with the application. 	

RECOMMENDATION B

THAT in relation to the application for a Development Permit for a Material Change for a Food and Drink Outlet (Drive-Through Coffee Shop) and Operational Works for an Advertising Device (Wall Sign and Projecting Sign), made by Kele Property Group (QLD) Pty Ltd, located at 40-44 Albert Street, Rockhampton City, described as Lots 1 to 3 on RP602012, Parish of Rockhampton, Council resolves to Approve the application subject to the following conditions:

Material Change of Use conditions1.0 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 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.
- 1.4 The following further Development Permits must be obtained prior to the commencement of any works associated with their purposes:
- 1.4.1 Operational Works:
- (i) Road Works;
 - (ii) Access and Parking Works;
 - (iii) Stormwater Works;
 - (iv) Roof and Allotment Drainage;

- (v) Site Works;
- 1.4.2 Plumbing and Drainage Works;
- 1.4.3 Building Works:
 - (i) Demolition Works; and
 - (ii) Building Works.
- 1.5 All Development Permits for Operational Works and Plumbing and Drainage Works must be obtained prior to the issue of a Development Permit for Building Works.
- 1.6 All works must be designed, constructed and maintained in accordance with the relevant Council policies, guidelines and standards, unless otherwise stated.
- 1.7 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.
- 1.8 Lot 1, 2 and 3 on RP602012 must be amalgamated and registered as one (1) 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:

Drawing/report title	Prepared by	Date	Reference number	Rev
Location Plan	Design + Architecture Pty Ltd	10 February 2021	KP-009_SK-001	15
Existing Site Plan	Design + Architecture Pty Ltd	10 February 2021	KP-009_SK-002	15
Proposed Site Plan	Design + Architecture Pty Ltd	10 February 2021	KP-009_SK-003	15
Floor Plan	Design + Architecture Pty Ltd	10 February 2021	KP-009_SK-004	15
Layout Plan	Design + Architecture Pty Ltd	10 February 2021	KP-009_SK-005	15
Elevations	Design + Architecture Pty Ltd	10 February 2021	KP-009_SK-006	15
Elevations	Design + Architecture Pty Ltd	10 February 2021	KP-009_SK-007	15
3D Views	Design + Architecture Pty Ltd	10 February 2021	KP-009_SK-009	15
3D Views	Design + Architecture Pty Ltd	10 February 2021	KP-009_SK-010	15
3D Views	Design + Architecture Pty Ltd	10 February 2021	KP-009_SK-011	15
3D Views	Design + Architecture Pty Ltd	10 February 2021	KP-009_SK-012	15
Stormwater Management Plan	McMurtrie Consulting Engineers	3 December 2020	036-20-21	B

- 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 ROAD WORKS
- 3.1 A Development Permit for Operational Works (road works) must be obtained prior to the commencement of any road works required by this development approval.
- 3.2 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* and *Austroroads Guidelines* and the provisions of a Development Permit for Operational Works (road works).
- 3.3 A channelised right turn lane with a minimum queue length of 20 metres is to be constructed in Albert Street to allow a right turn into George Lane (refer to condition 2.1).
- 3.4 'Keep Clear' linemarking across Albert Street is to be installed to prevent vehicles queueing over the access to George Lane.
- 3.5 A concrete pathway, with a minimum width of 1.2 metres, must be constructed on the western side of George Street and the northern side of Albert Street for the full frontage of the development site (refer to condition 2.1). Both pathways must be constructed to match neatly with the existing kerb ramps at the corner of George Street and Albert Street.
- 3.6 All pathways and access ramps must be designed and constructed in accordance with *Australian Standard AS1428 "Design for access and mobility"*.
- 4.0 ACCESS AND PARKING WORKS
- 4.1 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.
- 4.2 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).
- 4.3 All access, parking and vehicle manoeuvring areas must be concrete paved or sealed to the satisfaction of Council.
- 4.4 New accesses to the development must be provided at George Street, George Lane and Albert Street in accordance with the approved plans (refer to condition 2.1).
- 4.5 All vehicular access to the development must be ingress only via George Lane or left in at George Street and egress to the development site via a left out at Albert Street or left out at George Street only. Appropriate signage must be installed on the approach and departure sides of the access as required.
- 4.6 Service and delivery vehicles, including refuse collection vehicles, must be via George Lane only.
- 4.7 Any redundant vehicular crossovers must be replaced by Council standard kerb and channel.
- 4.8 All vehicles must ingress and egress the development in a forward gear.
- 4.9 A minimum of three (3) parking spaces must be provided on-site.

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- 4.10 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"*.
- 4.11 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).
- 4.12 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"*.
- 4.13 Road signage and pavement markings must be installed in accordance with *Australian Standard AS1742.1 "Manual of uniform traffic control devices"*.
- 4.14 All vehicle operation areas must be sufficiently illuminated to ensure the safe manoeuvring of vehicles and pedestrians throughout the development site.
- 4.15 All internal pedestrian pathways must be designed and constructed in accordance with *Australian Standard AS1428 "Design for access and mobility"*.
- 5.0 PLUMBING AND DRAINAGE WORKS
- 5.1 A Development Permit for Plumbing and Drainage Works must be obtained for the removal and/or demolition of any existing structure and construction of new structures on the development site.
- 5.2 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.
- 5.3 The development must be connected to Council's reticulated sewerage and water networks.
- 5.4 The existing water connection point located within Lot 2 on RP602012 must be retained, and upgraded if necessary, to service the development. Any redundant water connection points for Lots 1 and 3 on RP602012 are to be disconnected.
- 5.5 The existing sewer connection point for Lot 2 on RP602012 must be retained, and upgraded if necessary, to service the development. Alternatively a new sewerage connection point for the development from the reticulated sewerage network may be provided and all of the redundant sewer connection points disconnected. The existing sewer connection points at Lots 1 and 3 on RP602012 must be disconnected.
- 5.6 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.
- 5.7 Sewer connections and 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.
- 5.8 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.
- 5.9 If required, 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.
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6.0 STORMWATER WORKS

- 6.1 A Development Permit for Operational Works (stormwater works) must be obtained prior to the commencement of any stormwater works required by this development approval.
- 6.2 All stormwater 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 (stormwater works).
- 6.3 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.
- 6.4 The development must not increase peak stormwater runoff for a selected range of storm events up to and including a one per cent (1%) Annual exceedance probability storm event, for the post-development conditions.
- 6.5 Any application for a Development Permit for Operational Works (stormwater works) must be accompanied by engineering plans with details of any new drainage systems including retention systems, inlet and outlet structures, or the amendment and upgrading of existing drainage systems to implement the proposed drainage strategy.

7.0 ROOF AND ALLOTMENT DRAINAGE WORKS

- 7.1 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.
- 7.2 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).
- 7.3 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.
- 7.4 Stormwater line 1/2 to 1/1 must be modified to avoid the acute connection to the stormwater pit. Design details are to be included in the Operational Works application for roof and allotment drainage works.

8.0 SITE WORKS

- 8.1 All earthworks must be undertaken in accordance with *Australian Standard AS3798 "Guidelines on earthworks for commercial and residential developments"*.
- 8.2 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.
- 8.3 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.

9.0 BUILDING WORKS

- 9.1 A Development Permit for Building Works must be obtained for the removal and/or demolition of any existing structures and construction of new structures on the development site.
- 9.2 All external elements, such as air conditioners, pool and spa pumps and associated equipment, must be adequately screened from public view, to Council's satisfaction.

- 9.3 Access to and use of the land the subject of this application must comply with the provisions of the *Disability Discrimination Act 1992* and/or the *Anti-Discrimination Act 1991*. If either of those statutes require the provision of access or facilities in a way that is inconsistent with this development approval, those facilities must be provided.
- 9.4 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 2019* and must be:
- 9.4.1 designed and located so as not to cause a nuisance to neighbouring properties;
 - 9.4.2 aesthetically screened from any road frontage or adjoining property;
 - 9.4.3 of a sufficient size to accommodate commercial type bins that will be serviced by a commercial contractor plus clearances around the bins for manoeuvring and cleaning;
 - 9.4.4 setback a minimum of two (2) metres from any road frontage; and
 - 9.4.5 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*.
- 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.
- 9.5 A minimum 1.8 metre high screen fence must be erected between the subject development site and the adjacent residential property (Lot 4 on RP602012) to the north of the development.
- 10.0 LANDSCAPING WORKS
- 10.1 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 landscaped areas must predominantly contain plant species that have low water dependency.
- 11.0 ELECTRICITY
- 11.1 Electricity services must be provided to the development in accordance with the standards and requirements of the relevant service provider.
- 12.0 TELECOMMUNICATIONS
- 12.1 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.
- 13.0 ASSET MANAGEMENT
- 13.1 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.
- 13.2 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.

- 13.3 '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)*.
- 14.0 ENVIRONMENTAL
- 14.1 The Erosion Control and Stormwater Control Management Plan prepared by a Registered Professional Engineer of Queensland in accordance with the *Capricorn Municipal Design Guidelines*, must be:
- 14.1.1 implemented, monitored and maintained for the duration of the works, and until all exposed soil areas are permanently stabilised (for example, turfed, hydromulched, concreted, landscaped); and
- 14.1.2 available on-site for inspection by Council Officers whilst all works are being carried out.
- 15.0 ENVIRONMENTAL HEALTH
- 15.1 Any lighting devices associated with the development, such as sensory lighting, must be positioned on the development site and shielded so as not to 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"*.
- 15.2 Noise emitted from the activity must not cause an environmental nuisance.
- 15.3 Operations on the site must have no significant impact on the amenity of adjoining premises or the surrounding area due to the emission of light, odour, noise or dust.
- 15.4 When requested by Council, nuisance monitoring must be undertaken and recorded within three (3) months, to investigate any genuine complaint of nuisance caused by noise, light, odour or dust. An analysis of the monitoring data and a report, including nuisance mitigation measures, must be provided to Council within fourteen (14) days of the completion of the investigation
- 16.0 OPERATING PROCEDURES
- 16.1 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 George Street, Albert Street or George Lane.
- 16.2 The hours of operations for the development site must be limited to:
- (i) 0500 hours to 1500 hours on Sunday to Saturday.
- 16.3 The loading and/or unloading of delivery and waste collection vehicles is limited between the hours of 0700 and 1900 Monday to Saturday and between the hours of 0800 and 1500 on Sundays. No heavy vehicles must enter the development site outside these times to wait for unloading/loading.
- 16.4 Operations on the development site must have no significant impact on the amenity of adjoining premises or the surrounding area due to the emission of light, noise, odour or dust.
- 16.5 All waste must be stored within a waste storage area (for example, general waste, recyclable waste, pallets, empty drums etcetera) in accordance with the approved plans (refer to condition 2.1). The owner of the land must ensure that:
- 16.5.1 the area is kept in a clean and tidy condition;
- 16.5.2 fences and screens are maintained;
- 16.5.3 no waste material is stored external to the waste storage area/s;

- 16.5.4 contaminants/washdown does not discharge into water courses, drainage lines or onto adjoining properties; and
- 16.5.5 the area is maintained in accordance with *Environmental Protection Regulation 2019*.

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.

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

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.

Operational Work (Advertising Device) conditions

17.0 ADMINISTRATION

- 17.1 The Developer is responsible for ensuring compliance with the Conditions of the approval by an employee, agent, contractor or invitee of the Developer.
- 17.2 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 of the Council may be fulfilled in whole or in part by a delegate appointed for that purpose by the Council.
- 17.3 All conditions of this approval must be undertaken and completed to the satisfaction of Council, at no cost to Council.

17.4 The following further development permits are required prior to the commencement of any works on the site:

17.4.1 Building Works.

17.5 Unless otherwise stated, all works must be designed, constructed and maintained in accordance with the relevant Council policies, guidelines and standards.

18.0 APPROVED PLANS AND DOCUMENTS

18.1 The approved advertising device must be completed and maintained generally in accordance with the approved drawings and documents, except where amended by the conditions of this permit.

<u>Plan/Document Name</u>	<u>Prepared by</u>	<u>Date</u>	<u>Reference No.</u>	<u>Version/Issue</u>
Elevations	Design + Architecture Pty Ltd	10 February 2021	KP-009_SK-006	15
Elevations	Design + Architecture Pty Ltd	10 February 2021	KP-009_SK-007	15
3D Views	Design + Architecture Pty Ltd	10 February 2021	KP-009_SK-009	15
3D Views	Design + Architecture Pty Ltd	10 February 2021	KP-009_SK-010	15

18.2 A set of the above approved plans are returned to you as the Consultant. The Consultant is to supply one (1) Approved set to the contractor to be retained on site at all times during construction.

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

18.4 Where conditions require the above plans or documents to be amended, the revised document(s) must be submitted for endorsement by Council prior to the submission of a Development Application for Building Works.

18.5 Any proposed minor changes to the approved stamped plans during the works will be generally considered minor amendments and require Council's approval. The stamped amended plans and a covering letter will be forwarded to the applicant.

19.0 OPERATING PROCEDURE

19.1 All advertising devices must only display or advertise a matter associated with the primary purpose for which the premises are used, or the purpose stated in this approval.

19.2 All text and images displayed on the approved advertising device:

19.2.1 must be static;

19.2.2 must not imitate a traffic control device, move contrary to any traffic control device or include traffic instructions (for example 'stop'); and

19.2.3 must not involve moving parts or flashing lights.

19.3 Any lighting devices associated with the advertising device, such as sensory lighting, must be positioned on the site and shielded so as not to cause glare or other nuisance to nearby residents or motorists. Night lighting must be designed, constructed and operated in accordance with '*Australian Standard AS4282 – Control of the obtrusive*

effects of outdoor lighting’ and ‘Civil Aviation Safety Authority (CASA) Guidelines: Lighting in the vicinity of aerodromes: Advice to lighting designers’.

20.0 LUMINANCE

- 20.1 Luminance levels of the advertising device must not exceed the applicable levels listed in Table 2 below.

Table 2: Luminance levels for Advertising Devices

(Source: OMA)

Lighting Condition	Zone 1	Zone 2	Zone 3
Full Sun on Sign face	Maximum Output	Maximum Output	Maximum Output
Day Time Luminance	6000-7000 cd/m ²	6000-7000 cd/m ²	6000-7000 cd/m ²
Morning/Evening/Twilight/inclement weather	1000 cd/m ²	700 cd/m ²	600 cd/m ²
Night Time	500 cd/m ²	350 cd/m ²	300 cd/m ²

Note:

- Zone 1 very high ambient off street lighting i.e central city locations
 Zone 2 high to medium off street ambient lighting
 Zone 3 low levels of off street ambient lighting, i.e. most residential areas, rural areas.

21.0 ASSET MANAGEMENT

- 21.1 Any damage to, or alterations necessary, to electricity, telephone, water mains, sewerage mains, stormwater drains, and/or public utility installations resulting from the development or in connection with the development, must be undertaken immediately, at no cost to Council, and completed within the following timeframes:

21.1.1 where damage causes a hazard to pedestrian/traffic safety or interrupts a community service, immediately; or

21.1.2 as soon as reasonably possible as agreed with Council.

22.0 ADVERTISING DEVICE CONSTRUCTION AND MAINTENANCE

- 22.1 Council reserves the right for uninterrupted access to the site at all times during construction.
- 22.2 All Construction work and other associated activities are permitted only between 0630 hours and 1800 hours Monday to Saturday. No work is permitted on Sundays or public holidays. All requirements of the *Environmental Protection Act 1994* and the *Environmental Protection Regulation 2019* must be observed at all times.
- 22.3 All construction materials, waste, waste skips, machinery and contractors' vehicles must be located and stored or parked within the site.
- 22.4 Any proposed works within the vicinity (or zone of influence) of existing Council infrastructure will not adversely affect the integrity of the infrastructure. Any restoration works required on existing Council infrastructure as a result of proposed works will be at the developer's expense.
- 22.5 The Signs must be designed and certified by a Registered Professional Engineer of Queensland and constructed in accordance with the requirements of the Queensland Development Code and the Building Code of Australia.

- 22.6 All conduits, wiring, switches or other control apparatus installed on an Advertising Device must be concealed from general view, with control apparatus secured in a manner to prevent unauthorised entry and display setting tampering.
- 22.7 All electrical services and systems must comply with *Australian and New Zealand Standard AS/NZS 3000:2007* – “Electrical Installations”.
- 22.8 All advertising devices must be maintained at all times on the premises by the owner of the premises to the same standard as it was when it was installed, and be maintained in a safe, clean, condition that does not adversely impact the visual amenity of the site.

ADVISORY NOTES

NOTE 7. Aboriginal Cultural Heritage Act, 2003

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.

NOTE 8. 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 9. 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.

RECOMMENDATION C

THAT in relation to the application for a Development Permit for a Material Change for a Food and Drink Outlet (Drive-Through Coffee Shop) and Operational Works for an Advertising Device (Wall Sign and Projecting Sign), made by Kele Property Group (QLD) Pty Ltd, located at 40-44 Albert Street, Rockhampton City, described as Lots 1 to 3 on RP602012, Parish of Rockhampton, Council resolves not to issue an Infrastructure Charges Notice.

INFRASTRUCTURE CHARGES

Adopted Infrastructure Charges Resolution (No. 5) 2015 for non-residential development applies to the application and it falls within Charge Area 1. The Infrastructure Charges are as follows:

Column 1 Use Schedule		Column 2 Charge Area	Column 3 Adopted Infrastructure Charge		Column 4 Adopted Infrastructure Charge for stormwater network		Calculated Charge
			(\$)	Unit	(\$)	Unit	
Commercial (retail)	All other uses as per AICN 5/15 Table 2.2.1	Areas 1 and 2	153	per m ² of GFA	8.50	per m ² of impervious area	\$18,336.20
Total							\$18,336.20
Less Credit							\$63,000.00
TOTAL CHARGE							\$-44,663.80

This is based on the following calculations:

- (a) A charge of \$7,497.00 for Gross Floor Area being 49 square metres (Drive-Thru Coffee Shop building);
- (b) A charge of \$10,839.20 for Impervious Area being 1,275.2 square metres (roof area, hardstand areas, access, and parking areas); and
- (c) An Infrastructure Credit of \$63,000.00, applicable for the existing three (3) allotments.

Therefore, no infrastructure charges are payable and an Infrastructure Charges Notice is not required for the development. An infrastructure credit of \$44,663.80 will be recorded against the premises.

BACKGROUND

PROPOSAL IN DETAIL

The proposal is for the construction of a Food and Drink Outlet located at 40-44 Albert Street, Rockhampton City. The development will accommodate a drive-through Coffee Shop which will have a Gross Floor Area of 49 square metres. The building makes provision for order and pick-up windows, a general preparation area, and storage and amenities. There is no physical dining proposed. Operating hours for the proposed development will be from 05:00 until 15:00, Monday to Sunday.

The development will have three (3) access points. An ingress and egress point from George Street, an ingress point from George Lane and an egress point onto Albert Street. Three (3) on-site car parks are proposed, with pedestrian connectivity provided from the car parks to the physical shop, and the Albert and George Street verges.

The development application also includes two (2) advertising devices. Sign 1, which is located on the south-eastern façade of the building will have an area of approximately six (6) square metres. This sign is affixed to the wall. Sign 2, the Projecting Sign, will have a sign face area of approximately nine (9) square metres.

SITE AND LOCALITY

The subject site is located in the Low Density Residential Zone under the *Rockhampton Region Planning Scheme 2015* (version 2.1). There are currently three (3) single-detached Dwelling Houses on the subject site. The only adjoining property, to the north, also contains a single detached Dwelling House, with the surrounding area to the north, east and west also accommodating predominantly residential uses. The Browne Park sports field is directly across from the site to the south.

The subject site has three road frontages to Albert Street, George Street and George Lane to the south, east, and west respectively.

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, subject to 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* (version 2.1).

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 (version 2.1)

Strategic framework

This application is situated within the Urban Area 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* (version 2.1) 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 focussed 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.

Complies. The proposed development will service the needs of the immediate local residential community, offering a convenience function for residents in The Range and Wandal. The facility is small-scale in terms of its size and operating capacity, meaning that it will not compromise the role and function of surrounding centres. The site layout has been designed to ensure that the amenity of the surrounding residential area is not compromised as a consequence of the development. This includes the orientation of the building towards the Albert Street road frontage, and positioning the signs to ensure they are facing away from residential properties.

(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.

Not applicable. There are no environmental hazards affecting the property or the proposed development.

(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.

Complies. The proposed development will not compromise the community from obtaining equitable access to social infrastructure and other community services.

(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 proposed development will not affect the region's transport network or existing public transport services in proximity to the site.

(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.

Not applicable. The proposed development does not result in the delivery of significant infrastructure services.

(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.

Complies. The proposed development will result in the creation of new employment opportunities within the region.

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

Low Density Residential Zone

The subject site is situated within the Low Density Residential Zone under the *Rockhampton Region Planning Scheme 2015* (version 2.1). The purpose of the Low Density Residential Zone identifies that: -

- (a) development provides for predominantly single detached dwelling houses on individual lots of varying sizes and dual occupancies, maintaining a generally a low-rise, 1-2 storey built form and low density character with small scale, detached buildings;
- (b) residential development within the zone is of a type which primarily provides for the long-term accommodation of residents and not for short-term accommodation, except in the circumstances stated in (d);
- (c) low-rise multiple dwellings, relocatable home parks, residential care facilities and retirement facilities develop in the zone when they are situated in proximity (convenient walking distance) to parks, centres, major community facilities (hospital, university, etcetera) and have access to higher order roads (minor urban collector or higher) or public transport;
- (d) short-term accommodation only occurs where it:
 - (i) is established in an existing dwelling;
 - (ii) does not adversely impact on the amenity of the surrounding residential area;
 - (iii) maintains the appearance of an ordinary dwelling that is consistent with the intentions of the zone; and
 - (iv) is limited in scale and duration;
- (e) **non-residential uses only 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;**
 - (v) **do not result in the expansion of a centre zone; and**
 - (vi) **have direct access to higher order roads (minor urban collector or higher) and are in proximity to public transport;**
- (f) no expansion of existing centres or industrial areas will occur into the low density residential zone. In addition, no additional local centres or higher order centres are required within the low density residential zone;
- (g) neighbourhood centres do not expand to service a wider local centre catchment. South Gracemere is to accommodate a neighbourhood centre commensurate with the population of the immediate catchment;
- (h) new proposed centres within greenfield areas are not intended to accommodate full-line supermarkets;
- (i) development maximises opportunities for surveillance, activation of street fronts, integration with surrounding streetscapes, and presents an attractive appearance to the street with variations in built form, shape and colour;

- (j) development maintains a high level of residential amenity having regard to traffic, noise, dust, odour, lighting and other locally specific impacts;
- (k) new residential developments are not located in proximity to existing incompatible uses such as rural uses, industrial uses and major community facilities without separation distances, landscaping and screening that minimise impacts on amenity in relation to noise, odour, dust, light, loss of privacy or other adverse impacts;
- (l) new residential developments are located and integrated with existing neighbourhoods;
- (m) development is sited and designed to respond to the region's climate (sustainable practices for maximising energy efficiency, water conservation and public/active transport use), local heritage features, natural landscape features and environmental constraints;
- (n) development provides connection to pathways, cycle ways, roads and public transport infrastructure commensurate with the needs of the use;
- (o) development is serviced by infrastructure that is commensurate with the needs of the use; and
- (p) the establishment of one (1) precinct within the zone where particular requirements are identified:
 - (i) Fitzroy River accommodation precinct; and
 - (ii) Residential stables precinct.

This application is consistent with the purpose of the Zone. The proposed development is considered to be an appropriate non-residential development for the Low Density Residential Zone. The application has demonstrated that the drive-through facility will service the day-to-day needs of residents of the local neighbourhood and will provide a convenience function which will not compromise the role or function of centres.

The site layout of the proposed development has been designed to ensure that the facility will not compromise the residential character and amenity of the surrounding residential area. This includes ensuring that there will be negligible impact to nearby residences in terms of lighting, noise, dust and odour. Further, the location of the facility is also considered appropriate given its proximity to a higher-order road (Albert Street).

As such, the proposed development is considered to be consistent with the intent of the Low Density Residential Zone.

Rockhampton Regional Planning Scheme Codes

The following codes are applicable to this application:

- Low Density Residential Zone Code;
- Airport Environs Overlay Code;
- Access, Parking And Transport Code;
- Filling and Excavation Code;
- Landscape Code;
- Stormwater Management Code; and
- Waste 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/s which the application is in conflict with, is outlined below:

Low Density Residential Zone Code	
Performance Outcome	Officer's Response
<p>PO21 The development minimises adverse impacts on the amenity of adjoining land uses and the surrounding area.</p>	<p>The proposed operating hours are from 0500 to 1500, Sunday to Saturday. This does not comply with Acceptable Outcome 21.1.</p> <p>Despite this non-compliance, the proposed development is not expected to affect the amenity of adjoining, or surrounding, residential uses.</p> <p>The subject site will incorporate a 1.8 metre high acoustic fence, contiguous to the boundary of adjoining Lot 4 on RP602012. This will act as an appropriate noise mitigation measure from vehicles traversing the site adjacent to this common boundary.</p> <p>The design and layout of the proposed development will also ensure that adverse amenity impacts on the surrounding residential area are negligible. This includes locating the queueing space for away from the adjoining residential allotment (positioned closer to Albert Street). This ensures vehicular noise from stationary cars is minimal to the adjoining residential property. The siting of the proposed building on the site is also oriented towards the Albert Street road frontage, enabling any amplified noise from persons taking or receiving orders to have negligible impact on adjoining residences.</p> <p>As such, the proposed development complies with the Performance Outcome.</p>
Advertising Devices Code	
Performance Outcome	Officer's Response
<p>PO1 The advertising device is designed and sited in a manner that:</p> <p>(a) results in a size that does not adversely impact on:</p> <p>(i) the visual amenity and character of a building, streetscape, locality or natural landscape setting;</p> <p>(ii) the safety of a road or footpath;</p> <p>(iii) the operations of an airport; and</p> <p>(iv) the visual amenity of a main transport entrance into an urban area or township;</p>	<p>The proposed Wall Sign and Projecting Sign do not comply with Acceptable Outcome 1.2, as Wall Signs are not envisaged in the Low Density Residential Zone. One (1) of the Wall Signs also projects further than 0.2 metres from the wall which it is affixed to.</p> <p>Despite this non-compliance, both signs will not cause a negative effect on the visual amenity of the surrounding area, particularly nearby residential properties. Both signs are oriented away from residential properties, and facing higher order roads, specifically Albert Street. The visual impact of both signs is therefore expected to be minimal and not contribute towards visual clutter particularly on the Albert Street road</p>

	<ul style="list-style-type: none"> (b) is integrated with the design of other development on the premises; (c) does not visually dominate the premises, streetscape, locality or natural landscape setting; (d) is constructed of durable and weather resistant materials; (e) does not impede vehicle or pedestrian movements or reduce safety levels; (f) does not resemble traffic or road signs; and (g) does not result in the proliferation of unnecessary advertising. 	<p>corridor. Further, their positioning towards the major road corridor is unlikely to cause an impact to the amenity of surrounding residential properties.</p> <p>As both signs are static (no digital images or movements), they will not impede vehicle or pedestrian movements, reduce safety levels, or resemble traffic or road signs.</p>
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Access, Parking and Transport Code

	Performance Outcome	Officer's Response
PO1	<p>Access driveways are located to avoid conflicts and designed to operate efficiently and safely, taking into account:</p> <ul style="list-style-type: none"> (a) the size of the parking area; (b) the volume, frequency and type of vehicle traffic; (c) the need for some land uses (for example hospitals) to accommodate emergency vehicle access; (d) the type of use and the implications on parking and circulation, for example long-term or short-term car parking; (e) frontage road function and conditions; and (f) the capacity and function of the adjoining street system. 	<p>The access point into the subject site from George Street is within 25 metres of the signalised George and Albert Street intersection. The egress point onto Albert street is also within 20 metres of the unsignalised Albert Street and George Lane intersection. Both crossovers do not comply with Acceptable Outcome 1.1(a).</p> <p>Despite this non-compliance, the siting of this crossover is not expected to affect the safety or function of the transport network, including the operation of the intersection. The application was referred to the Department of Transport and Main Roads, who advised that they had no objection to the proposed development, and in particular, its impact on the George and Albert Street intersection.</p> <p>The proposed development is also considered to comply with the Performance Outcome. The application has provided an appropriate number of on-site car parking spaces and sufficient vehicle queuing spaces on-site expected for a Food and Drink Outlet, and in accordance with the Access, Parking and Transport Code.</p> <p>Further, the nature of traffic entering the site from the George Street crossover will not cause a conflict with vehicles using the George and Albert Street intersection. This is because patrons accessing the site from George Street will have to exit the site from the proposed crossover on Albert Street, after ordering goods from the drive-through</p>

		<p>building.</p> <p>The egress point onto Albert Street is also not expected to compromise the functionality of the road network. In particular, the George Lane and Albert Street intersection. A traffic assessment provided by the applicant demonstrated that the crossover complied with the Safe Intersection Sight Distance when looking west towards the Hospital for both George Lane and the site egress onto Albert Street.</p> <p>As such, the proposed development is considered to comply with this performance outcome.</p>
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Based on a performance assessment of the abovementioned codes, it is determined that the proposal is acceptable and generally complies with the relevant Performance Outcomes and where there is deviation from the codes, sufficient justification has been provided.

CONSULTATION

The proposal was the subject of public notification between 11 December 2020 and 18 January 2021, in accordance with the requirements of the *Planning Act 2016* and the Development Assessment Rules, and two (2) properly-made submissions, and one (1) not properly-made submission were received.

The following is a summary of the submissions lodged, with Council officer comments:

Issue	Officer's Response
<p>Consistency with the Low Density Residential Zone and compromising residential character and amenity</p>	<p>Both submissions stated that the proposed development is not consistent with the intent of the Low Density Residential Zone, and should not be supported.</p> <p>The Low Density Residential Zone does make provision for some non-residential uses to occur within the zone. These are summarised in section 2(e) and Performance Outcome 16 of the zone code. It is considered that the development application has demonstrated compliance with the requirements for non-residential uses to occur in this zone. Compliance has been achieved through the following:</p> <ul style="list-style-type: none"> • The proposed facility will service the needs of the immediate local residential community, particularly The Range and Wandal; • The subject site has direct access to a higher-order road. Albert Street is classified as a 'Major Urban Collector'; • The proposed facility will not detract from the role and function of centres, nor result in the expansion of a centres zone. This is because the proposed development accommodates one (1) single tenancy; and • The site layout and other mitigation measures ensure that there are negligible impacts on the amenity of the surrounding residential area. This is also reinforced through several development conditions. <p>As such, it is considered that the proposed development is appropriate for the site, and is an acceptable form of non-residential development to occur in the Low Density Residential Zone.</p>
<p>Operating hours</p>	<p>Both submissions raised concerns regarding the proposed operating hours. The applicant has applied to operate from 0500 to 1500, seven (7) days a week.</p> <p>The proposed operating hours do not comply with Acceptable Outcome 21.1 of the Low Density Residential Zone Code. Despite this non-compliance, the proposed development is not expected to affect the</p>

Issue	Officer's Response
	<p>amenity of adjoining, or surrounding, residential uses.</p> <p>The subject site will incorporate a 1.8 metre high acoustic fence, contiguous to the boundary of adjoining Lot 4 on RP602012. This will act as an appropriate noise mitigation measure from vehicles traversing the site adjacent to this common boundary. The proposed plans of development also include landscaping and screening directly along the internal driveway to mitigate any amenity impacts.</p> <p>The design and layout of the proposed development will also ensure that adverse amenity impacts on the surrounding residential area are negligible. This includes locating the queueing space for away from the adjoining residential allotment (positioned closer to Albert Street). This will ensure that vehicular noise from stationary cars is minimal to the adjoining residential property. The siting of the proposed building on the site is also oriented towards the Albert Street road frontage, enabling any amplified noise from persons taking or receiving orders to have negligible impact on adjoining residences.</p> <p>One (1) submission also raised concern with delivery vehicles entering the site before 0500, which may cause an unacceptable noise impact on the surrounding residential area. Condition 16.3 prohibits delivery and waste collection vehicles from entering or existing the site prior to 0700, on Mondays to Saturdays, and prior to 0800 on Sundays.</p>
Vehicle queueing	<p>Both submissions raised concerns with relation to on-site vehicle queueing. The submissions focussed on the specific number of vehicles queueing on-site (up to 10), and the potential environmental effects from smoke pollution and noise from queued vehicles.</p> <p>The Access, Parking and Transport Code under the current planning scheme requires on-site queueing for at least ten (10) vehicles. The Site Plan demonstrates that provision for queueing of more than ten (10) vehicles is made on-site, plus a short term car parking bay to the west of the proposed building. The proposed development therefore complies with the queueing requirements under the Access, Parking and Transport Code.</p>

Issue	Officer's Response
	<p>To address issues relating to smoke and noise from queued vehicles, Council has conditioned that noise generated from the proposed development must not cause an environmental nuisance (refer to condition 15.2). An additional condition also requires the proposed development not to cause a significant impact on the amenity of adjoining premises or the surrounding area, by way of odour impacts (refer to condition 15.3). Condition 15.4 then makes provision for nuisance monitoring to be undertaken if Council receives a genuine complaint of nuisance, resulting from any noise or odour impacts.</p> <p>The proposed site layout has also been designed to minimise any amenity impacts from queued vehicles to the adjoining premise and surrounding area. This includes siting the vehicular queuing area and short term waiting bay, as close as possible to Albert Street. The location of the queued space is approximately fourteen metres away from the adjoining residence located at Lot 4 on RP602860. The site layout also incorporates a perimeter fence which will screen vehicles from the adjoining residence, minimising noise impacts to this property. This fence complies with the requirements for fencing under the Low Density Residential Zone Code (refer to response below for further detail).</p> <p>As such, on-site vehicle queuing is not expected to affect the amenity of adjoining residences or the surrounding area. Specifically, from noise and smoke pollution. Council has also included conditions requiring nuisance monitoring to be undertaken where Council is in receipt of a genuine complaint.</p>
Inadequate fencing	<p>A submission stated that the proposed fencing surrounding the proposed development was inadequate as a mitigation measure. This is because many of the surrounding residential houses are elevated.</p> <p>The proposed development complies with Acceptable Outcome 21.2 under the Low Density Residential Zone Code. This outcome requires non-residential uses to provide a 1.8 metre high solid screen fence along side and rear property boundaries. The proposed site plan makes provision for a 1.8 metre high solid wood fence along the</p>

Issue	Officer's Response
	<p>common boundary between the subject site and adjoining Lot 4 on RP602860.</p> <p>As such, the proposed development is considered to comply with the assessment benchmarks relating to fencing requirements for non-residential development in the Low Density Residential Zone.</p>
Light pollution from premises and vehicles	<p>A submission raised concern regarding potential light pollution from the proposed development. Light pollution would potentially be sourced from vehicles entering the premises and from the illuminated signage which may affect the living areas of surrounding properties which are elevated.</p> <p>Vehicles entering the site, outside of daylight hours in the morning, are not expected to cause a nuisance to surrounding residences. Lights from vehicles are not expected to protrude into the living spaces of nearby dwellings, which are predominantly located on an elevated level. A 1.8 metre high fence between the development site and adjoining Lot 4 on RP602012 will also minimise light emissions into the ground floor of the adjoining property. There is also no night time operation proposed as part of the development.</p> <p>Other lighting associated with the proposed development is also restricted by several conditions. Condition 15.1 restricts any lighting devices to be positioned so as not to cause glare or other nuisance to nearby residents and motorists. Council has also conditioned luminance restrictions for the proposed advertising devices (refer to condition 20.1). These conditions reflect the luminance requirements outlined in the current planning scheme under Table 9.3.2.3.3. <i>Maximum luminance of an advertising device for land use zones</i>. This condition ensures compliance is achieved with Acceptable Outcome 2.2 under the Advertising Devices Code relating to illuminated advertising devices.</p>
Loss of affordable housing in inner city	<p>A submission raised that the three (3) Dwelling Houses on the subject site provided an affordable housing (rental option) for current tenants. Removing these houses would cause the tenants hardship to find new accommodation in a competitive rental market.</p>

Issue	Officer's Response
	<p>The impact of the proposed development on housing affordability, and the competitiveness of the rental market are not relevant planning considerations in the assessment of this development application.</p>
<p>Loss of privacy and overlooking of residences</p>	<p>A submission stated concerns regarding a loss of privacy to surrounding residential areas once the proposed development was operational. This is largely due to many of the surrounding residential houses being double-storey, with living areas located on the second floor.</p> <p>The proposed development is considered to make provision for privacy, particularly to adjoining residences and the surrounding area. As there will be minimal pedestrian activity associated with the proposed development (for a drive-through facility), it is not expected that the surrounding area, particularly the adjoining residence, will lose privacy. Activity to the site will predominantly be from vehicles, with the queuing space for vehicles located approximately fourteen metres away from the adjoining residence. This minimises any risk associated with loitering from patrons.</p> <p>The proposed development also includes security fencing along the common boundary with Lot 4 on RP602860 which complies with Acceptable Outcome 21.2 under the Low Density Residential Zone Code. This outcome requires non-residential uses to provide a 1.8 metre high solid screen fence along side and rear property boundaries. This will provide sufficient screening from the proposed development to the adjoining residence.</p> <p>The proposed built form also minimises any privacy impacts to surrounding residential properties. The height of the proposed building (7.6 metres to its tallest point), complies with the height requirements for new buildings under the Low Density Residential Zone Code (refer to Acceptable Outcome 1.1). It is also single-storey, minimising any visual intrusion to adjoining double-storey residences. Further, the positioning of the order point for queued vehicles is approximately eighteen metres from the closest residence. This is considered be a sufficient setback to minimise privacy concerns between patrons and staff.</p>

Issue	Officer's Response
	<p>Based on the nature of the use, and the built form, the proposed development is not expected to result in a severe loss of privacy to residents surrounding the site.</p>
<p>Traffic impacts on George Lane</p>	<p>A submission stated that there would be a significant increase of traffic into George Lane (identified as an urban lane way). The submission sited that there would be an increase of up to 44 vehicles per hour (vph) into the laneway during peak times, and 22vph during low-peak times, adding a further 15vph to the existing road network.</p> <p>The statement relating to 44vph entering the site via the laneway is inaccurate. The TIA report shows a peak of 18vph entering site from George Lane and 1vph exiting (refer to Figure 3 in the Traffic Impact Assessment). Very few, if any vehicles will enter or leave the site to/from the North Street end of George Lane as it is not logical to do so when other more convenient accesses are provided as part of the site layout and design.</p> <p>The development will not contribute significant 2-way traffic in George Lane as practically all traffic leaves via the exit directly to Albert Street in accordance with the swept paths contained in the Traffic Impact Assessment (TIA).</p> <p>The development is also contributing significantly to the widening of the laneway along its frontage to facilitate site access. As shown in the TIA, the frontage to George Lane is widened through the site access, the loading bay and more generous turn radii onto Albert Street. This will be further refined as part of a future Operational Works application to Council for assessment.</p>
<p>Parking problems in proximity to the site</p>	<p>A submission raised concerns with the affect the proposed development would have on a pre-existing car parking problem in proximity to the site. Specifically, the lack of on-street car parking on George and Murray Streets. This is further exacerbated when football matches are played at Browne Park.</p> <p>The proposed development has achieved compliance with the car parking requirements under the Access, Parking and Transport Code under the current planning scheme. For a Food and Drink Outlet, the car parking requirements are one</p>

Issue	Officer's Response
	<p>(1) space per fifteen metres of Gross Floor Area (GFA). The GFA of the proposed facility is 49 square metres. Therefore, the on-site car parking requirements for the proposed development were three (3) on-site car parking spaces, or part thereof. As demonstrated on the Site Plan, the applicant has complied with this requirement.</p> <p>Given the nature of the use, for a drive-through facility, it is not anticipated that patrons would utilise any on-street car parking on either George or Murray Streets. Patrons accessing the site are expected to access the site using their private vehicles, without the need to park, given the nature of the use for a drive-through facility. Further, there is no provision on-site for dining facilities which would necessitate the need for additional on-site car parking facilities, or use of on-street car parking spaces on George or Murray Streets.</p> <p>The submission also raised concerns with no lined parking car parking spaces on George Street. There is no requirement for the current development application to incorporate lined car parking spaces on George Street. Further, the proposed development will not be utilising on-street car parking spaces.</p> <p>It is therefore considered that the proposed development has provided vehicle parking which is functional and sufficient to meet the demands likely to be generated by the development.</p>
Building not consistent with surrounding urban form	<p>A submission stated that the proposed building associated with the development was not consistent with the surrounding urban form. The area is located in a residential zone, and is surrounded by elevated weatherboard and fibro sheeted dwellings.</p> <p>The size of the proposed building will be approximately 49 square metres. It is considered that the size of this building is 'small-scale' in terms of its built form. While the proposed development will displace existing residential uses, the built form is consistent with existing non-residential uses in proximity to the site located on Albert Street. These include a car sales yard, several short-term accommodation (Motel) uses, and Service Stations. The proposed development is therefore considered to be consistent with the surrounding built form</p>

Issue	Officer's Response
	<p>and streetscape.</p> <p>The proposed building has also achieved compliance with the height and setback requirements outlined in the Low Density Residential Zone Code for new buildings (refer to AO1.1 and AO13.1).</p>
Does not service local needs	<p>A submission stated that the proposed development would not service the needs of the local community. The submission referenced the proximity of the site to the Rockhampton Base Hospital, which accommodates a café, and the presence of the Fast Lane drive-through coffee shop located at Lot 11 on SP129161. The submission also referenced the proximity of other coffee shops located on George and Archer Streets.</p> <p>The proposed development largely complies with the requirements for non-residential development located in the Low Density Residential Zone (refer to Performance Outcome 16). The facility is expected to service the day-to-day needs of residents of the local neighbourhood. In particular, residents from Wandal and The Range. It will also service persons travelling from north Rockhampton who require access to the Base Hospital and surrounding schools. In this regard, the proposed development is anticipated to provide a convenience function as envisaged for non-residential development in the Low Density Residential Zone.</p> <p>The coffee shops referenced in the submission are not considered to detract from the proposed facility, or result in the proliferation of similar facilities in the Rockhampton region. The coffee shops located at the Base Hospital serves a specific function for servicing patients, staff and families utilising this medical facility. The coffee shop located at the corner of George and Archer Streets (referenced in the submission) also serves a different function for dine-in customers, with no drive-through facility included. While the Fast Lane drive-through coffee shop located at Lot 11 on SP129161 provides a similar function to the proposed development, this facility services a different catchment to the proposed development. Specifically, it services patrons travelling into Rockhampton from Allenstown, Depot Hill, Port Curtis and Gracemere.</p>

Issue	Officer's Response
	<p>As such, the proposed development is anticipated to service the needs of the surrounding residential community. Further, it does not result in a proliferation of coffee-shops, or drive-through coffee shops in the Rockhampton region.</p>
Development will detract from Centres Zone	<p>A submission stated that the proposed development will both detract from the role and function of centres zones and result in the expansion of a centres zone.</p> <p>It is considered that the proposed Food and Drink Outlet will not undermine the viability and functionality of existing centres in the Rockhampton region. The subject site is located in the 'urban area' designation under the Strategic Framework. This designation states that small-scale Food and Drink Outlets are appropriate for the designation, provided that they service the needs of the local residential community. The proposed development is considered to service this function, and complies with Performance Outcome 16 in the Low Density Residential Zone, relating to non-residential development.</p> <p>The proposed development, which is for a single tenancy, does not constitute the expansion of a centres zone. While the subject site is in proximity to centres zoned land, the proposed development is not expected to detract from their functionality or viability, given the small-scale (singular) nature of the use.</p>
Overlooking of residences	<p>Both submissions raised concerns regarding loss of privacy resulting from the proposed development 'overlooking' into nearby residential properties. One submission also stated that as the proposed development would be visible from each of the surrounding residential properties which would affect their enjoyment of their property.</p> <p>The proposed building associated with the development will not have the ability to overlook into adjoining or nearby residential properties. The proposed building is low-rise with a maximum height of approximately 7.6 metres to the top eave. This complies with the building height requirements for the Low Density Residential Zone (8.5 metres), as outlined in Acceptable Outcome 1.1 of the zone code. Given the proposed building is low-rise, and the proposed development is</p>

Issue	Officer's Response
	<p>surrounded by a 1.8 metre high fence where adjoining residential properties, the proposed development, particularly the building, does not present the opportunity to overlook into adjoining residences.</p> <p>The same submission expressed concern regarding surrounding residential properties being able to 'overlook' into the development site, also causing a loss of privacy. To reiterate, the proposed development complies with the height requirements for new buildings in the Low Density Residential Zone Code (refer to Acceptable Outcome 1.1). The proposed building is low-rise, and does not present any opportunity for the proposed development to overlook into adjoining or surrounding properties. Further, the height, and orientation of the proposed building is not anticipated to be visually intrusive and generally complies with the requirements for new buildings under the current planning scheme.</p>
<p>Safety concerns from patrons finding out where residents live</p>	<p>A submission raised concerns for the safety of surrounding residences. With patrons using the site they may discover where residents live, presenting personal safety risks.</p> <p>Interactions between patrons and residents is difficult for Council to mitigate as part of this development approval. Any civil interaction between surrounding residences and patrons which may present an abject safety concern would become a police matter. The proposed development itself is not expected to cause any additional safety issues to surrounding residences by way of its operation.</p>
<p>Proposed signage is visually intrusive (size and lights)</p>	<p>A submission raised concern regarding the visual obtrusiveness of the proposed advertising devices associated with the development. The submission stated that the sign would be visible from residential properties, obtrusive, and lit up.</p> <p>The advertising devices are defined as a Wall Sign and Projecting Sign under the current planning scheme. Sign 1, which is on the south-eastern façade of the building has a total face area of 6 square metres. Sign 2, located on the north-eastern façade of the building will have two (2) face areas, with a total face area of 9 square metres. Sign 2 also projects slightly from the proposed building.</p>

Issue	Officer's Response
	<p>The location of Sign 2, including its projection, does not project or face towards any residential properties in proximity to the site. The positioning of this sign is oriented towards George Street, which is facing towards a car sales yard. The opposite side of this sign, facing to the east, is the projected portion of the sign from the main building. It is not considered that this minor projection of Sign 2, facing to the east, will be visually obtrusive to surrounding residences, particularly on Murray Street.</p> <p>The size of both signs are also considered to be compatible with the character of the proposed building which they will be attached to. The visual impact of both signs is not expected to contribute to visual clutter along the Albert Street road corridor.</p> <p>Regarding illumination, Council has conditioned luminance restrictions for the proposed advertising devices (refer to condition 20.1). These conditions reflect the luminance requirements outlined in the current planning scheme under Table 9.3.2.3.3. <i>Maximum luminance of an advertising device for land use zones</i>. This condition ensures compliance is achieved with Acceptable Outcome 2.2 under the Advertising Devices Code relating to illuminated advertising devices.</p>
Impacts on Public Health (noise, odour, vibrations)	<p>A submission raised concerns regarding the potential impact the proposed development would have on public health outcomes for surrounding residences. In particular, noise and vibrations from cars, odour from rubbish and urine from humans, and dust.</p> <p>Condition 15.3 requires the proposed development not to cause any off-site impacts which would affect the amenity of adjoining or surrounding residences by way of noise, light, odour or dust. Condition 15.4 then requires the applicant to undertake nuisance monitoring in the event of a genuine complaint of nuisance.</p> <p>The submission specifically referenced additional odour caused by 'urine from humans'. While it is not envisaged for this to occur on the site, this type of offence is not regulated under the planning scheme, and is enforceable by the Queensland Police. The same submission also referenced vibrations from heavy vehicles and V6 and V8 engines. Council cannot enforce the type</p>

Issue	Officer's Response
	<p>of motor vehicle which persons will utilise to access the subject site. However, in the assessment of the development application, Council was satisfied that the proposed development would not detract from the amenity of surrounding area by way of environmental nuisance. Any nuisance that is caused by the proposed development would be a contravention of conditions 15.3 and 15.4.</p>
<p>Impacts on housing supply and diversity</p>	<p>A submission objected to the proposed development as it will have an impact on housing supply and diversity across the Rockhampton region, as a consequence of the loss of the three (3) residential properties on the subject site.</p> <p>The current planning scheme identifies development projections for intended residential growth up until 2036. This is reflected in zoning and development provisions under the current planning scheme which will accommodate Rockhampton's future residential growth. The planning scheme has identified sufficient land supply for future greenfield development up to 2026.</p> <p>While the proposed development will result in the loss of three (3) residential properties, this is not expected to be at the detriment of future residential growth in Rockhampton. It is also not considered to have an impact on the overall liveability of Rockhampton's residential communities.</p>
<p>Increased pedestrian traffic to the site (staff and location of bus stop)</p>	<p>A submission raised concerns regarding increased pedestrian activity to the site. This was a result of on-site staff car parking, and the proximity of a bus stop on Murray Street. The submission implied that increased pedestrian activity to the site would cause safety issues to surrounding residences and exacerbate existing car parking issues on Murray and George Streets.</p> <p>The proposed development is for a "drive-through" coffee shop. Pedestrian access to the site is expected to be minimal given the nature of the use. Most customers are expected to access the site using their private vehicle – the proposed development is designed for this purpose (i.e. makes no provision for on-site dining). As such, pedestrian traffic to the site is expected to be minimal and not the primary source of access for patrons.</p>

Issue	Officer's Response
	<p>The proposed development also complies with the minimum number of car parking requirements for a Food and Drink Outlet. The requirement is for one (1) space per 15 square metres of Gross Floor Area in accordance with the Access, Parking and Transport Code.</p>
<p>Proposed access through refuge island on Albert Street will create crash zone</p>	<p>A submission raised concern that the proposed access, cutting through the refuge island on Albert Street will create a high crash zone and cause congestion towards the Hospital, nursing home.</p> <p>The proposed road works will be designed and constructed in accordance with the relevant engineering standards. Similar refuge islands, which allow for the safe queuing of vehicles before undertaking a right turn, are incorporated in the local road network in proximity to the site. Examples include Archer Street, Fitzroy Street and Denham Street.</p>
<p>Environmental issues</p>	<p>A submission objected to the proposed development as it will produce waste that cannot be recycled. In particular, "single use coffee cups" and the implications for household waste from purchasing coffee.</p> <p>The environmental impacts of the proposed development were assessed against the assessment benchmarks in the current planning scheme. The planning scheme does not include specific benchmarks for restricting the use of specific products for consumption which may affect the environment. In this regard, the presence of polyethylene coating inside single use coffee cups. As such, the sale of single use coffee cups from the proposed development is not taken to be a relevant consideration for the proposed development.</p> <p>The same submission also raised concerns with increased littering from cigarette butts from patrons utilising the proposed facility. Littering from cigarettes is regulated under the <i>Waste Reduction and Recycling Act 2011</i> and enforced by the Queensland Police. The current planning scheme has no mechanism for patrons using cigarettes on-site, nor are the conditions of approval able to restrict this. As the use of, and potential littering of cigarettes, is not reflected in the assessment benchmarks under the current planning scheme, it was not considered to be a relevant consideration for the proposed</p>

Issue	Officer's Response
Location of waste storage bins	<p data-bbox="818 210 1398 248">development.</p> <p data-bbox="818 259 1398 495">An assessment of the proposed waste storage area was conducted against the Waste Management Code and Waste Management Planning Scheme Policy under the current planning scheme. The waste storage area was taken to generally comply with the requirements of this code.</p> <p data-bbox="818 506 1398 913">Compliance with this code has been achieved by providing a 1.8 metre high fence around the waste storage area, ensuring the waste storage area is set back a minimum of two (2) metres from any boundary, and not directly locating the waste storage area adjoining residential uses on neighbouring properties. Condition 16.6.4 also requires that washdown of the waste storage area does not discharge onto neighbouring properties or adjoining properties.</p> <p data-bbox="818 925 1398 1131">The proposed development is considered to comply with the Waste Management Code by ensuring that the waste storage area is screened from adjoining properties and is located on-site in a manner which facilitates waste removal in a safe and efficient way.</p>

REFERRALS

The application was referred to the Queensland Treasury (State Assessment and Referral Agency Department) as a Concurrence. The Department assessed the application and provided a referral agency response on 21 December 2020.

CONCLUSION

The proposed development is consistent with the intent of the Low Density Residential Zone. The application has demonstrated that the Drive-Through Coffee Shop will not compromise the residential character and existing amenity of the surrounding area. The facility is also considered to be small-scale, primarily functioning to service the needs of the local residential community. Its small-scale nature, by way of its size and operation, also ensures that the development will not detract from the role and function of centres, nor result in the expansion of a centres zone. As such, the proposed development is recommended for approval.

**DEVELOPMENT APPLICATION FOR A
MATERIAL CHANGE OF USE FOR A
FOOD AND DRINK OUTLET (DRIVE-
THROUGH COFFEE SHOP) AND
OPERATIONAL WORKS FOR AN
ADVERTISING DEVICE (WALL SIGN
AND PROJECTING SIGN)**

Locality Plan

Meeting Date: 9 March 2021

Attachment No: 1

D/127-2020 - Locality Plan



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**DEVELOPMENT APPLICATION FOR A
MATERIAL CHANGE OF USE FOR A
FOOD AND DRINK OUTLET (DRIVE-
THROUGH COFFEE SHOP) AND
OPERATIONAL WORKS FOR AN
ADVERTISING DEVICE (WALL SIGN
AND PROJECTING SIGN)**

Site Plan

Meeting Date: 9 March 2021

Attachment No: 2

**DEVELOPMENT APPLICATION FOR A
MATERIAL CHANGE OF USE FOR A
FOOD AND DRINK OUTLET (DRIVE-
THROUGH COFFEE SHOP) AND
OPERATIONAL WORKS FOR AN
ADVERTISING DEVICE (WALL SIGN
AND PROJECTING SIGN)**

3D Plans

Meeting Date: 9 March 2021

Attachment No: 3



CONCEPT ONLY

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drawing title: 3D VIEWS		project: PROPOSED DRIVE-THRU		<table border="1"> <thead> <tr> <th>REV</th> <th>DESCRIPTION</th> <th>DATE</th> </tr> </thead> <tbody> <tr><td>7</td><td>PRELIMINARY</td><td>25/10/2020</td></tr> <tr><td>8</td><td>PRELIMINARY</td><td>26/10/2020</td></tr> <tr><td>9</td><td>PRELIMINARY</td><td>27/10/2020</td></tr> <tr><td>10</td><td>PRELIMINARY</td><td>09/11/2020</td></tr> <tr><td>11</td><td>PRELIMINARY</td><td>09/11/2020</td></tr> <tr><td>12</td><td>PRELIMINARY</td><td>30/11/2020</td></tr> <tr><td>13</td><td>PRELIMINARY</td><td>15/12/2020</td></tr> <tr><td>15</td><td>PRELIMINARY</td><td>10/02/2021</td></tr> </tbody> </table>		REV	DESCRIPTION	DATE	7	PRELIMINARY	25/10/2020	8	PRELIMINARY	26/10/2020	9	PRELIMINARY	27/10/2020	10	PRELIMINARY	09/11/2020	11	PRELIMINARY	09/11/2020	12	PRELIMINARY	30/11/2020	13	PRELIMINARY	15/12/2020	15	PRELIMINARY	10/02/2021	<p>location: LOT NO 3RP602012+ 2RP602012+ 1RP602012</p> <p>client: -</p>		<p>ISSUED FOR PRELIMINARY</p> <p>DATE: FEB 21</p> <p>BY: Author</p>	
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drawing no: SK-010		project no: KP-009		<p>design + architecture</p> <p>044 948 2924</p> <p>www.design.com.au</p>		<p>044 948 2924</p> <p>design@design.com.au</p> <p>www.design.com.au</p>																														



CONCEPT ONLY

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drawing title:
3D- VIEWS

drawing no: SK-012 project no: KP-009

project: PROPOSED DRIVE-THRU	AL DRAWING NOTED SCALES RELATE TO ALL DRAWINGS
location: LOT NO 3RP602012+ 2RP602012+ 1RP602012	client: -

REV	DESCRIPTION	DATE
15	PRELIMINARY	10/02/2021

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ISSUED FOR PRELIMINARY	
DATE	REV
FEB 21	15
AUTHOR	

SPORTS, PARKS AND PUBLIC SPACES
Councillor Portfolio – Councillor Rutherford

No items for consideration.

WASTE AND WASTE TO RESOURCE IMPLEMENTATION
Councillor Portfolio – Councillor Latcham

No items for consideration.

WATER AND SUPPORTING A BETTER ENVIRONMENT
Councillor Portfolio – Councillor Kirkland

No items for consideration.

BUDGET, GOVERNANCE AND OTHER MATTERS

10.7 IMPLEMENTATION OF QUARTERLY RATING FOR 2021/22 FINANCIAL YEAR

File No:	7094
Attachments:	Nil
Authorising Officer:	Ross Cheesman - Deputy Chief Executive Officer
Author:	Marnie Taylor - Chief Financial Officer
Previous Items:	11.6 - Implementation of Quarterly Rating for 2021/22 Financial Year - Ordinary Council - 09 Feb 2021 9:00am

SUMMARY

This matter was laid on the table at the Ordinary Council meeting on 9 February 2021.

Council resolved at a Special Meeting on 7 May 2020 to introduce quarterly rating for the 2021/22 financial year to distribute the financial burden on ratepayers. Upon undertaking an analysis it has become evident this process will present a financial impost on Council without providing any real benefit to the community. This report outlines key impacts for Council to consider prior to commencement of the implementation of this project.

OFFICER'S RECOMMENDATION

THAT Council maintain the current half yearly rates billing process (excluding water billing) for the 2021/2022 financial year, subject to undertaking the following:

- Increased promotion to encourage the community to sign up for eNotices;
- Council will undertake community consultation per Council's Community Engagement Policy and Procedure to ascertain the support for the change to quarterly rates billing over the next 9-12 month period;
- Following the outcome of community consultation and quarterly rating is supported, a communication plan leading up to the implementation in 2022/2023; and
- Increased promotion of prepaying rates, either by instalments or lump sums through self-instigated payment methods.

COMMENTARY

Prior to the commencement of implementing the process changes for quarterly rating issues for Council, Financial Services thought it was prudent business acumen to highlight the various impacts across Council.

Key stakeholders have been engaged with to determine the potential impacts quarterly rating will likely have on their areas.

This report will provide more detail, however on balance, it does appear that the introduction of this billing regime will come at a cost to Council without necessarily providing the community with any additional benefits above what it currently receives. The prepayment of rates is a widely utilised facility.

In the compilation of this report it is advised that the following points were not considered.

- Amalgamation of rates and water accounts into one account
- Issuing of Rates and Water notices in the same envelope
- Water pricing/billing process

CORPORATE SERVICES - Finance**Rate and Revenue Unit****Supplementary Rates Notice**

The issuing of a supplementary notice allows Council to pro rata rates and charges due to change in valuations, services and new properties in between rates issues. Council currently issues these notices on a rolling fortnightly basis.

With the implementation of quarterly rating, this fortnightly process will no longer be undertaken for changes to services, minor increase in valuations. Council will, however, continue to issue these notices for credits (refunds to ratepayers), major variations to valuations and new properties, as required. It is anticipated that this will have a minor impact on revenue but will increase efficiency within the Rates and Revenue Unit and allow resources to be redirected to other functions.

eNotices (Electronic Delivery of notices)

In June 2020, eNotices was implemented to provide ratepayers with an alternative delivery method to receive their rates, water and animal notices via email. This delivery method compliments postal and BPAY View.

The cost of eNotices is 33c per email plus an annual license fee vs \$1.19 per notice to print and post a notice. With the doubling of the distribution of rates notices for Council to cover the costs of the additional printing and postage we will need an uptake to eNotices in the vicinity of 50% of the ratepayer base. As of the 5 January 2021, 4.2% of the ratepayer base are registered for this method of delivery. These registrations include rates, water and animal notices. The benchmark for electronic delivery is 13%.

Rates and Revenue are currently working in conjunction with the Media unit to develop methods to increase rates of subscription. Council has included promotional details in rates and water notices this financial year as well as running a promotional campaign in late 2020. It is forecast that the additional two rate runs required annually will increase printing and postage costs by around \$78,000, together with an impact on resourcing in Customer Service, which is expanded on later in the report.

Policy Impacts

Debt Recovery Policy – Major Amendment

Rates Payment Policy – Minor amendment

Rates and Charges - Refunds and Adjustments Policy – Minor Amendment

Revenue Policy – Minor Amendments

Revenue Statement – Updated to reflect changes in the policies.

Pension Concession

Under current state legislation when a pensioner applies for their rebate from Council and the State Government, it is backdated to the commencement of the current rating period. The change to quarterly rating has the ability to alter the amount of concession a pensioner will receive. This will be dependent on when they make application for the concession. For example - if a pensioner applies in November, the concession is backdated to July and the pensioner receives 5 months subsidy. With quarterly rating, if they apply for the concession in November it will only be backdated for one month to October.

Although this may reduce the amount of funds that Council has to allow for concessions within the budget, the possible perception that Council is reducing the financial benefit it provides to pensioners may be an issue.

Timing of Rates Notices

Current – based on 6 monthly issue rates notices are issued late July, early August and late January, early February.

Future – based on a quarterly issue it is anticipated rates notices to be issued in the 1st week of August, November, February and May.

Due date is currently 30 clear days after the date of issue.

Management Accounting

There will be an increase in the number of BPAY and Australia Post transactions, as a result, this will see an increase in the fees that are paid to the CBA and Australia Post for the processing of the payments. It is not envisaged that these increases will be exorbitant.

Customer Service

Peak customer interactions as a result of the due date for rates and animal notices will increase from 3 to 5. These interactions include the counter payments, phone calls, requests for copies of rates notices, arrangements and email enquiries.

Through the 2020/2021 budget deliberations, there was a conscious decision to reduce resourcing in Customer Service to achieve cost savings. This reduction in resourcing has had a negative impact on our Customer Service Charter KPIs, as reported in the Operational Plan Quarterly Reports for 2020/2021. It is anticipated that Customer Service would have to resource back up support to some extent to meet the increase in expected customer interactions resulting from the introduction of quarterly rating.

The increase to 4 rate payment due dates will also impact on the ability for staff to take leave as Customer Service place a leave embargo for the week when Rates are due to ensure customer service levels are maintained.

Corporate and Technology**IT System - Pathway**

The issuing of quarterly rating will double the number of rates transactions within Council's Corporate System - Pathway. There will also be an increase in customer service requests and data to be stored within ECM from customer correspondence.

Records

With the increase of rates notices issued there will be a subsequent increase in the amount of general correspondence that is generated. There will potentially be a doubling of the customer correspondence that is required to be processed and distributed within ECM.

OFFICE OF THE MAYOR - Media**Education – Ratepayer**

Community education will be required to increase ratepayer awareness in the following:

- Rates notices will be issued every 3 months rather than 6 monthly.
- Changes to the debt recovery process

- Pre-payment of rates
- eNotices

COMMUNITY SERVICES – Planning and Regulatory Services

There will be a requirement for the timely supply to Rates and Revenue of the following data to ensure property database within Pathway is accurate prior to the levy being created. This information includes, but is not limited to, final inspections for plumbing, dwellings, street addressing, new subdivisions and toilet counts.

EXTERNAL PROVIDERS

Collection House (Debt Recovery)

Collection House have advised that they will work closely with Council to understand the changes in the Debt Recovery Policy and alter their processes to reflect the changes. As part of the recent tender process, Collection House were advised of the potential to move to quarterly rating and will assist with the transition to the new process as required.

Forms Express (Printers)

At the time of being offered the tender for printing of animal, rates and water notices, Council was issuing rates on a 6 monthly basis and water on a rolling fortnightly basis. There may initially be a few delays in relation to our service level agreement with the increased number of rates runs but the impact is expected to be minor.

BACKGROUND

Council has traditionally issued rates notices on a 6 monthly basis, generally in late July and January. Historical data indicates that approximately 90% of ratepayers pay their rates by the due date, within 30 days after issue, to receive the prompt payment discount.

With the impacts of Covid-19 in early 2020, Council looked at various methods that may reduce the financial impacts on its ratepayer base by distributing the burden over 4 quarterly payments versus 2 x 6 monthly payments to be in line with major utility companies.

The prepayment of rates facility is widely utilised by the community and as at the end of June 2020, the sum of \$9m had been prepaid.

PREVIOUS DECISIONS

At Council's Special Meeting 7 May 2020, Council resolved that quarterly billing be implemented for the 2021/22 financial year. Confidential report Covid-19 Potential 20/21 Budget Impacts.

A report was presented on this matter at the Ordinary Council meeting held on 9 February 2021 and Council resolved:

'THAT the matter lay on the table to workshop, with additional information on the matter to be provided.'

The matter was then discussed during a workshop on 25 February 2021 to the Council's satisfaction for the matter to be re-tabled.

BUDGET IMPLICATIONS

With the additional two rates notice issues there will be an increase in postage & production costs. Current costs are per rates run:

- Production of Notices - \$ 5 042
- Postage - \$29 522
- Reminder Letter Production & Mailing - \$2 600
- SMS Reminders - \$1 750

Cash Flow – 90% of rates revenue is received within 30 days of issue, therefore, Council has the majority of its revenue by the start of September and March each year.

The implementation of quarterly rating will disperse the revenue more evenly across the year, however the final quarterly rate run in May could potentially impact on the timing of cash flow for the financial year, given it is close to year end.

Further, the amount that Council receives in prepaid rates annually is considerable (Council held over \$9m in prepaid rates at the end of 2019/2020) and this is a further indication of ratepayers planning for their rates payments, without the need to alter the rating periods from six monthly to quarterly.

The cessation of debit supplementary rates notices will slightly reduce income, however calculations have not been conducted to determine the amount as there are many variables to consider.

Additional data storage will be required to ensure information is maintained and these costs are yet to be determined.

Due to the alterations required to Council's Debt Recovery Process there is the real possibility that rates arrears may increase, above the current average of 4 to 4.5%. Quarterly rating will result in changes to timelines around when Council is able to undertake advanced recovery action such as legal action and judgement.

At a minimum, the additional costs are in the order of \$78,000 for production plus additional staff to service the payments and enquiries. Factoring in an additional staff member within Customer Service, could result in further increased costs annually of \$45,000-\$50,000.

LEGISLATIVE CONTEXT

There are no legislative considerations in relation to this matter.

LEGAL IMPLICATIONS

There are no further legal considerations in relation to this matter, other than what has already been addressed in this report.

STAFFING IMPLICATIONS

There are implications for staffing across all of the units mentioned above as there will be a direct impact on their workloads. At this point there has been an identification for additional staffing resources, specifically in the Customer Service Centre. Other areas, such as Planning and Regulatory, may need to review how they roster staff during the additional peak periods.

Rates and Revenue Unit will need to review the following:

- workflow process within the team
- policies and procedures
- rostering of annual leave

RISK ASSESSMENT

Lack of communication to the community on the change to quarterly rating poses a reputational risk to Council, as ratepayers have become accustomed to 6 monthly issue of rates notices. There is potential for some ratepayers to miss payment deadlines due to the change to quarterly rating, which may result in negative sentiment towards Council.

Further, the additional costs for production and staffing pose a financial risk to Council which could be avoided if half yearly rating is retained.

OPERATIONAL PLAN

Service Excellence Action 4.1.4 – Prepare for the implementation of quarterly rates billing.

CONCLUSION

As identified through this report, a move to quarterly billing will come at a cost to Council without achieving any real benefits to the community, given a large majority of ratepayers are already paying within the discount period.

Ratepayers have the ability to make payments via BPAY throughout the year, which gives them the option to spread the financial burden. The quantum of prepaid rates also demonstrates that quarterly rating is not necessarily needed by the community.

Council's debt collection timelines and processes will need to alter to align with the quarterly rating cycle, which could result in an increase in rate arrears.

The additional costs associated with quarterly rating, is in opposition to Council's direction of achieving operational efficiencies, and therefore it is recommended that Council not proceed with moving from half yearly to quarterly rating.

Further, a review of the impacts for the implementation of quarterly rating has determined that there are a number of sections across council that need to be included in the project if quarterly rating is to proceed. The key sections, apart from Rates and Revenue, include but are not limited to Customer Service, Information Technology and Media. These sections will need to be involved in the implementation and review phases of the project, should Council wish to continue and adopt quarterly rating.

The above matters were discussed further at the Council workshop to inform the re-tabling of the report to Council.

10.8 ROCKHAMPTON REGIONAL COUNCIL - 2020 CREDIT REVIEW

File No:	2114
Attachments:	1. Rockhampton Regional Council 2020 Credit Review ↓
Authorising Officer:	Ross Cheesman - Deputy Chief Executive Officer
Author:	Marnie Taylor - Chief Financial Officer

SUMMARY

The results of the Credit Review process by Queensland Treasury Corporation (QTC) on behalf of the Department of Local Government, Racing and Multicultural Affairs has been received and rated Council with a Moderate Rating with a Neutral Outlook.

OFFICER'S RECOMMENDATION

THAT the Credit Review Report provided by Queensland Treasury Corporation (QTC) be received.

COMMENTARY

As part of the procedures for submitting borrowing applications, Council was selected by the Department of Local Government, Racing and Multicultural Affairs to participate in a detailed Credit Review.

QTC performed a Credit Review process for Council based on information provided by Council and known to QTC up to 30 November 2020. Council's Debt (Borrowings) Policy adopted as part of Council's 2020/2021 Budget, forecast Council's borrowings at \$55m for the current year, resulting in the Credit Review being undertaken.

A Credit Review evaluates Council's:

- Current financial position
- Ongoing financial viability
- Borrowing capacity for individual projects and overall businesses
- Debt funding requirements
- Financial targets and strategies to achieve those targets.

The outcome of the Credit Review has resulted in Council's rating being maintained at **Moderate** with a **Neutral** outlook, as identified in the attached letter.

QTC has confirmed that the rating is reflective of Council's stable financial performance, adequate debt serviceability and expected improvement in leverage metrics over the 10 year forecast period. QTC also noted that while debt levels are expected to remain high over the forecast period and serviceability is forecast to dip marginally below the QTC preferred benchmark, both metrics are expected to make a recovery through steady recurrent revenue.

It is noted that Council's Asset Management Plan requires careful linkage to the long term forecast to ensure that there is sufficient asset renewal, required capital expenditure and investments to avoid potential liquidity pressure.

QTC is supportive of Council's cost saving initiatives to deliver a balanced operating performance over the next five years, particularly in light of previous outcomes where project costs and other expenses have missed their targets.

It is also recommended for Council to continue with regular budget reviews to manage any short-term implications of COVID-19, with medium term financial and operational impacts being unknown.

BACKGROUND

Council was advised by the Department of Local Government, Racing and Multicultural Affairs in July 2020 that it would be required to participate in a QTC Credit Review during the 2020/2021 financial year.

Council is considered a "Tier 2" Council as it has borrowings of between \$20m and \$200m, and as a result, it is subject to a Credit Review every two years.

Council's previous Credit Review was undertaken during the 2018/2019 financial and the rating has remained unchanged from Moderate with a Neutral Outlook.

PREVIOUS DECISIONS

As identified in the Background, Council's previous rating remains unchanged.

BUDGET IMPLICATIONS

It is anticipated that the outcome of the Credit Review will support Council's application for borrowings for 2020/2021, which has been submitted to the Department in accordance with Council's adopted budget.

LEGISLATED CONTEXT

The Credit Rating has demonstrated that Council is financially sustainable and able to maintain its financial capital and infrastructure capital over the long term, which is a key requirement for Council in accordance with the *Local Government Act 2009*.

LEGAL IMPLICATIONS

There are no legal implications associated with the Credit Review.

STAFFING IMPLICATIONS

There are no staffing implications associated with the Credit Review.

RISK ASSESSMENT

There are potential future financial and reputational risks for Council if the Credit Rating was to drop below Moderate, therefore it is important that Council continues to undertake regular budget reviews and closely monitor income and expenditure, ensuring the Asset Management Plan is aligned to the Long Term Financial Forecast.

CORPORATE/OPERATIONAL PLAN

The Credit Review aligns with Rockhampton Regional Council's Corporate Plan 2017/2022 outcomes including:

5.3 Financially Sustainable Organisation

CONCLUSION

Overall the review has identified that there are no known foreseeable events that would have a direct impact on Council's capacity to meet its financial commitments.

It is expected that the Department will consider the advice provided by QTC to assess Council's application for borrowing, which was submitted in early February 2021. The Credit Review is expected to provide sufficient information to demonstrate that Council has adequate financial capacity to maintain and service its proposed financing arrangements.

ROCKHAMPTON REGIONAL COUNCIL - 2020 CREDIT REVIEW

Rockhampton Regional Council 2020 Credit Review

Meeting Date: 9 March 2021

Attachment No: 1



10 February 2021

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

Dear Evan

Rockhampton Regional Council – 2020 Credit Review

We advise that Queensland Treasury Corporation (QTC) has performed the Credit Review process for Rockhampton Regional Council (RRC). This process is based on information provided by RRC and known to QTC up to 30 November 2020. It does not necessarily reflect information provided or events occurring subsequent to that date.

RRC's rating has been maintained at **Moderate** with a **Neutral** outlook.

The rating is reflective of RRC's stable financial performance, adequate debt serviceability and expected improvement in leverage metrics over the forecast. RRC's high council-controlled revenue indicates an adequate ability to respond to adverse financial shocks. The anticipated increase in leverage is partly due to RRC's large capital program over the forecast period aimed at boosting the local economy. While debt levels are expected to remain high over the forecast period and serviceability is forecast to dip marginally below QTC preferred benchmark, both metrics are expected to make a recovery through steady recurrent revenue.

It is noted that RRC has been working towards improving its Asset Management Plan however careful linkage of the plan with Council's long-term forecast is recommended. Ensuring appropriate linkage between renewal and required capital expenditure and investments with the forecast will avoid potential liquidity pressure. Finally, while we acknowledge that Council has committed to a number of cost saving initiatives to deliver a balanced operating performance over the next five years, there have been instances where project and other expenses have missed their targets. Delivery of the balanced outcome is prudent, and we encourage the close management of delivery risks.

The medium term financial and operational impacts of COVID-19 are unknown at this stage, however with regular budget reviews, RRC is believed to be appropriately placed to manage any short-term implications. The outlook reflects the expectation that there are no known foreseeable events that would have a direct impact on the capacity of RRC to meet its financial commitments.

We would like to thank you and your staff for their assistance and cooperation in responding to our information requests as part of the Credit Review process.

LEVEL 31, 111 EAGLE STREET, BRISBANE QUEENSLAND AUSTRALIA 4000
GPO BOX 1096, BRISBANE QUEENSLAND AUSTRALIA 4001
T: 07 3842 4600 • F: 07 3221 4122 • QTC.COM.AU

QTC is available to present to RRC on the outcomes of the Credit Review. If you wish to arrange a presentation or have any questions in relation to the Credit Review, please contact Robyn Usher on 3017 6341.

Sincerely

A handwritten signature in blue ink, appearing to read 'Philip Noble', with a long horizontal stroke extending to the right.

Philip Noble
Chief Executive

10.9 ACQUISITION OF PROPERTIES AS WORTHLESS FOR OVERDUE RATES - 2021

File No: 521
Attachments: 1. [Property list](#)↓
Authorising Officer: Ross Cheesman - Deputy Chief Executive Officer
Author: Marnie Taylor - Chief Financial Officer

SUMMARY

Council has the authority under the provisions of the Local Government Regulation 2012 to acquire land for overdue rates and charges where the amounts have been overdue for at least 3 years and the total amount of the overdue rates and charges is more than the value of the land and the land is considered to be valueless and or of so little value that if it were sold the sale would be less than the amount of the overdue rates or charges.

OFFICER'S RECOMMENDATION

THAT Council proceed with action to acquire the properties listed below for overdue rates as provided for in the *Local Government Regulation 2012, Chapter 4, Section 148*:

- 1) L1 MPH 10952
- 2) L3 W 464
- 3) L406 W 464

COMMENTARY

Under the provisions of the *Local Government Regulation 2012* Council has the authority to recover rates and charges through an acquisition process where the amounts have been overdue for three or more years. A number of properties meeting the criteria have been identified as being eligible for acquisition and a list of properties has been prepared for Councils resolution to proceed with the process.

Provided in the attachment are details of properties with rate arrears that are recommended to be acquired to recover overdue rates.

Process Overview & Anticipated Timeline

In summary the main steps required to action the process for recovery of unpaid rates by land acquisition involves the following steps.

1. Report to Council as to eligible properties and obtain a resolution to proceed with the land acquisition process. From this point the rates and charges plus interest must be paid in full before the property can be withdrawn from land acquisition.
2. Upon resolution by Council a Notice of Intention to Acquire will be issued to the owners, interested parties and mortgagees.
3. From the date of the Notice of Intention to sell the ratepayer has an amnesty period of six (6) months in which to pay all outstanding amounts.
4. After the expiration of the six (6) months from the date on the Notice of Intention to Acquire, procedures to acquire the land will commence. The property can only be withdrawn from acquisition if the total amount outstanding and all expenses incurred in attempting to acquire the land is paid in full prior to the process being completed.

BACKGROUND

Council has not taken this type of action to acquire worthless land for many years.

PREVIOUS DECISIONS

Council has not undertaken this process for a considerable period of time.

BUDGET IMPLICATIONS

Council will acquire the subject parcels, however as the rates have remained unpaid for a number of years, there are no significant budget implications.

It is anticipated that the Council will remain the owner of all three parcels once the process is completed as the land is not capable of being resold due to the locations of the parcels.

LEGISLATIVE CONTEXT

The action for Council to acquire the land is in accordance with S 148 of the Local Government Regulation.

LEGAL IMPLICATIONS

There are no further legal implications which would result in the recommendation not proceeding.

STAFFING IMPLICATIONS

There are no staffing implications in relation to this matter.

ECONOMIC/TOURISM IMPACTS

There are no economic or tourism impacts in relation to this matter.

RISK ASSESSMENT

There are no risks associated with proceeding with the recommendation in relation to the current ownership of each of the parcels. The owners are deceased for two of the three parcels and the owner of the remaining parcel has been declared as bankrupt.

OPERATIONAL PLAN

5.3.1 Ensure the efficient and effective management of Council's finances.

CONCLUSION

It is recommended that Council resolve to acquire the properties for overdue rates as outlined in the report. This is in accordance with the *Local Government Regulation 2012, Chapter 4, Section 148*.

ACQUISITION OF PROPERTIES AS WORTHLESS FOR OVERDUE RATES - 2021

Property list

Meeting Date: 9 March 2021

Attachment No: 1

	Rates Assess	Owner	Property Address	Lot & Plan	Land Size (m2)	Land use	Rateable Valuation	Registered Mortgage	Legal Action	Period since not paid Years o/s to	Amount Overdue Rates	Amount Overdue Interest	Interest calculated daily at 8.5% as at 25.02.2021	Total OS
1	151010_4		1 Blamey Lane, Mount Morgan QLD 4714	L 1 MPH 10952	1424	Vacant Land	9,200	No	Nil	30.06.2015	\$ 11,212.12	\$ 2,792.25		\$ 14,004.37
2	309127_7		Lot 406 Augusta Street, Westwood QLD 4702	L 406 W 464	2023	Vacant Land	7,400	No	Nil	30.06.2014	\$ 9,236.55	\$ 2,913.70		\$ 12,150.25
3	309128_5		Lot 302 Augusta Street, Westwood QLD 4702	L 302 W 464	2251	Vacant Land	7,400	No	Nil	30.06.2014	\$ 9,236.55	\$ 2,913.70		\$ 12,150.25

10.10 COMMITTEE MEMBER POSITIONS AT REGIONAL DEVELOPMENT AUSTRALIA CENTRAL AND WESTERN QUEENSLAND (RDACWQ)

File No: 11092
Attachments: 1. [Application Pack](#)↓
Authorising Officer: Evan Pardon - Chief Executive Officer
Author: Damon Morrison - Manager Office of the Mayor

SUMMARY

Regional Development Australia Central and Western Queensland are currently seeking applications from business and community leaders to join their Committee. This report details a proposal to nominate a Councillor to the Committee.

OFFICER'S RECOMMENDATION

THAT Council nominate Councillor _____ as a Committee member for Regional Development Australia Central and Western Queensland.

COMMENTARY

Regional Development Australia Central and Western Queensland (RDACWQ) is an initiative of the Australian Government to support the growth and economic development of the Central and Western Queensland region through the building of partnerships to develop strategies, and deliver sustainable infrastructure and services to the region.

RDACWQ is currently seeking applications for Committee member positions from business and community leaders 'who have a proven track record of achieving meaningful outcomes in a complex environment'. The RDA Committee member 'will be an active contributor to the outcomes of a diverse group of individuals working in a complex environment to deliver high value outcomes for the state or community and region. Members are an active supporter of creating jobs and regional growth.'

Applications close at 5pm on Monday 14 March 2021.

BACKGROUND

A copy of the Application Information Pack is attached for information.

As stated in this Information Pack, RDA Committee members will be accountable to:

- The Chair – for supporting the activities of the Committee
- Their regional RDAs/communities – for delivering outcomes that meet regional needs
- The funding providers – for ensuring that agreed objectives are achieved and resources invested are expended as efficiently and effectively as possible
- RDA Committee staff – for providing a safe and healthy workplace.

Members will be responsible for supporting the RDA Committee to meet the requirements of the charter, deliver against the outcomes, reporting requirements and performance measures specified in the RDA Funding Agreement, and for the good operational and financial governance of the overall organisation.

PREVIOUS DECISIONS

There are no previous decisions relevant to the recommendation under consideration.

BUDGET IMPLICATIONS

Any travel-related costs incurred to facilitate attendance of any successful nominee to participate in Committee meetings held outside of Rockhampton would be absorbed within the existing 2020/2021 operational budget. Any similar costs that may be incurred post-June 2021 will be subject to adoption of the 2021/2022 operational budget.

LEGISLATIVE CONTEXT

There are no relevant legislative implications.

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 endorses a nominee to the RDACWQ Committee and that nomination is successful. If appointed, staffing implications will be limited to liaison with RDA Board/Secretariat which will be absorbed within existing staffing resources.

RISK ASSESSMENT

The proposed committee nomination is focused on promoting growth and economic development across the wider RDACWQ catchment area. These objectives will be advocated independently of whether Council nominates a representative of the Committee however those efforts will be enhanced if the proposed recommendation is endorsed.

CORPORATE/OPERATIONAL PLAN

The proposed nomination supports multiple Corporate Plan outcomes including:

- Safe, accessible, reliable and sustainable infrastructure and facilities (1.1)
- Regional public places that meet our community's needs (1.2)
- A destination sought for lifestyle, community events and tourism (2.1)
- Infrastructure services are driven to deliver future economic growth (2.4)
- Promote industry diversification to enhance regional economic resilience (2.6)
- Plan for future population and economic growth giving consideration to a diverse range of industries and services (4.4)
- Productive partnerships with all levels of government and relevant stakeholders (5.1)

It also supports a key focus area of the 2020/2021 Operational Plan namely regional economic development.

CONCLUSION

An opportunity exists for Council to nominate a Councillor to be a member of this Committee and enhance our efforts for promoting broad regional development goals with other levels of government. Endorsement of a nominee is recommended.

**COMMITTEE MEMBER POSITIONS AT
REGIONAL DEVELOPMENT
AUSTRALIA CENTRAL AND WESTERN
QUEENSLAND (RDACWQ)**

Application Pack

Meeting Date: 9 March 2021

Attachment No: 1



Regional Development Australia

CENTRAL AND WESTERN QUEENSLAND

3 March 2021

Applications are invited for Committee Member positions at Regional Development Australia Central and Western Queensland (RDACWQ)

Make a difference in your region.

RDA Committees are vital promoters for their state/region. They bring together private business and all levels of government with regional stakeholders to build and drive economic growth.

Applications are sought from business and community leaders who have a proven track record of achieving meaningful outcomes in a complex environment.

Women, people from Indigenous and diverse cultural backgrounds, and people with disability are encouraged to apply.

An Applicant Information Pack, including the application form, can be downloaded below.

For further information, phone (07) 4847 6504 or email eo@rdacwq.com.au

Applications can be submitted directly to eo@rdacwq.com.au

Application close at 5pm on 14 March 2021.

[Download the application pack here.](#)



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An Australian Government Initiative

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Applicant Information Pack – Members

This Applicant Information Pack provides you with the information you need to complete an application for a position with RDA Central and Western Queensland Committee as a member.

This Information Pack contains the following elements:

1. Position description, accountabilities and responsibilities, and selection criteria.
2. Selection process description including application lodgement instructions.
3. Application form.

The application form can be downloaded from www.rdacwq.com.au, completed electronically offline and emailed to Tony Gambling, Director of Regional Development, RDACWQ at eo@rdacwq.com.au.

Women, people from Indigenous and diverse cultural backgrounds, and people with disability are encouraged to apply.

Position description

The RDA Committee member is an active contributor to the outcomes of a diverse group of individuals working in a complex environment to deliver high value outcomes for the state or community and region. Members are an active supporter of creating jobs and regional growth.

They are expected to leverage existing networks and develop new networks across industry sectors. RDA Committee members are required to support the Chair to attract opportunities and investment to their state/region. They must be knowledgeable about the economic, social, cultural and environmental opportunities and challenges facing their state/region; be well connected and a strong advocate for their region(s); and for regional RDA members, draw their regional communities together to build and drive economic growth.

The RDA Committee member works as an effective member of the RDA Committee toward a common goal or strategy, and drives projects that target specific areas of economic development for the state/region. They actively support committee governance and management processes.

Accountabilities and responsibilities

RDA Committee members will be accountable to:

- The Chair – for supporting the activities of the Committee
- Their regional RDAs/communities – for delivering outcomes that meet regional needs
- The funding providers – for ensuring that agreed objectives are achieved and resources invested are expended as efficiently and effectively as possible
- RDA Committee staff – for providing a safe and healthy workplace.

Members will be responsible for supporting the RDA Committee to meet the requirements of the charter, deliver against the outcomes, reporting requirements and performance measures specified in the RDA Funding Agreement, and for the good operational and financial governance of the overall organisation.

Selection criteria

1. **Leadership and governance** – A successful applicant will have experience and capability in leading organisations, and can demonstrate an understanding of the governance and

performance management principles that apply. They will be familiar with the types of governance processes required to manage an organisation, board or committee and have leadership experience

2. **Delivery focus** – A successful applicant has most likely had experience in actively leading high performing organisations that have had success in achieving difficult outcomes in a complex environment
3. **Business acumen** – A successful applicant will have a history a making successful organisational decisions and being able to recognise and seize business opportunities. The applicant has most likely had a career working in successful ventures that may be focussed on one industry or in a public sector or not-for-profit organisation. The applicant has functioned as a leader in some capacity in the roles they have had and been successful in these roles
4. **Stakeholder engagement** – To be successful an applicant will have had experience managing a broad range of stakeholders to achieve successful outcomes
5. **Representational skills** – A successful applicant has most likely had experience representing either their state/region, business and/or industry. They understand the complexities in representing a diverse group such as a state/region, business and/or industry
6. **Commitment to the state/region** – To be successful, the applicant will have a clear commitment to the state/region and have strong personal and business networks. They will understand and be able to articulate the opportunities facing the state/region. For regional RDAs, the applicant may have spent substantial time in the region and be a very active member of the community. For standalone capital city RDAs, the applicant s may have spent substantial time in the capital city, and/or have very strong relationships with capital city stakeholders.

Selection process description

Applying for a Committee member position involves completing this form and providing a brief Curriculum Vitae (CV). These documents should be returned to [Tony Gambling, Director of Regional Development, RDACWQ at eo@rdacwq.com.au](mailto:Tony.Gambling@rdacwq.com.au). Once submitted, you should receive email confirmation that your application has been received. The application process involves the following steps and indicative timeframes:

1. **Processing of applications** – Applications will be considered by the Selection Panel
2. **Referee and other checks** – The Selection Panel will conduct referee checks, and other checks (e.g. probity checks) if required, before making a final assessment of each applicant. This process may take up to two weeks. The Selection Panel will then provide its recommendation to the Chair for consideration.
3. **Appointment decision** – once all information has been received, the Chair will identify the preferred candidate(s). This may take up to four weeks.
4. **Advice to applicants** – once a final decision has been made, applicants will be advised of the outcome of their application by email and/or post. This may take up to one week.

Application for the position of member of a Regional Development Australia (RDA) Committee – Application form

Title *	Choose an item.
Full first name *	
Last name *	
Post nominal (e.g. OAM, AM, AO)	
Date of birth	
Gender	Choose an item.
Do you identify yourself as an Indigenous Australian?	Choose an item.
Do you identify yourself as a person with disability?	Choose an item.
Were you born in Australia?	Choose an item.
Do you speak a language other than English at home?	Choose an item.
If 'Yes', please state the language(s) other than English spoken at home.	
Current employment status?	Choose an item.
If employed please state: Position	
Employer	
If self-employed please state: Business/company name and ABN/ACN	
Residential address Street/Road/RMB/RSD	
Suburb/Town	
State	
Postcode	
Postal address (if different) Street/Road/RMB/RSD/PO Box	
Suburb/Town	
State	

Postcode	
Home phone	
Business phone	
Mobile phone	
Email *	
LinkedIn profile (if available)	
Which RDA Committee? *	
Are you a current Chair/Deputy Chair/member of an RDA Committee? *	Choose an item.
If 'Yes' name of RDA Committee	
Current Board memberships Name of organisation and position held	
Do you have local government experience?	Choose an item.
If 'Yes' please state whether as an elected representative or a local government employee	Choose an item.
Name of local government	
How did you find out about applying for an RDA Committee? <i>(You may select more than one)</i>	Choose an item.
<p>PLEASE PROVIDE A STATEMENT ADDRESSING YOUR CLAIMS AGAINST EACH OF THE SELECTION CRITERIA (IN THE SECTION BELOW, IT IS IMPORTANT TO ADHERE TO THE SPECIFIED LIMIT OF 250 WORDS PER CRITERIA. EXTRA TEXT BEYOND THIS WILL NOT BE CONSIDERED)</p>	
<p>Leadership and governance *</p> <p>A successful applicant will have experience and capability in leading organisations, and can demonstrate an understanding of the governance and performance management principles that apply. They will be familiar with the types of governance processes required to manage an organisation, board or committee and have leadership experience.</p>	

<p>Delivery focus *</p> <p>A successful applicant has most likely had experience in actively leading high performing organisations that have had success in achieving difficult outcomes in a complex environment.</p>	
<p>Business acumen *</p> <p>A successful applicant will have a history a making successful organisational decisions and being able to recognise and seize business opportunities. The applicant has most likely had a career working in successful ventures that may be focussed on one industry or in a public sector or not-for-profit organisation. The applicant has functioned as a leader in some capacity in the roles they have had and been successful in these roles.</p>	
<p>Stakeholder engagement *</p> <p>To be successful an applicant will have had experience managing a broad range of stakeholders to achieve successful outcomes.</p>	
<p>Representational skills *</p> <p>A successful applicant has most likely had experience representing either their state/region, business and/or industry. They understand the complexities in representing a diverse group such as a state/region, business and/or industry.</p>	
<p>Commitment to the state/region *</p> <p>To be successful, the applicant will have a clear commitment to the state/region and have strong personal and business networks. They will understand and be able to articulate the opportunities facing the state/region. For regional RDAs, the applicant may have spent substantial time in the region and be a very active member of the community. For standalone capital city RDAs, the applicant s may have spent substantial time in the capital city, and/or have very strong relationships with capital city stakeholders.</p>	

REFEREES <i>Details for two referees are required. Please note that we may not contact both referees.</i>	
Referee 1: Name *	
Relationship to applicant *	
Phone *	
Email	
Has a written report been included? *	Choose an item.

Referee 2: Name *	
Relationship to applicant *	
Phone *	
Email	
Has a written report been included? *	Choose an item.

* Denotes that this question is mandatory.

Privacy notice

RDA Committees collect information on the RDA Committee member application form for the purposes of processing applications to join an RDA Committee.

The Department of Infrastructure, Transport, Regional Development and Communications (the Department) and individual RDA Committees are likely to disclose personal information to relevant Ministers, state and/or territory departments and, in some cases, relevant local government associations for the purpose of considering applications to an RDA Committee. The Department and RDA Committees do not routinely disclose personal information to overseas recipients. If you do not provide the information requested, your application may not be able to proceed.

The Department's on-line privacy policy contains information regarding complaint handling processes and how to access and/or seek correction of personal information held by the Department. The [Privacy Officer](#) can be contacted on (02) 6274 6495.

CONSENT and DECLARATION * responses to all items on this page are mandatory

<i>Please click in the box to indicate your consent or otherwise, to the following items. Where you do not consent, please provide reasons in the comment box below</i>		I consent	I do not consent
A	I consent to RDA Central and Western Queensland providing my name or content of this form to the relevant Ministers, state or territory departments, and the relevant Local Government Associations or their representative for the purpose of considering my application.	<input type="checkbox"/>	<input type="checkbox"/>
B	I consent to RDA Central and Western Queensland or its agent seeking further information relating to my good character as outlined in the RDA Code of Conduct and Ethics , including, but not limited to, collecting information relating to (i) to (vi) below:	<input type="checkbox"/>	<input type="checkbox"/>
(i)	my financial circumstances including whether I currently am, or ever have been, bankrupt;	<input type="checkbox"/>	<input type="checkbox"/>
(ii)	criminal proceedings that I may be or have been the subject of;	<input type="checkbox"/>	<input type="checkbox"/>
(iii)	any current or past convictions for a criminal or civil offence against me except in relation to a conviction that is spent under Part VIIC of the <i>Crimes Act 1914</i> ;	<input type="checkbox"/>	<input type="checkbox"/>
(iv)	any inquiries in relation to me by a professional association, corporate regulatory agency or consumer organisation;	<input type="checkbox"/>	<input type="checkbox"/>
(v)	any investigations in relation to me by a Department or Agency of the Commonwealth or a state or territory of Australia;	<input type="checkbox"/>	<input type="checkbox"/>
(vi)	my eligibility to hold a Director's position with an entity regulated by the Australian Prudential Regulation Authority or pursuant to the provisions of the <i>Corporations Act 2001</i> including information in relation to whether I have previously been disqualified from holding such a directorship.	<input type="checkbox"/>	<input type="checkbox"/>
<u>Comment on reasons for not consenting to any items:</u>			
If appointed to an RDA Committee: <i>Please tick the box to indicate your consent to the following items.</i>			I consent <i>(please click)</i>
C	I consent to the Department and the RDA Committee publishing my name as provided above on their website in the context of my role on the RDA Committee.	<input type="checkbox"/>	
D	I understand that by publishing my name on the Department's and RDA Committee's website, the Department or Committee has no control over its subsequent use and disclosure.	<input type="checkbox"/>	
E	I consent to the Department and RDA Committee publishing my name as provided above in promotional documents including brochures produced by the Department or state and territory government agencies responsible for regional development in the context of my role on the RDA Committee.	<input type="checkbox"/>	
F	I consent to the Department and the RDA Committee sharing my name and contact details as provided above with other Australian Government, state and territory government agencies, relevant Local Government Associations and other relevant Regional Development Australia Committee members in the context of my role on the RDA Committee.	<input type="checkbox"/>	
G	I agree to abide by the RDA Code of Conduct and Ethics .	<input type="checkbox"/>	I agree
H	I certify that all of the above information provided by me in this form is true and correct.	<input type="checkbox"/>	I certify
Signature (by email or scanned):		Date: / /	

Note: Submitting this form from your email address will be taken as your 'electronic' signature OR you may also include a scanned signature.

PRIVATE INTERESTS DECLARATION * responses to all items on this page are mandatory

NAME	
RDA COMMITTEE	

Please answer the following questions by ticking the reply that applies to your personal circumstances.

If you answer 'yes' to any question, please provide details on the blank page after this form. Please note that answering 'yes' to any question does not necessarily preclude you from being appointed.

Your response will be treated as confidential and will only be used for purposes connected with this proposed appointment. **Note:** Processing of your application will be delayed if details are not provided with this form.

1. Do you have any disclosable criminal convictions, i.e. convictions as an adult that form part of your criminal history other than those protected by the Spent Convictions Scheme (see VIIC of the <i>Crimes Act 1914</i>)?	Yes <input type="checkbox"/> No <input type="checkbox"/>
2. Are you, or have you been, the respondent or defendant in any civil or criminal court action (including as a company director or other office holder)?	Yes <input type="checkbox"/> No <input type="checkbox"/>
3. (a) Have you ever been declared bankrupt, entered into a debt agreement under Part IX of the Bankruptcy Act 1996 (the Bankruptcy Act) or entered into a personal insolvency agreement under Part X of the Bankruptcy Act?	Yes <input type="checkbox"/> No <input type="checkbox"/>
(b) If you are in a partnership, have any of your partners ever been declared bankrupt, entered into a debt agreement under Part IX of the Bankruptcy Act or entered into a personal insolvency agreement under Part X of the Bankruptcy Act?	Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/>
4. Has any business or commercial enterprise for which you, or if applicable your partner(s), have had responsibility ever gone into receivership or a similar scheme or arrangement?	Yes <input type="checkbox"/> No <input type="checkbox"/>
5. During the last 10 years have you, or if applicable your partner(s), been the subject of a court order in connection with monies owing to another party?	Yes <input type="checkbox"/> No <input type="checkbox"/>
6. Have you ever been summonsed or charged concerning non-payment of tax or outstanding tax debts, investigated for tax evasion or defaults, or negotiated with the Australian Taxation Office over outstanding debts?	Yes <input type="checkbox"/> No <input type="checkbox"/>
7. Have you ever been the subject of a complaint to a professional body which has been substantiated, or is currently under investigation?	Yes <input type="checkbox"/> No <input type="checkbox"/>
8. Have you ever been dismissed from employment because of a discipline or misconduct issue?	Yes <input type="checkbox"/> No <input type="checkbox"/>
9. Do you or your immediate family have any financial interest in any company or business, or are you or your immediate family employed or engaged by any company or business, which might have dealings with, or an interest in the decisions of, the office to which you may be appointed? If yes, include advice on the next page on how this conflict of interest would be managed.	Yes <input type="checkbox"/> No <input type="checkbox"/>
10. Are you a lobbyist registered on the Australian Government's Lobbyists Register or the register of a state or territory?	Yes <input type="checkbox"/> No <input type="checkbox"/>
11. Is there any other information which could be relevant to your suitability for the proposed appointment?	Yes <input type="checkbox"/> No <input type="checkbox"/>

ASSURANCE

I advise that to the best of my knowledge my private, business and financial interests, including taxation affairs, would not conflict with my public duties or otherwise cause embarrassment to myself or to the Government during my term of appointment. I also undertake to advise the responsible Minister and the RDA Committee Chair should a situation arise in the future which might cause conflict of interest with my responsibilities under this appointment.

1. **I declare that the information provided in this Private Interest Declaration statement is true and correct. I am authorised to make this declaration.**

2.

3. *Note: Submitting this form from your email address will be taken as your 'electronic' signature OR you may also include a scanned signature.*

4.

5.

6. *[Insert first name] [Insert surname name]*

[Insert day] [Insert month] [Insert year]

7.

10.11 COUNCIL DELEGATIONS TO THE CHIEF EXECUTIVE OFFICER

File No:	12660
Attachments:	<ol style="list-style-type: none">1. Delegation Register - Building Regulation 2006 ↓2. Delegation Register - Building Act 1975 (Clean) ↓3. Delegation Register - Land Act 1994 (Clean) ↓4. Delegation Register - Land Title Act 1994 (Clean) ↓5. Delegation Register - Local Law No. 8 (Waste Management) 2018 ↓6. Delegation Register - Building Act 1975 (Tracked) ↓7. Delegation Register - Land Act 1994 (Tracked) ↓8. Delegation Register - Land Title Act 1994 (Tracked) ↓9. Delegation Register - Local Law No. 8 (Waste Management) 2018 (Tracked) ↓
Authorising Officer:	Tracy Sweeney - Executive Manager Workforce and Governance
Author:	Allysa Brennan - Coordinator Legal and Governance

SUMMARY

This report seeks Council's approval for delegations under State legislation and Local Law No. 8 (Waste Management) 2018 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 – *Building Regulation 2006*;
2. Attachment 2 - Delegation Register – *Building Act 1975*;
3. Attachment 3 - Delegation Register – *Land Act 1994*;
4. Attachment 4 - Delegation Register – *Land Title Act 1994*; and
5. Attachment 5 - Delegation Register – *Local Law No. 8 (Waste Management) 2018*.

2. These powers must be exercised subject to any limitations contained in schedule 2 of the Delegation Registers attached to this report.

COMMENTARY

This report delegates powers to the Chief Executive Officer in two parts:

Part 1: Update to legislative delegations under State legislation as part of the Local Government Association of Queensland (LGAQ) conversion project; and

Part 2: Update to legislative delegations under *Local Law No. 8 (Waste Management) 2018* following an internal review.

Part 1: Update to legislative delegations under State legislation as part of the LGAQ conversion project

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

1. *Building Regulation 2006;*
2. *Building Act 1975;*
3. *Land Act 1994;* and
4. *Land Title Act 1994.*

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 Delegation Register

Attachment 1 contains a proposed delegation register for the *Building Regulation 2006*.

This legislation has not previously been contained in Council's existing Delegation Register. Within the recommendation column in the attachment, a recommendation is made suggesting the power should be delegated from Council to the CEO.

The recommendations in attachment 1 are for Council's consideration and adoption.

Changes to Existing Delegable Powers

The following existing Council delegation registers have been reviewed to be consistent with the powers listed in the LGAQ/King & Co delegation registers:

1. *Building Act 1975;*
2. *Land Act 1994;* and
3. *Land Title Act 1994.*

For Councillor's convenience, the changes to Council's existing registers are highlighted in attachments 6 to 8 in red.

A column of recommendations has been included outlining the following recommendations for the power for Council's consideration:

- (a) Exercised by Council only; or
- (b) delegation from Council to CEO.

The recommendations in attachments 6 to 8 are for Council's consideration and adoption.

Part 2: Updated to legislative delegations under *Local Law No. 8 (Waste Management) 2018* following an internal review

A recent review and comparison of alike delegable powers within the *Waste Reduction and Recycling Regulation 2011 (WRRR)* and *Local Law No. 8 (Waste Management) 2018 (LL8)* identified an inconsistency in relation to the power to determine the frequency of general/green waste collection. To rectify, the LL8 delegation register (attachment 5) has been amended to include the delegation of section 5(b). To remain consistent with the like delegable power within the WRRR, it is recommended that LL8 s5(b) be delegated to the CEO.

The remaining powers within attachment 5 were delegated to the CEO previously and remain unchanged. For Councillor's convenience, the change to Council's existing register is highlighted in attachment 9 in red.

PREVIOUS DECISIONS

Attachments 5 to 8 were last considered and adopted by Council at the following meetings:

Legislation	Meeting Date
<i>Local Law No. 8 (Waste Management) 2018</i>	2 July 2019
<i>Building Act 1975</i>	21 November 2017
<i>Land Act 1994</i>	26 September 2017
<i>Land Title Act 1994</i>	20 March 2018

BUDGET IMPLICATIONS

No 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(5) 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

Delegation Register – Building Regulation 2006

Meeting Date: 9 March 2021

Attachment No: 1

Delegations Register – Building Regulation 2006 (BUR)

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 BUR	Entity Power Given To	Title	Description	
Section 12(4)	Entity Power Given To: Local government	Part 3 - Prescribed Matters or Aspects for Local Laws or Local Planning Instruments	Power, if it is not practicable to show each of the designated bush fire prone areas in Council's planning scheme maps, to:- (a) prepare maps showing the areas; and (b) ensure the maps are updated.	Not Relevant to Council
Section 13(4)	Entity Power Given To: Local government	Part 3 - Prescribed Matters or Aspects for Local Laws or Local Planning Instruments	Power to keep a register of the flood hazard areas Council designates and when each designation was made.	Delegation to the CEO
Section 16Q(1)	Entity Power Given To: Owner	Part 4A - Combustible Cladding Division 2 - Owners of Private Buildings Subdivision 1 - Obligations Relating to Combustible Cladding Checklist (Part 1)	Power as an owner to:- (a) register, by using the online system, the owner's name and the address of the owner's private building; and (b) give a copy of a completed combustible cladding checklist (part 1) for the building to the QBCC by using the online system. *See Footnote	Not Relevant to Council
Section 16Q(2)	Entity Power Given To: Owner	Part 4A - Combustible Cladding Division 2 - Owners of Private Buildings Subdivision 1 - Obligations Relating to Combustible Cladding Checklist (Part 1)	Power as an owner to apply to the QBCC commissioner to extend the time for complying with subsection (1). *See Footnote	Not Relevant to Council
Section 16R	Entity Power Given To: Owner	Part 4A - Combustible Cladding Division 2 - Owners of Private Buildings Subdivision 1 - Obligations Relating to Combustible Cladding Checklist (Part 1)	Power as an owner to keep the completed combustible cladding checklist for the owner's private building in the way provided in subsections (a) and (b). *See Footnote	Not Relevant to Council
Section 16S(2)(b)	Entity Power Given To: Owner	Part 4A - Combustible Cladding Division 2 - Owners of Private Buildings Subdivision 1 - Obligations Relating to Combustible Cladding Checklist (Part 1)	Power, as an owner who knows or suspects that the building is an affected private building, to give the QBCC notice of that knowledge or suspicion. *See Footnote	Not Relevant to Council
Section 16T(1)	Entity Power Given To: Owner	Part 4A - Combustible Cladding Division 2 - Owners of Private Buildings Subdivision 2 - Obligations Relating to Combustible Cladding Checklist (Part 2)	Power, as an owner to which section 16S applies, to give to the QBCC: (a) a completed combustible cladding checklist (part 2) for the owner's private building; and (b) a building industry professional statement. *See Footnote	Not Relevant to Council
Section 16T(3)	Entity Power Given To: Owner	Part 4A - Combustible Cladding Division 2 - Owners of Private Buildings Subdivision 2 - Obligations Relating to Combustible Cladding Checklist (Part 2)	Power, as an owner to which section 16S applies, to apply to the QBCC commissioner to extend the time for complying with subsection (1). *See Footnote	Not Relevant to Council
Section 16U	Entity Power Given To: Owner	Part 4A - Combustible Cladding Division 2 - Owners of Private Buildings Subdivision 2 - Obligations Relating to Combustible Cladding Checklist (Part 2)	Power, as an owner to which section 16S applies, to keep the completed combustible cladding checklist (part 2) and a building industry professional statement for the owner's private building in the way provided in subsections (a) and (b). *See Footnote	Not Relevant to Council
Section 16W(1)	Entity Power Given To: Owner	Part 4A - Combustible Cladding Division 2 - Owners of Private Buildings Subdivision 3 - Obligations Relating to Combustible Cladding Checklist (Part 3)	Power, as an owner to which section 16V applies, to give to the QBCC, the name and registration number of the fire engineer engaged by the owner for complying with part 4A, division 2, subdivision 3. *See Footnote	Not Relevant to Council
Section 16W(2)	Entity Power Given To: Owner	Part 4A - Combustible Cladding Division 2 - Owners of Private Buildings Subdivision 3 - Obligations Relating to Combustible Cladding Checklist (Part 3)	Power, as an owner to which section 16V applies, to apply to the QBCC commissioner to extend the time for complying with subsection (1). *See Footnote	Not Relevant to Council
Section 16X(1)	Entity Power Given To: Owner	Part 4A - Combustible Cladding Division 2 - Owners of Private Buildings Subdivision 3 - Obligations Relating to Combustible Cladding Checklist (Part 3)	Power, as an owner to which section 16V applies, to give to the QBCC a copy of each of the following documents for the owner's private building: (a) a completed combustible cladding checklist (part 3); (b) a building fire safety risk assessment; and (c) a fire engineer statement. *See Footnote	Not Relevant to Council
Section 16X(4)	Entity Power Given To: Owner	Part 4A - Combustible Cladding Division 2 - Owners of Private Buildings Subdivision 3 - Obligations Relating to Combustible Cladding Checklist (Part 3)	Power, as an owner to which section 16V applies, to apply to the QBCC commissioner to extend the time for complying with subsection (1). *See Footnote	Not Relevant to Council

Section of BUIR	Entity Power Given To	Title	Description	
Section 16Y	Entity Power Given To: Owner	Part 4A - Combustible Cladding Division 2 - Owners of Private Buildings Subdivision 3 - Obligations Relating to Combustible Cladding Checklist (Part 3)	Power, as an owner to which section 16Y applies, to keep the documents listed in subsection (1) for the owner's private building for the period provided in subsections (2) and/or (3). *See Footnote	Not Relevant to Council
Section 16ZA(1)	Entity Power Given To: Owner	Part 4A - Combustible Cladding Division 2 - Owners of Private Buildings Subdivision 4 - Other Obligations Relating to Affected Private Buildings	Power, as an owner to which subsection 16Z applies, to display an affected private building notice in compliance with subsections (2) and (3). *See Footnote	Not Relevant to Council
Sections 16ZA(4) and (5)	Entity Power Given To: Owner	Part 4A - Combustible Cladding Division 2 - Owners of Private Buildings Subdivision 4 - Other Obligations Relating to Affected Private Buildings	Power, as an owner to which subsection 16Z applies, to give the QBCC, in the approved way, a compliance notice. *See Footnote	Not Relevant to Council
Section 16ZB(2)	Entity Power Given To: Owner	Part 4A - Combustible Cladding Division 2 - Owners of Private Buildings Subdivision 4 - Other Obligations Relating to Affected Private Buildings	Power, as an owner to which subsection 16Z applies of a building that comprises two or more lots, to, if there is a body corporate roll kept for the building, give a copy of the building fire safety risk assessment to each lot owner, and each leasehold interest holder, for a lot in the building. *See Footnote	Not Relevant to Council
Section 16ZB(3)	Entity Power Given To: Owner	Part 4A - Combustible Cladding Division 2 - Owners of Private Buildings Subdivision 4 - Other Obligations Relating to Affected Private Buildings	Power, as an owner to which subsection 16Z applies of a building that comprises two or more lots, to, if there is not a body corporate roll kept for the building, leave a copy of the building fire safety risk assessment at, or post a copy of the building fire safety risk assessment to, the address of each lot in the building. *See Footnote	Not Relevant to Council
Section 16ZD(2)(a)	Entity Power Given To: Original Owner	Part 4A - Combustible Cladding Division 2 - Owners of Private Buildings Subdivision 5 - Change of Ownership of Private Building	Power, as an original owner, in the circumstance set out in subsection (1), to, before the ownership changes, give the new owner: (a) a notice, in the approved form, about the extent to which the original owner has complied with part 4A; and (b) a copy of each document given by or to the original owner under this part. *See Footnote	Not Relevant to Council
Section 16ZD(2)(b)	Entity Power Given To: Original Owner	Part 4A - Combustible Cladding Division 2 - Owners of Private Buildings Subdivision 5 - Change of Ownership of Private Building	Power, as an original owner, in the circumstance set out in subsection (1), to, before the ownership changes, give the QBCC a copy of the notice that is given to the new owner under subsection (2)(a)(i). *See Footnote	Not Relevant to Council
Section 16ZF(3)	Entity Power Given To: Original Owner	Part 4A - Combustible Cladding Division 2 - Owners of Private Buildings Subdivision 5 - Change of Ownership of Private Building	Power, as an original owner, to give the document/s referred to in subsection (1)(a) to the new owner before ownership of the building changes. *See Footnote	Not Relevant to Council
Section 16ZM(2)	Entity Power Given To: Owner	Part 4A - Combustible Cladding Division 4 - Miscellaneous	Power, as an owner, to comply with a notice given by the QBCC. *See Footnote	Not Relevant to Council
Section 16ZQ(2)	Entity Power Given To: Owner	Part 4A - Combustible Cladding Division 4 - Miscellaneous	Power, as an owner of the building, to apply to the QBCC commissioner to replace the original checklist. *See Footnote	Not Relevant to Council
Section 16ZQ(5)	Entity Power Given To: Owner	Part 4A - Combustible Cladding Division 4 - Miscellaneous	Power, as an owner of the building, to comply with the notice given by the QBCC commissioner under subsections 16ZQ(3) or (4). *See Footnote	Not Relevant to 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 effect, of being contrary to an adopted Council policy or procedure.
5	The delegate will only exercise a delegated power under this resolution in a manner which complies with the requirements of Council's Planning Scheme and any exercise of power which involves a departure from or variation of those requirements will only be undertaken by Council.
6	The delegate will not exercise any power which cannot lawfully be the subject of delegation by Council.
Footnotes	
Sections 16Q(1) to 16ZQ(5)	This provision only applies if Council owns the building jointly with one or more private entities and the private entities own more than 50% of the building.

COUNCIL DELEGATIONS TO THE CHIEF EXECUTIVE OFFICER

Delegation Register - Building Act 1975 (Clean)

Meeting Date: 9 March 2021

Attachment No: 2

Delegations Register – Building Act 1975 (BUIA)

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 BUIA	Entity Power Given To	Title	Description	Recommendation
Section 34A(2)	Entity Power Given To: Assessment Manager	Chapter 4 – Building Assessment Provisions And Assessing Building Development Applications Part 1 – Laws And Other Documents Applying to Building Work Division 1 – General Provisions About The Laws And Documents Applying to Building Work	Power, as an assessment manager, to determine whether a building development application complies with the building assessment provisions and if it does, to approve the application.	Delegation to the CEO
Section 41(1)	Entity Power Given To: Assessment Manager	Chapter 4 – Building Assessment Provisions And Assessing Building Development Applications Part 1 – Laws And Other Documents Applying to Building Work Division 2 – Variation of How Particular Building Assessment Provisions Apply	Power, as an assessment manager, to consult with the chief executive about the variation application.	Delegation to the CEO
Section 46(5)	Entity Power Given To: Referral Agency	Chapter 4 – Building Assessment Provisions And Assessing Building Development Applications Part 2 – Persons Responsible For Assessing Building Development Applications Division 1 – Who Carries Out Building Assessment Work	Power, as a referral agency, to appoint or employ a building certifier to carry out the assessment against the fire safety standard.	Delegation to the CEO
Section 51(2)(a)	Entity Power Given To: Local Government	Chapter 4 – Building Assessment Provisions And Assessing Building Development Applications Part 2 – Persons Responsible For Assessing Building Development Applications Division 3 – Functions Of Local Government	Power, under the Planning Act to receive, assess and decide a building development application.	Delegation to the CEO
Section 51(2)(b)	Entity Power Given To: Local Government	Chapter 4 – Building Assessment Provisions And Assessing Building Development Applications Part 2 – Persons Responsible For Assessing Building Development Applications Division 3 – Functions Of Local Government	Power to appoint or employ a private certifier or another building certifier.	Delegation to the CEO
Section 52	Entity Power Given To: Local Government	Chapter 4 – Building Assessment Provisions And Assessing Building Development Applications Part 2 – Persons Responsible For Assessing Building Development Applications Division 3 – Functions Of Local Government	Power to issue a building development approval.	Delegation to the CEO
Section 53(2)	Entity Power Given To: Local Government	Chapter 4 – Building Assessment Provisions And Assessing Building Development Applications Part 2 – Persons Responsible For Assessing Building Development Applications Division 3 – Functions Of Local Government	Power to accept and, without further checking, rely and act on a document, given to Council by a private certifier for a building development application, for the purpose of making it available for inspection or purchase as required by the <i>Planning Act</i> .	Delegation to the CEO

Section of BUIA	Entity Power Given To	Title	Description	Recommendation
Section 54(2)	Entity Power Given To: Local Government	Chapter 4 – Building Assessment Provisions And Assessing Building Development Applications Part 2 – Persons Responsible For Assessing Building Development Applications Division 3 – Functions Of Local Government	Power to accept and, without further checking, rely and act on the document, given to Council by a private certifier for a building development application, for the purpose of making it available for inspection or purpose as required by the <i>Planning Act</i>	Delegation to the CEO
Section 55	Entity Power Given To: Assessment Manager	Chapter 4 – Building Assessment Provisions And Assessing Building Development Applications Part 2 – Persons Responsible For Assessing Building Development Applications Division 4 – Power of Particular Replacement Assessment Managers to Decide Status of Development Assessment Process under Planning Act	Power, as assessment manager, in relation to undecided building development applications and lapsed building development approvals, to resume or start the the development assessment process under the <i>Planning Act</i> at any stage the assessment manager considers appropriate.	Delegation to the CEO
Section 65	Entity Power Given To: Holder of a Registered Easement or Statutory Covenant	Chapter 4 – Building Assessment Provisions And Assessing Building Development Applications Part 4 – Requirements For And Restrictions On Assessing Or Approving Building Development Applications	Power, as the holder of a registered easement or statutory covenant, to consent to building work.	Delegation to the CEO
Section 71	Entity Power Given To: Local Government	Chapter 4 – Building Assessment Provisions And Assessing Building Development Applications Part 5 – Conditions Of Building Development Approvals Division 1 – Conditions Taken To Be Imposed	Power to decide an application to extend the period mentioned in subsection 71(3), to consult with an entity in deciding the application and to give notice of the decision.	Delegation to the CEO
Section 87	Entity Power Given To: Local Government	Chapter 4 – Building Assessment Provisions And Assessing Building Development Applications Part 6 – Regulation Of Building Assessment Work and the Issuing of Building Development Approvals by Private Certifiers	Power to give a private certifier a document acknowledging receipt of the fee mentioned in subsection 86(1)(c).	Delegation to the CEO
Section 92(2)	Entity Power Given To: Local Government	Chapter 4 – Building Assessment Provisions And Assessing Building Development Applications Part 7 – Provisions About Lapsing Of Building Development Approvals And Related Matters Division 1 – Building Work For Demolition Or Removal	Power to take the action it considers necessary to complete the building work where the building development approval lapses and the building work is other than demolition.	Delegation to the CEO
Section 92(5)	Entity Power Given To: Local Government	Chapter 4 – Building Assessment Provisions And Assessing Building Development Applications Part 7 – Provisions About Lapsing Of Building Development Approvals And Related Matters Division 1 – Building Work For Demolition Or Removal	Power to use of all or part of any security given to the local government for the carrying out of the building work.	Delegation to the CEO
Section 93(1)	Entity Power Given To: Local Government	Chapter 4 – Building Assessment Provisions And Assessing Building Development Applications Part 7 – Provisions About Lapsing Of Building Development Approvals And Related Matters Division 1 – Building Work For Demolition Or Removal	Power to refund or release part of any security given to the local government for the carrying out of the building work, at any time, having regard to the process of the building work.	Delegation to the CEO
Section 95(1)	Entity Power Given To: Assessment Manager	Chapter 4 – Building Assessment Provisions And Assessing Building Development Applications Part 7 – Provisions About Lapsing Of Building Development Approvals And Related Matters Division 2 – Other Building Work	Power, as the assessment manager, to give a reminder notice about the lapsing.	Delegation to the CEO

Section of BUIA	Entity Power Given To	Title	Description	Recommendation
Section 97(2)	Entity Power Given To: Local Government	Chapter 4 – Building Assessment Provisions And Assessing Building Development Applications Part 7 – Provisions About Lapsing Of Building Development Approvals And Related Matters Division 2 – Other Building Work	Power to consult with a private certifier with regard to further extensions of the period under the Planning Act, s85(1) (currency period).	Delegation to the CEO
Section 117	Entity Power Given To: Assessment Manager	Chapter 5 – Inspections, Building Classification, And The Use Of Buildings Part 4 – Restrictions On The Use Of Buildings	Power, as the assessment manager, to take enforcement action against an owner contravening section 114 of the Act.	Delegation to the CEO
Section 206(1)	Entity Power Given To: Local Government	Chapter 6 – Provisions About Private Certifiers And Other Building Certifiers Part 4 – Complaints, Investigations And Disciplinary Proceedings Relating To Building Certifiers Division 3 – Show Cause Notice For Disciplinary Proceedings	Power to give a building certifier a notice ('show cause notice').	Delegation to the CEO
Section 207	Entity Power Given To: Local Government	Chapter 6 – Provisions About Private Certifiers And Other Building Certifiers Part 4 – Complaints, Investigations And Disciplinary Proceedings Relating To Building Certifiers Division 3 – Show Cause Notice For Disciplinary Proceedings	Power to consider any representations made under the show cause notice and decide to take no further action, or apply to the Queensland Civil and Administrative Tribunal to start a disciplinary proceeding against the building certifier.	Delegation to the CEO
Section 208(1)	Entity Power Given To: Local Government	Chapter 6 - Provisions About Private Certifiers and Other Building Certifiers Part 4 - Complaints, Investigations and Disciplinary Proceedings Relating to Building Certifiers Division 4 - Disciplinary Proceedings	Power to apply to the Queensland Civil and Administrative Tribunal to conduct disciplinary proceeding to determine whether there are proper grounds for taking disciplinary action against a building certifier.	Delegation to the CEO
Section 210	Entity Power Given To: Local Government	Chapter 6 - Provisions About Private Certifiers and Other Building Certifiers Part 4 - Complaints, Investigations and Disciplinary Proceedings Relating to Building Certifiers Division 4 - Disciplinary Proceedings	Power to notify the QBCC of its application to the Queensland Civil and Administrative Tribunal.	Delegation to the CEO
Section 221(2)	Entity Power Given To: Local Government	Chapter 7 – Fire Safety For Budget Accommodation Buildings Part 3 – Budget Accommodation Buildings Built, Approved Or Applied For, Before 1 January 1992	Power to consult with any other entity considered appropriate in deciding an application made by the owner of a budget accommodation building to approve a period for the building under section 220(a)(i) or (b)(ii) (longer periods for approval).	Delegation to the CEO
Section 221(2)(b) and (3)	Entity Power Given To: Local Government	Chapter 7 – Fire Safety For Budget Accommodation Buildings Part 3 – Budget Accommodation Buildings Built, Approved Or Applied For, Before 1 January 1992	Power to grant (including with reasonable conditions) or refuse an application made by the owner of a budget accommodation building to approve a period for the building under section 220(a)(i) or (b)(ii) (longer periods for approval).	Delegation to the CEO
Section 221(4)	Entity Power Given To: Local Government	Chapter 7 – Fire Safety For Budget Accommodation Buildings Part 3 – Budget Accommodation Buildings Built, Approved Or Applied For, Before 1 January 1992	Power to decide the application and give the owner an information notice about the decision.	Delegation to the CEO
Section 222(2)	Entity Power Given To: Local Government	Chapter 7 – Fire Safety For Budget Accommodation Buildings Part 3 – Budget Accommodation Buildings Built, Approved Or Applied For, Before 1 January 1992	Power to, on written application from the owner, decide whether or not a building conforms with fire safety standards and, if applicable, state what must be done to make the building conform.	Delegation to the CEO
Section 228	Entity Power Given To: Local Government	Chapter 7 – Fire Safety For Budget Accommodation Buildings Part 4 – All Budget Accommodation Buildings	Power to inspect budget accommodation buildings at least once every 3 years.	Delegation to the CEO
Section 231AK(a)(iii) and (b)(ii) and section 231AL	Entity Power Given To: Local Government	Chapter 7A – Fire Safety For Residential Care Buildings Built, Approved Or Applied For, Before 1 June 2007 Part 4 – Assessment Of Residential Care Buildings	Power, as local government, to approve, with or without conditions, a later day for a residential care building to comply with section 231AK of the Building Act	Not Relevant

Section of BUIA	Entity Power Given To	Title	Description	Recommendation
Section 231AL	Entity Power Given To: Local Government	Chapter 7A – Fire Safety For Residential Care Buildings Built, Approved Or Applied For, Before 1 June 2007 Part 4 – Assessment Of Residential Care Buildings	Power, as local government, on an application by the owner of an RCB for a later day to obtain a fire safety compliance certificate or certificate of classification to: (a) consult on the application (b) decide the application (c) impose conditions on the grant of an application (d) give an information notice about the decision.	Not Relevant
Section 236	Entity Power Given To: Local Government	Chapter 8 – Swimming Pool Safety Part 2 – Compliance With Pool Safety Standard And Other Matters About Pool Safety Division 3 – Exemptions From Compliance With Pool Safety Standard – Disability Subdivision 1 – Applying For Exemption And Deciding Application	Power to require an applicant to give medical evidence to support the application.	Delegation to the CEO
Section 237	Entity Power Given To: Local Government	Chapter 8 – Swimming Pool Safety Part 2 – Compliance With Pool Safety Standard And Other Matters About Pool Safety Division 3 – Exemptions From Compliance With Pool Safety Standard – Disability Subdivision 1 – Applying For Exemption And Deciding Application	Power to, on application by a pool owner, decide an application for exemption from complying with a part of the pool safety standard relating to barriers for a regulated pool due to disability (with or without conditions).	Delegation to the CEO
Section 238	Entity Power Given To: Local Government	Chapter 8 – Swimming Pool Safety Part 2 – Compliance With Pool Safety Standard And Other Matters About Pool Safety Division 3 – Exemptions From Compliance With Pool Safety Standard – Disability Subdivision 1 – Applying For Exemption And Deciding Application	Power to give notice of Council's decision (including an information notice about the decision).	Delegation to the CEO
Section 239	Entity Power Given To: Local Government	Chapter 8 – Swimming Pool Safety Part 2 – Compliance With Pool Safety Standard And Other Matters About Pool Safety Division 3 – Exemptions From Compliance With Pool Safety Standard – Disability Subdivision 1 – Applying For Exemption And Deciding Application	Power to give notice of each exemption granted under Chapter 8, Part 2, Division 3 to QBCC commissioner.	Delegation to the CEO
Section 242(2)	Entity Power Given To: Local Government	Chapter 8 – Swimming Pool Safety Part 2 – Compliance With Pool Safety Standard And Other Matters About Pool Safety Division 3 – Exemptions From Compliance With Pool Safety Standard – Disability Subdivision 2 – Ending And Revocation Of Exemptions	Power to give an applicant a show cause notice.	Delegation to the CEO
Section 242(3)	Entity Power Given To: Local Government	Chapter 8 – Swimming Pool Safety Part 2 – Compliance With Pool Safety Standard And Other Matters About Pool Safety Division 3 – Exemptions From Compliance With Pool Safety Standard – Disability Subdivision 2 – Ending And Revocation Of Exemptions	Power to consider any representations made under the show cause notice and give a further notice (a revocation notice) to the applicant, revoking the decision previously given.	Delegation to the CEO
Section 243	Entity Power Given To: Local Government	Chapter 8 – Swimming Pool Safety Part 2 – Compliance With Pool Safety Standard And Other Matters About Pool Safety Division 3 – Exemptions From Compliance With Pool Safety Standard – Disability Subdivision 2 – Ending And Revocation Of Exemptions	Power to give the QBCC commissioner notice of each revocation notice given.	Delegation to the CEO

Section of BUIA	Entity Power Given To	Title	Description	Recommendation
Section 244	Entity Power Given To: Local Government	Chapter 8 – Swimming Pool Safety Part 2 – Compliance With Pool Safety Standard And Other Matters About Pool Safety Division 3 – Exemptions From Compliance With Pool Safety Standard – Disability Subdivision 3 – Miscellaneous	Power to keep a copy of each exemption granted and make the copy available for inspection and purchase as if it were a document, that under the Planning Act, the local government must make available for inspection and purchase.	Delegation to the CEO
Section 245A	Entity Power Given To: Local Government	Chapter 8 – Swimming Pool Safety Part 2 – Compliance With Pool Safety Standard And Other Matters About Pool Safety Division 4 – Exemption From Compliance With Pool Safety Standard Impracticality Subdivision 1 – Applying For Exemptions And Deciding Applications	Power to, on application by a pool owner for exemption from complying with part of the pool safety standard relating to barriers for the regulated pool due to compliance being impracticable, require further information to establish that compliance with the part of the pool safety standard is not practicable.	Delegation to the CEO
Section 245B	Entity Power Given To: Local Government	Chapter 8 – Swimming Pool Safety Part 2 – Compliance With Pool Safety Standard And Other Matters About Pool Safety Division 4 – Exemption From Compliance With Pool Safety Standard Impracticality Subdivision 1 – Applying For Exemptions And Deciding Applications	Power to, on application by a pool owner for exemption from complying with part of the pool safety standard relating to barriers for the regulated pool due to compliance being impracticable, require further information to establish that compliance with the part of the pool safety standard is not practicable.	Delegation to the CEO
Section 245C(1)	Entity Power Given To: Local Government	Chapter 8 – Swimming Pool Safety Part 2 – Compliance With Pool Safety Standard And Other Matters About Pool Safety Division 4 – Exemption From Compliance With Pool Safety Standard Impracticality Subdivision 1 – Applying For Exemptions And Deciding Applications	Power to give written notice of the grant of an exemption.	Delegation to the CEO
Section 245C(2)	Entity Power Given To: Local Government	Chapter 8 – Swimming Pool Safety Part 2 – Compliance With Pool Safety Standard And Other Matters About Pool Safety Division 4 – Exemption From Compliance With Pool Safety Standard Impracticality Subdivision 1 – Applying For Exemptions And Deciding Applications	Power to give an information notice.	Delegation to the CEO
Section 245E(2)	Entity Power Given To: Local Government	Chapter 8 – Swimming Pool Safety Part 2 – Compliance With Pool Safety Standard And Other Matters About Pool Safety Division 4 – Exemption From Compliance With Pool Safety Standard Impracticality Subdivision 2 – Revocation Of Exemptions	Power to give the owner of the regulated pool a show cause notice.	Delegation to the CEO
Section 245E(3)	Entity Power Given To: Local Government	Chapter 8 – Swimming Pool Safety Part 2 – Compliance With Pool Safety Standard And Other Matters About Pool Safety Division 4 – Exemption From Compliance With Pool Safety Standard Impracticality Subdivision 2 – Revocation Of Exemptions	Power to consider any representations made under the show cause notice and give a further notice (a revocation notice) to the owner, revoking the decision previously given.	Delegation to the CEO
Section 245F	Entity Power Given To: Local Government	Chapter 8 – Swimming Pool Safety Part 2 – Compliance With Pool Safety Standard And Other Matters About Pool Safety Division 4 – Exemption From Compliance With Pool Safety Standard Impracticality Subdivision 3 – Miscellaneous	Power to give the QBCC commissioner the notices required by sections 245F(1) and 245F(2).	Delegation to the CEO

Section of BUIA	Entity Power Given To	Title	Description	Recommendation
Section 245FA(2)	Entity Power Given To: Local Government	Chapter 8 – Swimming Pool Safety Part 2 – Compliance With Pool Safety Standard And Other Matters About Pool Safety Division 4 – Exemption From Compliance With Pool Safety Standard Impracticality Subdivision 3 – Miscellaneous	Power to keep a copy of each exemption available for inspection and purchase as if it were a document that, under the Planning Act, must be available for inspection and purchase.	Delegation to the CEO
Section 245XB(2)	Entity Power Given To: Owner of Adjoining Land	Chapter 8 – Swimming Pool Safety Part 2A – Neighbours' Rights and Responsibilities for Particular Dividing Fences Division 3 – Rights and Responsibilities of Pool Owners and their Neighbours for Particular Dividing Fences	Power, as the owner of adjoining land, to agree with the pool owner as to the construction of a pool barrier along the common boundary.	Delegation to the CEO
Section 245XD(2)	Entity Power Given To: Owner of Adjoining Land	Chapter 8 – Swimming Pool Safety Part 2A – Neighbours' Rights and Responsibilities for Particular Dividing Fences Division 3 – Rights and Responsibilities of Pool Owners and their Neighbours for Particular Dividing Fences	Power, as the owner of adjoining land, to agree with the pool owner as to the alteration or replacement of a dividing fence that is used, or proposed to be used, as a pool barrier along the common boundary.	Delegation to the CEO
Section 245XF(2) and (3)	Entity Power Given To: Owner of Adjoining Land	Chapter 8 – Swimming Pool Safety Part 2A – Neighbours' Rights and Responsibilities for Particular Dividing Fences Division 3 – Rights and Responsibilities of Pool Owners and their Neighbours for Particular Dividing Fences	Power, as owner of adjoining land where a pool barrier is constructed along the common boundary for a pool on the other land, to: (a) Alter or replace the part of the pool barrier with the agreement of the pool owner; or (b) Attach a thing on the part of the pool barrier that does not unreasonably or materially alter or damage the barrier.	Delegation to the CEO
Section 245XG(1)	Entity Power Given To: Owner of Adjoining Land	Chapter 8 – Swimming Pool Safety Part 2A – Neighbours' Rights and Responsibilities for Particular Dividing Fences Division 3 – Rights and Responsibilities of Pool Owners and their Neighbours for Particular Dividing Fences	Power, as owner of adjoining land, to grant access to Council's land to the owner of the other land to carry out fencing work.	Delegation to the CEO
Section 245XN(2)	Entity Power Given To: Owner of Adjoining Land	Chapter 8 – Swimming Pool Safety Part 2A – Neighbours' Rights and Responsibilities for Particular Dividing Fences Division 4 – Process for Obtaining Contribution and Resolving Disputes Subdivision 2 - Notices	Power, as owner of adjoining land, where Council has carried out urgent fencing work under section 245XK of the Building Act and the owner of the other land is responsible for some or all of the costs of carrying out the fencing work under section 245XH of the Building Act, to require the owner of the other land to contribute a share for any reasonable cost incurred for the fencing work.	Delegation to the CEO
Section 245XS(1)	Entity Power Given To: Owner of Adjoining Land	Chapter 8 – Swimming Pool Safety Part 2A – Neighbours' Rights and Responsibilities for Particular Dividing Fences Division 4 – Process for Obtaining Contribution and Resolving Disputes Subdivision 3 - Resolving Disputes	Power, as owner of adjoining land, to apply to QCAT, in the absence of the owner of the other land, for authorisation to carry out fencing work, including apportionment of the contributions for the work.	Delegation to the CEO
Section 245XS(3)	Entity Power Given To: Owner of Adjoining Land	Chapter 8 – Swimming Pool Safety Part 2A – Neighbours' Rights and Responsibilities for Particular Dividing Fences Division 4 – Process for Obtaining Contribution and Resolving Disputes Subdivision 3 - Resolving Disputes	Power, as owner of adjoining land, where an order has been made under section 245XS(1) of the Building Act and the owner of the other land has since been located, to give a copy of the order to the owner of the other land and recover the contribution as stated in the order.	Delegation to the CEO
Section 245XW(2)	Entity Power Given To: Owner of Adjoining Land	Chapter 8 – Swimming Pool Safety Part 2A – Neighbours' Rights and Responsibilities for Particular Dividing Fences Division 5 - Process for Dealing with Unauthorised Fencing Work	Power, as owner of adjoining land, where the owner of the other land has carried out fencing work for a dividing fence forming part of a pool barrier without authorisation, to apply to QCAT for an order requiring the owner to rectify the dividing fence.	Delegation to the CEO
Section 246ADA(2)	Entity Power Given To: Local Government	Chapter 8 – Swimming Pool Safety Part 3 – Inspections of Regulated Pools by Pool Safety Inspectors Division 2 - Functions of Local Government for Inspections of Regulated Pools	Power to inspect a regulated pool for compliance when a pool safety complaint notice, or section 245I or 245UA notice is received.	Delegation to the CEO

Section of BUIA	Entity Power Given To	Title	Description	Recommendation
Section 246ADA(5)	Entity Power Given To: Local Government	Chapter 8 – Swimming Pool Safety Part 3 – Inspections Of Regulated Pools by Pool Safety Inspectors Division 2 – Functions Of Local Government For Inspections Of Regulated Pools	Power to take necessary enforcement action to ensure the pool complies with the pool safety standard or fencing standards for the pool.	Delegation to the CEO
Section 246AF(2)	Entity Power Given To: Local Government	Chapter 8 – Swimming Pool Safety Part 3 – Inspections Of Regulated Pools And The Giving Of Pool Safety Certificates Division 2 – Functions Of Local Government For Inspections Of Regulated Pools	Power to cancel a pool safety certificate for a regulated pool.	Delegation to the CEO
Section 246AF(3)	Entity Power Given To: Local Government	Chapter 8 – Swimming Pool Safety Part 3 – Inspections Of Regulated Pools And The Giving Of Pool Safety Certificates Division 2 – Functions Of Local Government For Inspections Of Regulated Pools	Power to give the QBCC commissioner notice of the cancellation of the pool safety certificate for a regulated pool.	Delegation to the CEO
Section 246AG(1)	Entity Power Given To: Local Government	Chapter 8 – Swimming Pool Safety Part 3 – Inspections Of Regulated Pools And The Giving Of Pool Safety Certificates Division 2 – Functions Of Local Government For Inspections Of Regulated Pools	Power to give a show cause notice before cancelling a pool safety certificate.	Delegation to the CEO
Section 246AG(5)	Entity Power Given To: Local Government	Chapter 8 – Swimming Pool Safety Part 3 – Inspections Of Regulated Pools And The Giving Of Pool Safety Certificates Division 2 – Functions Of Local Government For Inspections Of Regulated Pools	Power to consider submissions and decide whether to cancel the pool safety certificate.	Delegation to the CEO
Section 246AG(6)	Entity Power Given To: Local Government	Chapter 8 – Swimming Pool Safety Part 3 – Inspections Of Regulated Pools And The Giving Of Pool Safety Certificates Division 2 – Functions Of Local Government For Inspections Of Regulated Pools	Power to give the owner notice of the decision.	Delegation to the CEO
Section 246AG(7)	Entity Power Given To: Local Government	Chapter 8 – Swimming Pool Safety Part 3 – Inspections Of Regulated Pools And The Giving Of Pool Safety Certificates Division 2 – Functions Of Local Government For Inspections Of Regulated Pools	Power to give the owner an information notice about the decision.	Delegation to the CEO
Section 246AH	Entity Power Given To: Local Government	Chapter 8 – Swimming Pool Safety Part 3 – Inspections Of Regulated Pools And The Giving Of Pool Safety Certificates Division 2 – Functions Of Local Government For Inspections Of Regulated Pools	Power to appoint or employ a pool safety inspector to conduct an inspection of a pool in the circumstances referred to in subsection (1).	Delegation to the CEO
Section 246AIA	Entity Power Given To: Local Government	Chapter 8 – Swimming Pool Safety Part 3 – Inspections Of Regulated Pools And The Giving Of Pool Safety Certificates Division 2 – Functions Of Local Government For Inspections Of Regulated Pools	Power to keep a record of a notice mentioned in section 246ADA(1) and the results of the inspection carried out under section 246ADA.	Delegation to the CEO
Section 246AIB(2)	Entity Power Given To: Local Government	Chapter 8 – Swimming Pool Safety Part 3 – Inspections Of Regulated Pools And The Giving Of Pool Safety Certificates Division 2 – Functions Of Local Government For Inspections Of Regulated Pools	Power to comply with a request for information from the QBCC commissioner.	Delegation to the CEO

Section of BUIA	Entity Power Given To	Title	Description	Recommendation
Section 246AQ	Entity Power Given To: Local Government	Chapter 8 – Swimming Pool Safety Part 4 – General Provisions About Regulated Pools Division 1 – Obligations to Give Notice of Regulated Pools	Power to give the QBCC commissioner notice of each existing regulated pool in Council's local government area of which it has a record.	Delegation to the CEO
Section 246ATC	Entity Power Given To: Local Government	Chapter 8 – Swimming Pool Safety Part 4 – General Provisions About Regulated Pools Division 4 – Obligation to Give Information to Particular Regulated Pool Owners	Power to give the swimming pool safety advisory information to the owner of each non-certificate regulated pool in its local government area.	Delegation to the CEO
Section 246X	Entity Power Given To: Local Government	Chapter 8B – Transport Noise Corridors Part 2 – Designation By Local Governments	Power to, by gazette notice, designate land as a transport noise corridor.	To Remain with Council
Section 248(1)	Entity Power Given To: Local Government	Chapter 9 – Show Cause And Enforcement Notices	Power to give a notice (an enforcement notice) to the owner of a building, structure or building work.	Delegation to the CEO
Section 248(2)	Entity Power Given To: Local Government	Chapter 9 – Show Cause And Enforcement Notices	Power to give an enforcement notice to a person who does not comply with a particular matter in this Act.	Delegation to the CEO
Section 248(3)	Entity Power Given To: Local Government	Chapter 9 – Show Cause And Enforcement Notices	Power to give a person a show cause notice.	Delegation to the CEO
Section 256(2)(d)	Entity Power Given To: Local Government	Chapter 10 – General Provisions	Power to make a complaint against the Building Act for an offence under section 245G(1).	Delegation to the CEO
Section 256(2)(e)	Entity Power Given To: Local Government	Chapter 10 – General Provisions	Power to make a complaint for an offence against section 245K, 245L or 246AR(2) of the Building Act.	Delegation to the CEO
Section 256(2)(f)	Entity Power Given To: Local Government	Chapter 10 – General Provisions	Power to make a complaint for an offence against section 246AD(2) or 246AJ(4) of the Building Act.	Delegation to the CEO
Section 256(2)(g)	Entity Power Given To: Local Government	Chapter 10 – General Provisions	Power to make a complaint for an offence against section 246AP(2) of the Building Act.	Delegation to the CEO
Section 256(2)(h)	Entity Power Given To: Local Government	Chapter 10 – General Provisions	Power to make a complaint for an offence against Chapter 8, part 4, division 5, subdivision 2 (excluding section 246ATH(2)) of the Building Act.	Delegation to the CEO
Section 256(2)(h) ²	Entity Power Given To: Local Government	Chapter 10 – General Provisions	Power to authorise a person to make a complaint for an offence against Chapter 8, part 4, division 5, subdivision 2 (excluding section 246ATH(2)) of the Building Act.	Delegation to the CEO
Section 256(2)(i)	Entity Power Given To: Local Government	Chapter 10 – General Provisions	Power to make a complaint for an offence against Chapter 8, part 5 of the Building Act.	Delegation to the CEO
Section 256(2)(i) ²	Entity Power Given To: Local Government	Chapter 10 – General Provisions	Power to authorise a person to make a complaint for an offence against Chapter 8, part 5 of the Building Act.	Delegation to the CEO
Section 256(2)(k)	Entity Power Given To: Local Government	Chapter 10 – General Provisions	Power to make a complaint for an offence in the Building Act other than an offence listed in section 256(2)(a)-(j) of the Building Act.	Delegation to the CEO
Section 256(2)(k) ²	Entity Power Given To: Local Government	Chapter 10 – General Provisions	Power to authorise a person to make a complaint for an offence in the Building Act other than an offence listed in section 256(2)(a)-(j) of the Building Act.	Delegation to the CEO
Section 262	Entity Power Given To: Local Government	Chapter 11 – Savings And Transitional Provisions Part 1 – Transitional Provisions For Local Government Act 1993	Power to extend the time for an owner to comply with section 235 where an extension under section 49H(1)(b) of the Local Government Act 1996 is still in force.	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.
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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 - Land Act 1994 (Clean)

Meeting Date: 9 March 2021

Attachment No: 3

Delegations Register – Land Act 1994 (LANA)

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 LANA	Entity Power Given To	Title	Description	Recommendation
Section 13A(4)	Entity Power Given To: Person who may take water under the Water Act 2000, Section 96	Chapter 1 – Preliminary Part 4 – Tidal And Non-Tidal Boundaries And Associated Matters Division 3 – The Non-Tidal Environment	Power, as a person who may take water under the Water Act 2000, section 96, to exercise a right of access, a right of grazing and a right to bring an action for trespass over the adjacent land.	Delegation to the CEO
Section 13AC(1)(a)	Entity Power Given To: Adjacent owner for the land	Chapter 1 – Preliminary Part 4 – Tidal And Non-Tidal Boundaries And Associated Matters Division 3 – The Non-Tidal Environment	Power, as an adjacent owner for the land, to consent to the dedication of non-tidal watercourse land or non-tidal lake land as a reserve.	Delegation to the CEO
Section 13B(1)	Entity Power Given To: A person (Applicant) who is the owner of land	Chapter 1 – Preliminary Part 4 – Tidal And Non-Tidal Boundaries And Associated Matters Division 3 – The Non-Tidal Environment	Power, as an owner of land (the relevant land) having a non-tidal boundary (watercourse) to apply to the Chief Executive (water) to have land adjoining the relevant land (the watercourse land) declared to be former watercourse land.	Delegation to the CEO
Section 13B(2)	Entity Power Given To: A person (Applicant) who is the owner of land	Chapter 1 – Preliminary Part 4 – Tidal And Non-Tidal Boundaries And Associated Matters Division 3 – The Non-Tidal Environment	Power to give notice of the a person's intention to make an application pursuant to section 13B to the owners of any land that adjoins the watercourse land.	Delegation to the CEO
Section 13B(6)	Entity Power Given To: A person (Applicant) who is the owner of land	Chapter 1 – Preliminary Part 4 – Tidal And Non-Tidal Boundaries And Associated Matters Division 3 – The Non-Tidal Environment	Power, as an applicant under section 13B(1), to appeal against the refusal of the application.	Delegation to the CEO
Section 18(1)	Entity Power Given To: Registered Owner	Chapter 2 – Land Allocation Part 1 – Allocation Powers	Power, as registered owner of land, to enter an agreement with the Governor in Council to exchange all or part of the freehold land for the grant of unallocated State land.	Delegation to the CEO
Section 18(2)	Entity Power Given To: Lessee Of A Freeholding Lease	Chapter 2 – Land Allocation Part 1 – Allocation Powers	Power, as lessee of a freeholding lease, to enter an agreement with the Governor in Council to exchange all or part of a freeholding lease over unallocated state land.	Delegation to the CEO
Section 18(3)	Entity Power Given To: Lessee Of A Term Lease	Chapter 2 – Land Allocation Part 1 – Allocation Powers	Power, as lessee of a term lease (other than a State lease or a perpetual lease), to enter an agreement with the Minister to to exchange all or part of the term lease for a lease of unallocated State land for a term of years or in perpetuity	Delegation to the CEO
Section 23A(1)	Entity Power Given To: A Person seeking to have a plan of subdivision registered	Chapter 2 – Land Allocation Part 2 – Reservations	Power, as a person seeking to have a plan of subdivision registered in relation to the land contained in a deed of grant, deed of grant in trust or lease, to apply to the chief executive for the allocation of a floating reservation to some or all of the lots created by the plan.	Delegation to the CEO
Section 23A(6)	Entity Power Given To: Person-Applicant	Chapter 2 – Land Allocation Part 2 – Reservations	Power, as an applicant under section 23A(1), to appeal against the chief executive's decision.	Delegation to the CEO
Section 24(3)	Entity Power Given To: Registered Owner or Lessee	Chapter 2 – Land Allocation Part 2 – Reservations	Power, as registered owner of the deed of a grant or lessee of a freeholding lease of a reservation for a public purpose to be sold under section 24(1), to apply to the Governor in Council to buy the land.	Delegation to the CEO
Section 25(2)	Entity Power Given To: Registered Owner or Lessee	Chapter 2 – Land Allocation Part 2 – Reservations	Power to appeal against the Minister's determination of the unimproved value of land to be sold under section 24(1) of the Land Act 1994.	Delegation to the CEO
Section 26(2)	Entity Power Given To: Registered Owner Lessee Or Trustee	Chapter 2 – Land Allocation Part 2 – Reservations	Power, as trustee, lessee or registered owner, to agree to the Minister's proposal to change the boundaries of a lease, deed of grant or deed of grant in trust where the Governor in Council is resuming possession of all or part of a reservation and the boundaries on the reservation are not stated in the lease, deed of grant or deed of grant in trust.	Delegation to the CEO
Section 26(4)	Entity Power Given To: Lessee, Registered Owner Or Trustee	Chapter 2 – Land Allocation Part 2 – Reservations	Power, as lessee, registered owner or trustee, to appeal the Minister's decision to change on the boundaries of a lease, deed of grant or deed of grant in trust where the Governor in Council is resuming possession of all or part of a reservation and the boundaries of the reservation are not stated in the lease, deed of grant or deed of grant in trust.	Delegation to the CEO

Section of LANA	Entity Power Given To	Title	Description	Recommendation
Section 26B(2)	Entity Power Given To: Lessee or Registered Owner	Chapter 2 - Land Allocation Part 2 - Reservations	Power, as lessee or registered owner, to buy a forest entitlement area under sections 24 and 25.	To Remain with Council
Section 26B(8)	Entity Power Given To: Lessee Or Registered Owner	Chapter 2 – Land Allocation Part 2 – Reservations	Power, as lessee or registered owner, to appeal against the value decided by the Minister for the commercial timber on a forest entitlement area that the local government is buying.	Delegation to the CEO
Section 31C(1)	Entity Power Given To: Any Person	Chapter 3 – Reserves, Deeds Of Grant In Trust And Roads Part 1 – Reserves And Deeds Of Grant In Trust Division 2 – Reserves Subdivision 1 – Reserves Generally	Power, to apply to the Minister for the dedication of a reserve.	Delegation to the CEO
Section 31C(2) and 31C(3)	Entity Power Given To: Any Person	Chapter 3 – Reserves, Deeds Of Grant In Trust And Roads Part 1 – Reserves And Deeds Of Grant In Trust Division 2 – Reserves Subdivision 1 – Reserves Generally	Power to give notice of the person's intention to apply for the dedication of a reserve.	Delegation to the CEO
Section 31D(1)	Entity Power Given To: Trustee Of A Reserve	Chapter 3 – Reserves, Deeds Of Grant In Trust And Roads Part 1 – Reserves And Deeds Of Grant In Trust Division 2 – Reserves Subdivision 1 – Reserves Generally	Power, as trustee, to apply to the Minister to change the boundary of a reserve or the purpose of a reserve.	Delegation to the CEO
Section 31D(2) and 31D(3)	Entity Power Given To: Trustee Of A Reserve	Chapter 3 – Reserves, Deeds Of Grant In Trust And Roads Part 1 – Reserves And Deeds Of Grant In Trust Division 2 – Reserves Subdivision 1 – Reserves Generally	Power, to give notice of the intention to change the boundary of a reserve or the purpose of a reserve.	Delegation to the CEO
Section 32	Entity Power Given To: Trustee	Chapter 3 - Reserves, Deeds of Grant in Trust and Roads Part 1 - Reserves And Deeds of Grant in Trust Division 2 - Reserves Subdivision 1 - Reserves Generally	Power, as trustee, to consult with the Minister in response to a proposed State lease over a reserve.	Delegation to the CEO
Section 34(1)	Entity Power Given To: Any Person	Chapter 3 – Reserves, Deeds Of Grant In Trust And Roads Part 1 – Reserves And Deeds Of Grant In Trust Division 2 – Reserves Subdivision 1 – Reserves Generally	Power, to apply to the Minister to revoke the dedication of all or part of a reserve.	Delegation to the CEO
Section 34(2) and 34(3)	Entity Power Given To: Any Person	Chapter 3 – Reserves, Deeds Of Grant In Trust And Roads Part 1 – Reserves And Deeds Of Grant In Trust Division 2 – Reserves Subdivision 1 – Reserves Generally	Power to give notice of the intention to apply to the Minister to revoke the dedication of all or part of a reserve.	Delegation to the CEO
Section 34H(1)	Entity Power Given To: Owner of Improvements	Chapter 3 – Reserves, Deeds Of Grant In Trust And Roads Part 1 – Reserves And Deeds Of Grant In Trust Division 2 – Reserves Subdivision 1 – Reserves Generally	Power, as owner of improvements on a reserve the dedication to which has been revoked, to apply, in writing to the chief executive, to remove improvements on the reserve.	Delegation to the CEO
Section 34H(2)	Entity Power Given To: Owner of Improvements	Chapter 3 – Reserves, Deeds Of Grant In Trust And Roads Part 1 – Reserves And Deeds Of Grant In Trust Division 2 – Reserves Subdivision 1 – Reserves Generally	Power, as owner of improvements on a reserve the dedication to which has been revoked, to remove improvements with the written approval of the chief executive.	Delegation to the CEO
Section 34I(1)	Entity Power Given To: Trustee Of An Operational Reserve	Chapter 3 – Reserves, Deeds Of Grant In Trust And Roads Part 1 – Reserves And Deeds Of Grant In Trust Division 2 – Reserves Subdivision 2 – Operational Reserves	Power, as trustee of an operational reserve, to apply for a deed of grant over a reserve.	Delegation to the CEO

Section of LANA	Entity Power Given To	Title	Description	Recommendation
Sections 34(3) and 34(4)	Entity Power Given To: Trustee Of An Operational Reserve	Chapter 3 – Reserves, Deeds Of Grant In Trust And Roads Part 1 – Reserves And Deeds Of Grant In Trust Division 2 – Reserves Subdivision 2 – Operational Reserves	Power, as trustee of an operational reserve, to give notice of the intention to apply for a deed of grant over the reserve.	Delegation to the CEO
Section 38A(1)	Entity Power Given To: Trustee Of Deed Of Grant In Trust	Chapter 3 – Reserves, Deeds Of Grant In Trust And Roads Part 1 – Reserves And Deeds Of Grant In Trust Division 3 – Deeds Of Grant In Trust	Power, as trustee, to apply for an additional community purpose or to amalgamate land with common purposes.	Delegation to the CEO
Section 38A(2)	Entity Power Given To: Any Person	Chapter 3 – Reserves, Deeds Of Grant In Trust And Roads Part 1 – Reserves And Deeds Of Grant In Trust Division 3 – Deeds Of Grant In Trust	Power, as trustee to apply for the cancellation of a deed of grant in trust under section 38.	Delegation to the CEO
Sections 38A(3) and 38A(4)	Entity Power Given To: Trustee	Chapter 3 – Reserves, Deeds Of Grant In Trust And Roads Part 1 – Reserves And Deeds Of Grant In Trust Division 3 – Deeds Of Grant In Trust	Power, as trustee, to give notice of the intention to apply under section 38A.	Delegation to the CEO
Section 38G(1)	Entity Power Given To: Owner Of Improvements	Chapter 3 – Reserves, Deeds Of Grant In Trust And Roads Part 1 – Reserves And Deeds Of Grant In Trust Division 3 – Deeds Of Grant In Trust	Power, as an owner of improvements on a deed of grant in trust that has been cancelled, to apply, in writing to the chief executive, to remove the improvements on a deed of grant in trust.	Delegation to the CEO
Section 38G(2)	Entity Power Given To: Owner Of Improvements	Chapter 3 – Reserves, Deeds Of Grant In Trust And Roads Part 1 – Reserves And Deeds Of Grant In Trust Division 3 – Deeds Of Grant In Trust	Power, as owner of improvements on a deed of grant in trust that has been cancelled, to remove the improvements with the chief executive's approval.	Delegation to the CEO
Section 44(4)	Entity Power Given To: Proposed Trustee	Chapter 3 – Reserves, Deeds Of Grant In Trust And Roads Part 1 – Reserves And Deeds Of Grant In Trust Division 5 – Appointments, Functions And Removal Of Trustees	Power to accept appointment as trustee.	Delegation to the CEO
Section 45	Entity Power Given To: Trustee	Chapter 3 – Reserves, Deeds Of Grant In Trust And Roads Part 1 – Reserves And Deeds Of Grant In Trust Division 5 – Appointments, Functions And Removal Of Trustees	Power, as trustee, to advise the chief executive of change in details.	Delegation to the CEO
Sections 46 and 47	Entity Power Given To: Trustee	Chapter 3 – Reserves, Deeds Of Grant In Trust And Roads Part 1 – Reserves And Deeds Of Grant In Trust Division 5 – Appointments, Functions And Removal Of Trustees	Power, as trustee, to comply with the administrative, accounting function and other directions provided by Minister.	Delegation to the CEO
Section 48(1)(a)	Entity Power Given To: Trustee	Chapter 3 – Reserves, Deeds Of Grant In Trust And Roads Part 1 – Reserves And Deeds Of Grant In Trust Division 5 – Appointments, Functions And Removal Of Trustees	Power, as trustee, to: (a) comply with a request of the chief executive to apply for the approval of a management plan for the trust land; and (b) comply with a request of the chief executive to make all records available for inspection by the chief executive and allow copies and notes of the records to be made; (c) register any management plan in the appropriate register.	Delegation to the CEO
Section 49	Entity Power Given To: Trustee	Chapter 3 – Reserves, Deeds Of Grant In Trust And Roads Part 1 – Reserves And Deeds Of Grant In Trust Division 5 – Appointments, Functions And Removal Of Trustees	Power as trustee, to: (a) allow the auditor-general, a person mentioned in section 47(1)(a) to (d), or a person authorised by the Chief Executive of a Department, to audit the trust's financial accounts; and (b) help the conduct of the audit, including the disclosure of financial institution accounts necessary for the audit.	Delegation to the CEO
Section 52(1)	Entity Power Given To: Trustee	Chapter 3 – Reserves, Deeds Of Grant In Trust And Roads Part 1 – Reserves And Deeds Of Grant In Trust Division 6 – Powers Of Trustee	Power to take all necessary action for the maintenance and management of trust land.	Delegation to the CEO

Section of LANA	Entity Power Given To	Title	Description	Recommendation
Section 55(1)	Entity Power Given To: Trustee	Chapter 3 – Reserves, Deeds Of Grant In Trust And Roads Part 1 – Reserves And Deeds Of Grant In Trust Division 6 – Powers Of Trustee	Power, as trustee, to surrender all or part of a deed of grant in trust on terms agreed with the Minister and with the Minister's written approval.	Delegation to the CEO
Section 55A(1)	Entity Power Given To: Trustee	Chapter 3 – Reserves, Deeds Of Grant In Trust And Roads Part 1 – Reserves And Deeds Of Grant In Trust Division 6 – Powers Of Trustee	Power, as trustee, to apply to surrender all or part of a deed of grant in trust	Delegation to the CEO
Sections 55A(2) and 55A(3)	Entity Power Given To: Trustee	Chapter 3 – Reserves, Deeds Of Grant In Trust And Roads Part 1 – Reserves And Deeds Of Grant In Trust Division 6 – Powers Of Trustee	Power, as trustee, to give notice of the intention to apply to surrender all or part of a deed of grant in trust.	Delegation to the CEO
Section 55H(1)	Entity Power Given To: Owner Of Improvements	Chapter 3 – Reserves, Deeds Of Grant In Trust And Roads Part 1 – Reserves And Deeds Of Grant In Trust Division 6 – Powers Of Trustee	Power, as owner of improvements on a deed of grant in trust that has been surrendered, to apply, in writing to the chief executive, to remove the improvements on the deed of grant in trust.	Delegation to the CEO
Section 55H(2)	Entity Power Given To: Owner Of Improvements	Chapter 3 – Reserves, Deeds Of Grant In Trust And Roads Part 1 – Reserves And Deeds Of Grant In Trust Division 6 – Powers Of Trustee	Power, as owner of improvements on a deed of grant in trust that has been surrendered, to remove the improvements on the deed of grant in trust with the written approval of the chief executive.	Delegation to the CEO
Section 57(1)	Entity Power Given To: Trustee	Chapter 3 – Reserves, Deeds Of Grant In Trust And Roads Part 1 – Reserves And Deeds Of Grant In Trust Division 7 – Trustee Leases And Trustee Permits	Power, as trustee, to lease all or part of the trust land if the trustee first obtains the Minister's written "in principle" approval to the lease.	Delegation to the CEO
Section 57(3)	Entity Power Given To: Trustee	Chapter 3 – Reserves, Deeds Of Grant In Trust And Roads Part 1 – Reserves And Deeds Of Grant In Trust Division 7 – Trustee Leases And Trustee Permits	Power as trustee to, without the Minister's approval, grant a trustee lease (construction) or a trustee lease (State or statutory body) over all or part of the trust land.	Delegation to the CEO
Section 57A(1)	Entity Power Given To: Trustee	Chapter 3 – Reserves, Deeds Of Grant In Trust And Roads Part 1 – Reserves And Deeds Of Grant In Trust Division 7 – Trustee Leases And Trustee Permits	Power to seek the Minister's approval to amend a trustee lease.	Delegation to the CEO
Section 58(1)	Entity Power Given To: Trustee Lessee	Chapter 3 – Reserves, Deeds Of Grant In Trust And Roads Part 1 – Reserves And Deeds Of Grant In Trust Division 7 – Trustee Leases And Trustee Permits	Power, as trustee lessee, to transfer, mortgage or sublease a trustee lease subject to the written approval of: (a) the Minister for a sublease; or (b) otherwise, the chief executive.	Delegation to the CEO
Section 58(7)	Entity Power Given To: Trustee Lessee	Chapter 3 – Reserves, Deeds Of Grant In Trust And Roads Part 1 – Reserves And Deeds Of Grant In Trust Division 7 – Trustee Leases And Trustee Permits	Power to appeal against the Minister's or chief executive's decision to refuse to allow a transfer, mortgage or sublease of a trustee lease.	Delegation to the CEO
Section 60(1)	Entity Power Given To: Trustee	Chapter 3 – Reserves, Deeds Of Grant In Trust And Roads Part 1 – Reserves And Deeds Of Grant In Trust Division 7 – Trustee Leases And Trustee Permits	Power, as trustee, to issue a trustee permit to use all or part of the trust land.	Delegation to the CEO
Section 60(3)	Entity Power Given To: Trustee	Chapter 3 – Reserves, Deeds Of Grant In Trust And Roads Part 1 – Reserves And Deeds Of Grant In Trust Division 7 – Trustee Leases And Trustee Permits	Power to lodge a trustee permit in the appropriate register.	Delegation to the CEO
Section 62	Entity Power Given To: Trustee	Chapter 3 – Reserves, Deeds Of Grant In Trust And Roads Part 1 – Reserves And Deeds Of Grant In Trust Division 7 – Trustee Leases And Trustee Permits	Power to seek consent to group trust land reserved for similar purposes together.	Delegation to the CEO

Section of LANA	Entity Power Given To	Title	Description	Recommendation
Section 63(3)	Entity Power Given To: Trustee	Chapter 3 – Reserves, Deeds Of Grant In Trust And Roads Part 1 – Reserves And Deeds Of Grant In Trust Division 7 – Trustee Leases And Trustee Permits	Power to seek the Minister's approval for rent from a trustee lease or trustee permit to be applied to costs other than on maintenance and enhancement of the trust land.	Delegation to the CEO
Section 64(4)	Entity Power Given To: Relevant Person	Chapter 3 – Reserves, Deeds Of Grant In Trust And Roads Part 1 – Reserves And Deeds Of Grant In Trust Division 7 – Trustee Leases And Trustee Permits	Power, as a relevant person, to apply for approval to lease, sublease or sub-sublease trust land even if an authority is in force.	Delegation to the CEO
Section 65(1)	Entity Power Given To: Trustee	Chapter 3 – Reserves, Deeds Of Grant In Trust And Roads Part 1 – Reserves And Deeds Of Grant In Trust Division 7 – Trustee Leases And Trustee Permits	Power, as trustee, to cancel a trustee lease or trustee permit if the lessee or permittee does not comply with the conditions of the lease or permit.	To Remain with Council
Section 66(1)	Entity Power Given To: Trustee	Chapter 3 – Reserves, Deeds Of Grant In Trust And Roads Part 1 – Reserves And Deeds Of Grant In Trust Division 7 – Trustee Leases And Trustee Permits	Power to allow a the trustee lessee or trustee permittee to remove the trustee lessee's or trustee permittee's improvements on the land within a reasonable time stated by the trustee.	Delegation to the CEO
Section 67(2)	Entity Power Given To: Trustee of a Deed of Grant in Trust	Chapter 3 – Reserves, Deeds Of Grant In Trust And Roads Part 1 – Reserves And Deeds Of Grant In Trust Division 8 - Mortgaging Trust Land	Power, as trustee of a deed of grant in trust, to mortgage a deed of grant in trust issued prior the commencement of the Land Act 1994, subject to the Minister's approval under section 67(4).	Delegation to the CEO
Section 67(3)	Entity Power Given To: Trustee	Chapter 3 – Reserves, Deeds Of Grant In Trust And Roads Part 1 – Reserves And Deeds Of Grant In Trust Division 8 - Mortgaging Trust Land	Power to mortgage a deed of grant in trust issued after the commencement of the Land Act 1994 subject to section 67(3)(a) and (b) and the Minister's approval under section 67(4).	Delegation to the CEO
Section 80(1)	Entity Power Given To: Trustee	Chapter 3 – Reserves, Deeds Of Grant In Trust And Roads Part 1 – Reserves And Deeds Of Grant In Trust Division 10 - Cemeteries	Power, as trustee of trust land for cemetery purposes, to repair or remove structures, monuments or tombstones from a cemetery on trust land.	Delegation to the CEO
Section 81(1)	Entity Power Given To: Trustee	Chapter 3 – Reserves, Deeds Of Grant In Trust And Roads Part 1 – Reserves And Deeds Of Grant In Trust Division 10 - Cemeteries	Power to ask the Minister that a cemetery on trust land be closed to further burials.	To Remain with Council
Section 81(4)	Entity Power Given To: Trustee	Chapter 3 – Reserves, Deeds Of Grant In Trust And Roads Part 1 – Reserves And Deeds Of Grant In Trust Division 10 - Cemeteries	Power to ask the Minister to re-open a cemetery previously closed for further burials.	To Remain with Council
Section 82	Entity Power Given To: Local Government	Chapter 3 – Reserves, Deeds Of Grant In Trust And Roads Part 1 – Reserves And Deeds Of Grant In Trust Division 10 – Cemeteries	Power to agree to take on the trusteeship of a cemetery and to agree on the terms of the transfer.	Delegation to the CEO
Section 83(1)	Entity Power Given To: Person	Chapter 3 – Reserves, Deeds Of Grant In Trust And Roads Part 1 – Reserves And Deeds Of Grant In Trust Division 10 – Cemeteries	Power to seek approval from the Minister to exhume a body from a cemetery, in the absence of any local law covering the matter.	Not Relevant
Section 84(1)	Entity Power Given To: Trustee Of Land Granted For An Estate In Fee Simple For Some Community, Public Or Similar Purpose	Chapter 3 – Reserves, Deeds Of Grant In Trust And Roads Part 1 – Reserves And Deeds Of Grant In Trust Division 11 – Other Grants For Public Purposes	Power to apply to the Minister seeking approval to surrender land granted for an estate in a fee simple for some community, public, or similar purpose, the land to the State, and for the issue of a deed of grant in trust under this Act for a community or public purpose.	Delegation to the CEO
Section 94(2)	Entity Power Given To: Person	Chapter 3 – Reserves, Deeds Of Grant In Trust And Roads Part 2 – Roads Division 1 – Deciding And Opening Roads	Power to apply for land to be dedicated as a road for public use.	Delegation to the CEO

Section of LANA	Entity Power Given To	Title	Description	Recommendation
Section 99(1)	Entity Power Given To: Public Utility Provider Or Adjoining Owner For The Road	Chapter 3 – Reserves, Deeds Of Grant In Trust And Roads Part 2 – Roads Division 2 – Closing Roads	Power to apply to the minister to permanently close a road.	Delegation to the CEO
Section 99(3)	Entity Power Given To: Adjoining Owner For The Road Or, In Certain Circumstances, Another Person	Chapter 3 – Reserves, Deeds Of Grant In Trust And Roads Part 2 – Roads Division 2 – Closing Roads	Power to apply to the Minister to temporarily close a road.	Delegation to the CEO
Section 99(4)	Entity Power Given To: Adjoining Owner	Chapter 3 – Reserves, Deeds Of Grant In Trust And Roads Part 2 – Roads Division 2 – Closing Roads	Power as an adjoining owner of land who makes an application to permanently close a road pursuant to section 99(1) of the <i>Land Act 1994</i> , to ask that the land be amalgamated with the adjoining owner's adjoining land upon its closure.	Delegation to the CEO
Section 100	Entity Power Given To: A Person	Chapter 3 – Reserves, Deeds Of Grant In Trust And Roads Part 2 – Roads Division 2 – Closing Roads	Power to object to a road closure application in response to a public notice.	Delegation to the CEO
Section 105(3)	Entity Power Given To: Road Licensee	Chapter 3 – Reserves, Deeds Of Grant In Trust And Roads Part 2 – Roads Division 3 – Road Licenses	Power, as a road licensee, to surrender all or part of a road licence.	Delegation to the CEO
Section 109A(1)	Entity Power Given To: Registered Owner	Chapter 3 – Reserves, Deeds Of Grant In Trust And Roads Part 2 – Roads Division 4 – Permanently Closed Roads	Power, as registered owner of land, to apply for the simultaneous opening and closing of roads subject to the conditions in section 109A(1)(a), (b) and (c) .	Delegation to the CEO
Section 109A(2)	Entity Power Given To: Registered Owner	Chapter 3 – Reserves, Deeds Of Grant In Trust And Roads Part 2 – Roads Division 4 – Permanently Closed Roads	Power, as registered owner, to ask the Minister to include certain matters in the deed of grant in trust issued under section 358.	Delegation to the CEO
Section 109A(3)	Entity Power Given To: Registered Owner	Chapter 3 – Reserves, Deeds Of Grant In Trust And Roads Part 2 – Roads Division 4 – Permanently Closed Roads	Power, as registered owner, to appeal against any conditions the Minister imposes under section 420L.	Delegation to the CEO
Section 109B(1)	Entity Power Given To: Trustee Or Lessee	Chapter 3 – Reserves, Deeds Of Grant In Trust And Roads Part 2 – Roads Division 4 – Permanently Closed Roads	Power, as trustee of lessee, to apply for the simultaneous opening and closing of roads subject to section 109B(1)(a),(b) and (c).	Delegation to the CEO
Section 109B(2)	Entity Power Given To: Trustee	Chapter 3 – Reserves, Deeds Of Grant In Trust And Roads Part 2 – Roads Division 4 – Permanently Closed Roads	Power to ask the Minister to include certain matters in the deed of grant in trust issued under section 358 or dedicated as a reserve under section 31A (whichever is applicable).	Delegation to the CEO
Section 109B(3)	Entity Power Given To: Lessee	Chapter 3 – Reserves, Deeds Of Grant In Trust And Roads Part 2 – Roads Division 4 – Permanently Closed Roads	Power, as lessee, to ask that the land in the road being closed be amalgamated in accordance with section 109B(3)(a) or (b) (whichever is applicable).	Delegation to the CEO
Section 109B(4)	Entity Power Given To: Trustee Or Lessee	Chapter 3 – Reserves, Deeds Of Grant In Trust And Roads Part 2 – Roads Division 4 – Permanently Closed Roads	Power, as trustee or lessee, to appeal against any conditions the Minister imposes under section 420L.	Delegation to the CEO
Section 120A(1)	Entity Power Given To: Any Person	Chapter 4 – Land Holdings Part 1 – Making Land Available Division 2 – Interests In Land Available Without Competition	Power to apply for an interest in land that may be granted without competition.	Delegation to the CEO
Section 154(1)	Entity Power Given To: Lessee	Chapter 4 – Land Holdings Part 3 – Leases Division 1 – Preliminary	Power, as lessee, to apply to the Minister that a lease be used for additional or fewer purposes.	Delegation to the CEO
Section 155A(2)	Entity Power Given To: Lessee	Chapter 4 – Land Holdings Part 3 – Leases Division 1B – Extension Of Particular Term Leases	Power, as lessee, to apply to for extension of a term lease (40 years).	Delegation to the CEO
Section 155B(2)	Entity Power Given To: Lessee	Chapter 4 – Land Holdings Part 3 – Leases Division 1B – Extension Of Particular Term Leases	Power, as lessee, to apply for extension of a term lease (50 years).	Delegation to the CEO

Section of LANA	Entity Power Given To	Title	Description	Recommendation
Section 155BA(2)	Entity Power Given To: Lessee	Chapter 4 – Land Holdings Part 3 – Leases Division 1B – Extension Of Particular Term Leases	Power, as lessee, to apply for extension of a term lease (75 years).	Delegation to the CEO
Section 158(f)	Entity Power Given To: Lessee	Chapter 4 – Land Holdings Part 3 – Leases Division 2 – Expiry, Renewal And Extension Subdivision 2 – Renewal	Power, as lessee, to apply for an offer of a new lease (a renewal application).	Delegation to the CEO
Section 160(3)	Entity Power Given To: Applicant	Chapter 4 – Land Holdings Part 3 – Leases Division 2 – Expiry, Renewal And Extension Subdivision 2 – Renewal	Power, as an applicant for a renewal application, to appeal against the Chief Executive's decision to refuse the renewal application if the only reason for the refusal was that the applicant had not fulfilled the conditions of the lease.	Delegation to the CEO
Section 164C(1)	Entity Power Given To: Lessee	Chapter 4 – Land Holdings Part 3 – Leases Division 2 – Expiry, Renewal And Extension Subdivision 3 – Extensions Of Rolling Term Leases	Power, as a lessee under a rolling term lease, to apply to the Minister for an extension of the term.	Delegation to the CEO
Section 164C(7)	Entity Power Given To: Lessee	Chapter 4 – Land Holdings Part 3 – Leases Division 2 – Expiry, Renewal And Extension Subdivision 3 – Extensions Of Rolling Term Leases	Power, as a lessee under a rolling term lease, to appeal to the Minister's refusal of an extension of the term.	Delegation to the CEO
Section 166(1)	Entity Power Given To: Lessee	Chapter 4 – Land Holdings Part 3 – Leases Division 3 – Conversion Of Tenure	Power, as lessee, to apply to convert a perpetual lease to freehold land and a term lease to a perpetual lease or to freehold land.	Delegation to the CEO
Section 168(5)	Entity Power Given To: Applicant	Chapter 4 – Land Holdings Part 3 – Leases Division 3 – Conversion Of Tenure	Power, as applicant for a conversion application, to appeal against the Chief Executive's decision to refuse the conversion application if the only reason for the refusal is that the applicant had not fulfilled the conditions of the lease.	Delegation to the CEO
Section 176(1)	Entity Power Given To: Lessee	Chapter 4 – Land Holdings Part 3 – Leases Division 4 – Subdividing Leases	Power, as lessee, to apply for approval to subdivide the lease.	Delegation to the CEO
Section 176E	Entity Power Given To: Applicant	Chapter 4 – Land Holdings Part 3 – Leases Division 4 – Subdividing Leases	Power to appeal against the Minister's decision to refuse an application for approval to subdivide a lease.	Delegation to the CEO
Section 176K(1)	Entity Power Given To: Lessee Of Two Or More Leases	Chapter 4 – Land Holdings Part 3 – Leases Division 5 – Amalgamating Leases	Power, as lessee of 2 or more leases, to apply to the Minister for approval to amalgamate the leases.	Delegation to the CEO
Section 176K(3)(b)	Entity Power Given To: Local Government	Chapter 4 – Land Holdings Part 3 – Leases Division 5 – Amalgamating Leases	Power, as a local government, to prepare a statement of Council's views on the amalgamation of 2 or more leases.	Delegation to the CEO
Section 176N	Entity Power Given To: Local Government	Chapter 4 – Land Holdings Part 3 – Leases Division 5 – Amalgamating Leases	Power to give the chief executive an opinion in respect of a proposed road closure.	Delegation to the CEO
Section 177	Entity Power Given To: Trustee	Chapter 4 – Land Holdings Part 4 – Permits To Occupy Particular Land	Power to consult with the chief executive regarding the issue of a permit to occupy unallocated State land, a road or a reserve.	Delegation to the CEO
Section 177A(1)	Entity Power Given To: Any Person	Chapter 4 – Land Holdings Part 4 – Permits To Occupy Particular Land	Power to apply for a permit to occupy unallocated State land, a reserve or a road.	Delegation to the CEO
Section 177A(2)	Entity Power Given To: Any Person	Chapter 4 – Land Holdings Part 4 – Permits To Occupy Particular Land	Power to give notice of an intention to apply for a permit to occupy unallocated State land, a reserve or a road.	Delegation to the CEO
Section 179(2)	Entity Power Given To: Applicant	Chapter 4 – Land Holdings Part 4 – Permits To Occupy Particular Land	Power, as an applicant for a permit, to enter an agreement with an adjoining owner about the maintenance of a fence.	Delegation to the CEO
Section 180(2)	Entity Power Given To: Permittee	Chapter 4 – Land Holdings Part 4 – Permits To Occupy Particular Land	Power, as a permittee, to surrender a permit to occupy on terms agreed to between the Chief Executive and the permittee and with the Chief Executive's written approval.	Delegation to the CEO
Section 180A	Entity Power Given To: Relevant Entity	Chapter 4 – Land Holdings Part 4 – Permits To Occupy Particular Land	Power, as a relevant entity, to apply to surrender or cancel a permit to occupy.	Delegation to the CEO

Section of LANA	Entity Power Given To	Title	Description	Recommendation
Section 180H(1)	Entity Power Given To: Permittee	Chapter 4 – Land Holdings Part 4 – Permits To Occupy Particular Land	Power, as a permittee for a permit that is cancelled or surrendered, to apply to remove the permittees improvements on the permit land.	Delegation to the CEO
Section 180H(2)	Entity Power Given To: Permittee	Chapter 4 – Land Holdings Part 4 – Permits To Occupy Particular Land	Power, as a permittee, to remove improvements with the chief executive's written approval.	Delegation to the CEO
Section 201	Entity Power Given To: Lessee, Licensee Or Permittee	Chapter 5 - Matters Affecting Land Holdings Part 2 - Conditions Division 1 - General Mandatory Conditions	Power, as lessee, licensee or permittee, to give the Minister or chief executive the information asked for about the lease, licence or permit.	Delegation to the CEO
Section 210(f)	Entity Power Given To: Lessee, Licensee Or Permittee	Chapter 5 – Matters Affecting Land Holdings Part 2 – Conditions Division 3 – Changing And Reviewing Imposed Conditions	Power, as lessee, licensee or permittee, to apply to change an imposed condition of the lease, licence or permit.	Delegation to the CEO
Section 212(3)	Entity Power Given To: Lessee	Chapter 5 – Matters Affecting Land Holdings Part 2 – Conditions Division 3 – Changing And Reviewing Imposed Conditions	Power to appeal against the Minister's decision to change an imposed condition about the protection and sustainability of the lease land.	Delegation to the CEO
Section 214A(4)	Entity Power Given To: Lessee Or Licensee	Chapter 5 – Matters Affecting Land Holdings Part 2 – Conditions Division 5 – Remedial Action	Power to make written submissions to the Minister in response to a warning notice.	Delegation to the CEO
Section 214B	Entity Power Given To: Lessee Or Licensee	Chapter 5 – Matters Affecting Land Holdings Part 2 – Conditions Division 5 – Remedial Action	Power, as a lessee or licensee to whom a remedial action notice has been given, to appeal against the decision to give the notice.	Delegation to the CEO
Section 214D	Entity Power Given To: Lessee Or Licensee	Chapter 5 – Matters Affecting Land Holdings Part 2 – Conditions Division 5 – Remedial Action	Power, as a lessee or licensee to whom a remedial action notice has been given, to comply with the notice.	Delegation to the CEO
Section 214F(3)	Entity Power Given To: Lessee	Chapter 5 – Matters Affecting Land Holdings Part 2 – Conditions Division 5 – Remedial Action	Power, as lessee, to appeal against a the Minister's decision to reduce the term of, or impose additional conditions on, a lease.	Delegation to the CEO
Section 219(3)	Entity Power Given To: A Person Who Has A Lawful Interest in the Matters	Chapter 5 - Matters Affecting Land Holdings Part 3 - Resumption and Compensation Division 1 - Resumption of a Lease of Easement	Power, as a person who has a lawful interest in the matters listed at section 219(3)(a), (b) and (c), to claim compensation as prescribed by the Acquisition of Land Act 1967.	Delegation to the CEO
Section 222(6)	Entity Power Given To: A Compensation Claimant	Chapter 5 - Matters Affecting Land Holdings Part 3 - Resumption and Compensation Division 1 - Resumption of a Lease of Easement	Power, as a compensation claimant, to appeal the Minister's decision about the amount of loss, costs and expenses the claimant is entitled to claim.	Delegation to the CEO
Section 225(2)	Entity Power Given To: Owner of Lawful Improvements on a Lease or Part of Lease	Chapter 5 – Matters Affecting Land Holdings Part 3 – Resumption And Compensation Division 2 – Resumption Of A Lease Under A Condition Of The Lease	Power, as owner of lawful improvements on a lease or part of lease resumed under the division, to claim compensation.	Delegation to the CEO
Section 226(5)	Entity Power Given To: Lessee	Chapter 5 – Matters Affecting Land Holdings Part 3 – Resumption And Compensation Division 2 – Resumption Of A Lease Under A Condition Of The Lease	Power, as lessee, to appeal against the Minister's decision on compensation payable.	Delegation to the CEO
Section 230(2)	Entity Power Given To: Owner Of The Improvement	Chapter 5 – Matters Affecting Land Holdings Part 3 – Resumption And Compensation Division 3 – Resumption Of A Reservation For A Public Purpose	Power, as owner of lawful improvements on all or part of a reservation resumed, to claim compensation.	Delegation to the CEO
Section 232(5)	Entity Power Given To: Owner	Chapter 5 – Matters Affecting Land Holdings Part 3 – Resumption And Compensation Division 3 – Resumption Of A Reservation For A Public Purpose	Power, as owner, to appeal against the Minister's decision on compensation payable.	Delegation to the CEO

Section of LANA	Entity Power Given To	Title	Description	Recommendation
Section 239(4)	Entity Power Given To: Relevant Local Government	Chapter 5 – Matters Affecting Land Holdings Part 4 – Forfeiture Division 2A – Forfeiture Of Leases By Referral To Court Or For Fraud	Power, as a relevant local government of a term or perpetual lease, to appeal against a decision under subsection (2)(b)(iv) to allow an entity other than the relevant local government to sell the lease.	Delegation to the CEO
Section 240E(1)	Entity Power Given To: Lessee	Chapter 5 – Matters Affecting Land Holdings Part 4 – Forfeiture Division 3A – Sale Of Lease Instead Of Forfeiture Subdivision 1 – Sale By Lessee	Power, after receiving a notice under section 235(1) or 238(3), as a lessee of a lease, to apply in writing to the chief executive for permission to sell the lease.	Delegation to the CEO
Section 240G(4)	Entity Power Given To: Local Government	Chapter 5 – Matters Affecting Land Holdings Part 4 – Forfeiture Division 3A – Sale Of Lease Instead Of Forfeiture Subdivision 3 – Sale By Local Government	Power, as a local government, to apply to the chief executive to sell a lease.	Delegation to the CEO
Section 243(1A)	Entity Power Given To: Lessee Of A Forfeited Lease	Chapter 5 – Matters Affecting Land Holdings Part 4 – Forfeiture Division 4 – Forfeiture	Power, as lessee of a forfeited lease, to apply, in writing to the chief executive, to remove the lessee's improvements on the lease.	Delegation to the CEO
Section 243(1)	Entity Power Given To: Lessee Of A Forfeited Lease	Chapter 5 – Matters Affecting Land Holdings Part 4 – Forfeiture Division 4 – Forfeiture	Power, as lessee of a forfeited lease, to remove the improvements with the written approval of the chief executive.	Delegation to the CEO
Section 288(1)	Entity Power Given To: Transferor or a Person Creating the Interest	Chapter 6 – Registration and Dealings Part 1 – Land Registry and Registers Division 3 – General Requirements for Documents in Registers	Power, as a transferor or a person creating the interest, or the transferee or the person in whose favour the interest is to be created, to sign a document transferring a lease, sublease or licence or creating an interest in a lease or sublease.	Delegation to the CEO
Section 288(1)(b)	Entity Power Given To: Transferee or the Person in Whose Favour the Interest is to be Created	Chapter 6 – Registration and Dealings Part 1 – Land Registry and Registers Division 3 – General Requirements for Documents in Registers	Power, as a transferee or the person in whose favour the interest is to be created, to authorise a legal practitioner to sign a document transferring a lease, sublease or licence or creating an interest in a lease or sublease on Council's behalf.	Delegation to the CEO
Sections 318 & 319	Entity Power Given To: Person	Chapter 6 – Registration And Dealings Part 3 – Documents Division 2 – Documents Forming Part Of Standard Terms Documents	Power to lodge a standard terms document and amend the standard terms document by lodging a further document	Delegation to the CEO
Section 322(3)	Entity Power Given To: Lessee, Licensee Or The Holder Of A Sublease	Chapter 6 – Registration And Dealings Part 4 – Dealings Affecting Land Division 1 – Transfers	Power, as a lessee, licensee or the holder of a sublease, to apply to transfer a lease, sublease or licence under the Act with the approval of the chief executive.	Delegation to the CEO
Section 322(5)	Entity Power Given To: Lessee, Licensee Or The Holder Of A Sublease	Chapter 6 – Registration And Dealings Part 4 – Dealings Affecting Land Division 1 – Transfers	Power, as a lessee, licensee or the holder of a sublease, to apply to the chief executive to extend the time mentioned in subsection 322(4).	Delegation to the CEO
Section 322(8)	Entity Power Given To: Lessee, Licensee Or The Holder Of A Sublease	Chapter 6 – Registration And Dealings Part 4 – Dealings Affecting Land Division 1 – Transfers	Power, as a lessee, licensee or the holder of a sublease, to appeal a decision of the chief executive not to grant the transfer of a lease, sublease or licence.	Delegation to the CEO
Section 327	Entity Power Given To: Registered Owner	Chapter 6 – Registration And Dealings Part 4 – Dealings Affecting Land Division 2 – Surrender	Power to surrender freehold land on terms agreed between the chief executive and the registered owner and with the chief executive's written approval.	Delegation to the CEO
Section 327A	Entity Power Given To: Lessee	Chapter 6 – Registration And Dealings Part 4 – Dealings Affecting Land Division 2 – Surrender	Power to surrender a lease or part of a lease on terms agreed between the chief executive and the lessee and with the chief executive's written approval.	Delegation to the CEO
Section 327B	Entity Power Given To: Registered Owner	Chapter 6 – Registration And Dealings Part 4 – Dealings Affecting Land Division 2 – Surrender	Power, as a registered owner, to apply in writing to the chief executive to surrender freehold land.	Delegation to the CEO

Section of LANA	Entity Power Given To	Title	Description	Recommendation
Section 327C(1)	Entity Power Given To: Lessee	Chapter 6 – Registration And Dealings Part 4 – Dealings Affecting Land Division 2 – Surrender	Power, as a lessee, to apply in writing to the chief executive to surrender all or part of a lease.	Delegation to the CEO
Section 327C(2)	Entity Power Given To: Lessee	Chapter 6 – Registration And Dealings Part 4 – Dealings Affecting Land Division 2 – Surrender	Power, as a lessee, to give notice of an intention to apply to any other person with a registered interest in the lease.	Delegation to the CEO
Section 327I(1)	Entity Power Given To: Owner Of Improvements On A Lease That Has Been Surrendered	Chapter 6 – Registration And Dealings Part 4 – Dealings Affecting Land Division 2 – Surrender	Power, as owner of improvements on a lease that has been surrendered, to apply in writing to the chief executive to remove the owners improvements on the lease.	Delegation to the CEO
Section 327I(2)	Entity Power Given To: Owner Of Improvements On A Lease That Has Been Surrendered	Chapter 6 – Registration And Dealings Part 4 – Dealings Affecting Land Division 2 – Surrender	Power, as owner of improvements on a lease that has been surrendered, to remove the owner's improvements with the chief executive's written approval.	Delegation to the CEO
Section 329(1)	Entity Power Given To: Lessee	Chapter 6 – Registration And Dealings Part 4 – Dealings Affecting Land Division 2 – Surrender	Power, as lessee, to give notice of the intention to surrender a lease.	Delegation to the CEO
Section 332(1) and (2)	Entity Power Given To: Lessee or Sublessee	Chapter 6 – Registration And Dealings Part 4 – Dealings Affecting Land Division 3 – Subleases	Power to seek the Minister's approval to sublease a lease issued under the Act.	Delegation to the CEO
Section 332(7)	Entity Power Given To: Lessee	Chapter 6 – Registration And Dealings Part 4 – Dealings Affecting Land Division 3 – Subleases	Power to appeal against the Minister's refusal to approve the sublease of a lease issued under the Act.	Delegation to the CEO
Section 336	Entity Power Given To: Lessee or Sublessee	Chapter 6 – Registration And Dealings Part 4 – Dealings Affecting Land Division 3 – Subleases	Power to seek the Minister's approval to amend a sublease.	Delegation to the CEO
Section 339F	Entity Power Given To: Party To A Sublease	Chapter 6 – Registration And Dealings Part 4 – Dealings Affecting Land Division 3A – Process For Resolving Disputes Under Particular Subleases Subdivision 2 - Notice of Disputes	Power, as party to a sublease, to give another party to the sublease a dispute notice and ask the responder to give information reasonably required for resolving the dispute.	Delegation to the CEO
Section 339G	Entity Power Given To: Party To A Sublease	Chapter 6 – Registration And Dealings Part 4 – Dealings Affecting Land Division 3A – Process For Resolving Disputes Under Particular Subleases Subdivision 2 - Notice of Disputes	Power, as a party to a sublease who has received a dispute notice, to respond to the dispute notice and ask for further information reasonably required for resolving the dispute.	Delegation to the CEO
Section 339H(2)	Entity Power Given To: Party To A Sublease	Chapter 6 – Registration And Dealings Part 4 – Dealings Affecting Land Division 3A – Process For Resolving Disputes Under Particular Subleases Subdivision 2 - Notice of Disputes	Power, as a party to a sublease and where the circumstances of section 339H(1) apply, to attempt to resolve the dispute by mediation.	Delegation to the CEO
Section 339I(1)	Entity Power Given To: Party To A Sublease	Chapter 6 – Registration And Dealings Part 4 – Dealings Affecting Land Division 3A – Process For Resolving Disputes Under Particular Subleases Subdivision 3 - Mediation	Power, as a party to a sublease and a party to a dispute, to jointly appoint a mediator to mediate the dispute.	Delegation to the CEO
Section 339I(2)	Entity Power Given To: Party To A Sublease	Chapter 6 – Registration And Dealings Part 4 – Dealings Affecting Land Division 3A – Process For Resolving Disputes Under Particular Subleases Subdivision 3 - Mediation	Power, as a party to a sublease and a party to a dispute, and where the circumstances of section 339I(2) apply, to request the prescribed dispute resolution entity to appoint a mediator to mediate the dispute.	Delegation to the CEO
Section 339J(1)	Entity Power Given To: Party To A Sublease	Chapter 6 – Registration And Dealings Part 4 – Dealings Affecting Land Division 3A – Process For Resolving Disputes Under Particular Subleases Subdivision 3 - Mediation	Power, as a party to a sublease and a party to a dispute, to agree to a time for the mediation.	Delegation to the CEO
Section 339J(2)	Entity Power Given To: Party To A Sublease	Chapter 6 – Registration And Dealings Part 4 – Dealings Affecting Land Division 3A – Process For Resolving Disputes Under Particular Subleases Subdivision 3 - Mediation	Power, as a party to a sublease and a party to a dispute, and where the circumstances of section 339J(2) apply, to request the prescribed dispute resolution entity to set a time for the mediation of the dispute.	Delegation to the CEO
Section 339K	Entity Power Given To: Party To A Sublease	Chapter 6 – Registration And Dealings Part 4 – Dealings Affecting Land Division 3A – Process For Resolving Disputes Under Particular Subleases Subdivision 3 - Mediation	Power, as a party to a sublease and a party to a dispute that is the subject of mediation, to participate in the mediation, agree to adjourn the mediation, and agree to a later time for the mediation.	Delegation to the CEO

Section of LANA	Entity Power Given To	Title	Description	Recommendation
Section 339L	Entity Power Given To: Party To A Sublease	Chapter 6 – Registration And Dealings Part 4 – Dealings Affecting Land Division 3A – Process For Resolving Disputes Under Particular Subleases Subdivision 3 - Mediation	Power, as a party to a sublease and a party to a dispute that is the subject of mediation, to pay Council's share of the mediator's costs of the mediation or otherwise agree with the other parties to the dispute how the costs of the mediator will be paid.	Delegation to the CEO
Section 339O(1)	Entity Power Given To: Party To A Sublease	Chapter 6 – Registration And Dealings Part 4 – Dealings Affecting Land Division 3A – Process For Resolving Disputes Under Particular Subleases Subdivision 4 - Arbitration	Power, as a party to a sublease and a party to a dispute, to jointly appoint an arbitrator to decide the dispute.	Delegation to the CEO
Section 339O(2)	Entity Power Given To: Party To A Sublease	Chapter 6 – Registration And Dealings Part 4 – Dealings Affecting Land Division 3A – Process For Resolving Disputes Under Particular Subleases Subdivision 4 - Arbitration	Power, as a party to a sublease and a party to a dispute, and where the circumstances of section 339O(2) apply, to request the prescribed dispute resolution entity to appoint an arbitrator to decide the dispute.	Delegation to the CEO
Section 339Q(3)(c)	Entity Power Given To: Party To A Sublease	Chapter 6 – Registration And Dealings Part 4 – Dealings Affecting Land Division 3A – Process For Resolving Disputes Under Particular Subleases Subdivision 4 - Arbitration	Power, as a party to a sublease and a party to a dispute, to agree to extend the period for the arbitrator to decide the dispute by issuing an award.	Delegation to the CEO
Section 339R(1)(b)	Entity Power Given To: Party To A Sublease and A Party To Dispute	Chapter 6 – Registration And Dealings Part 4 – Dealings Affecting Land Division 3A – Process For Resolving Disputes Under Particular Subleases Subdivision 4 - Arbitration	Power, as a party to a sublease and a party to a dispute, and where the arbitrator has required, to give an appointed expert access to or copies of any relevant information, documents or other property.	Delegation to the CEO
Section 339R(2)	Entity Power Given To: Party To A Sublease and A Party To Dispute	Chapter 6 – Registration And Dealings Part 4 – Dealings Affecting Land Division 3A – Process For Resolving Disputes Under Particular Subleases Subdivision 4 - Arbitration	Power, as a party to a sublease and a party to a dispute, to request that an appointed expert participate in a hearing.	Delegation to the CEO
Section 339T	Entity Power Given To: Party To A Sublease and A Party To Dispute	Chapter 6 – Registration And Dealings Part 4 – Dealings Affecting Land Division 3A – Process For Resolving Disputes Under Particular Subleases Subdivision 4 - Arbitration	Power, as a party to a sublease and a party to a dispute that has been decided by arbitration, to apply to the Supreme Court to set aside the decision in certain circumstances.	Delegation to the CEO
Section 339U	Entity Power Given To: Party To A Sublease and A Party To Dispute	Chapter 6 – Registration And Dealings Part 4 – Dealings Affecting Land Division 3A – Process For Resolving Disputes Under Particular Subleases Subdivision 4 - Arbitration	Power, as a party to a sublease and a party to a dispute that is the subject of arbitration, to pay Council's share of the arbitration costs or otherwise agree with the other parties to the dispute how the arbitration costs will be paid.	Delegation to the CEO
Section 358(1)	Entity Power Given To: Registered Owner Or Trustee	Chapter 6 – Registration And Dealings Part 4 – Dealings Affecting Land Division 7 – Correcting And Changing Deeds Of Grant And Leases	Power, as the registered owner of trustee, to surrender land if the description of the land is no longer correct, because of the reasons listed in section 358(1)(a) to (f).	Delegation to the CEO
Section 358(2)	Entity Power Given To: Registered Owner Or Trustee	Chapter 6 – Registration And Dealings Part 4 – Dealings Affecting Land Division 7 – Correcting And Changing Deeds Of Grant And Leases	Power as registered owner or trustee, to surrender land contained in the registered owner's deed of grant or trustee's deed of grant in trust if, on resurvey of the land, the boundaries described in the existing deed or appropriate plan, and no doubt exists about the boundaries of the land, with the written approval of the chief executive.	Delegation to the CEO
Section 360C(1)	Entity Power Given To: Lessee Or A Person Acting For The Lessee	Chapter 6 – Registration And Dealings Part 4 – Dealings Affecting Land Division 7 – Correcting And Changing Deeds Of Grant And Leases	Power to apply to amend the description in a freeholding lease if the description of the lease may be amended under section 360(1)(a) or (d).	Delegation to the CEO
Section 360C(2)	Entity Power Given To: Lessee Or A Person Acting For The Lessee	Chapter 6 – Registration And Dealings Part 4 – Dealings Affecting Land Division 7 – Correcting And Changing Deeds Of Grant And Leases	Power to apply to amend the description in a term lease or a perpetual lease, other than a State lease, if the description of the lease may be amended under section 360A(2)(a), (b), or (c).	Delegation to the CEO
Section 360C(3)	Entity Power Given To: Lessee Or A Person Acting For The Lessee	Chapter 6 – Registration And Dealings Part 4 – Dealings Affecting Land Division 7 – Correcting And Changing Deeds Of Grant And Leases	Power to apply to amend the description in a State lease if the description of the lease may be amended under section 360B(1)(a), (b), (c) or (d).	Delegation to the CEO
Section 360D	Entity Power Given To: Lessee or a Person Acting for a Lessee	Chapter 6 – Registration And Dealings Part 4 – Dealings Affecting Land Division 7 – Correcting And Changing Deeds Of Grant And Leases	Power, as a lessee or a person acting for a lessee, to give notice of an intention to make an application under section 360C to amend the description of a lease.	Delegation to the CEO
Section 363(1)(b)	Entity Power Given To: Owner Of Land Or Public Utility Provider	Chapter 6 – Registration And Dealings Part 4 – Dealings Affecting Land Division 8 – Easements	Power to sign the document creating the easement where Council is the public utility provider or the owner of the land to be burdened.	Delegation to the CEO

Section of LANA	Entity Power Given To	Title	Description	Recommendation
Section 371(2)	Entity Power Given To: Owner Of Land Or Public Utility Provider	Chapter 6 – Registration And Dealings Part 4 – Dealings Affecting Land Division 8 – Easements	Power to sign a document surrendering an easement in favour of Council, where Council is one or more of the entities listed in subsections 371(2)(a) to (c).	Delegation to the CEO
Section 372(2)	Entity Power Given To: Public Utility Provider	Chapter 6 – Registration And Dealings Part 4 – Dealings Affecting Land Division 8 – Easements	Power to apply to the Minister for approval for a public utility easement to continue over unallocated State land when the deed of grant in trust, lease or license ends or the dedication of the reserve is revoked.	Delegation to the CEO
Section 372(5)	Entity Power Given To: Public Utility Provider	Chapter 6 – Registration And Dealings Part 4 – Dealings Affecting Land Division 8 – Easements	Power to apply to the Minister for approval for a public utility easement to continue over unallocated State land when the freehold land is surrendered.	Delegation to the CEO
Section 373A	Entity Power Given To: Trustee, Lessee or Sublessee	Chapter 6 – Registration And Dealings Part 4 – Dealings Affecting Land Division 8A – Covenants	Power, as the trustee, lessee or sublessee of non-freehold land the subject of a trust, lease or sublease, to consent to the creation of a covenant on the land.	Delegation to the CEO
Section 415	Entity Power Given To: Trustee, Lessee, Licensee Or Permittee	Chapter 7 – General Part 2 – Unlawful Occupation Of Non-Freehold And Trust Land Division 3 – Action By Lessee, Licensee, Permittee Or Trustee	Power, as trustee of trust land, or as a lessee, licensee or permittee to start a proceeding in the Magistrates Court for unlawful occupation or trespass of the trust land, or a lease, licence or permit.	To Remain with Council
Section 420CB	Entity Power Given To: Entity Given a Notice	Chapter 7 – General Part 2A – General Provisions For Applications	Power to make a submission in response to a notice received under the Act about a proposed application.	Delegation to the CEO
Section 420E	Entity Power Given To: Applicant	Chapter 7 – General Part 2A – General Provisions For Applications	Power to respond to a request from the Chief Executive for information listed in sections 420E(1)(a) and 420E(1)(b).	Delegation to the CEO
Section 423	Entity Power Given To: Person Who Has A Right Of Appeal Against An Original Decision	Chapter 7 – General Part 3 – Review Of Decisions And Appeals Division 2 – Internal Review Of Decisions	Power to apply to the Minister for a review of a decision.	Delegation to the CEO
Section 427	Entity Power Given To: A Person Who Has Applied For The Review Of A Decision Under Division 2	Chapter 7 – General Part 3 – Review Of Decisions And Appeals Division 3 – Appeals	Power to appeal to the Court against a decision.	Delegation to the CEO
Section 431V(2)	Entity Power Given To: Local Government	Chapter 7 – General Part 3B – Making Land Available For Public Use As Beach	Power to consult with the Minister about whether Council wishes to be the manager of a declared beach area.	Delegation to the CEO
Section 431V(3)	Entity Power Given To: Local Government	Chapter 7 – General Part 3B – Making Land Available For Public Use As Beach	Power to consult with the public and the owner of the lot about the use conditions to be contained in a local law applying to a declared beach area.	Delegation to the CEO
Section 431ZG	Entity Power Given To: An Interested Person and Owner of Adjacent Land	Chapter 7 - General Part 3C - Access to State Land Division 3 - Damage to Adjacent Land	Power, as an interested person and owner of adjacent land, and where the circumstances of section 431ZG(1) apply, to give the chief executive written notice of the damage.	Delegation to the CEO
Section 431ZH(2)	Entity Power Given To: An Interested Person and Owner of Adjacent Land	Chapter 7 - General Part 3C - Access to State Land Division 3 - Damage to Adjacent Land	Power, as an interested person and owner of adjacent land, and where the circumstances of section 431ZH(1) apply, to enter a remediation agreement with the chief executive.	Delegation to the CEO
Section 431ZH(5)	Entity Power Given To: An Interested Person and Owner of Adjacent Land	Chapter 7 - General Part 3C - Access to State Land Division 3 - Damage to Adjacent Land	Power, as an interested person and owner of adjacent land, and where the circumstances of section 431ZH(1) apply and a remediation agreement has not been made, to apply to the court to decide what remediation action, if any, will be taken.	To Remain with Council
Section 481A	Entity Power Given To: Licensee	Chapter 8 – Continued Rights And Tenures Part 5 – Licences And Permits Division 1 – Occupation Licences	Power, as licensee, to surrender all or part of an occupation licence on terms agreed to between the Minister and the licensee and with the Minister's written approval.	Delegation to the CEO
Section 481B(1) and 481B(2)	Entity Power Given To: Public Utility Provider or a Licensee	Chapter 8 – Continued Rights And Tenures Part 5 – Licences And Permits Division 1 – Occupation Licences	Power, as a public utility provider or a licensee to apply to cancel or surrender all or part of an occupation licence.	Delegation to the CEO

Section of LANA	Entity Power Given To	Title	Description	Recommendation
Section 481B(4) and 481B(5)	Entity Power Given To: Applicant	Chapter 8 – Continued Rights And Tenures Part 5 – Licences And Permits Division 1 – Occupation Licences	Power, to give notice of an intention to apply to, as a public utility provider or a licensee, apply to cancel or surrender all or part of an occupation licence.	Delegation to the CEO
Section 481J(1)	Entity Power Given To: Licensee Of Occupation Licence	Chapter 8 – Continued Rights And Tenures Part 5 – Licences And Permits Division 1 – Occupation Licences	Power, as a licensee of an occupation licence that is cancelled or surrendered absolutely, to apply to remove licensee's improvements on the licence	Delegation to the CEO
Section 481J(2)	Entity Power Given To: Licensee	Chapter 8 – Continued Rights And Tenures Part 5 – Licences And Permits Division 1 – Occupation Licences	Power, as a licensee, to remove the licensee's improvements on the licence with the written approval of the Minister.	Delegation to the CEO
Section 482	Entity Power Given To: Licensee Of Occupation Licence	Chapter 8 – Continued Rights And Tenures Part 5 – Licences And Permits Division 1 – Occupation Licences	Power, as licensee of an occupation licence, to carry out improvements or development work on the licence only with the Minister's written approval.	Delegation to the CEO
Section 492(1)	Entity Power Given To: Local Government	Chapter 8 – Continued Rights And Tenures Part 7 – Tenures Under Other Acts Division 1 – Sale To Local Authorities Land Act 1882	Power, as a local government, to apply to exchange the conditional deed for a reserve or deed of grant in trust with the local government as trustee or a lease granted under the <i>Land Act 1994</i> .	Delegation to the CEO
Section 505(2)	Entity Power Given To: Local Government	Chapter 8 – Continued Rights And Tenures Part 7 – Tenures Under Other Acts Division 3 – Port and Harbour Lands	Power to agree to an allocation or dedication of land from the State, where the land has become an asset of the State by virtue of section 231 (repealed) of the <i>Transport Infrastructure Act 1994</i> .	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 - Land Title Act 1994 (Clean)

Meeting Date: 9 March 2021

Attachment No: 4

Delegations Register – Land Title Act 1994 {LATA}

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 LATA	Entity Power Given To	Title	Description	Recommendation
Section 18	Entity Power Given To: Person served with a written notice	Part 2 – Administration Division 3 – Powers of the registrar	Power, as a person served with a written notice by the registrar, to give public notice of a request listed in subsection (1) and to satisfy the registrar that the public notification has been given.	Delegation to the CEO
Section 35(1)	Entity Power Given To: Person	Part 3 – Freehold land register Division 1 – General	Power to undertake the searches and obtain copies of the documents described in section 35(1).	Not Relevant
Section 50(1)(b)	Entity Power Given To: Registered Owner	Part 4 – Registration of land Division 3 – Plans Of subdivision	Power, as the registered owner, to agree to a plan of subdivision and dedicating the public use land.	Delegation to the CEO
Section 50(1)(h)	Entity Power Given To: Planning body	Part 4 – Registration of land Division 3 – Plans Of subdivision	Power, as the relevant planning body, to approve a plan of subdivision.	Delegation to the CEO
Section 50(1)(j)	Entity Power Given To: Registered Proprietor	Part 4 – Registration of land Division 3 – Plans Of subdivision	Power, as the registered proprietor whose interests are affected by the plan, to consent to a plan of subdivision.	Delegation to the CEO
Section 54(1)	Entity Power Given To: Registered Owner	Part 4 – Registration of land Division 3A – Dedication of road by notice	Power, as the registered owner of a lot, to dedicate the lot as a road for public use.	Delegation to the CEO
Section 54(3)	Entity Power Given To: Planning body	Part 4 – Registration of land Division 3A – Dedication of road by notice	Power, as the relevant planning body, to approve a dedication notice to dedicate a lot as a road for public use.	Delegation to the CEO
Section 54B(1)	Entity Power Given To: Registered Owner	Part 4 – Registration of land Division 4 – Building management statements	Power, as the registered owner, to sign a building management statement for registration.	Not Relevant
Section 54E(2)	Entity Power Given To: Registered Owner	Part 4 – Registration of land Division 4 – Building management statements	Power, as the registered owner, to sign an instrument of amendment for a building management statement.	Not Relevant
Section 54G	Entity Power Given To: Registered Owner	Part 4 – Registration of land Division 4 – Building management statements	Power, as the registered owner of all lots to which a building management statement applies, to ask the registrar to extinguish the building management statement.	Not Relevant
Section 54H(3)	Entity Power Given To: Registered Owner	Part 4 – Registration of land Division 4 – Building management statements	Power, as the registered owner, to sign an instrument of extinguishment or partial extinguishment for a building management statement.	Not Relevant
Section 57	Entity Power Given To: Registered Owner	Part 5 – Joint holders in a lot	Power, as the registered owner of a lot with two or more registered owners, to request the registrar create a separate indefeasible title for the interest of each owner.	Not Relevant
Section 59(1)	Entity Power Given To: Registered Owner	Part 5 – Joint holders in a lot	Power, as a registered owner subject to a joint tenancy, to unilaterally sever the joint tenancy.	Not Relevant
Section 59(2)	Entity Power Given To: Registered Owner	Part 5 – Joint holders in a lot	Power, as a registered owner subject to a joint tenancy, to give notice of the severing of the joint tenancy in the way prescribed by subsection (2).	Not Relevant
Section 60(1)	Entity Power Given To: Local Government	Part 6 – Dealing directly affecting lots Division 1 – Transfers	Power to register an instrument of transfer for the transfer of a lot or interest to or from Council.	Delegation to the CEO
Section 64	Entity Power Given To: Local Government	Part 6 – Dealing directly affecting lots Division 2 – Leases	Power to register an instrument of lease for the lease of a lot, or part of a lot, to or from Council.	Delegation to the CEO
Section 65(3A)	Entity Power Given To: Local Government	Part 6 – Dealing directly affecting lots Division 2 – Leases	Power, as the relevant local government, to approve the instrument of lease where it is for reconfiguring a lot within the meaning of the <i>Planning Act 2016</i> .	Delegation to the CEO
Section 67(1)	Entity Power Given To: Local Government	Part 6 – Dealing directly affecting lots Division 2 – Leases	Power to register an instrument of amendment of a lease to or from Council.	Delegation to the CEO
Section 68(1)	Entity Power Given To: Lessor	Part 6 – Dealing directly affecting lots Division 2 – Leases	Power, as a lessor under a registered lease who has lawfully re-entered and taken possession under the lease, to lodge a request for the registrar to register the re-entry.	Delegation to the CEO

Section of LATA	Entity Power Given To	Title	Description	Recommendation
Section 69(1)	Entity Power Given To: Lessor Or Lessee	Part 6 – Dealing directly affecting lots Division 2 – Leases	Power, as a lessor or lessee under a registered lease, to execute and register an instrument of surrender of the lease.	Delegation to the CEO
Section 69(2)	Entity Power Given To: Sublessee	Part 6 – Dealing directly affecting lots Division 2 – Leases	Power, as a sublessee, to consent to the surrender of the lease.	Delegation to the CEO
Section 69(3)	Entity Power Given To: Lessor Or Lessee	Part 6 – Dealing directly affecting lots Division 2 – Leases	Power, as a lessor or lessee under a registered lease, to give written notice of the surrender of the lease to every registered mortgagee and registered sublessee.	Delegation to the CEO
Section 82(1)	Entity Power Given To: Local Government	Part 6 – Dealing directly affecting lots Division 4 – Easements	Power to register an instrument of easement benefiting or burdening land owned by Council.	Delegation to the CEO
Section 83(1)(b)	Entity Power Given To: Registered Owner / Lessee / Person Entitled To Land / Public Utility Provider	Part 6 – Dealing directly affecting lots Division 4 – Easements	Power, as the registered owner, lessee, person entitled to the land or public utility provider, to sign an instrument of easement for particular easements.	Delegation to the CEO
Section 83(2)	Entity Power Given To: Local Government	Part 6 – Dealing directly affecting lots Division 4 – Easements	Power, as the relevant local government, to approve a the plan of survey for the creation of an easement giving access to a lot from a constructed road where it is the reconfiguring of a lot under the <i>Planning Act 2016</i> .	Delegation to the CEO
Section 85B(2)	Entity Power Given To: Registered Owner	Part 6 – Dealing directly affecting lots Division 4 – Easements	Power, as the registered owner of a lot burdened by an easement in favour of a public utility provider that is not a public thoroughfare easement, to recover from the public utility provider a reasonable contribution towards the cost of keeping the part of the lot affected by the easement in a condition appropriate for enjoyment of the easement.	Delegation to the CEO
Section 87	Entity Power Given To: Registered Owner	Part 6 – Dealing directly affecting lots Division 4 – Easements	Power, as the registered owner of the lot benefited and the lot burdened by an easement, to ask the registrar to extinguish the easement.	Delegation to the CEO
Section 90(1)	Entity Power Given To: Local Government	Part 6 – Dealing directly affecting lots Division 4 – Easements	Power to register an instrument of surrender of an easement benefiting or burdening land owned by Council.	Delegation to the CEO
Section 90(2)	Entity Power Given To: Registered Owner, Lessee or Public Utility Provider	Part 6 – Dealing directly affecting lots Division 4 – Easements	Power to sign an instrument of surrender of an easement.	Delegation to the CEO
Section 90(3)	Entity Power Given To: Lessee or Sublessee	Part 6 – Dealing directly affecting lots Division 4 – Easements	Power, as a lessee or sublessee of a lot benefited by an easement, to consent to surrender of the easement.	Delegation to the CEO
Section 91(1)	Entity Power Given To: Local Government	Part 6 – Dealing directly affecting lots Division 4 – Easements	Power to register an instrument of amendment of an easement benefiting or burdening land owned by Council.	Delegation to the CEO
Section 97A	Entity Power Given To: Local Government	Part 6 – Dealings directly affecting lots Division 4A – Covenants	Power, as a local government and covenantee, to register an instrument of covenant.	Delegation to the CEO
Section 97C	Entity Power Given To: Local Government	Part 6 – Dealings directly affecting lots Division 4A – Covenants	Power, as a local government and covenantee, to register an instrument of amendment of a covenant.	Delegation to the CEO
Section 97D	Entity Power Given To: Local Government	Part 6 – Dealings directly affecting lots Division 4A – Covenants	Power, as a local government and covenantee, to sign and register an instrument of surrender of a covenant.	Delegation to the CEO
Section 97E	Entity Power Given To: Local Government	Part 6 – Dealings directly affecting lots Division 4B – Profits a prendre	Power to register an instrument of profit a prendre benefiting or burdening land owned by Council.	Delegation to the CEO
Section 97I	Entity Power Given To: Registered Owner	Part 6 – Dealings directly affecting lots Division 4B – Profits a prendre	Power, as the registered owner of the lot benefited and the lot burdened by a profit a prendre, to ask the registrar to extinguish the profit a prendre.	Delegation to the CEO
Section 97K	Entity Power Given To: Local Government	Part 6 – Dealings directly affecting lots Division 4B – Profits a prendre	Power to register an instrument of amendment of a profit a prendre benefiting or burdening land owned by Council.	Delegation to the CEO
Section 97L	Entity Power Given To: Local Government	Part 6 – Dealings directly affecting lots Division 4B – Profits a prendre	Power to register an instrument of release of a profit a prendre benefiting or burdening land owned by Council.	Delegation to the CEO

Section of LATA	Entity Power Given To	Title	Description	Recommendation
Section 970	Entity Power Given To: Local Government	Part 6 – Dealings directly affecting lots Division 4C – Carbon abatement interests Sub-Division 2 – Creation and registration	Power to register an instrument of carbon abatement interest for a lot owned by Council or over which Council has an interest.	Delegation to the CEO
Section 97P(c)	Entity Power Given To: Holders Of The Registered Interests In The Land	Part 6 – Dealings directly affecting lots Division 4C – Carbon abatement interests Sub-Division 2 – Creation and registration	Power, as a holder of a registered interest in land affected by a proposed grant of a carbon abatement interest, to consent to the proposed grant.	Delegation to the CEO
Section 97S(1)	Entity Power Given To: Local Government	Part 6 – Dealings directly affecting lots Division 4C – Carbon abatement interests Sub-Division 3 – Amendments and dealings	Power to register instrument of amendment of a carbon abatement interest for a lot owned by Council or over which Council has interest.	Delegation to the CEO
Section 97U(1)	Entity Power Given To: Local Government	Part 6 – Dealings directly affecting lots Division 4C – Carbon abatement interests Sub-Division 3 – Amendments and dealings	Power to register instrument of surrender of a carbon abatement interest for a lot owned by Council or over which Council has an interest.	Delegation to the CEO
Section 99(1)	Entity Power Given To: Applicant	Part 6 – Dealings directly affecting lots Division 5 – Application by adverse possessor	Power to apply to be registered as owner of a lot as an adverse possessor.	Delegation to the CEO
Section 100	Entity Power Given To: Applicant	Part 6 – Dealings directly affecting lots Division 5 – Application by adverse possessor	Power to withdraw an application to be registered as owner of a lot as an adverse possessor and request that all documents lodged in support of the claim be returned.	Delegation to the CEO
Section 104	Entity Power Given To: Person Who Claims An Interest In The Lot	Part 6 – Dealings directly affecting lots Division 5 – Application by adverse possessor	Power, as a person claiming an interest in a lot the subject of an adverse possession claim, to lodge a caveat.	Delegation to the CEO
Section 105(2)	Entity Power Given To: Caveator	Part 6 – Dealings Directly Affecting Lots Division 5 – Application By Adverse Possessor	Power, as a caveator given a written notice under subsection (1), to: (a) start a proceeding in the Supreme Court to recover the lot; and (b) give written notice, in the way the registrar requires, to the registrar, that the proceeding has started.	Delegation to the CEO
Section 107(2)	Entity Power Given To: Caveator	Part 6 – Dealings directly affecting lots Division 5 – Application by adverse possessor	Power, as a caveator that does not agree to the registration of the applicant for a lesser interest in the lot, to: (a) start a proceeding in the Supreme Court to recover the lot; and (b) give written notice, in the way the registrar requires, to the registrar that the proceeding has started.	To Remain with Council
Section 108A	Entity Power Given To: Applicant	Part 6 – Dealings directly affecting lots Division 5 – Application by adverse possessor	Power, as an applicant, to sign a plan of subdivision as if the applicant were the registered owner of the relevant lot.	Delegation to the CEO
Section 110(1)	Entity Power Given To: Registered Owner	Part 6 – Dealings directly affecting lots Division 6 – Trusts, deceased estates and bankruptcy	Power, as the registered owner holding the interest in the lot as trustee, to lodge an instrument of transfer to register the interest as being held as trustee.	Delegation to the CEO
Section 112(1)	Entity Power Given To: Person	Part 6 – Dealings directly affecting lots Division 6 – Trusts, deceased estates and bankruptcy	Power, as a person who is beneficially entitled under a will to a lot or interest in a lot of a deceased registered proprietor, to apply to the registrar to be registered as proprietor of the lot.	Not Relevant
Section 114(2)	Entity Power Given To: A Person Mentioned In S 144(1)	Part 6 – Dealings directly affecting lots Division 6 – Trusts, deceased estates and bankruptcy	Power, as a person mentioned in section 114(1), to apply to the Supreme Court for an order to be registered as proprietor of the lot.	Not Relevant
Section 122	Entity Power Given To: A Person Mentioned In S122(1)	Part 7 – Other dealings Division 2 – Caveats	Power to lodge a caveat.	Delegation to the CEO
Section 125	Entity Power Given To: Caveator	Part 7 – Other dealings Division 2 – Caveats	Power to withdraw a caveat.	Delegation to the CEO
Section 126(2) and (3)	Entity Power Given To: Caveatee	Part 7 – Other dealings Division 2 – Caveats	Power, as a caveatee, to serve on the caveator a notice requiring the caveator to start a proceeding in a court of competent jurisdiction to establish the interest claimed under the caveat and to notify the registrar of service of the notice.	Delegation to the CEO
Section 126(4)	Entity Power Given To: Caveator	Part 7 – Other dealings Division 2 – Caveats	Power, as a caveator, served with a notice under subsection (2), to: (a) start a proceeding in a court of competent jurisdiction to establish the interest claimed under the caveat; and (b) notify the registrar that a proceeding has been started and the identity of the proceeding.	To Remain with Council

Section of LATA	Entity Power Given To	Title	Description	Recommendation
Section 127(1)	Entity Power Given To: Caveatee	Part 7 – Other dealings Division 2 – Caveats	Power, as a caveatee, to apply to the Supreme Court for an order that a caveat be removed.	To Remain with Council
Section 128(1)	Entity Power Given To: Caveator Or Caveatee	Part 7 – Other dealings Division 2 – Caveats	Power to lodge a request to cancel a caveat.	Delegation to the CEO
Section 129(2)	Entity Power Given To: Caveator Or Caveatee	Part 7 – Other dealings Division 2 – Caveats	Power to seek the leave of a court of competent jurisdiction to lodge a further caveat.	Delegation to the CEO
Section 139(1)	Entity Power Given To: Person	Part 7A - Priority notices	Power to deposit a priority notice for a lot.	Delegation to the CEO
Section 141(1)	Entity Power Given To: Person	Part 7A - Priority Notices	Power to deposit a request to extend a priority notice.	Delegation to the CEO
Section 143(1)	Entity Power Given To: Person	Part 7A - Priority Notices	Power to deposit a request to withdraw a priority notice.	Delegation to the CEO
Section 144(1)	Entity Power Given To: An Affected Person	Part 7A - Priority Notices	Power, as an affected person for a lot to which a priority notice applies, to apply to the Supreme Court for an order that the priority notice be removed.	To Remain with Council
Section 145(1)	Entity Power Given To: Person	Part 7A - Priority Notices	Power to deposit a request to cancel a priority notice.	Delegation to the CEO
Section 149(1)	Entity Power Given To: Person	Part 7A - Priority Notices	Power, as the depositor of a priority notice, to request a correction to the priority notice.	Delegation to the CEO
Section 156(3)	Entity Power Given To: Person	Part 8 – Instruments Division 1 – General	Power to comply with a requisition given to Council by the registrar.	Delegation to the CEO
Section 159(4)	Entity Power Given To: Person	Part 8 – Instruments Division 1 – General	Power to apply to the registrar to reodge an instrument that the registrar has permitted to be withdrawn.	Delegation to the CEO
Section 160	Entity Power Given To: Person	Part 8 – Instruments Division 1 – General	Power to comply with a requirement of the registrar to deposit an instrument for correction or cancellation.	Delegation to the CEO
Section 165	Entity Power Given To: Registered proprietor of a lot	Part 8 – Instruments Division 1 – General	Power to comply with a requirement of the registrar to lodge a plan of survey for the lot.	Delegation to the CEO
Section 169(1)	Entity Power Given To: Local Government	Part 8 – Instruments Division 2 – Standard terms documents forming part of instruments	Power to lodge a standard terms document and amend a standard terms document on Council's behalf.	Delegation to the CEO
Section 172(1)	Entity Power Given To: Local Government	Part 8 – Instruments Division 2 – Standard terms documents forming part of instruments	Power to request the registrar to withdraw a standard terms document on Council's behalf.	Delegation to the CEO
Section 186(2)	Entity Power Given To: Person affected by a correction	Part 9 - Registration of Instruments and its Effect Division 2 - Consequences of Registration Subdivision B - Indefeasibility	Power, as a person affected by a correction, to apply to the Supreme Court for an order that the correction be amended or set aside.	To Remain with Council
Section 188B(1)	Entity Power Given To: Person with an entitlement to compensation under section 188 or 188A	Part 9 - Registration of Instruments and its Effect Division 2 - Consequences of Registration Subdivision C - Compensation	Power, as a person with an entitlement to compensation under section 188 or 188A, to apply to the Supreme Court for an order: (a) for compensation to be paid by the State; (b) directing the registrar to take stated action.	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.

Section of LATA	Entity Power Given To	Title	Description	Recommendation
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 - Local Law No. 8 (Waste Management) 2018

Meeting Date: 9 March 2021

Attachment No: 5

Delegations Register – Local Law No. 8 (Waste Management) 2018 {LL8}

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 LL8	Entity Power Given To	Title	Description	Recommendation
Section 5(b)	Entity Power Given To: Local Government	Part 2 – Waste Management Division 1 – Designation of areas for general or green waste collection	Power where Council has, by resolution, designated areas to conduct general waste or general waste collection, to decide the frequency of general waste or green waste collection in designated areas.	Delegation to the CEO
Section 6(1)(b)(f)	Entity Power Given To: Local Government	Part 2 – Waste Management Division 2 – General Waste	Power to require the owner or occupier of premises to supply at the premises, enough waste containers, other than standard general waste containers, to contain the general waste produced at the premises.	Delegation to the CEO
Section 6(2)	Entity Power Given To: Local Government	Part 2 – Waste Management Division 2 – General Waste	Power to consider reasonable, the number of standard general waste containers required at the premises.	Delegation to the CEO
Section 8(1)(a)	Entity Power Given To: Local Government	Part 2 – Waste Management Division 2 – General Waste	Power to require a waste container supplied for the premises to be kept at a particular place at the premises.	Delegation to the CEO
Section 8(2)(a)	Entity Power Given To: Local Government	Part 2 – Waste Management Division 2 – General Waste	Power to arrange to collect waste from the container at the place.	Delegation to the CEO
Section 9(2)(a)	Entity Power Given To: Local Government	Part 2 – Waste Management Division 2 – General Waste	Power to require the prescribed person to ensure certain things are supplied at the premises.	Delegation to the CEO
Section 9(2)(a)(i)(A)	Entity Power Given To: Local Government	Part 2 – Waste Management Division 2 – General Waste	Power to require the level of an elevated stand for the holding of all waste containers.	Delegation to the CEO
Section 9(2)(a)(i)(B)	Entity Power Given To: Local Government	Part 2 – Waste Management Division 2 – General Waste	Power to require drainage of an imperviously paved area where all waste containers can be placed.	Delegation to the CEO
Section 10(2)	Entity Power Given To: Local Government	Part 2 – Waste Management Division 2 – General Waste	Power to give a written notice to the occupier of the premises stating a number of matters listed in s10(2)(a) – (d).	Delegation to the CEO
Section 11(2)(a)	Entity Power Given To: Local Government	Part 2 – Waste Management Division 2 – General Waste	Power to approve and give written approval to the owner or occupier of the premises for depositing or disposing of the waste.	Delegation to the CEO
Section 11(2)(b)	Entity Power Given To: Local Government	Part 2 – Waste Management Division 2 – General Waste	Power to impose conditions on the approval.	Delegation to the CEO
Section 12(1)(a)	Entity Power Given To: Local Government	Part 2 – Waste Management Division 3 – Storage and Treatment of Industrial Waste	Power to require the occupier of the premises where there is industrial waste to do a number of things as set out in section 12(1)(a)(i) – (ii).	Delegation to the CEO
Section 12(1)(a)(i)	Entity Power Given To: Local Government	Part 2 – Waste Management Division 3 – Storage and Treatment of Industrial Waste	Power to require the number of industrial waste containers to be supplied at the premises for storing the waste at the premises safely, efficiently and without causing a nuisance.	Delegation to the CEO
Section 12(1)(a)(ii)	Entity Power Given To: Local Government	Part 2 – Waste Management Division 3 – Storage and Treatment of Industrial Waste	Power to require the occupier of the premises to keep the waste containers at a place at the premises.	Delegation to the CEO
Section 12(2)	Entity Power Given To: Local Government	Part 2 – Waste Management Division 3 – Storage and Treatment of Industrial Waste	Power to supply industrial waste containers at the premises if the occupier does not.	Delegation to the CEO
Section 13(a)	Entity Power Given To: Local Government	Part 2 – Waste Management Division 3 – Storage and Treatment of Industrial Waste	Power to require the occupier of the relevant premises where there is industrial waste to treat the waste to a standard.	Delegation to the CEO
Section 13(a)	Entity Power Given To: Local Government	Part 2 – Waste Management Division 3 – Storage and Treatment of Industrial Waste	Power to approve the standard to treat waste for the occupier of the premises where there is industrial waste.	Delegation to the CEO
Section 16(1)	Entity Power Given To: Waste Facility's Owner	Part 2 – Waste Management Division 3 – Storage and Treatment of Industrial Waste	Power to consent to the matters set out in section 16(1)(a) – (e).	Delegation to the CEO
Section 17(2)(b)	Entity Power Given To: Waste Facility Person	Part 2 – Waste Management Division 3 – Storage and Treatment of Industrial Waste	Power to give reasonable instructions to a person to deal with waste at the waste facility.	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 - Building Act 1975 (Tracked)

Meeting Date: 9 March 2021

Attachment No: 6

Delegations Register – Building Act 1975 (BUIA)

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 BUIA	Entity Power Given To	Title	Description	Recommendation
Section 34A(2)	Entity Power Given To: Assessment Manager	Chapter 4 – Building Assessment Provisions And Assessing Building Development Applications Part 1 – Laws And Other Documents Applying to Building Work Division 1 – General Provisions About The Laws And Documents Applying to Building Work	Power, as an assessment manager, to determine whether a building development application complies with the building assessment provisions and if it does, to approve the application.	Delegation to the CEO
Section 37(2)	Entity Power Given To: Local Government	Chapter 4 – Building Assessment Provisions And Assessing Building Development Applications Part 1 – Laws And Other Documents Applying to Building Work Division 1 – General Provisions About The Laws And Documents Applying to Building Work	Power to give a building development approval for the work may be given if the approval is given under the building assessment provisions in force immediately before the amendment.	Removed from the Register
Section 41(1)	Entity Power Given To: Assessment Manager	Chapter 4 – Building Assessment Provisions And Assessing Building Development Applications Part 1 – Laws And Other Documents Applying to Building Work Division 2 – Variation of How Particular Building Assessment Provisions Apply	Power, as an assessment manager, to consult with the chief executive about the variation application.	Delegation to the CEO
Section 46(5)	Entity Power Given To: Referral Agency	Chapter 4 – Building Assessment Provisions And Assessing Building Development Applications Part 2 – Persons Responsible For Assessing Building Development Applications Division 1 – Who Carries Out Building Assessment Work	Power, as a referral agency, to appoint or employ a building certifier to carry out the assessment against the fire safety standard.	Delegation to the CEO
Section 51(2)(a)	Entity Power Given To: Local Government	Chapter 4 – Building Assessment Provisions And Assessing Building Development Applications Part 2 – Persons Responsible For Assessing Building Development Applications Division 3 – Functions Of Local Government	Power, under the Planning Act to receive, assess and decide a building development In the specified circumstances power to receive, assess and decide the application.	Delegation to the CEO
Section 51(2)(b)	Entity Power Given To: Local Government	Chapter 4 – Building Assessment Provisions And Assessing Building Development Applications Part 2 – Persons Responsible For Assessing Building Development Applications Division 3 – Functions Of Local Government	In the specified circumstances Power to appoint or employ a private certifier or another building certifier to perform building certifying functions for— (i) the application; and (ii) if the building development approval applied for is granted—the building work.	Delegation to the CEO
Section 52	Entity Power Given To: Local Government	Chapter 4 – Building Assessment Provisions And Assessing Building Development Applications Part 2 – Persons Responsible For Assessing Building Development Applications Division 3 – Functions Of Local Government	In the specified circumstances Power to issue the a building development approval. applied for only if— (a) a local government building certifier has carried out the building assessment work for the application; and (b) the building certifier is appropriately licensed to carry out the building assessment work.	Delegation to the CEO

Section of BUIA	Entity Power Given To	Title	Description	Recommendation
Section 53(2)	Entity Power Given To: Local Government	Chapter 4 – Building Assessment Provisions And Assessing Building Development Applications Part 2 – Persons Responsible For Assessing Building Development Applications Division 3 – Functions Of Local Government	In the specified circumstances Power to accept and, without further checking, rely and act on the certificate a document, given to Council by a private certifier for a building development application, for the purpose of making it available for inspection or purchase as required by the Planning Act, or other document— (a) the original application; (b) another building development application for all or part of the building work under the original application.	Delegation to the CEO
Section 54(2)	Entity Power Given To: Local Government	Chapter 4 – Building Assessment Provisions And Assessing Building Development Applications Part 2 – Persons Responsible For Assessing Building Development Applications Division 3 – Functions Of Local Government	In the specified circumstances , Power to accept and, without further checking, rely and act on the document, given to Council by a private certifier for a building development application, for the purpose of making it available for inspection or purpose as required by the Planning Act, the document publicly available.	Delegation to the CEO
Section 55(3)	Entity Power Given To: Assessment Manager	Chapter 4 – Building Assessment Provisions And Assessing Building Development Applications Part 2 – Persons Responsible For Assessing Building Development Applications Division 4 – Power of Particular Replacement Assessment Managers to Decide Status of Development Assessment Process under Planning Act	In the specified circumstances Power, as assessment manager, in relation to undecided building development applications and lapsed building development approvals, to resume or start the application process at any stage of the development assessment process under the Planning Act at any stage the assessment manager considers appropriate.	Delegation to the CEO
Section 63	Entity Power Given To: Assessment Manager	Chapter 4 – Building Assessment Provisions And Assessing Building Development Applications Part 4 – Requirements For And Restrictions On Assessing Or Approving Building Development Applications	Power for the assessment manager to approve a building application subject to the requirement in Part 4 as follows:— (a) the fire safety management plan accompanying the application complies with the Fire and Rescue Service Act 1990, section 104FC; or (b) the building work involves an alternative solution, for performance requirements under the BCA, that includes a fire safety management procedure as a condition of the occupation and use of the building and the fire safety management plan adequately reflects the procedure.	Removed from the Register
Section 65(2)	Entity Power Given To: Assessment Manager Holder of a Registered Easement or Statutory Covenant	Chapter 4 – Building Assessment Provisions And Assessing Building Development Applications Part 4 – Requirements For And Restrictions On Assessing Or Approving Building Development Applications	Power, as the holder of a registered easement or statutory covenant, to consent to for the assessment manager to approve the building application (subject to conditions) if each registered holder of the easement or covenant has consented to the building work.	Delegation to the CEO
Section 66(2)	Entity Power Given To: Assessment Manager	Chapter 4 – Building Assessment Provisions And Assessing Building Development Applications Part 4 – Requirements For And Restrictions On Assessing Or Approving Building Development Applications	Power for the assessment manager to approve the building application if the special structure:— (a) complies with the building assessment provisions; and (b) reasonably provides for all of the following— —(i) the safety of persons using the structure if there is a fire (including, for example, means of egress); —(ii) the prevention and suppression of fire; —(iii) the prevention of the spread of fire; —(iv) the health and amenity of persons using the structure.	Removed from the Register
Section 67(3)	Entity Power Given To: Assessment Manager	Chapter 4 – Building Assessment Provisions And Assessing Building Development Applications Part 4 – Requirements For And Restrictions On Assessing Or Approving Building Development Applications	In the specified circumstances power for the assessment manager to approve the building application if subsections (3)(a) and (3)(b) have been complied with.	Removed from the Register
Section 68(3)	Entity Power Given To: Assessment Manager	Chapter 4 – Building Assessment Provisions And Assessing Building Development Applications Part 4 – Requirements For And Restrictions On Assessing Or Approving Building Development Applications	Power for the assessment manager to approve a building application if the building certifier has decided the alterations do not unduly reduce the following:— (a) the existing level of fire protection for persons accommodated in, or using, the building or structure; (b) the existing level of resistance to fire of the building or structure; (c) the existing safeguards against spread of fire to adjoining buildings or structures; (d) the existing level of emergency egress from the building or structure.	Removed from the Register
Section 71	Entity Power Given To: Local Government	Chapter 4 – Building Assessment Provisions And Assessing Building Development Applications Part 5 – Conditions Of Building Development Approvals Division 1 – Conditions Taken To Be Imposed	Power to decide an application to extend the period mentioned in subsection 71(3), to consult with an entity in deciding the application and to give notice of the decision.	Delegation to the CEO

Section of BUJA	Entity Power Given To	Title	Description	Recommendation
Section 74(8)	Entity Power Given To: Local Government	Chapter 4 – Building Assessment Provisions And Assessing Building Development Applications Part 5 – Conditions Of Building Development Approvals Division 1 – Conditions Taken To Be Imposed	Power to consult with any other entity the local government considers appropriate in deciding the application.	Removed from the Register
Section 74(9)	Entity Power Given To: Local Government	Chapter 4 – Building Assessment Provisions And Assessing Building Development Applications Part 5 – Conditions Of Building Development Approvals Division 1 – Conditions Taken To Be Imposed	Power to decide the application.	Removed from the Register
Section 74(11)	Entity Power Given To: Local Government	Chapter 4 – Building Assessment Provisions And Assessing Building Development Applications Part 5 – Conditions Of Building Development Approvals Division 1 – Conditions Taken To Be Imposed	Power to give the applicant and the assessment manager for the building work notice of the decision.	Removed from the Register
Section 74(2)(b)	Entity Power Given To: Assessment Manager	Chapter 4 – Building Assessment Provisions And Assessing Building Development Applications Part 5 – Conditions Of Building Development Approvals Division 1 – Conditions Taken To Be Imposed	Power to require the person installing the service to give a copy of the notices to the assessment manager when they are given to QFRS.	Removed from the Register
Section 80(2)	Entity Power Given To: Assessment Manager	Chapter 4 – Building Assessment Provisions And Assessing Building Development Applications Part 5 – Conditions Of Building Development Approvals Division 2 – Conditions That May Be Imposed	Power to include a condition that all, or a stated part, of the building or structure must comply with the building assessment provisions in force when the approval was granted.	Removed from the Register
Section 87	Entity Power Given To: Local Government	Chapter 4 – Building Assessment Provisions And Assessing Building Development Applications Part 6 – Regulation Of Building Assessment Work and the Issuing of Building Development Approvals by Private Certifiers	Power to give a private certifier a document acknowledging receipt of the fee mentioned in subsection 86(1)(c).	Delegation to the CEO
Section 92(2)	Entity Power Given To: Local Government	Chapter 4 – Building Assessment Provisions And Assessing Building Development Applications Part 7 – Provisions About Lapsing Of Building Development Approvals And Related Matters Division 1 – Building Work For Demolition Or Removal	Power to in the specified circumstances take the action it considered necessary to complete the building work where the building development approval lapses and the building work is other than demolition.	Delegation to the CEO
Section 92(5)	Entity Power Given To: Local Government	Chapter 4 – Building Assessment Provisions And Assessing Building Development Applications Part 7 – Provisions About Lapsing Of Building Development Approvals And Related Matters Division 1 – Building Work For Demolition Or Removal	In the specified circumstances Power to authorise the use of all or part of any security given to the local government for the carrying out of the building work.	Delegation to the CEO
Section 93(1)	Entity Power Given To: Local Government	Chapter 4 – Building Assessment Provisions And Assessing Building Development Applications Part 7 – Provisions About Lapsing Of Building Development Approvals And Related Matters Division 1 – Building Work For Demolition Or Removal	Power to at any time, having regard to the progress of the building work, refund or release part of any security given to the local government for the carrying out of the building work, at any time, having regard to the process of the building work.	Delegation to the CEO

Section of BUIA	Entity Power Given To	Title	Description	Recommendation
Section 95(1)(a) and (b)	Entity Power Given To: Assessment Manager	Chapter 4 – Building Assessment Provisions And Assessing Building Development Applications Part 7 – Provisions About Lapsing Of Building Development Approvals And Related Matters Division 2 – Other Building Work	Power, as the assessment manager, for assessment manager to give a reminder notice about the lapsing.	Delegation to the CEO
Section 97(2)	Entity Power Given To: Local Government	Chapter 4 – Building Assessment Provisions And Assessing Building Development Applications Part 7 – Provisions About Lapsing Of Building Development Approvals And Related Matters Division 2 – Other Building Work	Power to consult with a private certifier with regard to further extensions of the period under the Planning Act, s85(1) (currency period).	Delegation to the CEO
Section 117(2)	Entity Power Given To: Assessment Manager	Chapter 5 – Inspections, Building Classification, And The Use Of Buildings Part 4 – Restrictions On The Use Of Buildings	Power, as the assessment manager, to take enforcement action against an owner contravening section 114 of the Act be satisfied that only building work of a minor nature is needed before a certificate of classification can be given for the building.	Delegation to the CEO
Section 206(1)	Entity Power Given To: Local Government	Chapter 6 – Provisions About Private Certifiers And Other Building Certifiers Part 4 – Complaints, Investigations And Disciplinary Proceedings Relating To Building Certifiers Division 3 – Show Cause Notice For Disciplinary Proceedings	Power to give a building certifier a notice ('show cause notice') :- (a) form the reasonable belief proper grounds exist for applying to the tribunal to start a disciplinary proceeding against a building certifier; (b) before making the application give the building certifier a notice (a show cause notice).	Delegation to the CEO
Section 207(2)	Entity Power Given To: Local Government	Chapter 6 – Provisions About Private Certifiers And Other Building Certifiers Part 4 – Complaints, Investigations And Disciplinary Proceedings Relating To Building Certifiers Division 3 – Show Cause Notice For Disciplinary Proceedings	Power to consider any representations made under the show cause notice and decide to take no further action, or apply to the Queensland Civil and Administrative Tribunal to start a disciplinary proceeding against the building certifier:- (a) form the reasonable belief proper grounds exist for applying to the tribunal to start a disciplinary proceeding against the building certifier; (b) decide to – — (i) take no further action; or — (ii) apply to the tribunal to start a disciplinary proceeding against the building certifier.	Delegation to the CEO
Section 207(3)	Entity Power Given To: Local Government	Chapter 6 – Provisions About Private Certifiers And Other Building Certifiers Part 4 – Complaints, Investigations And Disciplinary Proceedings Relating To Building Certifiers Division 3 – Show Cause Notice For Disciplinary Proceedings	Power to give a building certifier written notice of the decision and the reasons for the decision.	Removed from the Register
Section 208(1)	Entity Power Given To: Local Government	Chapter 6 - Provisions About Private Certifiers and Other Building Certifiers Part 4 - Complaints, Investigations and Disciplinary Proceedings Relating to Building Certifiers Division 4 - Disciplinary Proceedings	Power to apply to the Queensland Civil and Administrative Tribunal to conduct disciplinary proceeding to determine whether there are proper grounds for taking disciplinary action against a building certifier.	Delegation to the CEO
Section 210	Entity Power Given To: Local Government	Chapter 6 - Provisions About Private Certifiers and Other Building Certifiers Part 4 - Complaints, Investigations and Disciplinary Proceedings Relating to Building Certifiers Division 4 - Disciplinary Proceedings	Power to notify the QBCC of its application to the Queensland Civil and Administrative Tribunal.	Delegation to the CEO
Section 221(2)(a)	Entity Power Given To: Local Government	Chapter 7 – Fire Safety For Budget Accommodation Buildings Part 3 – Budget Accommodation Buildings Built, Approved Or Applied For, Before 1 January 1992	Power to consult with any other entity considered appropriate in deciding an application made by the owner of a budget accommodation building to approve a period for the building under section 220(a)(i) or (b)(ii) (longer periods for approval), for a longer period for conformity with a fire safety standard.	Delegation to the CEO
Section 221(2)(b) and (3)	Entity Power Given To: Local Government	Chapter 7 – Fire Safety For Budget Accommodation Buildings Part 3 – Budget Accommodation Buildings Built, Approved Or Applied For, Before 1 January 1992	Power to grant (including with reasonable conditions) or refuse an application made by the owner of a for a longer period for conformity with a fire safety standard if satisfied undue hardship would be caused to the budget accommodation building to approve a period for the building under section 220(a)(i) or (b)(ii) (longer periods for approval). 'e-occupants if the application were refused.	Delegation to the CEO
Section 224(3)	Entity Power Given To: Local Government	Chapter 7 – Fire Safety For Budget Accommodation Buildings Part 3 – Budget Accommodation Buildings Built, Approved Or Applied For, Before 1 January 1992	Power to grant an application for a longer period for conformity with a fire safety standard with or without the reasonable conditions considered appropriate.	Removed from the Register

Section of BUIA	Entity Power Given To	Title	Description	Recommendation
Section 221(4)	Entity Power Given To: Local Government	Chapter 7 – Fire Safety For Budget Accommodation Buildings Part 3 – Budget Accommodation Buildings Built, Approved Or Applied For, Before 1 January 1992	Within 20 business days after receiving an application for a longer period for conformity with a fire safety standard, the Power to decide the application and give the owner an information notice about the decision. – (a) decide the application; and (b) give the budget accommodation building's owner written notice of the decision.	Delegation to the CEO
Section 222(2)	Entity Power Given To: Local Government	Chapter 7 – Fire Safety For Budget Accommodation Buildings Part 3 – Budget Accommodation Buildings Built, Approved Or Applied For, Before 1 January 1992	Within 20 business days after receiving an application for advice as to conformity with a fire safety standard, the Power to, on written application from the owner, decide whether or not a building conforms with fire safety standards and, if applicable, state what must be done to make the building conform. – (a) decide if the building conforms with the fire safety standard; and (b) give the building owner written notice of the decision.	Delegation to the CEO
Section 228(2)	Entity Power Given To: Local Government	Chapter 7 – Fire Safety For Budget Accommodation Buildings Part 4 – All Budget Accommodation Buildings	Subject to subsection (1), the Power to inspect budget accommodation buildings at least once every 3 years; inspect the building to ensure the owner of the building is complying with Chapter 7, Part 4 in relation to the building.	Delegation to the CEO
Section 231AK(a)(iii) and (b)(iii) and section 231AL	Entity Power Given To: Local Government	Chapter 7A – Fire Safety For Residential Care Buildings Built, Approved Or Applied For, Before 1 June 2007 Part 4 – Assessment Of Residential Care Buildings	Power, as local government, to approve, with or without conditions, a later day for a residential care building to comply with section 231AK of the Building Act.	Not Relevant to Council
Section 231AL(4)	Entity Power Given To: Local Government	Chapter 7A – Fire Safety For Residential Care Buildings Built, Approved Or Applied For, Before 1 June 2007 Part 4 – Assessment Of Residential Care Buildings	Power, as local government, on an application by the owner of an RCB for a later day to obtain a fire safety compliance certificate or certificate of classification to: (a) consult on the application (b) decide the application (c) impose conditions on the grant of an application (d) give an information notice about the decision Where a written application is made by the owner of an RCB to obtain a fire safety (RCB) compliance certificate or certificate of classification, power to approve a later day for obtaining the certificate. ¹ See Footnote	Delegation to the CEO
Section 231AL(3)	Entity Power Given To: Local Government	Chapter 7A – Fire Safety For Residential Care Buildings Built, Approved Or Applied For, Before 1 June 2007 Part 4 – Assessment Of Residential Care Buildings	When approving a later day under section 231AL(1), power to – (a) consult with QFRS; and (b) any entity considered appropriate in deciding the application; and (c) grant the application if it is satisfied undue hardship would be cause to the occupants of the RCB if the application were refused.	Removed from the Register
Section 231AL(4)	Entity Power Given To: Local Government	Chapter 7A – Fire Safety For Residential Care Buildings Built, Approved Or Applied For, Before 1 June 2007 Part 4 – Assessment Of Residential Care Buildings	Power to grant the application and impose reasonable conditions considered appropriate.	Removed from the Register
Section 236	Entity Power Given To: Local Government	Chapter 8 – Swimming Pool Safety Part 2 – Compliance With Pool Safety Standard And Other Matters About Pool Safety Division 3 – Exemptions From Compliance With Pool Safety Standard – Disability Subdivision 1 – Applying For Exemption And Deciding Application	Power to require an applicant to give the local government medical evidence to support an the application.	Delegation to the CEO
Section 237(4)	Entity Power Given To: Local Government	Chapter 8 – Swimming Pool Safety Part 2 – Compliance With Pool Safety Standard And Other Matters About Pool Safety Division 3 – Exemptions From Compliance With Pool Safety Standard – Disability Subdivision 1 – Applying For Exemption And Deciding Application	Power to, on application by a pool owner, decide an application for exemption from complying with a part of the pool safety standard relating to barriers for a regulated pool due to disability (with or without conditions), consider the application and within 5 business days after the application is made – (a) grant the exemption; or (b) refuse to grant the exemption.	Delegation to the CEO
Section 237(3)	Entity Power Given To: Local Government	Chapter 8 – Swimming Pool Safety Part 2 – Compliance With Pool Safety Standard And Other Matters About Pool Safety Division 3 – Exemptions From Compliance With Pool Safety Standard – Disability Subdivision 1 – Applying For Exemption And Deciding Application	Power to grant an exemption on the reasonable conditions it considers necessary or desirable to prevent a child from accessing the pool.	Removed from the Register

Section of BUIA	Entity Power Given To	Title	Description	Recommendation
Section 238(1)	Entity Power Given To: Local Government	Chapter 8 – Swimming Pool Safety Part 2 – Compliance With Pool Safety Standard And Other Matters About Pool Safety Division 3 – Exemptions From Compliance With Pool Safety Standard – Disability Subdivision 1 – Applying For Exemption And Deciding Application	Power to give applicant written notice of Council's decision (including an information notice about the decision), that an exemption has been granted.	Delegation to the CEO
Section 238(2)	Entity Power Given To: Local Government	Chapter 8 – Swimming Pool Safety Part 2 – Compliance With Pool Safety Standard And Other Matters About Pool Safety Division 3 – Exemptions From Compliance With Pool Safety Standard – Disability Subdivision 1 – Applying For Exemption And Deciding Application	Power to give applicant an information notice about refusal of exemption or conditions imposed on exemption.	Removed from the Register
Section 239	Entity Power Given To: Local Government	Chapter 8 – Swimming Pool Safety Part 2 – Compliance With Pool Safety Standard And Other Matters About Pool Safety Division 3 – Exemptions From Compliance With Pool Safety Standard – Disability Subdivision 1 – Applying For Exemption And Deciding Application	Power to give notice of each exemption granted under Chapter 8, Part 2, Division 3 to QBCC commissioner.	Delegation to the CEO
Section 242(1)(b)	Entity Power Given To: Local Government	Chapter 8 – Swimming Pool Safety Part 2 – Compliance With Pool Safety Standard And Other Matters About Pool Safety Division 3 – Exemptions From Compliance With Pool Safety Standard – Disability Subdivision 2 – Ending And Revocation Of Exemptions	In the specified circumstances power to be satisfied 1 or more of the following applies-- (i) the decision on the application for the exemption was based on a false or misleading particular given by an applicant; (ii) the exemption has ended under section 241(3) of the Building Act 1975; (iii) the exemption was subject to conditions and there has been a contravention of a condition. *See Footnote	Removed from the Register
Section 242(2)	Entity Power Given To: Local Government	Chapter 8 – Swimming Pool Safety Part 2 – Compliance With Pool Safety Standard And Other Matters About Pool Safety Division 3 – Exemptions From Compliance With Pool Safety Standard – Disability Subdivision 2 – Ending And Revocation Of Exemptions	In the specified circumstances, the Power to give an applicant a show cause notice, inviting the applicant to show cause why a decision should not be revoked.	Delegation to the CEO
Section 242(3)(a)	Entity Power Given To: Local Government	Chapter 8 – Swimming Pool Safety Part 2 – Compliance With Pool Safety Standard And Other Matters About Pool Safety Division 3 – Exemptions From Compliance With Pool Safety Standard – Disability Subdivision 2 – Ending And Revocation Of Exemptions	Power to consider any representations made under a the show cause notice and give a further notice (a revocation notice) to the applicant, revoking the decision previously given.	Delegation to the CEO
Section 242(3)(b)	Entity Power Given To: Local Government	Chapter 8 – Swimming Pool Safety Part 2 – Compliance With Pool Safety Standard And Other Matters About Pool Safety Division 3 – Exemptions From Compliance With Pool Safety Standard – Disability Subdivision 2 – Ending And Revocation Of Exemptions	Power to give a further notice (a revocation notice) to the applicant, revoke a decision previously given.	Removed from the Register
Section 243	Entity Power Given To: Local Government	Chapter 8 – Swimming Pool Safety Part 2 – Compliance With Pool Safety Standard And Other Matters About Pool Safety Division 3 – Exemptions From Compliance With Pool Safety Standard – Disability Subdivision 2 – Ending And Revocation Of Exemptions	Power to give the QBCC commissioner notice of each revocation notice given.	Delegation to the CEO

Section of BUJA	Entity Power Given To	Title	Description	Recommendation
Section 244	Entity Power Given To: Local Government	Chapter 8 – Swimming Pool Safety Part 2 – Compliance With Pool Safety Standard And Other Matters About Pool Safety Division 3 – Exemptions From Compliance With Pool Safety Standard – Disability Subdivision 3 - Miscellaneous	Power to keep a copy of each exemption granted and make the copy available for inspection and purchase as if it were a document, that under the Planning Act, the local government must make available for inspection and purchase.	Delegation to the CEO
Section 245A	Entity Power Given To: Local Government	Chapter 8 – Swimming Pool Safety Part 2 – Compliance With Pool Safety Standard And Other Matters About Pool Safety Division 4 – Exemption From Compliance With Pool Safety Standard Impracticality Subdivision 1 – Applying For Exemptions And Deciding Applications	Power to, on application by a pool owner for exemption from complying with part of the pool safety standard relating to barriers for the regulated pool due to compliance being impracticable, require the owner of a regulated pool to give further information to establish that compliance with the part of the pool safety standard is not practicable.	Delegation to the CEO
Section 245B(1)	Entity Power Given To: Local Government	Chapter 8 – Swimming Pool Safety Part 2 – Compliance With Pool Safety Standard And Other Matters About Pool Safety Division 4 – Exemption From Compliance With Pool Safety Standard Impracticality Subdivision 1 – Applying For Exemptions And Deciding Applications	Power to, on application by a pool owner for exemption from complying with part of the pool safety standard relating to barriers for the regulated pool due to compliance being impracticable, require further information to establish that compliance with the part of the pool safety standard is not practicable. consider the application and decide to— (a) grant the exemption; or (b) refuse to grant the exemption-	Delegation to the CEO
Section 245B(2)	Entity Power Given To: Local Government	Chapter 8 – Swimming Pool Safety Part 2 – Compliance With Pool Safety Standard And Other Matters About Pool Safety Division 4 – Exemption From Compliance With Pool Safety Standard Impracticality Subdivision 1 – Applying For Exemptions And Deciding Applications	In deciding the application, power to consider— (a) whether compliance with the part of the pool safety standard may require the owner to— — (i) move or demolish a building or part of a building; or — (ii) change the location or size of the regulated pool; or — (iii) remove vegetation protected from removal under an Act or— — a local law; (b) the cost of the barrier or work required to ensure the pool complies with the part of the pool safety standard, having regard to the nature of any existing barriers for the pool; (c) other matters considered relevant.	Removed from the Register
Section 245B(3)	Entity Power Given To: Local Government	Chapter 8 – Swimming Pool Safety Part 2 – Compliance With Pool Safety Standard And Other Matters About Pool Safety Division 4 – Exemption From Compliance With Pool Safety Standard Impracticality Subdivision 1 – Applying For Exemptions And Deciding Applications	Subject to section 245B(5) power to grant an exemption on reasonable conditions considered necessary or desirable to prevent a young child from accessing the pool.	Removed from the Register
Section 245C(1)	Entity Power Given To: Local Government	Chapter 8 – Swimming Pool Safety Part 2 – Compliance With Pool Safety Standard And Other Matters About Pool Safety Division 4 – Exemption From Compliance With Pool Safety Standard Impracticality Subdivision 1 – Applying For Exemptions And Deciding Applications	If exemption is granted, Power to give the applicant a written notice of the grant of the an exemption.	Delegation to the CEO
Section 245C(2)	Entity Power Given To: Local Government	Chapter 8 – Swimming Pool Safety Part 2 – Compliance With Pool Safety Standard And Other Matters About Pool Safety Division 4 – Exemption From Compliance With Pool Safety Standard Impracticality Subdivision 1 – Applying For Exemptions And Deciding Applications	If the exemption is refused, or conditions imposed, Power to give the applicant an information notice about the decision.	Delegation to the CEO
Section 245E(2)	Entity Power Given To: Local Government	Chapter 8 – Swimming Pool Safety Part 2 – Compliance With Pool Safety Standard And Other Matters About Pool Safety Division 4 – Exemption From Compliance With Pool Safety Standard Impracticality Subdivision 2 – Revocation Of Exemptions	Power to give the owner of the regulated pool a show cause notice. as to why the decision should not be revoked.	Delegation to the CEO

Section of BUJA	Entity Power Given To	Title	Description	Recommendation
Section 245E(3)	Entity Power Given To: Local Government	Chapter 8 – Swimming Pool Safety Part 2 – Compliance With Pool Safety Standard And Other Matters About Pool Safety Division 4 – Exemption From Compliance With Pool Safety Standard Impracticability Subdivision 2 – Revocation Of Exemptions	Power to consider any representations made under the show cause notice and give a further notice (a revocation notice) to the owner, revoking the decision previously given. After considering any representations made under the show cause notice, power to issue a revocation notice to the owner, to revoke the decision previously given.	Delegation to the CEO
Section 245F	Entity Power Given To: Local Government	Chapter 8 – Swimming Pool Safety Part 2 – Compliance With Pool Safety Standard And Other Matters About Pool Safety Division 4 – Exemption From Compliance With Pool Safety Standard Impracticability Subdivision 3 – Miscellaneous	Power to give the QBCC commissioner the notices required by sections 245F(1) and 245F(2).	Delegation to the CEO
Section 245FA(2)	Entity Power Given To: Local Government	Chapter 8 – Swimming Pool Safety Part 2 – Compliance With Pool Safety Standard And Other Matters About Pool Safety Division 4 – Exemption From Compliance With Pool Safety Standard Impracticability Subdivision 3 – Miscellaneous	Power to keep a copy of each exemption available for inspection and purchase as if it were a document that, under the Planning Act, must be available for inspection and purchase.	Delegation to the CEO
Section 245XB(2)	Entity Power Given To: Owner of Adjoining Land	Chapter 8 – Swimming Pool Safety Part 2A – Neighbours' Rights and Responsibilities for Particular Dividing Fences Division 3 – Rights and Responsibilities of Pool Owners and their Neighbours for Particular Dividing Fences	Power, as the owner of adjoining land, to agree with the pool owner as to the construction of a pool barrier along the common boundary.	Delegation to the CEO
Section 245XD(2)	Entity Power Given To: Owner of Adjoining Land	Chapter 8 – Swimming Pool Safety Part 2A – Neighbours' Rights and Responsibilities for Particular Dividing Fences Division 3 – Rights and Responsibilities of Pool Owners and their Neighbours for Particular Dividing Fences	Power, as the owner of adjoining land, to agree with the pool owner as to the alteration or replacement of a dividing fence that is used, or proposed to be used, as a pool barrier along the common boundary.	Delegation to the CEO
Section 245XF(2) and (3)	Entity Power Given To: Owner of Adjoining Land	Chapter 8 – Swimming Pool Safety Part 2A – Neighbours' Rights and Responsibilities for Particular Dividing Fences Division 3 – Rights and Responsibilities of Pool Owners and their Neighbours for Particular Dividing Fences	Power, as owner of adjoining land where a pool barrier is constructed along the common boundary for a pool on the other land, to: (a) Alter or replace the part of the pool barrier with the agreement of the pool owner; or (b) Attach a thing on the part of the pool barrier that does not unreasonably or materially alter or damage the barrier.	Delegation to the CEO
Section 245XG(1)	Entity Power Given To: Owner of Adjoining Land	Chapter 8 – Swimming Pool Safety Part 2A – Neighbours' Rights and Responsibilities for Particular Dividing Fences Division 3 – Rights and Responsibilities of Pool Owners and their Neighbours for Particular Dividing Fences	Power, as owner of adjoining land, to grant access to Council's land to the owner of the other land to carry out fencing work.	Delegation to the CEO
Section 245XN(2)	Entity Power Given To: Owner of Adjoining Land	Chapter 8 – Swimming Pool Safety Part 2A – Neighbours' Rights and Responsibilities for Particular Dividing Fences Division 4 – Process for Obtaining Contribution and Resolving Disputes Subdivision 2 - Notices	Power, as owner of adjoining land, where Council has carried out urgent fencing work under section 245XK of the Building Act and the owner of the other land is responsible for some or all of the costs of carrying out the fencing work under section 245XH of the Building Act, to require the owner of the other land to contribute a share for any reasonable cost incurred for the fencing work.	Delegation to the CEO
Section 245XS(1)	Entity Power Given To: Owner of Adjoining Land	Chapter 8 – Swimming Pool Safety Part 2A – Neighbours' Rights and Responsibilities for Particular Dividing Fences Division 4 – Process for Obtaining Contribution and Resolving Disputes Subdivision 3 - Resolving Disputes	Power, as owner of adjoining land, to apply to QCAT, in the absence of the owner of the other land, for authorisation to carry out fencing work, including apportionment of the contributions for the work.	Delegation to the CEO

Section of BUJA	Entity Power Given To	Title	Description	Recommendation
Section 245XS(3)	Entity Power Given To: Owner of Adjoining Land	Chapter 8 – Swimming Pool Safety Part 2A – Neighbours' Rights and Responsibilities for Particular Dividing Fences Division 4 – Process for Obtaining Contribution and Resolving Disputes Subdivision 3 - Resolving Disputes	Power, as owner of adjoining land, where an order has been made under section 245XS(1) of the Building Act and the owner of the other land has since been located, to give a copy of the order to the owner of the other land and recover the contribution as stated in the order.	Delegation to the CEO
Section 245XV(2)	Entity Power Given To: Owner of Adjoining Land	Chapter 8 – Swimming Pool Safety Part 2A – Neighbours' Rights and Responsibilities for Particular Dividing Fences Division 5 - Process for Dealing with Unauthorised Fencing Work	Power, as owner of adjoining land, where the owner of the other land has carried out fencing work for a dividing fence forming part of a pool barrier without authorisation, to apply to QCAT for an order requiring the owner to rectify the dividing fence.	Delegation to the CEO
Section 246AD(A)2)	Entity Power Given To: Local Government	Chapter 8 – Swimming Pool Safety Part 3 – Inspections of Regulated Pools by Pool Safety Inspectors Division 2 - Functions of Local Government for Inspections of Regulated Pools	Power to inspect a regulated pool for compliance when a pool safety complaint notice, or section 245I or 245JA notice is received.	Delegation to the CEO
Section 246AD(A)5)	Entity Power Given To: Local Government	Chapter 8 – Swimming Pool Safety Part 3 – Inspections of Regulated Pools by Pool Safety Inspectors Division 2 - Functions of Local Government for Inspections of Regulated Pools	Power to take necessary enforcement action to ensure the pool complies with the pool safety standard or fencing standards for the pool.	Delegation to the CEO
Section 246AE(2)	Entity Power Given To: Local Government	Chapter 8 – Swimming Pool Safety Part 3 – Inspections of Regulated Pools And The Giving Of Pool Safety Certificates Division 2 – Functions Of Local Government For Inspections Of Regulated Pools	Power for an employee or agent of the local government to enter land on which a regulated pool is situated to inspect the pool	Removed from the Register
Section 246AF(2)	Entity Power Given To: Local Government	Chapter 8 – Swimming Pool Safety Part 3 – Inspections of Regulated Pools And The Giving Of Pool Safety Certificates Division 2 – Functions Of Local Government For Inspections Of Regulated Pools	After complying with section 246AG, Power to cancel a pool safety certificate for a regulated pool.	Delegation to the CEO
Section 246AF(3)	Entity Power Given To: Local Government	Chapter 8 – Swimming Pool Safety Part 3 – Inspections of Regulated Pools And The Giving Of Pool Safety Certificates Division 2 – Functions Of Local Government For Inspections Of Regulated Pools	Power to give the QBCC commissioner notice of the cancellation of the pool safety certificate for a regulated pool.	Delegation to the CEO
Section 246AG(1)	Entity Power Given To: Local Government	Chapter 8 – Swimming Pool Safety Part 3 – Inspections of Regulated Pools And The Giving Of Pool Safety Certificates Division 2 – Functions Of Local Government For Inspections Of Regulated Pools	Power to give the owner of a regulated pool a show cause notice before cancelling a pool safety certificate under s246AF(2).	Delegation to the CEO
Section 246AG(5)	Entity Power Given To: Local Government	Chapter 8 – Swimming Pool Safety Part 3 – Inspections of Regulated Pools And The Giving Of Pool Safety Certificates Division 2 – Functions Of Local Government For Inspections Of Regulated Pools	Subject to 246AG(4), Power to consider submissions and decide whether to cancel the pool safety certificate.	Delegation to the CEO
Section 246AG(6)	Entity Power Given To: Local Government	Chapter 8 – Swimming Pool Safety Part 3 – Inspections of Regulated Pools And The Giving Of Pool Safety Certificates Division 2 – Functions Of Local Government For Inspections Of Regulated Pools	If the Local Government decides not to cancel the safety certificate, Power to give the owner notice of the decision.	Delegation to the CEO

Section of BUJA	Entity Power Given To	Title	Description	Recommendation
Section 246AG(7)	Entity Power Given To: Local Government	Chapter 8 – Swimming Pool Safety Part 3 – Inspections Of Regulated Pools And The Giving Of Pool Safety Certificates Division 2 – Functions Of Local Government For Inspections Of Regulated Pools	# the Local Government decides to cancel the pool safety certificate ; Power to give the owner an information notice about the decision.	Delegation to the CEO
Section 246AH	Entity Power Given To: Local Government	Chapter 8 – Swimming Pool Safety Part 3 – Inspections Of Regulated Pools And The Giving Of Pool Safety Certificates Division 2 – Functions Of Local Government For Inspections Of Regulated Pools	Power to appoint or employ a pool safety inspector to conduct an inspection of a pool in the circumstances referred to in subsection (1).	Delegation to the CEO
Section 246AIA	Entity Power Given To: Local Government	Chapter 8 – Swimming Pool Safety Part 3 – Inspections Of Regulated Pools And The Giving Of Pool Safety Certificates Division 2 – Functions Of Local Government For Inspections Of Regulated Pools	Power to keep a record of a notice mentioned in section 246ADA(1) and the results of the inspection carried out under section 246ADA.	Delegation to the CEO
Section 246AIB(2)	Entity Power Given To: Local Government	Chapter 8 – Swimming Pool Safety Part 3 – Inspections Of Regulated Pools And The Giving Of Pool Safety Certificates Division 2 – Functions Of Local Government For Inspections Of Regulated Pools	Power to comply with a request for information from the QBCC commissioner.	Delegation to the CEO
Section 246AQ	Entity Power Given To: Local Government	Chapter 8 – Swimming Pool Safety Part 4 – General Provisions About Regulated Pools Division 1 – Obligations to Give Notice of Regulated Pools	Power to give the QBCC commissioner notice of each existing regulated pool in Council's local government area of which it has a record.	Delegation to the CEO
Section 246ATC	Entity Power Given To: Local Government	Chapter 8 – Swimming Pool Safety Part 4 – General Provisions About Regulated Pools Division 4 – Obligation to Give Information to Particular Regulated Pool Owners	Power to give the swimming pool safety advisory information to the owner of each non-certificate regulated pool in its local government area.	Delegation to the CEO
Section 246X(1)	Entity Power Given To: Local Government	Chapter 8B – Transport Noise Corridors Part 2 – Designation By Local Governments	Power to, by gazette notice, designate land as a transport noise corridor.	To Remain with Council
Section 246X(2)	Entity Power Given To: Local Government	Chapter 8B – Transport Noise Corridors Part 2 – Designation By Local Governments	A local government may designate land under (1) only if— — (a) the land is within— — (i) 100m of a road under its control; or — (ii) A distance of more than 100m but not more than 200m of a road under its control, if the noise level— — caused by traffic on the road at the distance has been measured and approved by the CEO.	Removed from the Register
Section 248(1)	Entity Power Given To: Local Government	Chapter 9 – Show Cause And Enforcement Notices	Power to give a notice (an enforcement notice) to the owner of a building, structure or building work, if the local government reasonably believes the building, structure or building work— (a) was built before the commencement of this section without, or not in accordance with, the approval of the local government; or (b) is dangerous; or (c) is in a dilapidated condition; or (d) is unfit for use of occupation; or (e) is filthy, infested with disease or infested with vermin. <i>*See Footnote and Limitations to the Exercise of Power</i>	Delegation to the CEO
Section 248(2)	Entity Power Given To: Local Government	Chapter 9 – Show Cause And Enforcement Notices	Power to give an enforcement notice to a person who does not comply with a particular matter in this Act.	Delegation to the CEO
Section 248(3)	Entity Power Given To: Local Government	Chapter 9 – Show Cause And Enforcement Notices	Subject to section 248(4), the Power to give a person a show cause notice.	Delegation to the CEO

Section of BUJA	Entity Power Given To	Title	Description	Recommendation
Section 249(4)	Entity Power Given To: Local Government	Chapter 9 – Show Cause And Enforcement Notices	In the specified circumstances power to require a person to do any of the following:– (a) to apply for a development permit; (b) to do, or not to do, another act to ensure building work complies with the approval of the local government given before the commencement of this section; (c) to repair or rectify the building or structure; (d) to secure the building or structure (whether by a system of support or in any other way); (e) to fence off the building or structure to protect persons; (f) to cleanse, purify and disinfect the building or structure; (h) to comply with this Act for a particular matter.	Removed from the Register
Section 249(2)	Entity Power Given To: Local Government	Chapter 9 – Show Cause And Enforcement Notices	Power to require a person to demolish or remove the building or structure only if the local government reasonably believes that it is not possible and practical to take steps to comply with subsection (1)(c) to (f).	Removed from the Register
Section 256(2)(d)	Entity Power Given To: Local Government	Chapter 10 – General Provisions	Power to make a complaint against the Building Act for an offence under section 245G(1).	Delegation to the CEO
Section 256(2)(e)	Entity Power Given To: Local Government	Chapter 10 – General Provisions	Power to make a complaint for an offence against section 245K, 245L or 246AR(2) of the Building Act.	Delegation to the CEO
Section 256(2)(f)	Entity Power Given To: Local Government	Chapter 10 – General Provisions	Power to make a complaint for an offence against section 246AD(2) or 246AJ(4) of the Building Act.	Delegation to the CEO
Section 256(2)(g)	Entity Power Given To: Local Government	Chapter 10 – General Provisions	Power to make a complaint for an offence against section 246AP(2) of the Building Act.	Delegation to the CEO
Section 256(2)(h)	Entity Power Given To: Local Government	Chapter 10 – General Provisions	Power to make a complaint for an offence against Chapter 8, part 4, division 5, subdivision 2 (excluding section 246ATH(2)) of the Building Act.	Delegation to the CEO
Section 256(2)(h) ²	Entity Power Given To: Local Government	Chapter 10 – General Provisions	Power to authorise a person to make a complaint for an offence against Chapter 8, part 4, division 5, subdivision 2 (excluding section 246ATH(2)) of the Building Act.	Delegation to the CEO
Section 256(2)(i)	Entity Power Given To: Local Government	Chapter 10 – General Provisions	Power to make a complaint for an offence against Chapter 8, part 5 of the Building Act.	Delegation to the CEO
Section 256(2)(i) ²	Entity Power Given To: Local Government	Chapter 10 – General Provisions	Power to authorise a person to make a complaint for an offence against Chapter 8, part 5 of the Building Act.	Delegation to the CEO
Section 256(2)(k)	Entity Power Given To: Local Government	Chapter 10 – General Provisions	Power to make a complaint for another offence against in the Building Act other than an offence listed in section 256(2)(a)-(j) of the Building Act.	Delegation to the CEO
Section 256(2)(k) ²	Entity Power Given To: Local Government	Chapter 10 – General Provisions	Power to authorise a person to make a complaint for another offence against in the Building Act other than an offence listed in section 256(2)(a)-(j) of the Building Act.	Delegation to the CEO
Section 262(3)	Entity Power Given To: Local Government	Chapter 11 – Savings And Transitional Provisions Part 1 – Transitional Provisions For Local Government Act 1993	Power to at any time, and subject to such reasonable conditions as you considered appropriate, extend the time for an owner to comply with section 235#– (a) the owner files a written application for where an extension under section 49H(1)(b) of the Local Government Act 1936 with the local government while a previously given extension is still in force,; and (b) the local government is satisfied that compliance within the time provided for in the previously given extension would cause the owner financial hardship.	Delegation to the CEO
Section 266	Entity Power Given To: Local Government	Chapter 11 – Savings And Transitional Provisions Part 2 – Transitional Provisions For Building And Integrated Planning Amendment Act 1998	Power to decide that a building or structure is:– (a) dangerous; or (b) in a dilapidated condition and unfit for use or occupation; or (c) filthy; or (d) is infected with disease; or (e) is infected with vermin. To allow for the alteration or removal of a building otherwise lawfully constructed before the commencement of the section.	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.
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Section of BUJA	Entity Power Given To	Title	Description	Recommendation
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 248(1), Council Resolution is required to issue an enforcement notice to demolish a building or part of a building.	

Footnotes	
Section 231AL(1)	Section 231AK(a)(iii) provides that the date must be later than 1 September 2014 but not later than 1 September 2015 and Section 231AK(b)(iii) provides that the date must be later than 1 September 2016 but not later than 1 September 2017.
Section 242(1)(b)	Section 242(1)(b) only applies where the Local Government has, under section 237, granted an exemption.
Section 248(1)	Section 169(4) of the Planning Act 2016 prohibits a Local Government from delegating its power to give an enforcement notice ordering the demolition of a building if it is also the private certifier.

COUNCIL DELEGATIONS TO THE CHIEF EXECUTIVE OFFICER

Delegation Register - Land Act 1994 (Tracked)

Meeting Date: 9 March 2021

Attachment No: 7

Delegations Register – Land Act 1994 (LANA)

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 LANA	Entity Power Given To	Title	Description	Recommendation
Section 12(3)	Entity Power Given To: Registered Owner	Chapter 1 – Preliminary Part 4 – Tidal And Non-Tidal Boundaries And Associated Matters Division 2 – The Tidal Environment	Power to suitably indicate where the boundaries of land are across a surface of water.	Removed from the Register
Section 12(4)	Entity Power Given To: Registered Owner	Chapter 1 – Preliminary Part 4 – Tidal And Non-Tidal Boundaries And Associated Matters Division 2 – The Tidal Environment	Power to regulate or prohibit the use or movement of ships in or over water above inundated land.	Removed from the Register
Section 13A(4)	Entity Power Given To: Owner Person who may take water under the Water Act 2000, Section 96	Chapter 1 – Preliminary Part 4 – Tidal And Non-Tidal Boundaries And Associated Matters Division 2 3 – The Non-Tidal Environment	Power, as a person who may take water under the Water Act 2000, section 96, to, in certain circumstances:— (a) exercise a right of access, for the owner, the owner's family, executive officers, employees, agents and stock over the adjacent area of the watercourse or lake that is the property of the State that adjoins the owner's land; and (b) Exercise a right of grazing for the person's stock over the adjacent area; and a right to (c) bring an action against a person who for trespasses on over the adjacent land area.	Delegation to the CEO
Section 13A(1)(a)	Entity Power Given To: Adjacent owner for the land	Chapter 1 – Preliminary Part 4 – Tidal And Non-Tidal Boundaries And Associated Matters Division 2 3 – The Non-Tidal Environment	In certain circumstances, Power, as an adjacent owner for the land, to consent to the dedication of non-tidal watercourse land or non-tidal lake land as a reserve.	Delegation to the CEO
Section 13B(1)	Entity Power Given To: A person (Applicant) who is the owner of land	Chapter 1 – Preliminary Part 4 – Tidal And Non-Tidal Boundaries And Associated Matters Division 2 3 – The Non-Tidal Environment	In certain circumstances, Power, as an owner of land (the relevant land) having a non-tidal boundary (watercourse) to apply to the Chief Executive (water) to have watercourse land adjoining the relevant land's (the watercourse land) non-tidal boundary declared to be former watercourse land.	Delegation to the CEO
Section 13B(2)	Entity Power Given To: A person (Applicant) who is the owner of land	Chapter 1 – Preliminary Part 4 – Tidal And Non-Tidal Boundaries And Associated Matters Division 2 3 – The Non-Tidal Environment	Power to give notice of the a person's intention to make the an application pursuant to section 13B to the owners of any land that adjoins the watercourse land.	Delegation to the CEO
Section 13B(6)	Entity Power Given To: A person (Applicant) who is the owner of land	Chapter 1 – Preliminary Part 4 – Tidal And Non-Tidal Boundaries And Associated Matters Division 2 3 – The Non-Tidal Environment	Power, as an applicant under section 13B(1), to appeal against the refusal of the application.	Delegation to the CEO
Section 18(1)	Entity Power Given To: Registered Owner	Chapter 2 – Land Allocation Part 1 – Allocation Powers	Power, as registered owner of land, to enter an to reach agreement with the Governor in Council to exchange to grant unallocated State land in exchange for all or part of the freehold land for the grant of unallocated State land.	Delegation to the CEO
Section 18(2)	Entity Power Given To: Lessee Of A Freeholding Lease	Chapter 2 – Land Allocation Part 1 – Allocation Powers	Power, as lessee of a freeholding lease, to enter an to reach agreement with the Governor in Council to exchange grant a freeholding lease in exchange for all or part of a freeholding lease over unallocated state land.	Delegation to the CEO
Section 18(3)	Entity Power Given To: Lessee Of A Term Lease	Chapter 2 – Land Allocation Part 1 – Allocation Powers	Power, as lessee of a term lease (other than a State lease or a perpetual lease), to enter into an agreement with the Minister to leave unallocated State Land to exchange all or part of the term lease for a lease of unallocated State land for a term of years or in perpetuity	Delegation to the CEO
Section 23A(1)	Entity Power Given To: A Person seeking to have a plan of subdivision registered	Chapter 2 – Land Allocation Part 2 – Reservations	Power, as a person seeking to have a plan of subdivision registered in relation to the land contained in a deed of grant, deed of grant in trust or lease, to apply to Minister the chief executive for the allocation of a floating reservation to some or all of the lots created by the plan.	Delegation to the CEO
Section 23A(6)	Entity Power Given To: Person Applicant	Chapter 2 – Land Allocation Part 2 – Reservations	Power, as an applicant under section 23A(1), to appeal against a Minister's the chief executive's decision.	Delegation to the CEO
Section 24(3)	Entity Power Given To: Registered Owner or Lessee	Chapter 2 – Land Allocation Part 2 – Reservations	Power, as registered owner of the deed of a grant or lessee of a freeholding lease of a reservation for a public purpose to be sold under section 24(1), to apply to the Minister Governor in Council to buy the land.	Delegation to the CEO
Section 25(2)	Entity Power Given To: Registered Owner or Lessee	Chapter 2 – Land Allocation Part 2 – Reservations	Power to appeal against the Minister's determination of the unimproved value of land to be sold under section 24(1) of the Land Act 1994.	Delegation to the CEO

Section of LANA	Entity Power Given To	Title	Description	Recommendation
Section 26(2)	Entity Power Given To: Registered Owner Lessee Or Trustee	Chapter 2 – Land Allocation Part 2 – Reservations	Power, as trustee, lessee or registered owner, in certain circumstances, power to agree with the Minister's proposal to change in respect to the specified matters when the Minister is deciding the boundaries of land being resumed a lease, deed of grant or deed of grant in trust where the Governor in Council is resuming possession of all or part of a reservation and the boundaries on the reservation are not stated in the lease, deed of grant or deed of grant in trust.	Delegation to the CEO
Section 26(4)	Entity Power Given To: Lessee, Registered Owner Or Trustee	Chapter 2 – Land Allocation Part 2 – Reservations	Power, as lessee, registered owner or trustee, to appeal against the Minister's decision to change on the boundaries of a lease, deed of grant or deed of grant in trust where the Governor in Council is resuming possession of all or part of a reservation and the boundaries of the reservation are not stated in the lease, deed of grant or deed of grant in trust.	Delegation to the CEO
Section 26B(2)	Entity Power Given To: Lessee or Registered Owner	Chapter 2 – Land Allocation Part 2 - Reservations	Power, as lessee or registered owner, to buy a forest entitlement area under sections 24 and 25.	To Remain with Council
Section 26B(8)	Entity Power Given To: Lessee Or Registered Owner	Chapter 2 – Land Allocation Part 2 – Reservations	Power, as lessee or registered owner, to appeal against the value decided by the Minister for the commercial timber on a forest entitlement area that the local government is buying.	Delegation to the CEO
Section 31C(1)	Entity Power Given To: Any Person	Chapter 3 – Reserves, Deeds Of Grant In Trust And Roads Part 1 – Reserves And Deeds Of Grant In Trust Division 2 – Reserves Subdivision 1 – Reserves Generally	Power, to apply to the Minister for the dedication of a reserve.	Delegation to the CEO
Section 31C(2) and 31C(3)	Entity Power Given To: Any Person	Chapter 3 – Reserves, Deeds Of Grant In Trust And Roads Part 1 – Reserves And Deeds Of Grant In Trust Division 2 – Reserves Subdivision 1 – Reserves Generally	Power to give notice of the person's intention to apply for the dedication of a reserve. make the application to:– (a) If the person is not the proposed trustee of the reserve – the proposed trustee; and (b) Each person with a registered interest in the unallocated State land over which a reserve is proposed to be dedicated.	Delegation to the CEO
Section 31C(3)	Entity Power Given To: Any Person	Chapter 3 – Reserves, Deeds Of Grant In Trust And Roads Part 1 – Reserves And Deeds Of Grant In Trust Division 2 – Reserves Subdivision 1 – Reserves Generally	Power to give notice to any other person that the person considers has an interest in the unallocated State land over which the reserve is proposed to be dedicated.	Removed from the Register
Section 31D(1)	Entity Power Given To: Trustee Of A Reserve	Chapter 3 – Reserves, Deeds Of Grant In Trust And Roads Part 1 – Reserves And Deeds Of Grant In Trust Division 2 – Reserves Subdivision 1 – Reserves Generally	Power, as trustee, to apply to the Minister to change the boundary of a reserve or the purpose of a reserve:– (a) to change the boundaries of the reserve; or (b) to change the purpose for which the reserve is dedicated.	Delegation to the CEO
Section 31D(2) and 31D(3)	Entity Power Given To: Trustee Of A Reserve	Chapter 3 – Reserves, Deeds Of Grant In Trust And Roads Part 1 – Reserves And Deeds Of Grant In Trust Division 2 – Reserves Subdivision 1 – Reserves Generally	Power, to give notice of the intention to change the boundary of a reserve or the purpose of a reserve. trustee's intention to make the application to each person with a registered interest in the reserve.	Delegation to the CEO
Section 31D(3)	Entity Power Given To: Trustee Of A Reserve	Chapter 3 – Reserves, Deeds Of Grant In Trust And Roads Part 1 – Reserves And Deeds Of Grant In Trust Division 2 – Reserves Subdivision 1 – Reserves Generally	Power to give notice to any other person the trustee considers:– (a) has an interest in the reserve; or (b) would have an interest in the reserve if the boundaries of the reserve or the purpose for which the reserve is dedicated were changed.	Removed from the Register
Section 32	Entity Power Given To: Trustee	Chapter 3 – Reserves, Deeds Of Grant In Trust and Roads Part 1 - Reserves And Deeds Of Grant In Trust Division 2 - Reserves Subdivision 1 - Reserves Generally	Power, as trustee, to consult with the Minister in response to a proposed State lease over a reserve.	Delegation to the CEO
Section 34(1)	Entity Power Given To: Any Person	Chapter 3 – Reserves, Deeds Of Grant In Trust And Roads Part 1 – Reserves And Deeds Of Grant In Trust Division 2 – Reserves Subdivision 1 – Reserves Generally	Power, to apply to the Minister for the revocation of to revoke the dedication of all or part of a reserve.	Delegation to the CEO

Section of LANA	Entity Power Given To	Title	Description	Recommendation
Section 34(2) and 34(3)	Entity Power Given To: Any Person	Chapter 3 – Reserves, Deeds Of Grant In Trust And Roads Part 1 – Reserves And Deeds Of Grant In Trust Division 2 – Reserves Subdivision 1 – Reserves Generally	Power to give notice of the person's intention to apply to the Minister to revoke the dedication of all or part of a reserve. make the application to— (a) if the person is not the trustee of the reserve—the trustee of the reserve; and (b) each person with a registered interest in the reserve.	Delegation to the CEO
Section 34(3)	Entity Power Given To: Any Person	Chapter 3 – Reserves, Deeds Of Grant In Trust And Roads Part 1 – Reserves And Deeds Of Grant In Trust Division 2 – Reserves Subdivision 1 – Reserves Generally	Power to give notice to any other person that the person considers has an interest in the reserve.	Removed from the Register
Section 34H(1)	Entity Power Given To: Local Government as covenantee-Owner of Improvements	Chapter 3 – Reserves, Deeds Of Grant In Trust And Roads Part 1 – Reserves And Deeds Of Grant In Trust Division 2 – Reserves Subdivision 1 – Reserves Generally	Power, as owner of to apply to the Minister to remove improvements on from a revoked reserve the dedication to which has been revoked, to apply, in writing to the chief executive, to remove improvements on the reserve.	Delegation to the CEO
Section 34H(2)	Entity Power Given To: Local Government as covenantee-Owner of Improvements	Chapter 3 – Reserves, Deeds Of Grant In Trust And Roads Part 1 – Reserves And Deeds Of Grant In Trust Division 2 – Reserves Subdivision 1 – Reserves Generally	Power, as owner of improvements on a reserve the dedication to which has been revoked, to remove improvements with the written approval of the chief executive.	Delegation to the CEO
Section 34I(1)	Entity Power Given To: Trustee Of An Operational Reserve	Chapter 3 – Reserves, Deeds Of Grant In Trust And Roads Part 1 – Reserves And Deeds Of Grant In Trust Division 2 – Reserves Subdivision 2 – Operational Reserves	In certain circumstances, power to apply for the issue of a deed of Power, as trustee of an operational reserve, to apply for a deed of grant over a reserve.	Delegation to the CEO
Sections 34I(3) and 34I(4)	Entity Power Given To: Trustee Of An Operational Reserve	Chapter 3 – Reserves, Deeds Of Grant In Trust And Roads Part 1 – Reserves And Deeds Of Grant In Trust Division 2 – Reserves Subdivision 2 – Operational Reserves	Power, as trustee of an operational reserve, to give notice of the trustee's intention to make the application to each person with a registered interest in the reserve apply for a deed of grant over the reserve.	Delegation to the CEO
Section 34I(4)	Entity Power Given To: Trustee Of An Operational Reserve	Chapter 3 – Reserves, Deeds Of Grant In Trust And Roads Part 1 – Reserves And Deeds Of Grant In Trust Division 2 – Reserves Subdivision 2 – Operational Reserves	Power to give notice to any other person the trustee considers has an interest in the reserve.	Removed from the Register
Section 38A(1)	Entity Power Given To: Trustee Of Deed Of Grant In Trust	Chapter 3 – Reserves, Deeds Of Grant In Trust And Roads Part 1 – Reserves And Deeds Of Grant In Trust Division 3 – Deeds Of Grant In Trust	Power to apply— (a) for an additional community purpose to be notified; or (b) to amalgamate land with common purposes. Power, as trustee, to apply for an additional community purpose or to amalgamate land with common purposes.	Delegation to the CEO
Section 38A(2)	Entity Power Given To: Any Person	Chapter 3 – Reserves, Deeds Of Grant In Trust And Roads Part 1 – Reserves And Deeds Of Grant In Trust Division 3 – Deeds Of Grant In Trust	Power, as trustee to apply for the cancellation of a deed of grant in trust under section 38.	Delegation to the CEO
Sections 38A(3) and 38A(4)	Entity Power Given To: Applicant-Trustee	Chapter 3 – Reserves, Deeds Of Grant In Trust And Roads Part 1 – Reserves And Deeds Of Grant In Trust Division 3 – Deeds Of Grant In Trust	Power, as trustee, to give notice of the applicant's intention to apply to each of the following— (a) the trustee of the deed of grant in trust, other than the applicant (b) each person with a registered interest in the trust land under section 38A.	Delegation to the CEO
Section 38A(4)	Entity Power Given To: Applicant	Chapter 3 – Reserves, Deeds Of Grant In Trust And Roads Part 1 – Reserves And Deeds Of Grant In Trust Division 3 – Deeds Of Grant In Trust	Power to give notice to any other person the applicant considers has an interest in the trust land.	Removed from the Register
Section 38G(1)	Entity Power Given To: Owner Of Improvements	Chapter 3 – Reserves, Deeds Of Grant In Trust And Roads Part 1 – Reserves And Deeds Of Grant In Trust Division 3 – Deeds Of Grant In Trust	Power, an an owner of improvements on a deed of grant in trust that has been cancelled, to apply, in writing to the chief executive, to the Minister to remove the owner's improvements on a deed of grant in trust.	Delegation to the CEO

Section of LANA	Entity Power Given To	Title	Description	Recommendation
Section 38(2)	Entity Power Given To: Owner Of Improvements	Chapter 3 – Reserves, Deeds Of Grant In Trust And Roads Part 1 – Reserves And Deeds Of Grant In Trust Division 3 – Deeds Of Grant In Trust	Power, as owner of improvements on a deed of grant in trust that has been cancelled, to remove the improvements with the chief executive's approval.	Delegation to the CEO
Section 44(4)	Entity Power Given To: Proposed Trustee	Chapter 3 – Reserves, Deeds Of Grant In Trust And Roads Part 1 – Reserves And Deeds Of Grant In Trust Division 5 – Appointments, Functions And Removal Of Trustees	Power to provide written acceptance of appointment as trustee.	Delegation to the CEO
Section 45	Entity Power Given To: Trustee	Chapter 3 – Reserves, Deeds Of Grant In Trust And Roads Part 1 – Reserves And Deeds Of Grant In Trust Division 5 – Appointments, Functions And Removal Of Trustees	Power, as trustee, to advise the chief executive of change in details.	Delegation to the CEO
Sections 46 and 47	Entity Power Given To: Trustee	Chapter 3 – Reserves, Deeds Of Grant In Trust And Roads Part 1 – Reserves And Deeds Of Grant In Trust Division 5 – Appointments, Functions And Removal Of Trustees	Power, as trustee, to comply with the administrative, accounting function and other directions provided by Minister.	Delegation to the CEO
Section 48(1)(a)	Entity Power Given To: Trustee	Chapter 3 – Reserves, Deeds Of Grant In Trust And Roads Part 1 – Reserves And Deeds Of Grant In Trust Division 5 – Appointments, Functions And Removal Of Trustees	Power, as trustee, to to apply for the approval of a management plan for the trust land- (a) comply with a request of the chief executive to apply for the approval of a management plan for the trust land; and (b) comply with a request of the chief executive to make all records available for inspection by the chief executive and allow copies and notes of the records to be made; (c) register any management plan in the appropriate register.	Delegation to the CEO
Section 49	Entity Power Given To: Trustee	Chapter 3 – Reserves, Deeds Of Grant In Trust And Roads Part 1 – Reserves And Deeds Of Grant In Trust Division 5 – Appointments, Functions And Removal Of Trustees	In certain circumstances, p Power to:—as trustee, to: (a) allow the auditor-general, a person mentioned in section 47(1)(a) to (d), or a person authorised by the Chief Executive of a Department, to audit the trust's financial accounts; and (b) help the conduct of the audit, including the disclosure of financial institution accounts necessary for the audit.	Delegation to the CEO
Section 52(1)	Entity Power Given To: Trustee	Chapter 3 – Reserves, Deeds Of Grant In Trust And Roads Part 1 – Reserves And Deeds Of Grant In Trust Division 6 – Powers Of Trustee	Power to take all necessary action for the maintenance and management of trust land.	Delegation to the CEO
Section 52(5)	Entity Power Given To: Trustee Of Trust Land	Chapter 3 – Reserves, Deeds Of Grant In Trust And Roads Part 1 – Reserves And Deeds Of Grant In Trust Division 6 – Powers Of Trustee	Power to apply for the approval of an action that is inconsistent with the purpose for which the reserve was dedicated or the land was granted in trust (inconsistent action).	Removed from the Register
Section 55(1)	Entity Power Given To: Trustee	Chapter 3 – Reserves, Deeds Of Grant In Trust And Roads Part 1 – Reserves And Deeds Of Grant In Trust Division 6 – Powers Of Trustee	Power, as trustee, to surrender all or part of a deed of grant in trust— (a) on terms agreed with the Minister and the trustee ; and (b) with the Minister's written approval.	Delegation to the CEO
Section 55A(1)	Entity Power Given To: Trustee Of A Deed Of Grant In Trust	Chapter 3 – Reserves, Deeds Of Grant In Trust And Roads Part 1 – Reserves And Deeds Of Grant In Trust Division 6 – Powers Of Trustee	Power, as trustee, to apply to surrender all or part of a deed of grant in trust.	Delegation to the CEO
Sections 55A(2) and 55A(3)	Entity Power Given To: Trustee Of A Deed Of Grant In Trust	Chapter 3 – Reserves, Deeds Of Grant In Trust And Roads Part 1 – Reserves And Deeds Of Grant In Trust Division 6 – Powers Of Trustee	Power, as trustee, to give notice of the trustee's intention to apply to surrender all or part of a each person with a registered interest in the deed of grant in trust.	Delegation to the CEO
Section 55A(3)	Entity Power Given To: Trustee Of A Deed Of Grant In Trust	Chapter 3 – Reserves, Deeds Of Grant In Trust And Roads Part 1 – Reserves And Deeds Of Grant In Trust Division 6 – Powers Of Trustee	Power to give notice to any other person the trustee considers has an interest in the deed of grant in trust.	Removed from the Register
Section 55H(1)	Entity Power Given To: Owner Of Improvements On A Deed Of Grant In Trust That Has Been Surrendered	Chapter 3 – Reserves, Deeds Of Grant In Trust And Roads Part 1 – Reserves And Deeds Of Grant In Trust Division 6 – Powers Of Trustee	Power, as owner to apply to remove the owner's of improvements on a surrendered deed of grant in trust that has been surrendered, to apply, in writing to the chief executive, to remove the improvements on the deed of grant in trust.	Delegation to the CEO

Section of LANA	Entity Power Given To	Title	Description	Recommendation
Section 59(2)	Entity Power Given To: Owner Of Improvements	Chapter 3 – Reserves, Deeds Of Grant In Trust And Roads Part 1 – Reserves And Deeds Of Grant In Trust Division 6 – Powers Of Trustee	Power, as owner of improvements on a deed of grant in trust that has been surrendered, to remove the improvements on the deed of grant in trust with the written approval of the chief executive.	Delegation to the CEO
Section 57(1)	Entity Power Given To: Trustee	Chapter 3 – Reserves, Deeds Of Grant In Trust And Roads Part 1 – Reserves And Deeds Of Grant In Trust Division 7 – Trustee Leases And Trustee Permits	Power, as trustee, to lease all or part of the trust land if the trustee first obtains the Minister's written "in principle" approval to the lease.	Delegation to the CEO
Section 57(3)	Entity Power Given To: Trustee	Chapter 3 – Reserves, Deeds Of Grant In Trust And Roads Part 1 – Reserves And Deeds Of Grant In Trust Division 7 – Trustee Leases And Trustee Permits	Power as trustee to, without the Minister's approval, grant a trustee lease (construction) or a trustee lease (State or statutory body) over all or part of the trust land.	Delegation to the CEO
Section 57A(1)	Entity Power Given To: Trustee	Chapter 3 – Reserves, Deeds Of Grant In Trust And Roads Part 1 – Reserves And Deeds Of Grant In Trust Division 7 – Trustee Leases And Trustee Permits	Power to seek the Minister's approval to amend a trustee lease.	Delegation to the CEO
Section 58(1)	Entity Power Given To: Trustee Lessee	Chapter 3 – Reserves, Deeds Of Grant In Trust And Roads Part 1 – Reserves And Deeds Of Grant In Trust Division 7 – Trustee Leases And Trustee Permits	Power, as trustee lessee, to transfer, mortgage or sublease a trustee lease subject to the written approval of: (a) the Minister for a sublease; or (b) otherwise, the chief executive.	Delegation to the CEO
Section 58(7)	Entity Power Given To: Trustee Lessee	Chapter 3 – Reserves, Deeds Of Grant In Trust And Roads Part 1 – Reserves And Deeds Of Grant In Trust Division 7 – Trustee Leases And Trustee Permits	Power to appeal against the Minister's or chief executive's decision to refuse to allow a transfer, mortgage or sublease of a trustee lease.	Delegation to the CEO
Section 60(1)	Entity Power Given To: Trustee	Chapter 3 – Reserves, Deeds Of Grant In Trust And Roads Part 1 – Reserves And Deeds Of Grant In Trust Division 7 – Trustee Leases And Trustee Permits	Power, as trustee, to issue a trustee permit to use all or part of the trust land.	Delegation to the CEO
Section 60(3)	Entity Power Given To: Trustee	Chapter 3 – Reserves, Deeds Of Grant In Trust And Roads Part 1 – Reserves And Deeds Of Grant In Trust Division 7 – Trustee Leases And Trustee Permits	Power to lodge a trustee permit in the appropriate register.	Delegation to the CEO
Section 62	Entity Power Given To: Trustee	Chapter 3 – Reserves, Deeds Of Grant In Trust And Roads Part 1 – Reserves And Deeds Of Grant In Trust Division 7 – Trustee Leases And Trustee Permits	Power to seek consent to group trust land reserved for similar purposes together.	Delegation to the CEO
Section 63(3)	Entity Power Given To: Trustee	Chapter 3 – Reserves, Deeds Of Grant In Trust And Roads Part 1 – Reserves And Deeds Of Grant In Trust Division 7 – Trustee Leases And Trustee Permits	Power to seek the Minister's approval for rent from a trustee lease or trustee permit to be applied to costs other than on maintenance and enhancement of the trust land.	Delegation to the CEO
Section 64(4)	Entity Power Given To: Relevant Person	Chapter 3 – Reserves, Deeds Of Grant In Trust And Roads Part 1 – Reserves And Deeds Of Grant In Trust Division 7 – Trustee Leases And Trustee Permits	Power, as a relevant person, to apply for approval to lease, sublease or sub-sublease trust land even if an authority is in force.	Delegation to the CEO
Section 65(1)	Entity Power Given To: Trustee	Chapter 3 – Reserves, Deeds Of Grant In Trust And Roads Part 1 – Reserves And Deeds Of Grant In Trust Division 7 – Trustee Leases And Trustee Permits	Power, as trustee, to cancel a trustee lease or trustee permit if the lessee or permittee does not comply with the conditions of the lease or permit.	To Remain with Council

Section of LANA	Entity Power Given To	Title	Description	Recommendation
Section 66(1)	Entity Power Given To: Trustee	Chapter 3 – Reserves, Deeds Of Grant In Trust And Roads Part 1 – Reserves And Deeds Of Grant In Trust Division 7 – Trustee Leases And Trustee Permits	In certain circumstances , Power to allow a the trustee lessee or trustee permittee to remove the trustee lessee's or trustee permittee's improvements on the land within a reasonable time stated by the trustee.	Delegation to the CEO
Section 67(2)	Entity Power Given To: Trustee of a Deed of Grant in Trust	Chapter 3 – Reserves, Deeds Of Grant In Trust And Roads Part 1 – Reserves And Deeds Of Grant In Trust Division 8 - Mortgaging Trust Land	Power, as trustee of a deed of grant in trust, to mortgage a deed of grant in trust issued prior the commencement of the Land Act 1994, subject to the Minister's approval under section 67(4).	Delegation to the CEO
Section 67(3)	Entity Power Given To: Trustee	Chapter 3 – Reserves, Deeds Of Grant In Trust And Roads Part 1 – Reserves And Deeds Of Grant In Trust Division 8 - Mortgaging Trust Land	Power to mortgage a deed of grant in trust issued after the commencement of the Land Act 1994 subject to section 67(3)(a) and (b) and the Minister's approval under section 67(4).	Delegation to the CEO
Section 80(1)	Entity Power Given To: Trustee	Chapter 3 – Reserves, Deeds Of Grant In Trust And Roads Part 1 – Reserves And Deeds Of Grant In Trust Division 10 - Cemeteries	Power, as trustee of trust land for cemetery purposes, to repair or remove structures, monuments or tombstones from a cemetery on trust land.	Delegation to the CEO
Section 81(1)	Entity Power Given To: Trustee	Chapter 3 – Reserves, Deeds Of Grant In Trust And Roads Part 1 – Reserves And Deeds Of Grant In Trust Division 10 - Cemeteries	Power to ask the Minister that a cemetery on trust land be closed to further burials.	To Remain with Council
Section 81(4)	Entity Power Given To: Trustee	Chapter 3 – Reserves, Deeds Of Grant In Trust And Roads Part 1 – Reserves And Deeds Of Grant In Trust Division 10 - Cemeteries	Power to ask the Minister to re-open a cemetery previously closed for further burials.	To Remain with Council
Section 82	Entity Power Given To: Local Government	Chapter 3 – Reserves, Deeds Of Grant In Trust And Roads Part 1 – Reserves And Deeds Of Grant In Trust Division 10 – Cemeteries	Power to:- (a) agree to have the take on the trusteeship of a cemetery transferred ; and (b) to agree to on the conditions of terms of the transfer, of trusteeship .	Delegation to the CEO
Section 83(1)	Entity Power Given To: Person	Chapter 3 – Reserves, Deeds Of Grant In Trust And Roads Part 1 – Reserves And Deeds Of Grant In Trust Division 10 – Cemeteries	Power to seek approval from the Minister to exhume a body from a cemetery, in the absence of any local law covering the matter.	Not Relevant
Section 84(1)	Entity Power Given To: Trustee Of Land Granted For An Estate In Fee Simple For Some Community, Public Or Similar Purpose	Chapter 3 – Reserves, Deeds Of Grant In Trust And Roads Part 1 – Reserves And Deeds Of Grant In Trust Division 11 – Other Grants For Public Purposes	In certain circumstances , Power to apply to the Minister seeking approval to surrender land granted for an estate in a fee simple for some to the State and for the issue of a deed in grant in trust under the Land Act 1994 for a community, or public, or similar purpose, the land to the State, and for the issue of a deed of grant in trust under this Act for a community or public purpose.	Delegation to the CEO
Section 94(2)	Entity Power Given To: Person	Chapter 3 – Reserves, Deeds Of Grant In Trust And Roads Part 2 – Roads Division 1 – Deciding And Opening Roads	Power to apply for land to be the dedicated as a road for public use.	Delegation to the CEO
Section 99(1)	Entity Power Given To: Public Utility Provider Or Adjoining Owner For The Road	Chapter 3 – Reserves, Deeds Of Grant In Trust And Roads Part 2 – Roads Division 2 – Closing Roads	Power to apply to the minister to permanently close a road.	Delegation to the CEO
Section 99(3)	Entity Power Given To: Adjoining Owner For The Road Or, In Certain Circumstances, Another Person	Chapter 3 – Reserves, Deeds Of Grant In Trust And Roads Part 2 – Roads Division 2 – Closing Roads	Power to apply to the Minister to temporarily close a road.	Delegation to the CEO
Section 99(4)	Entity Power Given To: Adjoining Owner	Chapter 3 – Reserves, Deeds Of Grant In Trust And Roads Part 2 – Roads Division 2 – Closing Roads	Power as an adjoining owner of land who makes an application to permanently close a road to ask for the pursuant to section 99(1) of the Land Act 1994, to ask that the land road, on its closure, to be amalgamated with the adjoining owner's adjoining land upon its closure.	Delegation to the CEO

Section of LANA	Entity Power Given To	Title	Description	Recommendation
Section 99(6)	Entity Power Given To: Adjoining Owner For The Road	Chapter 3 – Reserves, Deeds Of Grant In Trust And Roads Part 2 – Roads Division 2 – Closing Roads	In certain circumstances, power to ask in the application that, on the closure of the road, the road, the adjoining land and the other land be amalgamated.	Removed from the Register
Section 100	Entity Power Given To: A Person	Chapter 3 – Reserves, Deeds Of Grant In Trust And Roads Part 2 – Roads Division 2 – Closing Roads	Power to object to a road closure application in response to a public notice.	Delegation to the CEO
Section 105(3)	Entity Power Given To: Road Licensee	Chapter 3 – Reserves, Deeds Of Grant In Trust And Roads Part 2 – Roads Division 3 – Road Licenses	Power, as a road licensee, to surrender all or part of a road licence.	Delegation to the CEO
Section 109A(1)	Entity Power Given To: Registered Owner	Chapter 3 – Reserves, Deeds Of Grant In Trust And Roads Part 2 – Roads Division 4 – Permanently Closed Roads	Power, as registered owner of land, to apply for the simultaneous opening and closing of roads subject to the conditions in section 109A(1)(a), (b) and (c).	Delegation to the CEO
Section 109A(2)	Entity Power Given To: Registered Owner	Chapter 3 – Reserves, Deeds Of Grant In Trust And Roads Part 2 – Roads Division 4 – Permanently Closed Roads	Power, as registered owner, to ask the Minister to include certain matters in the deed of grant in trust issued under section 358.	Delegation to the CEO
Section 109A(3)	Entity Power Given To: Registered Owner	Chapter 3 – Reserves, Deeds Of Grant In Trust And Roads Part 2 – Roads Division 4 – Permanently Closed Roads	Power, as registered owner, to appeal against any conditions the Minister imposes under section 420I.	Delegation to the CEO
Section 109B(1)	Entity Power Given To: Trustee Or Lessee	Chapter 3 – Reserves, Deeds Of Grant In Trust And Roads Part 2 – Roads Division 4 – Permanently Closed Roads	Power, as trustee of lessee, to apply for the simultaneous opening and closing of roads subject to section 109B(1)(a), (b) and (c).	Delegation to the CEO
Section 109B(2)	Entity Power Given To: Trustee	Chapter 3 – Reserves, Deeds Of Grant In Trust And Roads Part 2 – Roads Division 4 – Permanently Closed Roads	Power to ask the Minister to include certain matters in the deed of grant in trust issued under section 358 or dedicated as a reserve under section 31A (whichever is applicable).	Delegation to the CEO
Section 109B(3)	Entity Power Given To: Lessee	Chapter 3 – Reserves, Deeds Of Grant In Trust And Roads Part 2 – Roads Division 4 – Permanently Closed Roads	Power, as lessee, to ask that the land in the road being closed be amalgamated in accordance with section 109B(3)(a) or (b) (whichever is applicable).	Delegation to the CEO
Section 109B(4)	Entity Power Given To: Trustee Or Lessee	Chapter 3 – Reserves, Deeds Of Grant In Trust And Roads Part 2 – Roads Division 4 – Permanently Closed Roads	Power, as trustee or lessee, to appeal against any conditions the Minister imposes under section 420I.	Delegation to the CEO
Section 120A(1)	Entity Power Given To: Any Person	Chapter 4 – Land Holdings Part 1 – Making Land Available Division 2 – Interests In Land Available Without Competition	Power to apply for an interest in land that may be granted without competition.	Delegation to the CEO
Section 136(5)	Entity Power Given To: Proposed Lessee	Chapter 4 – Land Holdings Part 1 – Making Land Available Division 3 – Availability Of Additional Areas	Power to enter into a land management agreement.	Removed from the Register
Section 140(1)	Entity Power Given To: Buyer Or Previous Lessee	Chapter 4 – Land Holdings Part 1 – Making Land Available Division 4 – Miscellaneous	Power to negotiate the provisional value (negotiated value).	Removed from the Register
Section 140(2)	Entity Power Given To: Buyer Or Previous Lessee	Chapter 4 – Land Holdings Part 1 – Making Land Available Division 4 – Miscellaneous	Power to give written agreement to the negotiated value becoming the amount to be paid for the improvements.	Removed from the Register
Section 140(4)	Entity Power Given To: Buyer Or Previous Lessee	Chapter 4 – Land Holdings Part 1 – Making Land Available Division 4 – Miscellaneous	Power to make application to the Court to decide the value.	Removed from the Register
Section 154(1)	Entity Power Given To: Lessee	Chapter 4 – Land Holdings Part 3 – Leases Division 1 – Preliminary	Power, as lessee, to apply to the Minister that a lease be used for additional or fewer purposes.	Delegation to the CEO
Section 155A(2)	Entity Power Given To: Lessee	Chapter 4 – Land Holdings Part 3 – Leases Division 1B – Extension Of Particular Term Leases	Power, as lessee, to apply to for extension of a term lease (40 years).	Delegation to the CEO

Section of LANA	Entity Power Given To	Title	Description	Recommendation
Section 155B(2)	Entity Power Given To: Lessee	Chapter 4 – Land Holdings Part 3 – Leases Division 1B – Extension Of Particular Term Leases	Power, as lessee, to apply to for extension of a term lease (50 years).	Delegation to the CEO
Section 155BA(2)	Entity Power Given To: Lessee	Chapter 4 – Land Holdings Part 3 – Leases Division 1B – Extension Of Particular Term Leases	Power, as lessee, to apply to for extension of a term lease (75 years).	Delegation to the CEO
Section 155DA(4)	Entity Power Given To: Lessee	Chapter 4 – Land Holdings Part 3 – Leases Division 1C – Reduction Of Particular Term Leases	Power to make written submissions to the Minister.	Removed from the Register
Section 158(4)	Entity Power Given To: Lessee	Chapter 4 – Land Holdings Part 3 – Leases Division 2 – Expiry, Renewal And Extension Subdivision 2 – Renewal	Power, as lessee, to apply for an offer of a new lease unless the condition of the lease or the Land Act 1994 prohibits a renewal (a renewal application).	Delegation to the CEO
Section 160(3)	Entity Power Given To: Applicant	Chapter 4 – Land Holdings Part 3 – Leases Division 2 – Expiry, Renewal And Extension Subdivision 2 – Renewal	Power, as an applicant for a renewal application, to appeal against the Chief Executive's decision to refuse the renewal application if the only reason for the refusal was that the applicant had not fulfilled the conditions of the lease.	Delegation to the CEO
Section 164C(1)	Entity Power Given To: Lessee	Chapter 4 – Land Holdings Part 3 – Leases Division 2 – Expiry, Renewal And Extension Subdivision 3 – Extensions Of Rolling Term Leases	Power, as a lessee under a rolling term lease, to apply to the Minister for to make an extension application of the term.	Delegation to the CEO
Section 164C(7)	Entity Power Given To: Lessee	Chapter 4 – Land Holdings Part 3 – Leases Division 2 – Expiry, Renewal And Extension Subdivision 3 – Extensions Of Rolling Term Leases	Power, as a lessee under a rolling term lease, to appeal against to the Minister's refusal of an extension of the term decision.	Delegation to the CEO
Section 164H(1)(b)	Entity Power Given To: Lessee	Chapter 4 – Land Holdings Part 3 – Leases Division 2 – Expiry, Renewal And Extension Subdivision 4 – Possible Extension Instead Of Renewal	Power to advise the Chief Executive and agree to the lease becoming a rolling term lease.	Removed from the Register
Section 166(1)	Entity Power Given To: Lessee	Chapter 4 – Land Holdings Part 3 – Leases Division 3 – Conversion Of Tenure	Power, as lessee, to apply to convert a perpetual lease to freehold land and a term lease to a perpetual lease or to freehold land to make a conversion application.	Delegation to the CEO
Section 168(5)	Entity Power Given To: Applicant	Chapter 4 – Land Holdings Part 3 – Leases Division 3 – Conversion Of Tenure	Power, as applicant for a conversion application, to appeal against the Chief Executive's decision to refuse the conversion application if the only reason for the refusal is was that the applicant had not fulfilled the conditions of the lease.	Delegation to the CEO
Section 169(a)	Entity Power Given To: Lessee	Chapter 4 – Land Holdings Part 3 – Leases Division 3 – Conversion Of Tenure	Power to enter into a conservation agreement.	Removed from the Register
Section 169(b)(f)	Entity Power Given To: Lessee	Chapter 4 – Land Holdings Part 3 – Leases Division 3 – Conversion Of Tenure	Power to enter into a forest consent agreement in relation to the land.	Removed from the Register
Section 176(1)	Entity Power Given To: Lessee	Chapter 4 – Land Holdings Part 3 – Leases Division 4 – Subdividing Leases	Power, as lessee, to apply for approval to subdivide the lease.	Delegation to the CEO
Section 176E	Entity Power Given To: Applicant	Chapter 4 – Land Holdings Part 3 – Leases Division 4 – Subdividing Leases	In certain circumstances, power to appeal against a decision. Power to appeal against the Minister's decision to refuse an application for approval to subdivide a lease.	Delegation to the CEO
Section 176K(1)	Entity Power Given To: Lessee Of Two Or More Leases	Chapter 4 – Land Holdings Part 3 – Leases Division 5 – Amalgamating Leases	Power, as lessee of 2 or more leases, in certain circumstances, power to apply for to the Minister for approval to amalgamate existing the leases.	Delegation to the CEO
Section 176K(3)(b)	Entity Power Given To: Local Government	Chapter 4 – Land Holdings Part 3 – Leases Division 5 – Amalgamating Leases	Power, as a local government, to prepare a statement of Council's views on the amalgamation of 2 or more leases.	Delegation to the CEO
Section 176N	Entity Power Given To: Local Government	Chapter 4 – Land Holdings Part 3 – Leases Division 5 – Amalgamating Leases	Power to give the chief executive an opinion in respect of a proposed road closure.	Delegation to the CEO

Section of LANA	Entity Power Given To	Title	Description	Recommendation
Section 176Q	Entity Power Given To: Applicant	Chapter 4 – Land Holdings Part 3 – Leases Division 5 – Amalgamating Leases	In certain circumstances, power to appeal against a decision that is given to an Applicant.	Removed from the Register
Section 176UA(2)	Entity Power Given To: Lessee	Chapter 4 – Land Holdings Part 3 – Leases Division 6 – Land Management Agreements	Power to enter into a land management agreement.	Removed from the Register
Section 176XA	Entity Power Given To: Lessee	Chapter 4 – Land Holdings Part 3 – Leases Division 6 – Land Management Agreements	Power to agree with the Minister to cancel the land management agreement registered on a lease.	Removed from the Register
Section 177	Entity Power Given To: Trustee	Chapter 4 – Land Holdings Part 4 – Permits To Occupy Particular Land	Power to consult with the chief executive regarding the issue of a permit to occupy unallocated State land, a road or a reserve.	Delegation to the CEO
Section 177A(1)	Entity Power Given To: Any Person	Chapter 4 – Land Holdings Part 4 – Permits To Occupy Particular Land	Power to apply for a permit to occupy unallocated State land, a reserve or a road.	Delegation to the CEO
Section 177A(2)	Entity Power Given To: Any Person	Chapter 4 – Land Holdings Part 4 – Permits To Occupy Particular Land	Power to give notice of the person's an intention to apply to for a permit to occupy unallocated State land, a reserve or a road, the following and to any other entity with a registered interest in the proposed permit land:– (a) for a permit for a reserve – the trustee of the reserve; or (b) for a permit for a State-controlled road – the chief executive of the department in which the Transport Infrastructure Act 1994 is administered.	Delegation to the CEO
Section 179(2)	Entity Power Given To: Registered Owner Applicant	Chapter 4 – Land Holdings Part 4 – Permits To Occupy Particular Land	Power, as In certain circumstances, power to agree with an applicant for a permit, to enter an agreement with an adjoining owner on conditions about the maintenance of a boundary fence.	Delegation to the CEO
Section 180(2)	Entity Power Given To: Permittee	Chapter 4 – Land Holdings Part 4 – Permits To Occupy Particular Land	Power, as a permittee, to surrender a permit – to occupy (a) on terms agreed to between the Chief Executive Officer and the permittee; and (b) with the Chief Executive's written approval.	Delegation to the CEO
Section 180A(4)	Entity Power Given To: Relevant Entity For A Permit	Chapter 4 – Land Holdings Part 4 – Permits To Occupy Particular Land	Power, as a relevant entity, to apply to surrender or cancel a permit to occupy.	Delegation to the CEO
Section 180A(2)	Entity Power Given To: Relevant Entity For A Permit	Chapter 4 – Land Holdings Part 4 – Permits To Occupy Particular Land	Power to give notice of the entity's intention to apply to:– (a) the permittee; and (b) any other entity with a registered interest in the permit land.	Removed from the Register
Section 180A(4)	Entity Power Given To: Relevant Entity For A Permit	Chapter 4 – Land Holdings Part 4 – Permits To Occupy Particular Land	Power to give notice to any other entity the relevant entity considers has an interest in the permit land.	Removed from the Register
Section 180A(5)	Entity Power Given To: Permittee	Chapter 4 – Land Holdings Part 4 – Permits To Occupy Particular Land	Power to apply to surrender a permit.	Removed from the Register
Section 180H(1)	Entity Power Given To: Permittee	Chapter 4 – Land Holdings Part 4 – Permits To Occupy Particular Land	Power, as a permittee for a permit that is cancelled or surrendered, to apply to the chief executive to remove the permittees improvements on the permit land.	Delegation to the CEO
Section 180H(2)	Entity Power Given To: Permittee	Chapter 4 – Land Holdings Part 4 – Permits To Occupy Particular Land	Power, as a permittee, to remove improvements with the chief executive's written approval.	Delegation to the CEO
Section 201	Entity Power Given To: Lessee, Licensee Or Permittee	Chapter 5 - Matters Affecting Land Holdings Part 2 - Conditions Division 1 - General Mandatory Conditions	Power, as lessee, licensee or permittee, to give the Minister or chief executive the information asked for about the lease, licence or permit.	Delegation to the CEO
Section 210(4)	Entity Power Given To: Lessee, Licensee Or Permittee	Chapter 5 – Matters Affecting Land Holdings Part 2 – Conditions Division 3 – Changing And Reviewing Imposed Conditions	Power, as lessee, licensee or permittee, to apply agree to a change of an imposed condition of the lease, licence or permit.	Delegation to the CEO
Section 210(2)	Entity Power Given To: Lessee Or Licensee	Chapter 5 – Matters Affecting Land Holdings Part 2 – Conditions Division 3 – Changing And Reviewing Imposed Conditions	Power to apply to change conditions of a lease, licence or permit under section 210(1).	Removed from the Register
Section 212(4)	Entity Power Given To: Lessee	Chapter 5 – Matters Affecting Land Holdings Part 2 – Conditions Division 3 – Changing And Reviewing Imposed Conditions	Power to agree to change an imposed condition about the protection and sustainability of lease land.	Removed from the Register

Section of LANA	Entity Power Given To	Title	Description	Recommendation
Section 212(3)	Entity Power Given To: Lessee	Chapter 5 – Matters Affecting Land Holdings Part 2 – Conditions Division 3 – Changing And Reviewing Imposed Conditions	Power to appeal against the Minister's decision to change an imposed condition about the protection and sustainability of the lease land. In certain circumstances, power to appeal against a decision.	Delegation to the CEO
Section 212B(5)	Entity Power Given To: Lessee Of A Lease	Chapter 5 – Matters Affecting Land Holdings Part 2 – Conditions Division 3A – Regulated Conditions	Power to agree with the designated officer for the lease about matters stated in section 212B(5)(a) and (b).	Removed from the Register
Section 214(3)	Entity Power Given To: Lessee	Chapter 5 – Matters Affecting Land Holdings Part 2 – Conditions Division 5 – Remedial Action	Power to enter into an amended or a new land management agreement upon receipt of a remedial action notice.	Removed from the Register
Section 214A(4)	Entity Power Given To: Lessee Or Licensee	Chapter 5 – Matters Affecting Land Holdings Part 2 – Conditions Division 5 – Remedial Action	Power to make written submissions to the Minister in response to a warning notice.	Delegation to the CEO
Section 214B	Entity Power Given To: Lessee Or Licensee	Chapter 5 – Matters Affecting Land Holdings Part 2 – Conditions Division 5 – Remedial Action	Power, as a lessee or licensee to whom a remedial action notice has been given, to appeal against the decision to give the notice.	Delegation to the CEO
Section 214D	Entity Power Given To: Lessee Or Licensee	Chapter 5 – Matters Affecting Land Holdings Part 2 – Conditions Division 5 – Remedial Action	Power, as a lessee or licensee to whom a remedial action notice has been given, to comply with the notice.	Delegation to the CEO
Section 214F(3)	Entity Power Given To: Lessee	Chapter 5 – Matters Affecting Land Holdings Part 2 – Conditions Division 5 – Remedial Action	Power, as lessee, to appeal against a the Minister's decision to reduce the term of, or impose additional conditions on, a lease.	Delegation to the CEO
Section 219(3)	Entity Power Given To: A Person Who Has A Lawful Interest in the Matters	Chapter 5 – Matters Affecting Land Holdings Part 3 – Resumption and Compensation Division 1 – Resumption of a Lease of Easement	Power, as a person who has a lawful interest in the matters listed at section 219(3)(a), (b) and (c), to claim compensation as prescribed by the Acquisition of Land Act 1967.	Delegation to the CEO
Section 222(6)	Entity Power Given To: A Compensation Claimant	Chapter 5 – Matters Affecting Land Holdings Part 3 – Resumption and Compensation Division 1 – Resumption of a Lease of Easement	Power, as a compensation claimant, to appeal the Minister's decision about the amount of loss, costs and expenses the claimant is entitled to claim.	Delegation to the CEO
Section 225(2)	Entity Power Given To: Owner of Lawful Improvements on a Lease or Part of Lease	Chapter 5 – Matters Affecting Land Holdings Part 3 – Resumption and Compensation Division 2 – Resumption of a Lease Under a Condition of the Lease	Power, as owner of lawful improvements on a lease or part of lease resumed under the division, to claim compensation.	Delegation to the CEO
Section 226(5)	Entity Power Given To: Lessee	Chapter 5 – Matters Affecting Land Holdings Part 3 – Resumption and Compensation Division 2 – Resumption of a Lease Under a Condition of the Lease	Power, as lessee, to appeal against the Minister's decision on compensation payable.	Delegation to the CEO
Section 230(2)	Entity Power Given To: Owner Of The Improvement	Chapter 5 – Matters Affecting Land Holdings Part 3 – Resumption And Compensation Division 3 – Resumption Of A Reservation For A Public Purpose	Power, as owner of lawful improvements on all or part of a reservation resumed, to claim compensation.	Delegation to the CEO
Section 232(5)	Entity Power Given To: Owner	Chapter 5 – Matters Affecting Land Holdings Part 3 – Resumption And Compensation Division 3 – Resumption Of A Reservation For A Public Purpose	Power, as owner, to appeal against the Minister's decision on compensation payable.	Delegation to the CEO
Section 239(4)	Entity Power Given To: Relevant Local Government	Chapter 5 – Matters Affecting Land Holdings Part 4 – Forfeiture Division 2A – Forfeiture Of Leases By Referral To Court Or For Fraud	Power, as a relevant local government of a term or perpetual lease, to appeal against a decision under subsection (2)(b)(iv) to allow an entity other than the relevant local government to sell the lease.	Delegation to the CEO

Section of LANA	Entity Power Given To	Title	Description	Recommendation
Section 240E(1)	Entity Power Given To: Lessee	Chapter 5 – Matters Affecting Land Holdings Part 4 – Forfeiture Division 3A – Sale Of Lease Instead Of Forfeiture Subdivision 1 – Sale By Lessee	Power, after receiving a notice under section 235(1) or 238(3), as a lessee of a lease, to apply in writing to the chief executive to make a written application for permission to sell the lease.	Delegation to the CEO
Section 240G(4)	Entity Power Given To: Local Government	Chapter 5 – Matters Affecting Land Holdings Part 4 – Forfeiture Division 3A – Sale Of Lease Instead Of Forfeiture Subdivision 3 – Sale By Local Government	Power, as a local government, to apply to the Minister chief executive for approval to sell a lease.	Delegation to the CEO
Section 240I(3)	Entity Power Given To: Local Government	Chapter 5 – Matters Affecting Land Holdings Part 4 – Forfeiture Division 3A – Sale Of Lease Instead Of Forfeiture Subdivision 3 – Sale By Local Government	Power to start the process of selling a lease under this subdivision within the required period stated in the notice under section 240H(2).	Removed from the Register
Section 240I(4)	Entity Power Given To: Local Government	Chapter 5 – Matters Affecting Land Holdings Part 4 – Forfeiture Division 3A – Sale Of Lease Instead Of Forfeiture Subdivision 3 – Sale By Local Government	Power to set a reserve price for the sale of the lease by auction, or a price for the sale of the lease under an agreement, that is at least the total of all charges owing to the State under the Land Act 1994 relating to the lease.	Removed from the Register
Section 243(1A)	Entity Power Given To: Lessee Of A Forfeited Lease	Chapter 5 – Matters Affecting Land Holdings Part 4 – Forfeiture Division 4 – Forfeiture	Power, as lessee of a forfeited lease, to apply, in writing to the chief executive, to remove the lessee's improvements on the lease.	Delegation to the CEO
Section 243(1)	Entity Power Given To: Lessee Of A Forfeited Lease	Chapter 5 – Matters Affecting Land Holdings Part 4 – Forfeiture Division 4 – Forfeiture	Power, as lessee of a forfeited lease, to remove the improvements with the written approval of the chief executive.	Delegation to the CEO
Section 288(1)	Entity Power Given To: Transferor or a Person Creating the Interest	Chapter 6 – Registration and Dealings Part 1 - Land Registry and Registers Division 3 - General Requirements for Documents in Registers	Power, as a transferor or a person creating the interest, or the transferee or the person in whose favour the interest is to be created, to sign a document transferring a lease, sublease or licence or creating an interest in a lease or sublease.	Delegation to the CEO
Section 288(1)(b)	Entity Power Given To: Transferee or the Person in Whose Favour the Interest is to be Created	Chapter 6 – Registration and Dealings Part 1 - Land Registry and Registers Division 3 - General Requirements for Documents in Registers	Power, as a transferee or the person in whose favour the interest is to be created, to authorise a legal practitioner to sign a document transferring a lease, sublease or licence or creating an interest in a lease or sublease on Council's behalf.	Delegation to the CEO
Sections 318 & 319	Entity Power Given To: Person	Chapter 6 – Registration And Dealings Part 3 – Documents Division 2 – Documents Forming Part Of Standard Terms Documents	Power to lodge a standard terms document and amend the standard terms document by lodging a further document.	Delegation to the CEO
Section 321(4)	Entity Power Given To: Person	Chapter 6 – Registration And Dealings Part 3 – Documents Division 2 – Documents Forming Part Of Standard Terms Documents	Power to ask the Chief Executive to withdraw a registered standard terms document.	Removed from the Register
Section 322(3)	Entity Power Given To: Lessee, Licensee Or The Holder Of A Sublease	Chapter 6 – Registration And Dealings Part 4 – Dealings Affecting Land Division 1 – Transfers	Power, as a lessee, licensee or the holder of a sublease, to apply for approval to transfer a lease, licence or sublease or sublease or license under the Act with the approval of the chief executive.	Delegation to the CEO
Section 322(5)	Entity Power Given To: Lessee, Licensee Or The Holder Of A Sublease	Chapter 6 – Registration And Dealings Part 4 – Dealings Affecting Land Division 1 – Transfers	Power, as a lessee, licensee or the holder of a sublease, to apply to the chief executive to extend the time mentioned in subsection 322(4).	Delegation to the CEO

Section of LANA	Entity Power Given To	Title	Description	Recommendation
Section 322(8)	Entity Power Given To: Transferor-Lessee, Licensee Or The Holder Of A Sublease	Chapter 6 – Registration And Dealings Part 4 – Dealings Affecting Land Division 1 – Transfers	Power, as a lessee, license or the holder of a sublease, to appeal a decision of the chief executive not to grant the transfer of a lease, sublease or licence. against the Minister's decision.	Delegation to the CEO
Section 327	Entity Power Given To: Registered Owner	Chapter 6 – Registration And Dealings Part 4 – Dealings Affecting Land Division 2 – Surrender	Power to surrender to agree to terms of the absolute surrender of freehold land on terms agreed between the chief executive and the registered owner and with the chief executive's written approval.	Delegation to the CEO
Section 327A	Entity Power Given To: Lessee	Chapter 6 – Registration And Dealings Part 4 – Dealings Affecting Land Division 2 – Surrender	Power to surrender a lease or part of a lease on agree to terms agreed between the chief executive and the lessee and with the chief executive's written approval. of the absolute or conditional surrender of all or part of a lease.	Delegation to the CEO
Section 327B	Entity Power Given To: Registered Owner	Chapter 6 – Registration And Dealings Part 4 – Dealings Affecting Land Division 2 – Surrender	Power, as a registered owner, to apply in writing to the chief executive to surrender freehold land.	Delegation to the CEO
Section 327C(1)	Entity Power Given To: Lessee	Chapter 6 – Registration And Dealings Part 4 – Dealings Affecting Land Division 2 – Surrender	Power, as a lessee, to apply in writing to the chief executive to surrender all or part of a lease.	Delegation to the CEO
Section 327C(2)	Entity Power Given To: Lessee	Chapter 6 – Registration And Dealings Part 4 – Dealings Affecting Land Division 2 – Surrender	Power, as a lessee, to give notice of the lessee's an intention to apply to any other person with a registered interest in the lease.	Delegation to the CEO
Section 327C(3)	Entity Power Given To: Lessee	Chapter 6 – Registration And Dealings Part 4 – Dealings Affecting Land Division 2 – Surrender	Power to give notice to any other person the lessee considers has an interest in the lease.	Removed from the Register
Section 327I(1)	Entity Power Given To: Owner Of Improvements On A Lease That Has Been Surrendered	Chapter 6 – Registration And Dealings Part 4 – Dealings Affecting Land Division 2 – Surrender	Power, as owner of improvements on a lease that has been surrendered, to apply in writing to the chief executive to remove the owners improvements on surrendered the lease.	Delegation to the CEO
Section 327I(2)	Entity Power Given To: Owner Of Improvements On A Lease That Has Been Surrendered	Chapter 6 – Registration And Dealings Part 4 – Dealings Affecting Land Division 2 – Surrender	Power, as owner of improvements on a lease that has been surrendered, to remove the owner's improvements with the chief executive's written approval.	Delegation to the CEO
Section 329(1)	Entity Power Given To: Lessee	Chapter 6 – Registration And Dealings Part 4 – Dealings Affecting Land Division 2 – Surrender	Power, as lessee, to give notice of the intention to surrender a lease.	Delegation to the CEO
Section 330(c)	Entity Power Given To: Any Grantee Of An Easement Or Profit A Prendre	Chapter 6 – Registration And Dealings Part 4 – Dealings Affecting Land Division 2 – Surrender	Power to give written approval to the surrender where the grantee's interest will be adversely affected.	Removed from the Register
Section 332(1)(a)(i) and (2)	Entity Power Given To: Lessee or Sublessee	Chapter 6 – Registration And Dealings Part 4 – Dealings Affecting Land Division 3 – Subleases	Power to seek the Minister's written approval to sublease a lease issued under the Act.	Delegation to the CEO
Section 332(7)	Entity Power Given To: Lessee	Chapter 6 – Registration And Dealings Part 4 – Dealings Affecting Land Division 3 – Subleases	Power to appeal against the Minister's refusal to approve the sublease of a lease issued under the Act.	Delegation to the CEO
Section 332(8)	Entity Power Given To: Sublessor	Chapter 6 – Registration And Dealings Part 4 – Dealings Affecting Land Division 3 – Subleases	Power to appeal against a Minister's decision.	Removed from the Register
Section 336	Entity Power Given To: Lessee or Sublessee	Chapter 6 – Registration And Dealings Part 4 – Dealings Affecting Land Division 3 – Subleases	Power to seek the Minister's approval to amend a sublease.	Delegation to the CEO
Section 339(1)	Entity Power Given To: Sublessor	Chapter 6 – Registration And Dealings Part 4 – Dealings Affecting Land Division 3 – Subleases	Power to lodge a request for the Chief Executive to register the re-entry.	Removed from the Register
Section 339B(1)	Entity Power Given To: Party To A Sublease	Chapter 6 – Registration And Dealings Part 4 – Dealings Affecting Land Division 3A – Mediation For Disputes About Terms Of Particular Leases	Power to ask the Chief Executive to refer a dispute to mediation.	Removed from the Register
Section 339B(3)(a)(i)	Entity Power Given To: Party To A Sublease	Chapter 6 – Registration And Dealings Part 4 – Dealings Affecting Land Division 3A – Mediation For Disputes About Terms Of Particular Leases	Power to agree on a person to conduct the mediation.	Removed from the Register
Section 339B(3)(b)	Entity Power Given To: Party To A Sublease	Chapter 6 – Registration And Dealings Part 4 – Dealings Affecting Land Division 3A – Mediation For Disputes About Terms Of Particular Leases	Power to decide the way in which the mediation is to be conducted.	Removed from the Register

Section of LANA	Entity Power Given To	Title	Description	Recommendation
Section 339B(3)(e)	Entity Power Given To: Party To A Sublease	Chapter 6 – Registration And Dealings Part 4 – Dealings Affecting Land Division 3A – Mediation For Disputes About Terms Of Particular Leases	Power to participate in mediation on behalf of the local government.	Removed from the Register
Section 339F	Entity Power Given To: Party To A Sublease	Chapter 6 – Registration And Dealings Part 4 – Dealings Affecting Land Division 3A – Process For Resolving Disputes Under Particular Subleases Subdivision 2 - Notice of Disputes	Power, as a party to a sublease, to give another party to the sublease a dispute notice and ask the responder to give information reasonably required for resolving the dispute.	Delegation to the CEO
Section 339G	Entity Power Given To: Party To A Sublease	Chapter 6 – Registration And Dealings Part 4 – Dealings Affecting Land Division 3A – Process For Resolving Disputes Under Particular Subleases Subdivision 2 - Notice of Disputes	Power, as a party to a sublease who has received a dispute notice, to respond to the dispute notice and ask for further information reasonably required for resolving the dispute.	Delegation to the CEO
Section 339H(2)	Entity Power Given To: Party To A Sublease	Chapter 6 – Registration And Dealings Part 4 – Dealings Affecting Land Division 3A – Process For Resolving Disputes Under Particular Subleases Subdivision 2 - Notice of Disputes	Power, as a party to a sublease and where the circumstances of section 339H(1) apply, to attempt to resolve the dispute by mediation.	Delegation to the CEO
Section 339I(1)	Entity Power Given To: Party To A Sublease	Chapter 6 – Registration And Dealings Part 4 – Dealings Affecting Land Division 3A – Process For Resolving Disputes Under Particular Subleases Subdivision 3 - Mediation	Power, as a party to a sublease and a party to a dispute, to jointly appoint a mediator to mediate the dispute.	Delegation to the CEO
Section 339I(2)	Entity Power Given To: Party To A Sublease	Chapter 6 – Registration And Dealings Part 4 – Dealings Affecting Land Division 3A – Process For Resolving Disputes Under Particular Subleases Subdivision 3 - Mediation	Power, as a party to a sublease and a party to a dispute, and where the circumstances of section 339I(2) apply, to request the prescribed dispute resolution entity to appoint a mediator to mediate the dispute.	Delegation to the CEO
Section 339J(1)	Entity Power Given To: Party To A Sublease	Chapter 6 – Registration And Dealings Part 4 – Dealings Affecting Land Division 3A – Process For Resolving Disputes Under Particular Subleases Subdivision 3 - Mediation	Power, as a party to a sublease and a party to a dispute, to agree to a time for the mediation.	Delegation to the CEO
Section 339J(2)	Entity Power Given To: Party To A Sublease	Chapter 6 – Registration And Dealings Part 4 – Dealings Affecting Land Division 3A – Process For Resolving Disputes Under Particular Subleases Subdivision 3 - Mediation	Power, as a party to a sublease and a party to a dispute, and where the circumstances of section 339J(2) apply, to request the prescribed dispute resolution entity to set a time for the mediation of the dispute.	Delegation to the CEO
Section 339K	Entity Power Given To: Party To A Sublease	Chapter 6 – Registration And Dealings Part 4 – Dealings Affecting Land Division 3A – Process For Resolving Disputes Under Particular Subleases Subdivision 3 - Mediation	Power, as a party to a sublease and a party to a dispute that is the subject of mediation, to participate in the mediation, agree to adjourn the mediation, and agree to a later time for the mediation.	Delegation to the CEO
Section 339L	Entity Power Given To: Party To A Sublease	Chapter 6 – Registration And Dealings Part 4 – Dealings Affecting Land Division 3A – Process For Resolving Disputes Under Particular Subleases Subdivision 3 - Mediation	Power, as a party to a sublease and a party to a dispute that is the subject of mediation, to pay Council's share of the mediator's costs of the mediation or otherwise agree with the other parties to the dispute how the costs of the mediator will be paid.	Delegation to the CEO
Section 339O(1)	Entity Power Given To: Party To A Sublease	Chapter 6 – Registration And Dealings Part 4 – Dealings Affecting Land Division 3A – Process For Resolving Disputes Under Particular Subleases Subdivision 4 - Arbitration	Power, as a party to a sublease and a party to a dispute, to jointly appoint an arbitrator to decide the dispute.	Delegation to the CEO
Section 339O(2)	Entity Power Given To: Party To A Sublease	Chapter 6 – Registration And Dealings Part 4 – Dealings Affecting Land Division 3A – Process For Resolving Disputes Under Particular Subleases Subdivision 4 - Arbitration	Power, as a party to a sublease and a party to a dispute, and where the circumstances of section 339O(2) apply, to request the prescribed dispute resolution entity to appoint an arbitrator to decide the dispute.	Delegation to the CEO
Section 339Q(3)(c)	Entity Power Given To: Party To A Sublease	Chapter 6 – Registration And Dealings Part 4 – Dealings Affecting Land Division 3A – Process For Resolving Disputes Under Particular Subleases Subdivision 4 - Arbitration	Power, as a party to a sublease and a party to a dispute, to agree to extend the period for the arbitrator to decide the dispute by issuing an award.	Delegation to the CEO
Section 339R(1)(b)	Entity Power Given To: Party To A Sublease and A Party To Dispute	Chapter 6 – Registration And Dealings Part 4 – Dealings Affecting Land Division 3A – Process For Resolving Disputes Under Particular Subleases Subdivision 4 - Arbitration	Power, as a party to a sublease and a party to a dispute, and where the arbitrator has required, to give an appointed expert access to or copies of any relevant information, documents or other property.	Delegation to the CEO

Section of LANA	Entity Power Given To	Title	Description	Recommendation
Section 339R(2)	Entity Power Given To: Party To A Sublease and A Party To Dispute	Chapter 6 – Registration And Dealings Part 4 – Dealings Affecting Land Division 3A – Process For Resolving Disputes Under Particular Subleases Subdivision 4 - Arbitration	Power, as a party to a sublease and a party to a dispute, to request that an appointed expert participate in a hearing.	Delegation to the CEO
Section 339T	Entity Power Given To: Party To A Sublease and A Party To Dispute	Chapter 6 – Registration And Dealings Part 4 – Dealings Affecting Land Division 3A – Process For Resolving Disputes Under Particular Subleases Subdivision 4 - Arbitration	Power, as a party to a sublease and a party to a dispute that has been decided by arbitration, to apply to the Supreme Court to set aside the decision in certain circumstances.	Delegation to the CEO
Section 339U	Entity Power Given To: Party To A Sublease and A Party To Dispute	Chapter 6 – Registration And Dealings Part 4 – Dealings Affecting Land Division 3A – Process For Resolving Disputes Under Particular Subleases Subdivision 4 - Arbitration	Power, as a party to a sublease and a party to a dispute that is the subject of arbitration, to pay Council's share of the arbitration costs or otherwise agree with the other parties to the dispute how the arbitration costs will be paid.	Delegation to the CEO
Section 358(1)	Entity Power Given To: Registered Owner Or Trustee	Chapter 6 – Registration And Dealings Part 4 – Dealings Affecting Land Division 7 – Correcting And Changing Deeds Of Grant And Leases	Power, as the registered owner of trustee, in certain circumstances, power to surrender land if the description of the land is no longer correct, because of the reasons listed in section 358(1)(a) to (f).	Delegation to the CEO
Section 358(2)	Entity Power Given To: Registered Owner Or Trustee	Chapter 6 – Registration And Dealings Part 4 – Dealings Affecting Land Division 7 – Correcting And Changing Deeds Of Grant And Leases	Power as registered owner or trustee, to surrender land contained in the registered owner's a deed of grant or trustee's deed of grant in trust if, on resurvey of the land, the boundaries described in the existing deed or appropriate plan, and no doubt exists about the boundaries of the land, with the Minister's written approval of the chief executive.	Delegation to the CEO
Section 360C(1)	Entity Power Given To: Lessee Or A Person Acting For The Lessee	Chapter 6 – Registration And Dealings Part 4 – Dealings Affecting Land Division 7 – Correcting And Changing Deeds Of Grant And Leases	Power to apply to amend the description in a freehold lease if the description of the lease may be amended under section 360(1)(a) or (d).	Delegation to the CEO
Section 360C(2)	Entity Power Given To: Lessee Or A Person Acting For The Lessee	Chapter 6 – Registration And Dealings Part 4 – Dealings Affecting Land Division 7 – Correcting And Changing Deeds Of Grant And Leases	Power to apply to amend the description in a term lease or a perpetual lease, other than a State lease, or a perpetual lease if the description of the lease may be amended under section 360A(2)(a), (b), or (c).	Delegation to the CEO
Section 360C(3)	Entity Power Given To: Lessee Or A Person Acting For The Lessee	Chapter 6 – Registration And Dealings Part 4 – Dealings Affecting Land Division 7 – Correcting And Changing Deeds Of Grant And Leases	Power to apply to amend the description in a State lease if the description of the lease may be amended under section 360B(1)(a), (b), (c) or (d).	Delegation to the CEO
Section 360D	Entity Power Given To: Lessee or a Person Acting for a Lessee	Chapter 6 – Registration And Dealings Part 4 – Dealings Affecting Land Division 7 – Correcting And Changing Deeds Of Grant And Leases	Power, as a lessee or a person acting for a lessee, to give notice of an intention to make an application under section 360C to amend the description of a lease.	Delegation to the CEO
Section 360D(2)	Entity Power Given To: Applicant	Chapter 6 – Registration And Dealings Part 4 – Dealings Affecting Land Division 7 – Correcting And Changing Deeds Of Grant And Leases	Power to give notice of the applicant's intention to apply to any other person with a registered interest in the lease land.	Removed from the Register
Section 360D(3)	Entity Power Given To: Applicant	Chapter 6 – Registration And Dealings Part 4 – Dealings Affecting Land Division 7 – Correcting And Changing Deeds Of Grant And Leases	Power to give notice to any other person the applicant considers has an interest in the lease.	Removed from the Register
Section 363(1)(b)	Entity Power Given To: Owner Of Land Or Public Utility Provider	Chapter 6 – Registration And Dealings Part 4 – Dealings Affecting Land Division 8 – Easements	Power to sign the document creating the easement where Council is the public utility provider or the owner of the land to be burdened.	Delegation to the CEO
Section 368(2)(a)	Entity Power Given To: Trustee	Chapter 6 – Registration And Dealings Part 4 – Dealings Affecting Land Division 8 – Easements	In certain circumstances, power to ask the chief executive to extinguish an easement.	Removed from the Register
Section 371(2)	Entity Power Given To: Owner Of Land Or Public Utility Provider	Chapter 6 – Registration And Dealings Part 4 – Dealings Affecting Land Division 8 – Easements	Power to sign a document of surrender surrendering an easement in favour of Council, where Council is one or more of the entities listed in subsections 371(2)(a) to (c).	Delegation to the CEO
Section 371(3)	Entity Power Given To: Person Who Has A Registered Interest In The Land	Chapter 6 – Registration And Dealings Part 4 – Dealings Affecting Land Division 8 – Easements	Power to agree to surrender an easement.	Removed from the Register
Section 372(2)	Entity Power Given To: Public Utility Provider	Chapter 6 – Registration And Dealings Part 4 – Dealings Affecting Land Division 8 – Easements	Power to apply for to the Minister's for written approval to continue for a public utility easement to continue over unallocated State land when the deed of grant in trust, lease or license ends or the dedication of the reserve is revoked.	Delegation to the CEO
Section 372(3)	Entity Power Given To: Person	Chapter 6 – Registration And Dealings Part 4 – Dealings Affecting Land Division 8 – Easements	Power to apply for the Minister's written approval to continue a public utility easement over a reserve.	Removed from the Register
Section 372(5)	Entity Power Given To: Public Utility Provider	Chapter 6 – Registration And Dealings Part 4 – Dealings Affecting Land Division 8 – Easements	Power to apply to the Minister for approval for a public utility easement to continue over unallocated State land when the freehold land is surrendered.	Delegation to the CEO

Section of LANA	Entity Power Given To	Title	Description	Recommendation
Section 373A(4)	Entity Power Given To: Local Government as covenantee Trustee, Lessee or Sublessee	Chapter 6 – Registration And Dealings Part 4 – Dealings Affecting Land Division 8A – Covenants	Power, as the trustee, lessee or sublessee of to make certain non-freehold land the subject of a trust, lease or sublease, to consent to the creation of a covenant on the land.	Delegation to the CEO
Section 373A(2)	Entity Power Given To: The trustee of trust land, the lessee of lease land or the sublessee of subleased land.	Chapter 6 – Registration And Dealings Part 4 – Dealings Affecting Land Division 8A – Covenants	Power to consent to a document creating a covenant.	Removed from the Register
Section 373B(1)(a)	Entity Power Given To: Person	Chapter 6 – Registration And Dealings Part 4 – Dealings Affecting Land Division 8A – Covenants	Power to sign a document creating a covenant.	Removed from the Register
Section 373C(2)(a)	Entity Power Given To: Person	Chapter 6 – Registration And Dealings Part 4 – Dealings Affecting Land Division 8A – Covenants	Power to sign a document amending the covenant	Removed from the Register
Section 373D(2)	Entity Power Given To: Covenantee	Chapter 6 – Registration And Dealings Part 4 – Dealings Affecting Land Division 8A – Covenants	Power to sign a document releasing the covenant.	Removed from the Register
Section 373L(a)	Entity Power Given To: Lessee	Chapter 6 – Registration And Dealings Part 4 – Dealings Affecting Land Division 8B – Profits A Prendre	Power to ask the Chief Executive to extinguish the profit a prendre.	Removed from the Register
Section 389H(4)	Entity Power Given To: Caveatee	Chapter 6 – Registration And Dealings Part 4 – Dealings Affecting Land Division 11A – Caveats Subdivision 1 – Caveats Generally	Power to apply to the Supreme Court for an order that a caveat lodged under this division be removed.	Removed from the Register
Section 415(4)	Entity Power Given To: Trustee, Lessee, Licensee Or Permittee	Chapter 7 – General Part 2 – Unlawful Occupation Of Non-Freehold And Trust Land Division 3 – Action By Lessee, Licensee, Permittee Or Trustee	In certain circumstances, Power, as trustee of trust land, or as a lessee, licensee or permittee to start a proceeding in the Magistrates Court for unlawful occupation or trespass of the trust land, or a lease, licence or permit.	To Remain with Council
Section 420	Entity Power Given To: Party	Chapter 7 – General Part 2 – Unlawful Occupation Of Non-Freehold And Trust Land Division 4 – Court Matters	Power to appeal to the District Court on a question of law if dissatisfied with a trespass order.	Removed from the Register
Section 420CB(4)	Entity Power Given To: Entity Given a Notice	Chapter 7 – General Part 2A – General Provisions For Applications	Power to make a submission in response to a notice received under the Act about a against the proposed application to:– (a) the person who gave the entity the notice; or (b) the Chief Executive.	Delegation to the CEO
Section 420E	Entity Power Given To: Applicant	Chapter 7 – General Part 2A – General Provisions For Applications	Power to respond to a request from the Chief Executive for information listed in sections 420E(1)(a) and 420E(1)(b).	Delegation to the CEO
Section 423	Entity Power Given To: Person Who Has A Right Of Appeal Against An Original Decision	Chapter 7 – General Part 3 – Review Of Decisions And Appeals Division 2 – Internal Review Of Decisions	Power to apply to the Minister for a review of a decision.	Delegation to the CEO
Section 425(4)	Entity Power Given To: Applicant	Chapter 7 – General Part 3 – Review Of Decisions And Appeals Division 2 – Internal Review Of Decisions	Power to apply for a stay of the decision to the Court.	Removed from the Register
Section 427	Entity Power Given To: A Person Who Has Applied For The Review Of A Decision Under Division 2	Chapter 7 – General Part 3 – Review Of Decisions And Appeals Division 3 – Appeals	Power to appeal to the Court if dissatisfied with the review against a decision.	Delegation to the CEO
Section 431V(2)	Entity Power Given To: Local Government	Chapter 7 – General Part 3B – Making Land Available For Public Use As Beach	Power to consult with the Minister about whether Council wishes to be the manager of a declared beach area.	Delegation to the CEO
Section 431V(3)	Entity Power Given To: Local Government	Chapter 7 – General Part 3B – Making Land Available For Public Use As Beach	Power to consult with the public and the owner of the lot about the use conditions to be contained in a local law applying to a declared beach area.	Delegation to the CEO
Section 431W(6)(a)	Entity Power Given To: Manager	Chapter 7 – General Part 3B – Making Land Available For Public Use As Beach	Power to authorise an officer or employee of the manager of a declared beach area, to enter the area at any time without notice to any other person.	Removed from the Register

Section of LANA	Entity Power Given To	Title	Description	Recommendation
Section 431X(1)(b)(ii)	Entity Power Given To: Manager	Chapter 7 – General Part 3B – Making Land Available For Public Use As Beach	Power to authorise or direct a person acting in the performance of functions or powers.	Removed from the Register
Section 431ZG	Entity Power Given To: An Interested Person and Owner of Adjacent Land	Chapter 7 - General Part 3C - Access to State Land Division 3 - Damage to Adjacent Land	Power, as an interested person and owner of adjacent land, and where the circumstances of section 431ZG(1) apply, to give the chief executive written notice of the damage.	Delegation to the CEO
Section 431ZH(2)	Entity Power Given To: An Interested Person and Owner of Adjacent Land	Chapter 7 - General Part 3C - Access to State Land Division 3 - Damage to Adjacent Land	Power, as an interested person and owner of adjacent land, and where the circumstances of section 431ZH(1) apply, to enter a remediation agreement with the chief executive.	Delegation to the CEO
Section 431ZH(5)	Entity Power Given To: An Interested Person and Owner of Adjacent Land	Chapter 7 - General Part 3C - Access to State Land Division 3 - Damage to Adjacent Land	Power, as an interested person and owner of adjacent land, and where the circumstances of section 431ZH(1) apply and a remediation agreement has not been made, to apply to the court to decide what remediation action, if any, will be taken.	To Remain with Council
Section 442(4)	Entity Power Given To: Offeree	Chapter 7 – General Part 4 – Miscellaneous	In certain circumstances, power to apply to the person who made the offer to extend the time stated in the offer or that otherwise applies under subsection (1).	Removed from the Register
Section 442(9)	Entity Power Given To: Offeror	Chapter 7 – General Part 4 – Miscellaneous	Power to amend the offer by changing the price or premium to a price or premium decided by the offeror in the way prescribed by regulation.	Removed from the Register
Section 481A	Entity Power Given To: Licensee	Chapter 8 – Continued Rights And Tenures Part 5 – Licences And Permits Division 1 – Occupation Licences	Power, as licensee, to surrender, absolutely all or part of an occupation licence: (a) on terms agreed to between the Minister and the licensee (b) and with the Minister's written approval.	Delegation to the CEO
Section 481B(1) and 481B(2)	Entity Power Given To: Public Utility Provider or a Licensee (An Applicant)	Chapter 8 – Continued Rights And Tenures Part 5 – Licences And Permits Division 1 – Occupation Licences	Power, as a public utility provider or a licensee to apply to cancel or surrender all or part of an occupation licence.	Delegation to the CEO
Section 481B(3)	Entity Power Given To: Licensee (An Applicant)	Chapter 8 – Continued Rights And Tenures Part 5 – Licences And Permits Division 1 – Occupation Licences	Power to apply to surrender, absolutely all or part of an occupation licence.	Removed from the Register
Section 481B(4) and 481B(5)	Entity Power Given To: Applicant	Chapter 8 – Continued Rights And Tenures Part 5 – Licences And Permits Division 1 – Occupation Licences	Power, to give notice of the applicant's intention to apply to each of the following—as a public utility provider or a licensee, apply to cancel or surrender all or part of an occupation licence: (a) if the applicant is not the licensee of the occupation licence—the licensee; (b) any other person with a registered interest in the occupation licence; (c) if the occupation licence is a designated occupation licence—the chief executive of the department having responsibility for the administration of the forest reserve, national park, State forest or timber reserve the subject of the designated occupation licence.	Delegation to the CEO
Section 481B(5)	Entity Power Given To: Applicant	Chapter 8 – Continued Rights And Tenures Part 5 – Licences And Permits Division 1 – Occupation Licences	Power to give notice to any other person the applicant considers has an interest in the occupation licence.	Removed from the Register
Section 481J(1)	Entity Power Given To: Licensee Of Occupation Licence	Chapter 8 – Continued Rights And Tenures Part 5 – Licences And Permits Division 1 – Occupation Licences	Power, as a licensee of an occupation licence that is cancelled or surrendered absolutely, to apply to remove licensee's improvements on a the licence	Delegation to the CEO
Section 481J(2)	Entity Power Given To: Licensee	Chapter 8 – Continued Rights And Tenures Part 5 – Licences And Permits Division 1 – Occupation Licences	Power, as a licensee, to remove the licensee's improvements on the licence with the written approval of the Minister.	Delegation to the CEO
Section 482	Entity Power Given To: Licensee Of Occupation Licence	Chapter 8 – Continued Rights And Tenures Part 5 – Licences And Permits Division 1 – Occupation Licences	Power, as licensee of an occupation licence, to carry out improvements or development work on the licence only with the Minister's written approval.	Delegation to the CEO
Section 492(1)	Entity Power Given To: Local Government	Chapter 8 – Continued Rights And Tenures Part 7 – Tenures Under Other Acts Division 1 – Sale To Local Authorities Land Act 1882	Power, as a local government, to apply to exchange a the conditional deed for a reserve or deed of grant in trust with the local government Council as trustee or a lease issued granted under the Land Act 1994.	Delegation to the CEO
Section 505(2)	Entity Power Given To: Local Government	Chapter 8 – Continued Rights And Tenures Part 7 – Tenures Under Other Acts Division 3 – Port and Harbour Lands	Power to agree to an allocation or dedication of land from the State, where the land has become an asset of the State by virtue of section 231 (repealed) of the Transport Infrastructure Act 1994.	Delegation to the CEO

Section of LANA	Entity Power Given To	Title	Description	Recommendation
Section 521ZE(2)	Entity Power Given To: Lessee	Chapter 9 – Transitional And Repeal Provisions Part:1K – Transitional Provisions For Land, Water And Other Legislation Amendment Act 2013	Power to apply in writing to the Minister for the cancellation of the land management agreement for the lease.	Removed from the Register
Section 521ZL(2)	Entity Power Given To: Lessee Of A Lease	Chapter 9 – Transitional And Repeal Provisions Part:1M – Transitional Provisions For Land, And Other Legislation Amendment Act 2013	Power to agree to the renewal application being treated as an extension application and advise the Chief Executive of same.	Removed from the Register
Section 521ZM(2)	Entity Power Given To: Lessee Of A Lease	Chapter 9 – Transitional And Repeal Provisions Part:1M – Transitional Provisions For Land, And Other Legislation Amendment Act 2013	Power to advise the Chief Executive that the lessee wishes the lease to become a rolling term lease.	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

Delegation Register - Land Title Act 1994 (Tracked)

Meeting Date: 9 March 2021

Attachment No: 8

Delegations Register – Land Title Act 1994 {LATA}

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 LATA	Entity Power Given To	Title	Description	Recommendation
Section 18	Entity Power Given To: Person served with a written notice	Part 2 – Administration Division 3 – Powers of the registrar	Power, as a person served with a written notice by the registrar, to give public notice of a request listed in subsection (1) and to satisfy the registrar that the public notification has been given.	Delegation to the CEO
Section 35(1)	Entity Power Given To: Person	Part 3 – Freehold land register Division 1 – General	Power to undertake the searches and obtain copies of the documents described in section 35(1).	Not Relevant
Section 50(1)(b)(i)	Entity Power Given To: Registered Owner	Part 4 – Registration of land Division 3 – Plans Of subdivision	Power, as the registered owner, to include a statement agreeing to the a plan of subdivision and dedicating the public use land.	Delegation to the CEO
Section 50(1)(h)	Entity Power Given To: Planning body	Part 4 – Registration of land Division 3 – Plans Of subdivision	Power, as the relevant planning body, to approve a plan of subdivision.	Delegation to the CEO
Section 50(1)(j)	Entity Power Given To: Registered Proprietor	Part 4 – Registration of land Division 3 – Plans Of subdivision	Power, as the registered proprietor whose interests are affected by the plan, to consent to a plan of subdivision.	Delegation to the CEO
Section 54(1)	Entity Power Given To: Registered Owner	Part 4 – Registration of land Division 3A – Dedication of road by notice	Power, as the registered owner of a lot, to dedicate the lot as a road for public use. sign and lodge for registration a dedication notice.	Delegation to the CEO
Section 54(3)	Entity Power Given To: Planning body	Part 4 – Registration of land Division 3A – Dedication of road by notice	Power, as the relevant planning body, to approve a dedication notice to dedicate a lot as a road for public use.	Delegation to the CEO
Section 54B(1)	Entity Power Given To: Registered Owner	Part 4 – Registration of land Division 4 – Building management statements	Power, as the registered owner, to sign a building management statement for registration.	Not Relevant
Section 54E(2)	Entity Power Given To: Registered Owner	Part 4 – Registration of land Division 4 – Building management statements	Power, as the registered owner, to sign an instrument of amendment for a building management statement.	Not Relevant
Section 54G	Entity Power Given To: Registered Owner	Part 4 – Registration of land Division 4 – Building management statements	Power, as the registered owner of all lots to which a building management statement applies, to ask the registrar to extinguish the building management statement.	Not Relevant
Section 54H(3)	Entity Power Given To: Registered Owner	Part 4 – Registration of land Division 4 – Building management statements	Power, as the registered owner, to sign an instrument of extinguishment or partial extinguishment for a building management statement.	Not Relevant
Section 57	Entity Power Given To: Registered Owner	Part 5 – Joint holders in a lot	Power, as the registered owner of a lot with two or more registered owners, to request the registrar create a separate indefeasible title for the interest of each owner.	Not Relevant
Section 59(1)	Entity Power Given To: Registered Owner	Part 5 – Joint holders in a lot	Power, as a registered owner subject to a joint tenancy, to unilaterally sever the joint tenancy.	Not Relevant
Section 59(2)	Entity Power Given To: Registered Owner	Part 5 – Joint holders in a lot	Power, as a registered owner subject to a joint tenancy, to give notice of the severing of the joint tenancy in the way prescribed by subsection (2).	Not Relevant
Section 60(1)	Entity Power Given To: Local Government	Part 6 – Dealing directly affecting lots Division 1 – Transfers	Power to register sign and lodge for registration an instrument of transfer for the transfer of a lot or interest to or from Council.	Delegation to the CEO
Section 64	Entity Power Given To: Local Government	Part 6 – Dealing directly affecting lots Division 2 – Leases	Power to register sign and lodge for registration an instrument of lease for the lease of a lot, or part of a lot, to or from Council.	Delegation to the CEO
Section 65(3A)	Entity Power Given To: Local Government	Part 6 – Dealing directly affecting lots Division 2 – Leases	Power, as the relevant local government, to approve the instrument of lease where it is for reconfiguring a lot within the meaning of the Planning Act 2016.	Delegation to the CEO
Section 67(1)	Entity Power Given To: Local Government	Part 6 – Dealing directly affecting lots Division 2 – Leases	Power to register sign and lodge an instrument of amendment of a the lease to or from Council.	Delegation to the CEO
Section 68(1)	Entity Power Given To: Lessor	Part 6 – Dealing directly affecting lots Division 2 – Leases	Power, as a lessor under a registered lease who has lawfully re-entered and taken possession under the lease, to sign and lodge a request for the registrar to register the re-entry.	Delegation to the CEO

Section of LATA	Entity Power Given To	Title	Description	Recommendation
Section 69(1)	Entity Power Given To: Lessor Or Lessee	Part 6 – Dealing directly affecting lots Division 2 – Leases	Power, as a lessor or lessee under a registered lease, to execute and lodge for registration register an instrument of surrender of the lease.	Delegation to the CEO
Section 69(2)	Entity Power Given To: Sublessee	Part 6 – Dealing directly affecting lots Division 2 – Leases	Power, as a sublessee, to consent to the surrender of the lease.	Delegation to the CEO
Section 69(3)	Entity Power Given To: Lessor Or Lessee	Part 6 – Dealing directly affecting lots Division 2 – Leases	Power, as a lessor or lessee under a registered lease, to give written notice of the surrender of the lease to every registered mortgagee and registered sublessee.	Delegation to the CEO
Section 82(1)	Entity Power Given To: Local Government	Part 6 – Dealing directly affecting lots Division 4 – Easements	Power to sign and lodge for registration register an instrument of easement benefiting or burdening land owned by Council.	Delegation to the CEO
Section 83(1)(b)	Entity Power Given To: Registered Owner / Lessee / Person Entitled To Land / Public Utility Provider	Part 6 – Dealing directly affecting lots Division 4 – Easements	Power, as the registered owner, lessee, person entitled to the land or public utility provider, to sign an instrument of easement for particular easements.	Delegation to the CEO
Section 83(2)(b)	Entity Power Given To: Local Government	Part 6 – Dealing directly affecting lots Division 4 – Easements	In certain circumstances, Power, as the relevant local government, to approve a the plan of survey for the creation of an easement giving access to a lot from a constructed road where it is the reconfiguring of a lot under the Planning Act 2016.	Delegation to the CEO
Section 85B(2)	Entity Power Given To: Registered Owner	Part 6 – Dealing directly affecting lots Division 4 – Easements	Power, as the registered owner of a lot burdened by an easement in favour of a public utility provider that is not a public thoroughfare easement, to recover from the public utility provider a reasonable contribution towards the cost of keeping the part of the lot affected by the easement in a condition appropriate for enjoyment of the easement.	Delegation to the CEO
Section 87(a)	Entity Power Given To: Registered Owner	Part 6 – Dealing directly affecting lots Division 4 – Easements	Power, as the registered owner of the lot benefited and the lot burdened by an easement, to ask the registrar to extinguish the easement.	Delegation to the CEO
Section 90(1)	Entity Power Given To: Local Government	Part 6 – Dealing directly affecting lots Division 4 – Easements	Power to sign and lodge for registration register an instrument of surrender of an easement benefiting or burdening land owned by Council.	Delegation to the CEO
Section 90(2)	Entity Power Given To: Registered Owner, Lessee or Public Utility Provider	Part 6 – Dealing directly affecting lots Division 4 – Easements	Power to sign an instrument of surrender of an easement.	Delegation to the CEO
Section 90(3)	Entity Power Given To: Lessee or Sublessee	Part 6 – Dealing directly affecting lots Division 4 – Easements	Power, as a lessee or sublessee of a lot benefited by an easement, to consent to surrender of the easement.	Delegation to the CEO
Section 91(1)	Entity Power Given To: Local Government	Part 6 – Dealing directly affecting lots Division 4 – Easements	Power to sign and lodge for registration register an instrument of amendment of the an easement benefiting or burdening land owned by Council.	Delegation to the CEO
Section 95(7)(c)	Entity Power Given To: Owner Of The Benefitted Lot	Part 6 – Dealings Directly Affecting Lots Division 4AA – High-Density Development Easements	Power to give written consent to an owner of a burdened lot to remove, change or otherwise interfere with any support.	Removed from the Register
Section 96A(5)	Entity Power Given To: Owner Of The Benefitted Lot	Part 6 – Dealings Directly Affecting Lots Division 4AA – High-Density Development Easements	Power to provide written consent to an owner of a burdened lot to remove, change or otherwise interfere with any projection.	Removed from the Register
Section 96C(6)	Entity Power Given To: Owner Of The Benefitted Lot	Part 6 – Dealings Directly Affecting Lots Division 4AA – High-Density Development Easements	Power to provide written consent to an owner of a burdened lot to – (a) remove, change or otherwise interfere with the roof water drainage structure; or (b) obstruct or otherwise interfere with the flow of water through the structure.	Removed from the Register
Section 97A(4)	Entity Power Given To: Local Government	Part 6 – Dealings directly affecting lots Division 4A – Covenants	Power, as a local government and covenantee, to sign and lodge for registration register an instrument of covenant.	Delegation to the CEO
Section 97C(4)	Entity Power Given To: Local Government	Part 6 – Dealings directly affecting lots Division 4A – Covenants	Power, as a local government and covenantee, to sign and lodge for registration register an instrument of amendment of the a covenant.	Delegation to the CEO
Section 97D(4)	Entity Power Given To: Local Government	Part 6 – Dealings directly affecting lots Division 4A – Covenants	Power, as a local government and covenantee, to sign and lodge for registration register an instrument of surrender of releasing a covenant.	Delegation to the CEO

Section of LATA	Entity Power Given To	Title	Description	Recommendation
Section 97E	Entity Power Given To: Local Government	Part 6 – Dealings directly affecting lots Division 4B – Profits a prendre	Power to sign and lodge for registration register an instrument of profit a prendre benefiting or burdening land owned by Council.	Delegation to the CEO
Section 97I	Entity Power Given To: Registered Owner	Part 6 – Dealings directly affecting lots Division 4B – Profits a prendre	Power, as the registered owner of the lot benefited and the lot burdened by a profit a prendre, to ask the registrar to extinguish the profit a prendre.	Delegation to the CEO
Section 97K(4)	Entity Power Given To: Local Government	Part 6 – Dealings directly affecting lots Division 4B – Profits a prendre	Power to sign and lodge for registration register an instrument of amendment of a the profit a prendre benefiting or burdening land owned by Council.	Delegation to the CEO
Section 97L	Entity Power Given To: Local Government	Part 6 – Dealings directly affecting lots Division 4B – Profits a prendre	Power to register an instrument of release of a profit a prendre benefiting or burdening land owned by Council.	Delegation to the CEO
Section 97O(1)(a)	Entity Power Given To: Local Government	Part 6 – Dealings directly affecting lots Division 4C – Carbon abatement interests Sub-Division 2 – Creation and registration	Power to sign and lodge for registration register an instrument of carbon abatement interest for a lot owned by Council or over which Council has an interest.	Delegation to the CEO
Section 97P(c)	Entity Power Given To: Holders Of The Registered Interests In The Land	Part 6 – Dealings directly affecting lots Division 4C – Carbon abatement interests Sub-Division 2 – Creation and registration	Power, as a holder of a registered interest in land affected by a proposed grant of a carbon abatement interest, to consent to the proposed grant. of a carbon abatement interest.	Delegation to the CEO
Section 97S(1)	Entity Power Given To: Local Government	Part 6 – Dealings directly affecting lots Division 4C – Carbon abatement interests Sub-Division 3 – Amendments and dealings	Power to sign and lodge for registration register instrument of amendment of a carbon abatement interest for a lot owned by Council or over which Council has interest.	Delegation to the CEO
Section 97U(1)	Entity Power Given To: Local Government	Part 6 – Dealings directly affecting lots Division 4C – Carbon abatement interests Sub-Division 3 – Amendments and dealings	Power to register instrument of surrender of a carbon abatement interest for a lot owned by Council or over which Council has an interest.	Delegation to the CEO
Section 99(1)	Entity Power Given To: Applicant	Part 6 – Dealings directly affecting lots Division 5 – Application by adverse possessor	Power to apply to be registered as owner of a lot as an adverse possessor.	Delegation to the CEO
Section 100	Entity Power Given To: Applicant	Part 6 – Dealings directly affecting lots Division 5 – Application by adverse possessor	Power to withdraw an application to be registered as owner of a lot as an adverse possessor and request that all documents lodged in support of the claim be returned.	Delegation to the CEO
Section 104	Entity Power Given To: Person Who Claims An Interest In The Lot	Part 6 – Dealings directly affecting lots Division 5 – Application by adverse possessor	Power, as a person claiming an interest in a lot the subject of an adverse possession claim, to sign and lodge a caveat.	Delegation to the CEO
Section 105(2)(a)	Entity Power Given To: Caveator	Part 6 – Dealings Directly Affecting Lots Division 5 – Application By Adverse Possessor	Power to start a proceeding in the Supreme Court to recover the lot.	Removed from the Register
Section 105(2)(b)	Entity Power Given To: Caveator	Part 6 – Dealings Directly Affecting Lots Division 5 – Application By Adverse Possessor	Power, as a caveator given a written notice under subsection (1), to: (a) start a proceeding in the Supreme Court to recover the lot; and (b) give written notice, in the way the registrar requires, to the registrar, that the proceeding has started.	Delegation to the CEO
Section 107(2)	Entity Power Given To: Caveator	Part 6 – Dealings directly affecting lots Division 5 – Application by adverse possessor	Power, to start a proceeding in the Supreme Court to recover a lot as a caveator that does not agree to the registration of the applicant for a lesser interest in the lot, to:- (a) start a proceeding in the Supreme Court to recover the lot; and (b) give written notice, in the way the registrar requires, to the registrar that the proceeding has started.	To Remain with Council
Section 108A(2)	Entity Power Given To: Applicant	Part 6 – Dealings directly affecting lots Division 5 – Application by adverse possessor	Power, as an applicant, to sign a plan of subdivision as if the applicant were the registered owner of the relevant lot.	Delegation to the CEO
Section 110(1)	Entity Power Given To: Registered Owner	Part 6 – Dealings directly affecting lots Division 6 – Trusts, deceased estates and bankruptcy	Power, as the registered owner holding the interest in the lot as trustee, to lodge an instrument of transfer to register the interest as being held as trustee.	Delegation to the CEO
Section 112(1)	Entity Power Given To: Person	Part 6 – Dealings directly affecting lots Division 6 – Trusts, deceased estates and bankruptcy	Power, as a person who is beneficially entitled under a will to a lot or interest in a lot of a deceased registered proprietor, to apply to the registrar to be registered as proprietor of the lot.	Not Relevant

Section of LATA	Entity Power Given To	Title	Description	Recommendation
Section 114(2)	Entity Power Given To: A Person Mentioned In S 144(1)	Part 6 – Dealings directly affecting lots Division 6 – Trusts, deceased estates and bankruptcy	Power, as a person mentioned in section 114(1), to apply to the Supreme Court for an order to be registered as proprietor of the lot.	Not Relevant
Section 116	Entity Power Given To: Local Government	Part 7 – Other Dealings Division 1 – Writs Of Execution	Power to sign and lodge a request to register a writ of execution.	Removed from the Register
Section 121(1)	Entity Power Given To: Caveator	Part 7 – Other Dealings Division 2 – Caveats	Power to sign a caveat.	Removed from the Register
Section 122(1)	Entity Power Given To: A Person Mentioned In S122(1)	Part 7 – Other dealings Division 2 – Caveats	Power to lodge for registration a caveat.	Delegation to the CEO
Section 124(2)(b)	Entity Power Given To: Caveator	Part 7 – Other Dealings Division 2 – Caveats	Power to consent to the registration of an instrument.	Removed from the Register
Section 125	Entity Power Given To: Caveator	Part 7 – Other dealings Division 2 – Caveats	Power to sign and lodge for registration a request to withdraw a caveat.	Delegation to the CEO
Section 126(2) and (3)	Entity Power Given To: Caveatee	Part 7 – Other dealings Division 2 – Caveats	Power, as a caveatee, to serve on the caveator a notice requiring the caveator to start a proceeding in a court of competent jurisdiction to establish the interest claimed under the caveat and to notify the registrar of service of the notice.	Delegation to the CEO
Section 126(4)	Entity Power Given To: Caveator	Part 7 – Other dealings Division 2 – Caveats	Power, as a caveator, served with a notice under subsection (2), to: and notify the registrar in the way described in section 126(4). (a) start a proceeding in a court of competent jurisdiction to establish the interest claimed under the caveat; and (b) notify the registrar that a proceeding has been started and the identity of the proceeding.	To Remain with Council
Section 127(1)	Entity Power Given To: Caveatee	Part 7 – Other dealings Division 2 – Caveats	Power, as a caveatee, to apply to the Supreme Court for an order that a caveat be removed.	To Remain with Council
Section 128(1)	Entity Power Given To: Caveator Or Caveatee	Part 7 – Other dealings Division 2 – Caveats	Power to sign and lodge for registration a request to cancel a caveat.	Delegation to the CEO
Section 129(2)	Entity Power Given To: Caveator Or Caveatee	Part 7 – Other dealings Division 2 – Caveats	Power to seek the leave of a court of competent jurisdiction to lodge a further caveat.	Delegation to the CEO
Section 139(1)	Entity Power Given To: Person	Part 7A - Priority notices	Power to deposit a priority notice for a lot.	Delegation to the CEO
Section 139(2)	Entity Power Given To: Person	Part 7A – Priority Notices	Power to sign a priority notice.	Removed from the Register
Section 141(1)	Entity Power Given To: Person	Part 7A - Priority Notices	Power to deposit a request to extend a priority notice an extension request.	Delegation to the CEO
Section 141(2)	Entity Power Given To: Person	Part 7A – Priority Notices	Power to sign and extension request.	Removed from the Register
Section 143(1)	Entity Power Given To: Person	Part 7A - Priority Notices	Power to deposit a request to withdraw a priority notice.	Delegation to the CEO
Section 143(2)	Entity Power Given To: Person	Part 7A – Priority Notices	Power to sign a request to withdraw a priority notice.	Removed from the Register
Section 144(1)	Entity Power Given To: An Affected Person	Part 7A - Priority Notices	Power, as an affected person for a lot to which a priority notice applies, to apply to the Supreme Court for an order that a the priority notice be removed.	To Remain with Council
Section 145(1)(a)	Entity Power Given To: Person	Part 7A - Priority Notices	Power to deposit a request to cancel a priority notice.	Delegation to the CEO
Section 149(1)	Entity Power Given To: Person	Part 7A - Priority Notices	Power, as the depositor of a priority notice, to deposit a request to a correction to the a priority notice.	Delegation to the CEO
Section 156(3)	Entity Power Given To: Person	Part 8 – Instruments Division 1 – General	Power to comply with a requisition given to Council by the registrar.	Delegation to the CEO
Section 159(4)	Entity Power Given To: Person	Part 8 – Instruments Division 1 – General	Power to apply to the registrar to reodge an instrument that the registrar has permitted to be withdrawn.	Delegation to the CEO

Section of LATA	Entity Power Given To	Title	Description	Recommendation
Section 160	Entity Power Given To: Person	Part 8 – Instruments Division 1 – General	Power to comply with a requirement of the registrar to deposit an instrument for correction or cancellation.	Delegation to the CEO
Section 165	Entity Power Given To: Registered proprietor of a lot	Part 8 – Instruments Division 1 – General	Power to comply with a requirement of the registrar to lodge a plan of survey for the lot.	Delegation to the CEO
Section 169(1)	Entity Power Given To: Local Government	Part 8 – Instruments Division 2 – Standard terms documents forming part of instruments	Power to lodge a standard terms document and lodge a further standard terms document amending the amend a standard terms document on Council's behalf.	Delegation to the CEO
Section 172(1)	Entity Power Given To: Local Government	Part 8 – Instruments Division 2 – Standard terms documents forming part of instruments	Power to ask request the registrar to withdraw a registered standard terms document on Council's behalf.	Delegation to the CEO
Section 186(2)	Entity Power Given To: Person affected by a correction	Part 9 – Registration of Instruments and its Effect Division 2 - Consequences of Registration Subdivision B - Infeasibility	Power, as a person affected by a correction, to apply to the Supreme Court for an order that the correction be amended or set aside.	To Remain with Council
Section 188B(1)	Entity Power Given To: Person with an entitlement to compensation under section 188 or 188A	Part 9 – Registration of Instruments and its Effect Division 2 - Consequences of Registration Subdivision C - Compensation	Power, as a person with an entitlement to compensation under section 188 or 188A, to apply to the Supreme Court for an order: (a) for compensation to be paid by the State; (b) directing the registrar to take stated action.	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.

COUNCIL DELEGATIONS TO THE CHIEF EXECUTIVE OFFICER

Delegation Register - Local Law No. 8 (Waste Management) 2018 (Tracked)

Meeting Date: 9 March 2021

Attachment No: 9

Delegations Register – Local Law No. 8 (Waste Management) 2018 {LL8}

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 LL8	Entity Power Given To	Title	Description	Recommendation
Section 5(b)	Entity Power Given To: Local Government	Part 2 – Waste Management Division 1 – Designation of areas for general or green waste collection	Power where Council has, by resolution, designated areas to conduct general waste or general waste collection, to decide the frequency of general waste or green waste collection in designated areas.	Delegation to the CEO
Section 6(1)(b)(f)	Entity Power Given To: Local Government	Part 2 – Waste Management Division 2 – General Waste	Power to require the owner or occupier of premises to supply at the premises, enough waste containers, other than standard general waste containers, to contain the general waste produced at the premises.	Delegation to the CEO
Section 6(2)	Entity Power Given To: Local Government	Part 2 – Waste Management Division 2 – General Waste	Power to consider reasonable, the number of standard general waste containers required at the premises.	Delegation to the CEO
Section 8(1)(a)	Entity Power Given To: Local Government	Part 2 – Waste Management Division 2 – General Waste	Power to require a waste container supplied for the premises to be kept at a particular place at the premises.	Delegation to the CEO
Section 8(2)(a)	Entity Power Given To: Local Government	Part 2 – Waste Management Division 2 – General Waste	Power to arrange to collect waste from the container at the place.	Delegation to the CEO
Section 9(2)(a)	Entity Power Given To: Local Government	Part 2 – Waste Management Division 2 – General Waste	Power to require the prescribed person to ensure certain things are supplied at the premises.	Delegation to the CEO
Section 9(2)(a)(i)(A)	Entity Power Given To: Local Government	Part 2 – Waste Management Division 2 – General Waste	Power to require the level of an elevated stand for the holding of all waste containers.	Delegation to the CEO
Section 9(2)(a)(i)(B)	Entity Power Given To: Local Government	Part 2 – Waste Management Division 2 – General Waste	Power to require drainage of an imperviously paved area where all waste containers can be placed.	Delegation to the CEO
Section 10(2)	Entity Power Given To: Local Government	Part 2 – Waste Management Division 2 – General Waste	Power to give a written notice to the occupier of the premises stating a number of matters listed in s10(2)(a) – (d).	Delegation to the CEO
Section 11(2)(a)	Entity Power Given To: Local Government	Part 2 – Waste Management Division 2 – General Waste	Power to approve and give written approval to the owner or occupier of the premises for depositing or disposing of the waste.	Delegation to the CEO
Section 11(2)(b)	Entity Power Given To: Local Government	Part 2 – Waste Management Division 2 – General Waste	Power to impose conditions on the approval.	Delegation to the CEO
Section 12(1)(a)	Entity Power Given To: Local Government	Part 2 – Waste Management Division 3 – Storage and Treatment of Industrial Waste	Power to require the occupier of the premises where there is industrial waste to do a number of things as set out in section 12(1)(a)(i) – (ii).	Delegation to the CEO
Section 12(1)(a)(i)	Entity Power Given To: Local Government	Part 2 – Waste Management Division 3 – Storage and Treatment of Industrial Waste	Power to require the number of industrial waste containers to be supplied at the premises for storing the waste at the premises safely, efficiently and without causing a nuisance.	Delegation to the CEO
Section 12(1)(a)(ii)	Entity Power Given To: Local Government	Part 2 – Waste Management Division 3 – Storage and Treatment of Industrial Waste	Power to require the occupier of the premises to keep the waste containers at a place at the premises.	Delegation to the CEO
Section 12(2)	Entity Power Given To: Local Government	Part 2 – Waste Management Division 3 – Storage and Treatment of Industrial Waste	Power to supply industrial waste containers at the premises if the occupier does not.	Delegation to the CEO
Section 13(a)	Entity Power Given To: Local Government	Part 2 – Waste Management Division 3 – Storage and Treatment of Industrial Waste	Power to require the occupier of the relevant premises where there is industrial waste to treat the waste to a standard.	Delegation to the CEO
Section 13(a)	Entity Power Given To: Local Government	Part 2 – Waste Management Division 3 – Storage and Treatment of Industrial Waste	Power to approve the standard to treat waste for the occupier of the premises where there is industrial waste.	Delegation to the CEO
Section 16(1)	Entity Power Given To: Waste Facility's Owner	Part 2 – Waste Management Division 3 – Storage and Treatment of Industrial Waste	Power to consent to the matters set out in section 16(1)(a) – (c).	Delegation to the CEO
Section 17(2)(b)	Entity Power Given To: Waste Facility Person	Part 2 – Waste Management Division 3 – Storage and Treatment of Industrial Waste	Power to give reasonable instructions to a person to deal with waste at the waste facility.	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.

10.12 NORTHERN BOUNDARY REVIEW

File No:	4321
Attachments:	1. Change Commissioner Correspondence 18/02/21 ↓ 2. Northern Boundary Review Terms of Reference ↓
Authorising Officer:	Evan Pardon - Chief Executive Officer
Author:	Ross Cheesman - Deputy Chief Executive Officer

SUMMARY

The Local Government Change Commission has written to Council providing an update on their progress towards the review of the Northern Boundary and seeking Council's current official position in this regard.

OFFICER'S RECOMMENDATION

THAT the Local Government Change Commissioner be advised that, in relation to his correspondence of 18 February 2021, Rockhampton Regional Council's position remains unchanged in regards to the suburbs of Glenlee, Glendale and Rockyview being amalgamated into Rockhampton Regional Council's boundaries and the review should proceed as per the Terms of Reference.

COMMENTARY

Council has received correspondence dated 18 February 2021 (attached) from the Change Commissioner seeking Council's position on the review of the northern boundaries. Previous advice from the Commissioner was that this review would commence in 2021 due to Queensland State Government election being conducted in October 2020.

BACKGROUND

After much lobbying, in 2019 the then Minister for Local Government, Racing and Multicultural Affairs referred a review of the northern boundaries of Council to the Change Commissioner to formally consider including Glenlee, Glendale and Rockyview in Rockhampton Regional Council's boundaries. The Terms of Reference for this review are attached.

PREVIOUS DECISIONS

On 24 July 2018 Council endorsed the Terms of Reference for the review of these boundaries.

BUDGET IMPLICATIONS

Some expertise from a financial analyst may be required to complete the financial sustainability submission of this review.

LEGISLATIVE CONTEXT

Nil

LEGAL IMPLICATIONS

Nil

STAFFING IMPLICATIONS

Internal resources will be required to complete the requirements of this review. The quantity of this as well as the budget implications above are unknown at this stage.

RISK ASSESSMENT

Nil

CORPORATE/OPERATIONAL PLAN

Operational Plan 4.4.3 – Support the Northern Boundary Review.

CONCLUSION

This report is being presented to Council in response to a request from the Change Commissioner. As some time has passed since the original referral from the Minister, the Commissioner is seeking Council's view or in essence has there been any change in its position on the matter.

NORTHERN BOUNDARY REVIEW

Change Commissioner Correspondence 18/02/21

Meeting Date: 9 March 2021

Attachment No: 1

File number: EBM/000002; 169; 89



18 February 2021

Cr Tony Williams
Mayor
Rockhampton Regional Council
PO Box 1860
ROCKHAMPTON QLD 4700
Email: enquiries@rrc.qov.au

Dear Cr Williams

I write to you in my capacity as the Commissioner of the Local Government Change Commission (Change Commission), to provide an update regarding the proposed external boundary change between the Livingstone Shire Council and the Rockhampton Shire Council.

On 31 January 2019, the then Minister for Local Government, Racing and Multicultural Affairs referred a proposal to transfer the suburbs of Glenlee, Rockyview and Glendale to the Rockhampton Regional Council. The referral and the 'Terms of Reference' (TOR) provided by the Minister is enclosed as a reference. After initial consultation, I wrote a letter dated 5 April 2019 to both Councils and the Minister advising the review would not be conducted until after the 2020 State general election.

As some time has passed since the referral was received, I wanted to take this opportunity to confirm the official position of the newly formed Rockhampton Regional Council regarding the proposed change. I have also contacted the Livingstone Shire Council to seek their views regarding the proposed boundary change.

I note that the question of financial sustainability for both Councils is critical to determining the feasibility of the proposed change and a financial assessment will be required to take place as part of the review process. Therefore, the Rockhampton Regional Council may wish to commence preparing any relevant documentation regarding the potential financial impact of the proposed boundary change, and any changes to funding arrangements that would need to be implemented if the change were to occur, to inform the Change Commission in its considerations.

Should you require further information, please contact Ms Cecelia Nuttall, Director, Strategy, Policy and Governance on (07) 3035 8043 or at LGboundaries@ecq.qld.gov.au.

Yours sincerely



Pat Vidgen PSM
Electoral Commissioner

Enc

GPO Box 1393 Brisbane Queensland 4001 Australia | Level 20, 1 Eagle Street Brisbane 4000
Telephone 1300 881 665 | Facsimile (07) 3038 5776 | Email ecq@ecq.qld.gov.au | Website www.ecq.qld.gov.au



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NORTHERN BOUNDARY REVIEW

Northern Boundary Review Terms of Reference

Meeting Date: 9 March 2021

Attachment No: 2

Terms of Reference

Local Government boundary change proposal Livingstone Shire Council and Rockhampton Regional Council

Background

On 1 January 2014, the Glenlee, Rockyview and Glendale areas north of Rockhampton were transferred to Livingstone Shire Council (Livingstone SC) following its de-amalgamation from the Rockhampton Regional Council (Rockhampton RC), an outcome supported by approximately 56 per cent of the Livingstone Shire. These suburbs had been part of Livingstone SC at the time of amalgamation in 2008 and thus were returned to the Shire as part of the de-amalgamation process.

In 2014, Livingstone SC conducted a poll canvassing residents of these areas as to whether they wished to either remain with the Livingstone SC or alter the Local Government's boundaries and be included within Rockhampton RC. The poll was conducted on a voluntary basis with approximately 65 per cent of eligible voters electing to participate. The localities of Glenlee, Rockyview and Glendale voted 75 per cent, 71.5 per cent and 61.9 per cent respectively to return to the Rockhampton RC.

In October 2016, Rockhampton RC stated that it was prepared to make a financial contribution to Livingstone SC for the boundary realignment. The contribution would amount to \$1.8 million per year for three years and was calculated based on:

- the transfer of 1,170 properties from Livingstone SC to Rockhampton RC
- the amount levied by Livingstone SC's for general rates in its 2014 Revenue Statement

Rockhampton RC stated that there was a precedent for such an arrangement, citing the transfer of Parkhurst to the then Rockhampton City Council from Livingstone SC in 1985 which also entailed the payment of compensation to Livingstone SC.

Following on from the Minister for Local Government's offer to mediate this matter in April 2018, the Minister for Local Government and the Mayors of each Local Government met in Rockhampton on 21 June 2018 to discuss the proposed boundary change.

As agreed with the Mayors at this meeting, the Minister for Local Government would refer the boundary change proposal to the Local Government Change Commission to obtain a resolution to this matter.

Subject area

The proposed Local Government boundary change comprises the transfer of three suburbs, Glenlee, Rockyview and Glendale, from Livingstone SC to Rockhampton RC. A map of the proposed boundary change is provided at **Attachment 1**.

Local Government boundary change referral

Pursuant to section 18 of the *Local Government Act 2009*, the Minister for Local Government refers the proposed boundary change for independent review and assessment to the Local Government Change Commission.

Pursuant to section 19(4) of the *Local Government Act 2009*, the Minister for Local Government directs the Local Government Change Commission to conduct its assessment of the proposed Local Government change in the following way:

- Consult with the affected Local Government and residents of the affected communities to gauge the level of support for the Local Government boundary change.
- Conduct a review of the financial sustainability of Livingstone SC and Rockhampton RC to determine whether proceeding with implementation of the proposed boundary change (or not) will adversely impact the immediate and/or ongoing financial position and sustainability of the two Local Governments. Both local government authorities shall have input into their respective financial sustainability reviews, such input to be considered prior to any decision on a boundary change being made.
- Provide advice to the Minister for Local Government on the boundaries of each Local Government area taking into account;
 - communities of interest that may exist between the two Local Government Authorities;
 - relative financial disadvantage and the likely impact on service use and capacity to raise own source revenue;
 - reasonable town planning requirements to accommodate population growth;
 - reciprocal use of services and infrastructure; and
 - the enhancement of mutual lifestyle and economic development opportunities.
- Provide advice to the Minister for Local Government on the number and distribution of divisions in Rockhampton RC should the Local Government boundary change occur.
- Provide advice to the Minister for Local Government about the timing of the implementation of the potential Local Government boundary change taking into account;
 - the impact on each Local Government's long- term financial sustainability;
 - likely changes that will impact on rateable properties in the foreseeable future;
 - reasonable town planning requirements to accommodate population growth;
 - the reciprocal use of services and infrastructure across both regions;
 - preparation of their electoral rolls; and
 - the identification of divisional boundaries and associated quotas.
- Determine the classification of each Local Government area
- Consult with the impacted communities regarding the name of each Local Government area
- Provide advice to the Minister for Local Government on the number of Councillors for Livingstone SC and Rockhampton SC should the Local Government boundary change occur.

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