



ORDINARY MEETING

AGENDA

28 SEPTEMBER 2021

Your attendance is required at an Ordinary meeting of Council to be held in the Council Chambers, 232 Bolsover Street, Rockhampton on 28 September 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.", is positioned above the title of the Chief Executive Officer.

CHIEF EXECUTIVE OFFICER
22 September 2021

Next Meeting Date: 12.10.21

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

2 PRESENT

Members Present:

The Mayor, Councillor A P Williams (Chairperson)
Councillor S Latcham
Councillor G D Mathers
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

Councillor Neil Fisher - Leave of Absence from 28 September 2021 to 22 October 2021

4 CONFIRMATION OF MINUTES

Minutes of the Ordinary Meeting held 14 September 2021

5 DECLARATIONS OF INTEREST IN MATTERS ON THE AGENDA

6 PUBLIC FORUMS/DEPUTATIONS

The meeting will adjourn at 10:30am for signing of the Small Business Friendly Council Charter.

The Small Business Friendly Council (SBFC) initiative was agreed to at Council's ordinary meeting on 10 August 2021.

7 PRESENTATION OF PETITIONS

Nil

8 COUNCILLOR/DELEGATE REPORTS

Nil

9 OFFICERS' REPORTS

ADVANCE ROCKHAMPTON

Councillor Portfolio – Mayor Williams

No items for consideration

AIRPORT

Councillor Portfolio – Councillor Fisher

9.1 CAR RENTAL LEASE NEGOTIATIONS

File No:	3524
Attachments:	Nil
Authorising Officer:	Marnie Taylor - Acting General Manager Corporate Services
Author:	Marcus Vycke - Manager Airport

SUMMARY

The Licence Agreements for On-Airport Car Rental Operations at Rockhampton Airport expired on 29 February 2020. Due to the timing of both the COVID-19 pandemic and terminal redevelopment, the agreement continues to operate under the holding over clause on a month by month basis. This report seeks Council approval to enter into specific lease agreements pursuant to 236(1)(c)(vii) of the Local Government Regulation 2012 (Qld).

OFFICER'S RECOMMENDATION

- 1 THAT pursuant to s236(1)(c)(vii) of the *Local Government Regulation 2012 (Qld)* Council approve the granting of Freehold Leases over part of Lot 6 on CP906611 to the car rental providers identified in the report; and
- 2 Council authorises the Chief Executive Officer (Manager Airport) to negotiate the Leases as outlined in the report, in preparation for execution by the delegated officer.

COMMENTARY

The car rental providers at Rockhampton Airport (Lot 6 on CP906611), include all of the current providers in the Australian airport market being:

1. WTH Pty Ltd (Avis Budget Group)
2. CLA Trading Pty Ltd
3. Kingmill Pty Ltd
4. Hertz Australia Pty Ltd
5. WCC Qld Pty Ltd

Council officers have been closely working with the car rental businesses over the past 12 months. All of these businesses have been heavily affected due to the impact of COVID-19. This, and the adverse effect it has had on the aviation and travel industries, it is the writer's opinion that an exception to tendering which is detailed in the *Local Government Regulation 2012 (Qld)* can be utilised.

Council is required to dispose of an interest of land (leasing) via public auction or tender. Section 236(1)(c)(vii) of the *Local Government Regulation 2012 (Qld)* provides an exception for Council to proceed without undertaking a tender or auction process, and in particular states that Council can decide by resolution that:

(vii) *the disposal is of an interest in land that is used as an airport or for related purposes if –*

(A) It is in the public interest to dispose of the interest in land without the tender or auction;

and

(B) The disposal is otherwise in accordance with sound contracting principles.

It is in the public interest to dispose of the interest in land without tender or auction due to the reason that at present, the airport have all 6 National rental agencies which gives the public choice when hiring cars and trucks within the region. This also gives people and businesses who fly into Rockhampton choice when hiring vehicles.

Further to the legislative requirements, other factors to support this decision include:

- There are six airport based national car rental providers in the market and we currently have all six under contract with the branding names of Avis, Budget, Europcar, Hertz, Thrifty and Enterprise.
- There are only six car rental booths available as part of the new Airport terminal redevelopment.
- As a comparison Gladstone Airport has four out of six, Mackay Airport has five out of six, Emerald Airport has four out of six and Proserpine Airport has four out of the six national car rental providers.

The current licence for Car Rental Concessions were publicly tendered and commenced on 1 March 2013 for a period of three (3) years. Since this original tender process Rockhampton Airport has sought Council approval to renew the Licence Agreement on each expiry date. A written valuation report of the proposed lease areas (land and improvements) will be obtained by Council to ensure that the negotiated lease fees are not less than market value.

Details of the current licence agreements are:

(1) Term is 2 years

- a. Commencement Date – 1 March 2018
- b. Expiry Date – 29 February 2020

(2) Fees

- a. Licence Fee – Is a percentage of gross revenue
- b. Parking Bays – free bays are allocated based on market share
- c. Additional Parking Bay Fee – Dollar amount per bay/per annum
- d. Overflow Parking Bay Fee - Dollar amount per bay/per annum (if requested by Licensee)

(3) Minimum Guaranteed Fee

- a. Fixed dollar amount or whichever is the higher of the Licence Fee and MGF.

(4) Annual Reviews

- a. CPI is applied to the Licence Fee, Additional Parking Bay Fee and Overflow Parking Bay Fee.

Proposed new agreements are as follows, which are in accordance with sound contracting principles:

(1) Enter into a Lease rather than Licence Agreement, which provides for exclusive use of the leased area

(2) Term: To be negotiated

(3) Fees

- a. Licence Fee – to negotiate a higher percentage return of all gross revenue than the current licence agreement
- b. Parking Bays – free bay allocation to remain unchanged, based on market share
- c. Additional Parking Bay Fee
- d. Overflow Parking Bay Fee

(4) Annual Reviews - CPI

PREVIOUS DECISIONS

In December 2017 a report to Council was presented with a resolution that Council approves the extension of the Car Rental licences for a further 2 years.

BUDGET IMPLICATIONS

These new agreements will provide improved revenue for the airport. The lease agreements will be developed in house with no external legal costs to council.

LEGISLATIVE CONTEXT

Section 236(1)(c)(vii) of the *Local Government Regulation 2012 (Qld)* allows a Local Government to dispose of an interest in land that is used as an airport or for related purposes if it is in the public interest to bypass tender or auction, and that the disposal is otherwise in accordance with sound contracting principles, provided that that Council has decided, by resolution, that the exception applies to the leasing of valuable non-current assets (i.e. land) other than by tender or auction. Further, that the disposal of an interest in land must be equal to or more than the market value of the land and the improvement.

LEGAL IMPLICATIONS

It is proposed that Council will enter into a Freehold Lease with each tenant which satisfies the requirements of the *Land Act 1994 (Qld)* and to be registered on the title of the land.

STAFFING IMPLICATIONS

Existing resources within the Airport and Legal & Governance will be utilised to adequately manage the required legal documentation.

CORPORATE/OPERATIONAL PLAN

1.1.16 Manage the airport in accordance with the Rockhampton Airport 2020-21 Performance Plan.

Operate in an efficient and financially sustainable manner and provide Council with an appropriate rate of return; and

Undertake other commercial activities on a cost recovery basis with an appropriate rate of return.

CONCLUSION

In order to continue managing the leases over the car rental businesses at Rockhampton Airport at the best rate of return, it is recommended Council approve the Manager Airport on behalf of the Chief Executive Officer, be authorised to negotiate with the car rental businesses on an individual basis pursuant to 236(1)(c)(vii) of the *Local Government Regulation 2012* and as outlined in this report.

COMMUNITIES AND HERITAGE**Councillor Portfolio** – Councillor Wickerson

No items for consideration

INFRASTRUCTURE**Councillor Portfolio** – Councillor Smith

No items for consideration

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

No items for consideration

PLANNING AND REGULATION**Councillor Portfolio** – Councillor Mathers**9.2 MINOR CHANGE TO DEVELOPMENT PERMIT D-R/242-2009 FOR A MATERIAL CHANGE OF USE FOR A RETAIL/COMMERCIAL COMPLEX (TWO-STAGE SHOPPING CENTRE)**

File No:	D-R/242-2009
Attachments:	1. Locality Plan ↓ 2. Site Plan ↓ 3. Elevation Plan ↓
Authorising Officer:	Tarnya Fitzgibbon - Acting Manager Planning and Regulatory Services Aaron Pont - Acting General Manager Community Services
Author:	Bevan Koelmeyer - Acting Senior Planning Officer

SUMMARY

<i>Development Application Number:</i>	<i>D-R/242-2009</i>
<i>Applicant:</i>	<i>Woolworths Food Group C/-Planning Initiatives Pty Ltd</i>
<i>Real Property Address:</i>	<i>Lot 1 and Lot 2 on SP247119</i>
<i>Common Property Address:</i>	<i>1-19 and Lot 1 McLaughlin Street, Gracemere</i>
<i>Area of Site:</i>	<i>5.47 hectares</i>
<i>Planning Scheme:</i>	<i>Fitzroy Planning Scheme 2005</i>
<i>Planning Scheme Zone:</i>	<i>Town Zone – Commercial Precinct</i>
<i>Planning Scheme Overlays:</i>	<i>Aircraft Affected Areas Overlay</i>
<i>Existing Development:</i>	<i>Lot 2 on SP247119 - Gracemere Shoppingworld (Stage One);</i> <i>Lot 1 on SP247119 - Service Station</i>
<i>Approval Sought:</i>	<i>Minor Change to Development Permit for a Material Change of Use for Dwelling House</i>
<i>Referrals:</i>	<i>Not Applicable</i>
<i>Infrastructure Charges Area:</i>	<i>Charge Area 1</i>

OFFICER'S RECOMMENDATION**RECOMMENDATION A**

THAT in relation to the application for a Minor Change to Development Permit D-R/242-2009 for a Material Change of Use for a Retail/Commercial Complex (two-stage shopping centre), made by Woolworths Food Group C/-Planning Initiatives Pty Ltd, located at 1-19 and Lot 1 McLaughlin Street, Gracemere, described as Lot 1 and Lot 2 on SP247119, Council resolves to provide the following reasons for its decision:

STATEMENT OF REASONS

Description of the development	Minor Change to Development Permit D-R/242-2009 for a Material Change of Use for a Retail/Commercial Complex (two-stage shopping centre)
Reasons for Decision	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.
Assessment Benchmarks	The proposed development was assessed against the following assessment benchmarks of the <i>Fitzroy Planning Scheme 2005</i> : <ul style="list-style-type: none"> • Town Zone Code; • Development Standards Code; • Commercial Development Code; and • Economic Resources Overlays Code - Aircraft Affected Areas Overlay.
Compliance with assessment benchmarks	The minor change application was assessed against all of the assessment benchmarks listed above and wholly complies without exception.
Relevant Matters	As a relevant matter, the subject minor change application has been considered against the provisions of the current <i>Rockhampton Region Planning Scheme 2015</i> (version 2.2) given the time that has passed since the original development approval was granted. The application complies with the assessment benchmarks of this Planning Scheme and, where necessary, specific conditions have been included to achieve compliance with these requirements, such as: <ul style="list-style-type: none"> • Condition 3.7 to ensure the proposed pick-up facility is designed and constructed in accordance with the current Australian Standards in accordance with the Access, Parking and Transport Code; and • Condition 9.6 to ensure that the new and modified garden beds are designed and constructed in accordance with the Landscape Code.
Matters prescribed by regulation	<ul style="list-style-type: none"> • The <i>Fitzroy Planning Scheme 2005</i>; and • The common material, being the material submitted with the application.

RECOMMENDATION B

THAT in relation to the application for a Minor Change to Development Permit D-R/242-2009 for a Material Change of Use for a Retail/Commercial Complex (two-stage shopping centre), made by Woolworths Food Group C/-Planning Initiatives Pty Ltd, located at 1-19 and Lot 1 McLaughlin Street, Gracemere, described as Lot 1 and Lot 2 on SP247119, Council resolves to Approve the application subject to the following conditions:

STAGE ONE – SUPERMARKET, JUNIOR DISCOUNT DEPARTMENT STORE, SPECIALITY SHOPS AND KIOSKS**1.0 ADMINISTRATION**

- 1.1 The approved development must be completed and maintained generally in accordance with the following approved drawings and documents, except where amended by the conditions of this permit:

<u>Plan/Document Name</u>	<u>Plan Number</u>	<u>Dated</u>
Masterplan – Stage 1 Supermarket DA	7282 DA101 Rev. P10	August 2008
Elevations	7282A DA20 Rev. A	7 July 2011
Control Plan - EComm	WA200	20 August 2021
Pick Up Department – Sheet 2	WA384	23 June 2021
Drive Thru/Direct to Boot	20GCT0278-01	17 August 2021
Swept Path Analysis Drive Thru/Pick-Up Bay	20GCT0278-02	17 August 2021
Swept Path Analysis Commercial Vehicle Bay	20GCT0278-03	17 August 2021

- 1.2 Where there is any conflict between conditions of this decision notice and details shown on the approved plans, the conditions of approval must prevail.
- 1.3 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.
- 1.4 The Developer is responsible for ensuring compliance with this Approval and the Conditions of the Approval by an employee, agent, contractor or invitee of the Developer.
- 1.5 All conditions, works, and requirements of this approval for this Stage must be satisfied, undertaken and completed to the satisfaction of Council prior to the commencement of use.
- 1.6 The following further development permits are required prior to the commencement of any works on the site:
- 1.6.1 Operational Works:
- i) Road Works;
 - ii) Access and Parking;
 - iii) Sewerage Works;
 - iv) Water Works;
 - v) Stormwater Works;
 - vi) Roof and Allotment Drainage;
 - vii) Site Works; and
 - viii) Landscaping.

1.6.2 Plumbing and Drainage Works; and

1.6.3 Building Works.

- 1.7 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.
- 1.8 This approval for stage one is valid for a period of four (4) years from the day the approval takes effect. If the use has not commenced in accordance with the approved conditions within four (4) years the approval will lapse.
- 1.9 Any outstanding rates, charges or expenses levied by the Council over the subject land must be paid prior to the issue of a Development Permit for Building Works.
- 1.10 The maintenance of all works constructed under this approval, or any subsequent Development Permit for Operational Works, must remain the sole responsibility of the developer until such time as all works are accepted 'off maintenance' by Council.
- 1.11 '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 approved prior to the issue of a Development Permit for Building Works.

2.0 ROAD WORKS

- 2.1 A Development Permit for Operational Works (road works) must be obtained prior to the commencement of any works on the site.
- 2.2 All road works and associated stormwater drainage system works must be designed generally in accordance with the Capricorn Municipal Development Guidelines (including standard drawings) and the endorsed plans (refer to Condition 1.1).
- 2.3 The engineering design of all new roads and associated stormwater drainage systems, both internal and external to the site, submitted as part of any application for a Development Permit for Operational Works (Road Works) must be prepared and certified by a registered professional engineer.
- 2.4 All road widenings, intersection alignments, associated kerb and channel and drainage works along O'Shanesy Street for stage one, must be designed and constructed along the frontage as indicated on the endorsed plans (refer to Condition 1.1). O'Shanesy Street must be reconstructed to separate the school set down and parking area from traffic accessing and passing the shopping centre site.
- 2.5 Design and construct all necessary connections with the existing road network including intersections generally in accordance with the Capricorn Municipal Development Guidelines (including standard drawings) and the endorsed plans (refer to Condition 1.1).
- 2.6 A dual use pathway, 2.0 metres wide, must be constructed along the full frontage of the site for McLaughlin and O'Shanesy Streets, relevant to stage one in accordance with the Capricorn Municipal Development Guidelines (including standard drawings) and the endorsed plans (refer to condition 1.1). Details of the footpath must be provided with any application for a Development Permit for Operational Works (road works).
- 2.7 A dual use pathway, 2.0 metres wide, must be constructed, in conjunction with stage one, from the development site to connect with the existing footpath fronting the Gracemere State Primary School in accordance with the Capricorn Municipal Development Guidelines (including standard drawings) and the endorsed plans (refer to condition 1.1). Details of the footpath must be provided with any application for a Development Permit for Operational Works (road works) for this stage of the development
- 2.8 Road signage and pavement markings must be installed in accordance with the Manual of Uniform Traffic Control Devices.
- 2.9 All new roads and intersections, and any modifications to existing roads or intersections, must be provided with road and public space lighting in accordance with

the Australian Standard AS1158 suite of standards.

- 2.10 All areas of any existing or proposed road reserve disturbed as a consequence of road works, or any other works, must be suitably shaped, top soiled, turfed or hydromulched, or similarly treated, and maintained to the satisfaction of Council.
- 2.11 The owner must ensure that any damage to infrastructure including public pathways, kerb and channel and the like caused as a result of the development is repaired or reinstated to the standard required for similar new works.

3.0 ACCESS AND PARKING

- 3.1 A Development Permit for Operational Works (access and parking) must be obtained prior to the commencement of any works on the site.
- 3.2 All parking and access areas must be paved or sealed to the satisfaction of Council. Design and construction must be in accordance with the Capricorn Municipal Development Guidelines (including standard drawings), Australian Standard AS2890, Australian Standard AS1428 and the provisions of a Development Permit for Operational Works (access and parking). The layout must be generally in accordance with the endorsed plans (refer to condition 1.1).
- 3.3 285 parking spaces and six (6) motorcycle spaces must be provided on site generally in accordance with the endorsed plans (refer to condition 1.1), for this stage of the development.
- 3.4 All stormwater runoff from parking and access areas must be collected and drained to a lawful point of discharge.
- 3.5 A bus setdown area, including weather shelter must be designed and constructed at stage one of the development in accordance with the Public Transport Infrastructure Manual June 2007. The bus setdown area must be located adjacent to the specialty shops. Details of the bus setdown area must be provided with any application for a Development Permit for Operational Works (access and parking) for this stage of the development.
- 3.6 Handrails must be provided in accordance with the approved plan 'Drive Thru/Direct to Boot' (refer to condition 1.1) and adequate clearances between the handrails and parking aisle must be provided to accommodate pedestrian, and associated shopping trolley passage.
- 3.7 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"*.

4.0 SEWERAGE WORKS

- 4.1 A Development Permit for Operational Works (sewerage works) must be obtained prior to the commencement of any works on the site.
- 4.2 The development must be connected to Council's reticulated sewerage network in accordance with the provisions of the *Water Act* and *Plumbing and Drainage Act*.
- 4.3 Any construction works proposed in the vicinity of Council's existing sewerage infrastructure must not adversely affect the integrity of the infrastructure.
- 4.4 A Trade Waste Permit must be obtained prior to the issue of a Development Permit for Building Works.
- 4.5 Should any proposed sewer connection points be located within trafficable areas, the jump-up must be raised to the finish surface level and provided with a brass cover.
- 4.6 All sanitary drainage works must be in accordance with regulated work under the *Plumbing and Drainage Act*.

5.0 WATER WORKS

- 5.1 A Development Permit for Operational Works (water works) must be obtained prior to the commencement of any works on the site.
- 5.2 The development must be connected to Council's reticulated water supply network in accordance with the provisions of the *Water Act* and *Plumbing and Drainage Act*. The connection must be located at a point nominated by Council.
- 5.3 The development must be provided with a master water meter at the property boundary and sub meters for each sole occupancy premises.
- 5.4 Water storage tanks and pumps must be located on site to provide adequate fire-fighting flows for the development.
- 5.5 Any construction works proposed in the vicinity of Council's existing water infrastructure must not adversely affect the integrity of the infrastructure.
- 5.6 All plumbing works must be in accordance with regulated work under the *Plumbing and Drainage Act*.

6.0 STORMWATER WORKS

- 6.1 A Development Permit for Operational Works (stormwater works) must be obtained prior to the commencement of any works on the site.
 - 6.2 All stormwater drainage works must be designed and constructed in accordance with the Queensland Urban Drainage Manual and the Capricorn Municipal Design Guidelines, and sound Engineering practice.
 - 6.3 All stormwater runoff from the subject site, and roofwater and water from paved surfaces, must be collected within the site and directed to a lawful point of discharge, in accordance with Council requirements, the Queensland Urban Drainage Manual and the Capricorn Municipal Design Guidelines. Design and construction must be in accordance with a Development Permit for Operational Works (stormwater works).
 - 6.4 The application for a Development Permit for Operational Works (stormwater) must be accompanied by:
 - 6.4.1 detailed assessment of total flows leaving the site and pipe sizing in accordance with the Capricorn Municipal Design Guidelines;
 - 6.4.2 details of any retention or detention proposed on site, including Q100 surface levels for any detained flows including overflow relief capacity and sizing;
 - 6.4.3 details of the capacity of the down-stream underground stormwater system and how it is able to handle the additional proposed development runoff.
 - 6.5 Any filling or changes to the site proposed as part of any Development Permit for Operational Works must not adversely impact on any adjoining or downstream land, drainage systems, or any Council infrastructure
 - 6.6 Drainage easements must cater for the 100 year Average Recurrence Interval rainfall event. Provide drainage easements, free of cost and compensation in Council's favour, over any drainage works on the land should such be required.
- 7.0 SITE WORKS**
- 7.1 A Development Permit for Operational Works (Site Works) must be obtained prior to the commencement of any works on the site.
 - 7.2 Any application for a Development Permit for Operational Works (Site Works) must be accompanied by an earthworks plan which clearly identifies the following:
 - 7.2.1 the location of cut and/or fill;
 - 7.2.2 the type of fill to be used and the manner in which it is to be compacted;
 - 7.2.3 the quantum of fill to be deposited or removed and finished cut and/or fill levels;

- 7.2.4 details of any proposed access routes to the site which are intended to be used to transport fill to or from the site; and
- 7.2.5 the maintenance of access roads to and from the site so that they are free of all cut and/or fill material and cleaned as necessary.
- 7.3 Any vegetation cleared from the site must not be burnt either on-site or off-site, and within sixty (60) days of clearing the cleared vegetation must be either:
 - 7.3.1 mulched on-site and utilised on the subject land for landscaping purposes, in accordance with the landscaping plan approved by Council; or
 - 7.3.2 removed for disposal at a location approved by Council.
- 7.4 Filling work must not be undertaken on land with slopes greater than twenty-five (25) percent.
- 7.5 All structural filling must be in accordance with Australian Standard AS3798. Engineering drawings/specification must clearly indicate the location and depth of proposed filling. A testing strategy must be submitted as part of any application for a Development Permit for Operational Works (Site Works). Testing requirements must be generally in accordance with Section 8 of Australian Standard 3798.
- 7.6 All engineering drawings for Operational Works must be signed and certified by a registered professional engineer as being in accordance with all relevant Australian Standards, statutory requirements and sound engineering principles. A registered professional engineer must supervise the works on behalf of the Applicant. A certificate of construction compliance must be submitted by a registered professional engineer verifying that all works have been carried out in accordance with Council approved drawings, approval conditions and specification.
- 7.7 A registered professional engineer must issue to Council signed "as-constructed" plans and a certificate verifying that the information contained within the drawings is true and accurate. These plans must be neatly presented in printed hard copy form and free from errors, omissions, mark ups, and/or hand written alterations/notes. Levels in the as-constructed plans must be based upon a minimum fourth-order Permanent Survey Mark.
- 7.8 Any application for a Development Permit for Operational Works (Site Works) must be accompanied by:
 - 7.8.1 reasonable investigations to determine the presence and extent of any existing filled ground on the subject land (site investigations must assess the degree of compaction and composition of any existing filled ground and an assessment of the adequacy of existing filled ground including the extent of any remedial works required); and
 - 7.8.2 reasonable investigations and reasonable testing to ensure the subject land is free of contamination in accordance with the requirements of the *Contaminated Land Act 1991*.
- 8.0 **BUILDING**
- 8.1 All external elements, such as air conditioners, must be adequately screened from public view, to Council's satisfaction. Noise from any external elements, such as air conditioners, must not exceed 5dB(A) above the background ambient noise level, measured at the boundaries of the subject site.
- 8.2 All lift motor rooms, plant and service facilities must be totally enclosed or screened using materials consistent with those elsewhere in the building. Noise from any lift motor room must not exceed 5dB(A) above the background ambient noise level, measured at the boundaries of the subject site.
- 8.3 Any lighting devices associated with the development, such as sensory lighting, must be positioned on the 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'.

8.4 Any reflective material must have a level of light reflectivity of no more than twenty (20) percent and a level of heat transmission of not less than twenty (20) percent.

8.5 All shop front glazing must be clear and untinted and must not be obscured by blinds, curtains or the like.

8.6 Prior to occupation of the building, submit to Council a certificate from a licenced surveyor to demonstrate the completed building does not exceed twelve (12) metres above natural ground level, in accordance with the approved plans.

9.0 LANDSCAPING

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

9.2 The landscape plan must include, but is not limited to, the following:

9.2.1 A plan documenting the "Extent of Works" and supporting documentation which includes:

- i) location and name of existing trees, including those to be retained (the location of the trees shall be overlayed or be easily compared with the proposed development design);
- ii) the extent of soft and hard landscape proposed;
- iii) important spot levels and/or contours. The levels of the trees to be retained shall be provided in relation to the finished levels of the proposed buildings and works;
- iv) underground and overhead services;
- v) typical details of critical design elements (eg stabilisation of batters, retaining walls, podium/balcony planters, trees in car park areas, fences);
- vi) details of landscape structures including areas of deep planting; and
- vii) specification notes on mulching and soil preparation.

9.2.2 A "Planting Plan" and supporting documentation which includes:

- (i) trees, shrubs and groundcovers to all areas to be landscaped;
- (ii) position and canopy spread of all trees and shrubs; and
- (iii) the extent and type of works (i.e. paving, fences, garden bed edging etc). All plants shall be located within an edged garden.

9.3 All landscaping work associated with this stage of the development must be completed prior to the commencement of use.

9.4 The landscaped areas must be subject to an ongoing maintenance and replanting programme.

9.5 The landscape plan must include a minimum 2.5 metre wide landscaped buffer along the McLaughlin Street and O'Shanesy Street frontages of stage one.

9.6 As per the approved plan 'Control Plan – eComm' (refer to condition 1.1), landscaping in this area must be established within both the 'modified existing garden bed(s)' and the 'new garden bed' as follows:

9.6.1 Designed in accordance with the Planning Scheme Policy SC6.12 - Landscape Design and Street Trees Planning Scheme Policy;

9.6.2 Plant species utilised must be selected from sources in the Planning Scheme Policy SC6.12 - Landscape Design and Street Trees Planning Scheme Policy and must

include at least fifty (50) per cent locally native species; and

9.6.3 Must include groundcovers at a density rate of between 0.5 metres to one (1) metre.

10.0 ELECTRICITY AND TELECOMMUNICATION

10.1 The use must not commence unless and until each tenancy has been provided with live electricity and telecommunication connections in accordance with the requirements of the relevant authority.

10.2 Provide street lighting and public space lighting in accordance with the relevant Australian Standards.

11.0 CONTRIBUTIONS/COSTS

11.1 Contributions must be paid to Council prior to the issue of a Development Permit for Building Works.

The contributions must be paid in accordance with the Council Policy rates at the date of payment. The following table sets out the contributions required to be paid:

<u>Policy</u>	<u>Contribution</u>	<u>Current Total*</u>
LPP1/96	Water Supply Headworks	\$12,823.45
LPP1/96	Sewerage Headworks	\$8,922.80
	Stormwater Drainage	\$12,507.00 ⁺

*Council reserves the right to review same in accordance with the policies and rates and charges current at the time of payment. The applicant will be required to pay for 52.66 Equivalent Persons (EP) at the rates current at the time of payment.

⁺ At the time of payment this amount will be increased by the Road and Construction Index for Queensland with the December 2008 quarter being the base.

11.2 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 at full cost to the developer.

11.3 '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 commence of the use or the release of the Building Format Plan, whichever occurs the sooner. This information must be provided in accordance with the Manual for Submission of Digital As Constructed Information.

12.0 ENVIRONMENTAL

12.1 Any application for a Development Permit for Operational Works or Development Permit for Building Works must be accompanied by an Erosion and Sediment Control Plan which addresses, but is not limited to, the following:

- i) water quality and drainage;
- ii) erosion and silt/sedimentation management;
- iii) acid sulphate soils;
- iv) fauna management;
- v) vegetation management and clearing;
- vi) top soil management;
- vii) interim drainage plan during construction;
- viii) construction programme;
- ix) geotechnical issues;

- x) weed control;
- xi) bushfire management;
- xii) emergency vehicle access;
- xiii) noise and dust suppression; and
- xiv) waste management.

12.2 Any application for a Development Permit for Operational Works or Development Permit for Building Works must be accompanied by an Erosion and Sediment Control Plan which addresses, but is not limited to, the following:

- i) objectives;
- ii) site location / topography;
- iii) vegetation;
- iv) site drainage;
- v) soils;
- vi) erosion susceptibility;
- vii) erosion risk;
- viii) concept;
- ix) design; and
- x) implementation, for the construction and post construction phases of work.

The erosion and sediment control plan must incorporate detailed plans, control measures, monitoring programmes and maintenance procedures to ensure appropriate development and management practices within and adjacent to the site.

12.3 The Environmental Management Plan and the Erosion and Sediment Control Plan approved as part of a Development Permit for Operational Works must be part of the contract documentation for the development works.

12.4 No works can commence on the site unless and until an Environmental Management Plan and an Erosion and Sediment Control Plan has been approved by Council as part of Development Permit for Operational Works.

13.0 OPERATING PROCEDURES

13.1 All construction materials, waste, waste skips, machinery and contractors' vehicles must be located and stored or parked within the site. No storage of materials, parking of construction machinery or contractors' vehicles will be permitted in McLaughlin Street, O'Shanesy Street or the Capricorn Highway.

13.2 All waste storage areas must be surrounded by a fence/screen, at least 1.8 metres in height, that obstructs from view the contents of the bin compound by any member of the public from any public place.

13.3 All waste containers must be:

- 13.3.1 stored within the bin enclosure area;
- 13.3.2 securely covered at all times; and
- 13.3.3 maintained in a clean condition and in good repair.

STAGE TWO – SUPERMARKET 2, JUNIOR DISCOUNT DEPARTMENT STORE, DISCOUNT DEPARTMENT STORE, SPECIALTY SHOPS AND KIOSKS

14.0 ADMINISTRATION

14.1 The approved development must be completed and maintained generally in accordance with the following approved drawings and documents, except where

amended by the conditions of this permit:

<u>Plan/Document Name</u>	<u>Plan Number</u>	<u>Dated</u>
Site Plan – Stage 2	7282A DA10 Rev. G	July 2011
Site Plan – Stage 2 Basement Carparking	7282A DA12 Rev. E	July 2011
Elevations	7282A DA20 Rev. A	7 July 2011

- 14.2 Where there is any conflict between conditions of this decision notice and details shown on the approved plans, the conditions of approval must prevail.
- 14.3 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.
- 14.4 The Developer is responsible for ensuring compliance with this Approval and the Conditions of the Approval by an employee, agent, contractor or invitee of the Developer.
- 14.5 All conditions, works, and requirements of this approval for this Stage must be satisfied, undertaken and completed to the satisfaction of Council prior to the commencement of use.
- 14.6 The following further development permits are required prior to the commencement of any works on the site:
- 14.6.1 Operational Works:
- i) Road Works;
 - ii) Access and Parking;
 - iii) Sewerage Works;
 - iv) Water Works;
 - v) Stormwater Works;
 - vi) Roof and Allotment Drainage;
 - vii) Site Works; and
 - viii) Landscaping.
- 14.6.2 Plumbing and Drainage Works; and
- 14.6.3 Building Works.
- 14.7 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.
- 14.8 This approval for stage two is valid for a period of 14 years from the day the approval takes effect. If the use has not commenced in accordance with the approved conditions by 17 August 2024, the approval will lapse.
- 14.9 Any outstanding rates, charges or expenses levied by the Council over the subject land must be paid prior to the issue of a Development Permit for Building Works.
- 14.10 The maintenance of all works constructed under this approval, or any subsequent Development Permit for Operational Works, must remain the sole responsibility of the developer until such time as all works are accepted ‘off maintenance’ by Council.
- 14.11 ‘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

approved prior to the issue of a Development Permit for Building Works.

15.0 ROAD WORKS

- 15.1 A Development Permit for Operational Works (road works) must be obtained prior to the commencement of any works on the site.
- 15.2 All road works and associated stormwater drainage system works must be designed generally in accordance with the Capricorn Municipal Development Guidelines (including standard drawings) and the endorsed plans (refer to Condition 14.1).
- 15.3 The engineering design of all new roads and associated stormwater drainage systems, both internal and external to the site, submitted as part of any application for a Development Permit for Operational Works (Road Works) must be prepared and certified by a registered professional engineer.
- 15.4 All road widenings, intersection alignments, associated kerb and channel and drainage works along O'Shanesy Street for stage two, must be designed and constructed along the frontage as indicated on the endorsed plans (refer to Condition 14.1). O'Shanesy Street must be reconstructed to separate the school set down and parking area from traffic accessing and passing the shopping centre site.
- 15.5 Design and construct all necessary connections with the existing road network including intersections generally in accordance with the Capricorn Municipal Development Guidelines (including standard drawings) and the endorsed plans (refer to Condition 14.1).
- 15.6 A dual use pathway, 2.0 metres wide, must be constructed along the full frontage of the site for O'Shanesy Street, relevant to stage two in accordance with the Capricorn Municipal Development Guidelines (including standard drawings) and the endorsed plans (refer to condition 14.1). Details of the footpath must be provided with any application for a Development Permit for Operational Works (road works).
- 15.7 Road signage and pavement markings must be installed in accordance with the Manual of Uniform Traffic Control Devices.
- 15.8 All new roads and intersections, and any modifications to existing roads or intersections, must be provided with road and public space lighting in accordance with the Australian Standard AS1158 suite of standards.
- 15.9 All areas of any existing or proposed road reserve disturbed as a consequence of road works, or any other works, must be suitably shaped, topsoiled, turfed or hydromulched, or similarly treated, and maintained to the satisfaction of Council.
- 15.10 The owner must ensure that any damage to infrastructure including public pathways, kerb and channel and the like caused as a result of the development is repaired or reinstated to the standard required for similar new works.

16.0 ACCESS AND PARKING

- 16.1 A Development Permit for Operational Works (access and parking) must be obtained prior to the commencement of any works on the site.
- 16.2 All parking and access areas must be paved or sealed to the satisfaction of Council. Design and construction must be in accordance with the Capricorn Municipal Development Guidelines (including standard drawings), Australian Standard AS2890, Australian Standard AS1428 and the provisions of a Development Permit for Operational Works (access and parking). The layout must be generally in accordance with the endorsed plans (refer to condition 14.1).
- 16.3 585 parking spaces and three (3) motorcycle spaces must be provided on site generally in accordance with the endorsed plans (refer to condition 14.1), for this stage of the development.
- 16.4 The total parking provision for the whole development must be 870 parking spaces and nine (9) motorcycle spaces. The total parking provision must be constructed prior to the

commencement of stage two of the development.

- 16.5 All stormwater runoff from parking and access areas must be collected and drained to a lawful point of discharge.

17.0 SEWERAGE WORKS

- 17.1 A Development Permit for Operational Works (sewerage works) must be obtained prior to the commencement of any works on the site.
- 17.2 The development must be connected to Council's reticulated sewerage network in accordance with the provisions of the *Water Act* and *Plumbing and Drainage Act*.
- 17.3 Any construction works proposed in the vicinity of Council's existing sewerage infrastructure must not adversely affect the integrity of the infrastructure.
- 17.4 A Trade Waste Permit must be obtained prior to the issue of a Development Permit for Building Works.
- 17.5 Should any proposed sewer connection points be located within trafficable areas, the jump-up must be raised to the finish surface level and provided with a brass cover.
- 17.6 All sanitary drainage works must be in accordance with regulated work under the *Plumbing and Drainage Act*.

18.0 WATER WORKS

- 18.1 A Development Permit for Operational Works (water works) must be obtained prior to the commencement of any works on the site.
- 18.2 The development must be connected to Council's reticulated water supply network in accordance with the provisions of the *Water Act* and *Plumbing and Drainage Act*. The connection must be located at a point nominated by Council.
- 18.3 The development must be provided with a master water meter at the property boundary and sub meters for each sole occupancy premises.
- 18.4 Water storage tanks and pumps must be located on site to provide adequate fire-fighting flows for the development.
- 18.5 Any construction works proposed in the vicinity of Council's existing water infrastructure must not adversely affect the integrity of the infrastructure.
- 18.6 All plumbing works must be in accordance with regulated work under the *Plumbing and Drainage Act*.

19.0 STORMWATER WORKS

- 19.1 A Development Permit for Operational Works (stormwater works) must be obtained prior to the commencement of any works on the site.
- 19.2 All stormwater drainage works must be designed and constructed in accordance with the Queensland Urban Drainage Manual and the Capricorn Municipal Design Guidelines, and sound Engineering practice.
- 19.3 All stormwater runoff from the subject site, and roofwater and water from paved surfaces, must be collected within the site and directed to a lawful point of discharge, in accordance with Council requirements, the Queensland Urban Drainage Manual and the Capricorn Municipal Design Guidelines. Design and construction must be in accordance with a Development Permit for Operational Works (stormwater works).
- 19.4 The application for a Development Permit for Operational Works (stormwater) must be accompanied by:
- 19.4.1 detailed assessment of total flows leaving the site and pipe sizing in accordance with the Capricorn Municipal Design Guidelines;
 - 19.4.2 details of any retention or detention proposed on site, including Q100 surface levels for any detained flows including overflow relief capacity and sizing;

- 19.4.3 details of the capacity of the down-stream underground stormwater system and how it is able to handle the additional proposed development runoff.
- 19.5 Any filling or changes to the site proposed as part of any Development Permit for Operational Works must not adversely impact on any adjoining or downstream land, drainage systems, or any Council infrastructure.
- 19.6 Drainage easements must cater for the 100 year Average Recurrence Interval rainfall event. Provide drainage easements, free of cost and compensation in Council's favour, over any drainage works on the land should such be required.
- 20.0 SITE WORKS
- 20.1 A Development Permit for Operational Works (Site Works) must be obtained prior to the commencement of any works on the site.
- 20.2 Any application for a Development Permit for Operational Works (Site Works) must be accompanied by an earthworks plan which clearly identifies the following:
- 20.2.1 the location of cut and/or fill;
- 20.2.2 the type of fill to be used and the manner in which it is to be compacted;
- 20.2.3 the quantum of fill to be deposited or removed and finished cut and/or fill levels;
- 20.2.4 details of any proposed access routes to the site which are intended to be used to transport fill to or from the site; and
- 20.2.5 the maintenance of access roads to and from the site so that they are free of all cut and/or fill material and cleaned as necessary.
- 20.3 Any vegetation cleared from the site must not be burnt either on-site or off-site, and within sixty (60) days of clearing the cleared vegetation must be either:
- 20.3.1 mulched on-site and utilised on the subject land for landscaping purposes, in accordance with the landscaping plan approved by Council; or
- 20.3.2 removed for disposal at a location approved by Council.
- 20.4 Filling work must not be undertaken on land with slopes greater than twenty-five (25) percent.
- 20.5 All structural filling must be in accordance with Australian Standard AS3798. Engineering drawings/specification must clearly indicate the location and depth of proposed filling. A testing strategy must be submitted as part of any application for a Development Permit for Operational Works (Site Works). Testing requirements must be generally in accordance with Section 8 of Australian Standard 3798.
- 20.6 All engineering drawings for Operational Works must be signed and certified by a registered professional engineer as being in accordance with all relevant Australian Standards, statutory requirements and sound engineering principles. A registered professional engineer must supervise the works on behalf of the Applicant. A certificate of construction compliance must be submitted by a registered professional engineer verifying that all works have been carried out in accordance with Council approved drawings, approval conditions and specification.
- 20.7 A registered professional engineer must issue to Council signed "as-constructed" plans and a certificate verifying that the information contained within the drawings is true and accurate. These plans must be neatly presented in printed hard copy form and free from errors, omissions, mark ups, and/or hand written alterations/notes. Levels in the as-constructed plans must be based upon a minimum fourth-order Permanent Survey Mark.
- 20.8 Any application for a Development Permit for Operational Works (Site Works) must be accompanied by:
- 20.8.1 reasonable investigations to determine the presence and extent of any existing

filled ground on the subject land (site investigations must assess the degree of compaction and composition of any existing filled ground and an assessment of the adequacy of existing filled ground including the extent of any remedial works required); and

20.8.2 reasonable investigations and reasonable testing to ensure the subject land is free of contamination in accordance with the requirements of the *Contaminated Land Act 1991*.

21.0 BUILDING

- 21.1 All external elements, such as air conditioners, must be adequately screened from public view, to Council's satisfaction. Noise from any external elements, such as air conditioners, must not exceed 5dB(A) above the background ambient noise level, measured at the boundaries of the subject site.
- 21.2 All lift motor rooms, plant and service facilities must be totally enclosed or screened using materials consistent with those elsewhere in the building. Noise from any lift motor room must not exceed 5dB(A) above the background ambient noise level, measured at the boundaries of the subject site.
- 21.3 Any lighting devices associated with the development, such as sensory lighting, must be positioned on the 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*'.
- 21.4 Any reflective material must have a level of light reflectivity of no more than twenty (20) percent and a level of heat transmission of not less than twenty (20) percent.
- 21.5 All shop front glazing must be clear and untinted and must not be obscured by blinds, curtains or the like.
- 21.6 Prior to occupation of the building, submit to Council a certificate from a licenced surveyor to demonstrate the completed building does not exceed twelve (12) metres above natural ground level, in accordance with the approved plans.

22.0 LANDSCAPING

- 22.1 A Development Permit for Operational Works (landscaping) must be obtained prior to the commencement of any works on the site.
- 22.2 The landscape plan must include, but is not limited to, the following:
- 22.2.1 A plan documenting the "Extent of Works" and supporting documentation which includes:
- i) location and name of existing trees, including those to be retained (the location of the trees shall be overlaid or be easily compared with the proposed development design);
 - ii) the extent of soft and hard landscape proposed;
 - iii) important spot levels and/or contours. The levels of the trees to be retained shall be provided in relation to the finished levels of the proposed buildings and works;
 - iv) underground and overhead services;
 - v) typical details of critical design elements (eg stabilisation of batters, retaining walls, podium/balcony planters, trees in car park areas, fences);
 - vi) details of landscape structures including areas of deep planting; and
 - vii) specification notes on mulching and soil preparation.
- 22.2.2 A "Planting Plan" and supporting documentation which includes:
- i) trees, shrubs and groundcovers to all areas to be landscaped;

- ii) position and canopy spread of all trees and shrubs;
 - iii) the extent and type of works (i.e. paving, fences, garden bed edging etc). All plants shall be located within an edged garden; and
 - iv) a plant schedule with the botanic and common names, total plant numbers and pot sizes at the time of planting.
- 22.3 All landscaping work associated with this stage of the development must be completed prior to the commencement of use.
- 22.4 The landscaped areas must be subject to an ongoing maintenance and replanting programme.
- 22.5 The landscape plan must include a minimum 2.5 metre wide landscaped buffer along the McLaughlin Street and O'Shanesy Street frontages of stage two.
- 23.0 ELECTRICITY AND TELECOMMUNICATION
- 23.1 Provide underground electricity and telecommunication connections to the proposed development to the requirements of the relevant authority.
- 23.2 The use must not commence unless and until each tenancy has been provided with live electricity and telecommunication connections in accordance with the requirements of the relevant authority.
- 23.3 Provide street lighting and public space lighting in accordance with the relevant Australian Standards.
- 24.0 CONTRIBUTIONS/COSTS
- 24.1 Deleted.
- 24.2 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 at full cost to the developer.
- 24.3 '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 commence of the use or the release of the Building Format Plan, whichever occurs the sooner. This information must be provided in accordance with the Manual for Submission of Digital As Constructed Information.
- 25.0 ENVIRONMENTAL
- 25.1 Any application for a Development Permit for Operational Works or Development Permit for Building Works must be accompanied by an Erosion and Sediment Control Plan which addresses, but is not limited to, the following:
 - i) water quality and drainage;
 - ii) erosion and silt/sedimentation management;
 - iii) acid sulphate soils;
 - iv) fauna management;
 - v) vegetation management and clearing;
 - vi) top soil management;
 - vii) interim drainage plan during construction;
 - viii) construction programme;
 - ix) geotechnical issues;
 - x) weed control;
 - xi) bushfire management;

- xii) emergency vehicle access;
- xiii) noise and dust suppression; and
- xiv) waste management.

25.2 Any application for a Development Permit for Operational Works or Development Permit for Building Works must be accompanied by an Erosion and Sediment Control Plan which addresses, but is not limited to, the following:

- i) objectives;
- ii) site location / topography;
- iii) vegetation;
- iv) site drainage;
- v) soils;
- vi) erosion susceptibility;
- vii) erosion risk;
- viii) concept;
- ix) design; and
- x) implementation, for the construction and post construction phases of work.

The erosion and sediment control plan must incorporate detailed plans, control measures, monitoring programmes and maintenance procedures to ensure appropriate development and management practices within and adjacent to the site.

25.3 The Environmental Management Plan and the Erosion and Sediment Control Plan approved as part of a Development Permit for Operational Works must be part of the contract documentation for the development works.

25.4 No works can commence on the site unless and until an Environmental Management Plan and an Erosion and Sediment Control Plan has been approved by Council as part of Development Permit for Operational Works.

26.0 OPERATING PROCEDURES

26.1 All construction materials, waste, waste skips, machinery and contractors' vehicles must be located and stored or parked within the site. No storage of materials, parking of construction machinery or contractors' vehicles will be permitted in McLaughlin Street, O'Shanesy Street or the Capricorn Highway.

26.2 All waste storage areas must be surrounded by a fence/screen, at least 1.8 metres in height, that obstructs from view the contents of the bin compound by any member of the public from any public place.

26.3 All waste containers must be:

- 26.3.1 stored within the bin enclosure area;
- 26.3.2 securely covered at all times; and
- 26.3.3 maintained in a clean condition and in good repair.

ADVISORY NOTES

NOTE 1. 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 Natural Resources,

Mines and Water's website www.nrm.qld.gov.au/cultural_heritage/index.html.

NOTE 2. Asbestos Removal

Any demolition and/or removal works involving asbestos materials must be undertaken in accordance with the requirements of the Workplace Health and Safety legislation.

NOTE 3. Dust Control

It is the developer's responsibility to ensure compliance with Part 2A - Environmental Nuisance of the Environmental Protection Regulation 1998 which prohibits unlawful environmental nuisance caused by dust, ash, fumes, light, odour or smoke beyond the boundaries of the property during all stages of the development including earthworks and construction.

NOTE 4. Sedimentation Control

It is the developer's responsibility to ensure compliance with Section 32 of the Environmental Protection (Water) Policy 1997 to prevent soil erosion and contamination of the stormwater drainage system and waterways.

NOTE 5. Noise During Construction And Noise In General

It is the developer's responsibility to ensure compliance with Section 6S General Emission Criteria and Section 6T Noise Emission Criteria of the Environmental Protection Regulation 1998.

NOTE 6. General Safety Of Public During Construction

It is the principal contractor's responsibility to ensure compliance with Section 31 of the Workplace Health and Safety Act 1995. Section 31(1)(c) states that the principal contractor is obliged on a construction workplace to ensure that work activities at the workplace are safe and without risk of injury or illness to members of the public at or near the workplace.

It is the responsibility of the person in control of the workplace to ensure compliance with Section 30 of the Workplace Health and Safety Act 1995. Section 30(1)(c) states that the person in control of the workplace is obliged to ensure there is appropriate, safe access to and from the workplace for persons other than the person's workers.

NOTE 7. Gracemere Water Supply and Sewerage Planning

Reports Reference should be made to the current Gracemere Water Supply and Sewerage Planning Reports, including any addendum reports, when determining the servicing requirements of this development. All works identified within these reports required for the servicing of this development shall be designed and constructed at the developer's expense.

NOTE 8. Signage

Advertising on the site shall be in accordance with the requirements set out in Fitzroy Shire Council (Control of Signs) Local Law No. 9.

NOTE 9. Amended Infrastructure Charges Notice

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

RECOMMENDATION C

THAT in relation to the application for a Minor Change to Development Permit D-R/242-2009 for a Material Change of Use for a Retail/Commercial Complex (two-stage shopping centre), made by Woolworths Food Group C/-Planning Initiatives Pty Ltd, located at 1-19 and Lot 1 McLaughlin Street, Gracemere, described as Lot 1 and Lot 2 on SP247119, Council resolves to issue an Amended Infrastructure Charges Notice for the amount of \$1,955,136.00.

COMMENTARY**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.

SUMMARY OF REPRESENTATIONS

The applicant's change representations have been assessed and Council make the following comments:

Condition 1.1

The approved development must be completed and maintained generally in accordance with the following approved drawings and documents, except where amended by the conditions of this permit:

<u>Plan/Document Name</u>	<u>Plan Number</u>	<u>Dated</u>
Masterplan – Stage 1 Supermarket DA	7282 DA101 Rev. P10	August 2008
Elevations	7282A DA20 Rev. A	7 July 2011

Applicant's request:

To amend the approved plans to include additional plans to reflect the proposed 'direct to boot' service for Woolworths customers via a new drive-through facility. The additional plans include an aerial overall layout plan for the proposal, an elevations plans including the proposed cantilever structure to be located over the facility as well as various plans associated with the access and parking layout including swept path analysis.

Council response:

Council have no issues to amend this condition to include the additional plans to reflect the new drive-through facility.

Recommendation:

The condition is to be amended as follows:

The approved development must be completed and maintained generally in accordance with the following approved drawings and documents, except where amended by the conditions of this permit:

<u>Plan/Document Name</u>	<u>Plan Number</u>	<u>Dated</u>
Masterplan – Stage 1 Supermarket DA	7282 DA101 Rev. P10	August 2008
Elevations	7282A DA20 Rev. A	7 July 2011

<i>Control Plan - EComm</i>	WA200	20 August 2021
<i>Pick Up Department – Sheet 2</i>	WA384	23 June 2021
<i>Drive Thru/Direct to Boot</i>	20GCT0278-01	17 August 2021
<i>Swept Path Analysis Drive Thru/Pick-Up Bay</i>	20GCT0278-02	17 August 2021
<i>Swept Path Analysis Commercial Vehicle Bay</i>	20GCT0278-03	17 August 2021

Conditions 3.3 and 16.4

286 parking spaces and six (6) motorcycle spaces must be provided on site generally in accordance with the endorsed plans (refer to condition 1.1), for this stage of the development.

Applicant's request:

To facilitate the proposed new drive-through facility, this requires the removal of one (1) car parking space, which is located where the internal entrance to this drive-through facility will be accessed.

Council response:

Despite the removal of one (1) car parking space, the inclusion of the drive-through facility which will include six (6) pick-up bays for Woolworths customers is anticipated to result in a net improved capacity for the overall site with the demand for the new 'direct to boot' facility anticipated to outweigh the loss of one (1) parking space.

Recommendation:

This condition is to be amended as follows:

- 3.3 *A minimum of 285 parking spaces and six (6) motorcycle spaces must be provided on site generally in accordance with the endorsed plans (refer to condition 1.1), for this stage of the development.*
- 16.4 *The total parking provision for the whole development must be 870 parking spaces and nine (9) motorcycle spaces. The total parking provision must be constructed prior to the commencement of stage two of the development.*

Condition 3.6**Council's request:**

Council requested that this condition be added to the suite of 'Access Works' conditions associated with Stage One of the development. This condition will ensure that the proposed handrails which are to be located between the site's internal footpaths and the proposed drive-through facility are designed appropriately to accommodate the passage of pedestrians and associated shopping trolleys.

Applicant's response:

The applicant agreed to Council's request in their confirmation email response received by Council on 14 September 2021.

Recommendation:

This condition is to be added as follows:

- 3.6 *Handrails must be provided in accordance with the approved plan 'Drive Through/Direct to Boot' (refer to condition 1.1) and adequate clearances between the*

handrails and parking aisle must be provided to accommodate pedestrian, and associated shopping trolley passage.

Condition 3.7**Council's request:**

Council requested that this condition be added to ensure that appropriate directional, informative, regulatory and warning signage is installed in conjunction with the drive-through facility to ensure the drive-through facility integrates with the site's internal access arrangements and maintains the safety of vehicle and pedestrian movements.

Applicant's response:

The applicant agreed to Council's request in their confirmation email response received by Council on 14 September 2021.

Recommendation:

This condition is to be added as follows:

- 3.7 *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".*

Condition 9.6**Council's request:**

Council requested that this condition be added to ensure that the new and modified, existing gardens beds proposed in association with the drive-through facility will be designed and constructed in accordance with the current Planning Scheme requirements included in *Rockhampton Region Planning Scheme 2015 (version 2.2)*.

Applicant's response:

The applicant agreed to Council's request in their confirmation email response received by Council on 14 September 2021.

Recommendation:

This condition is to be added as follows:

- 9.6 *As per the approved plan 'Control Plan – eComm' (refer to condition 1.1), landscaping in this area must be established within both the 'modified existing garden bed(s)' and the 'new garden bed' and as follows:*
- 9.6.1 *Designed in accordance with the Planning Scheme Policy SC6.12 - Landscape Design and Street Trees Planning Scheme Policy;*
 - 9.6.2. *Plant species utilised must be selected from sources in the Planning Scheme Policy SC6.12 - Landscape Design and Street Trees Planning Scheme Policy and must include at least fifty (50) per cent locally native species; and*
 - 9.6.2 *Must include groundcovers at a density rate of between 0.5 metres to one (1) metre.*

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 1A Use (QPP)	Column 2 Charge Area	Column 3 Adopted Infrastructure Charge		Column 4 Adopted Infrastructure Charge for stormwater network		Calculated Charge
			(\$)	Unit	(\$)	Unit	
Commercial (Retail)	Shopping Centre	Area 1	153	per m ² of GFA			\$1,810,296.00
	(0 – 30,000sq m GFA)				8.50	per m ² of impervio us area	\$144,840.00
Total							\$1,955,136.00
Less Credit							Nil
TOTAL CHARGE							\$1,955,136.00

This is based on the following calculations:

Stage One

- (a) A charge of \$3,910.00 for Impervious Area being 460 square metres (roof area, hardstand areas, access, and parking areas);

Stage Two

- (b) A charge of \$1,810,296.00 for Gross Floor Area being 11,832 square metres (shopping centre including discount department store, junior discount department store, supermarket extension, specialty shops, kiosks, food court and internal circulation areas); and
- (c) A charge of \$140,930.00 for Impervious Area being 16,580 square metres (roof area, hardstand areas, access, and parking areas).

Therefore, a total charge of \$1,955,136.00 is payable and will be reflected in an Amended Infrastructure Charges Notice for the development.

RELEVANT MATTERS

As a relevant matter, the subject minor change application has been considered against the provisions of the current *Rockhampton Region Planning Scheme 2015* (version 2.2) given the time that has passed since the original development approval was granted. The application complies with the assessment benchmarks of this Planning Scheme and, where necessary, specific conditions have been included to achieve compliance with these requirements, such as:

- Condition 3.7 to ensure the proposed pick-up facility is designed and constructed in accordance with the current Australian Standards in accordance with the Access, Parking and Transport Code; and
- Condition 9.6 to ensure that the new and modified garden beds are designed and constructed in accordance with the Landscape Code.

BACKGROUND

Council at its meeting on 10 August 2010 approved Development Application D-R/242-2009 for a Material Change of Use for a Retail/Commercial Complex (two-stage shopping centre) located at 1-19 and Lot 1 McLaughlin Street, Gracemere. The applicant is proposing to make changes to the existing development's internal access and parking layout to accommodate a new 'direct to boot' drive-through pick-up facility to service Woolworths customers. The new facility will provide six (6) tandem pick-up bays under a proposed cantilevered canopy structure and an adjacent passing lane to allow customers to exit efficiently from the bays following pick-up. To facilitate the new facility, other changes to the existing shopping centre development include:

- The relocation of an existing loading bay;
- The installation of handrails along areas shared between the pick-up facility and the shopping centre's internal footpaths;
- Modifications to existing landscaped garden beds; and
- The removal of one (1) car parking space to facilitate access to the pick-up facility.

SITE AND LOCALITY

The subject site is designated in the District Centre Zone under the current *Rockhampton Region Planning Scheme 2015 (version 2.2)*. The existing site is accommodated by the current shopping centre, which represents stage one of the overall development. The subject site is bounded by roads along three (3) property boundaries including O'Shanesy Street, McLaughlin Street and Capricorn Highway. Adjacent land west of the site is also designated in the District Centre Zone, however is currently used for a variety of purposes such as single dwellings and small-scale commercial uses.

CONCLUSION

THAT the proposed Minor Change to Development Permit D-R/242-2009 for a Material Change of Use for a Retail/Commercial Complex (two-stage shopping centre) complies with the provisions included in the applicable Planning Scheme codes. The proposal is therefore, recommended for approval in accordance with the approved plans and subject to the conditions outlined in the recommendation.

**MINOR CHANGE TO DEVELOPMENT
PERMIT D-R/242-2009 FOR A
MATERIAL CHANGE OF USE FOR A
RETAIL/COMMERCIAL COMPLEX
(TWO-STAGE SHOPPING CENTRE)**

Locality Plan

Meeting Date: 28 September 2021

Attachment No: 1

D-R/242-2009 - Locality Map



A4 Page scale at 1: 4,255.85
Printed from GeoCortex on 16/09/2021



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**MINOR CHANGE TO DEVELOPMENT
PERMIT D-R/242-2009 FOR A
MATERIAL CHANGE OF USE FOR A
RETAIL/COMMERCIAL COMPLEX
(TWO-STAGE SHOPPING CENTRE)**

Site Plan

Meeting Date: 28 September 2021

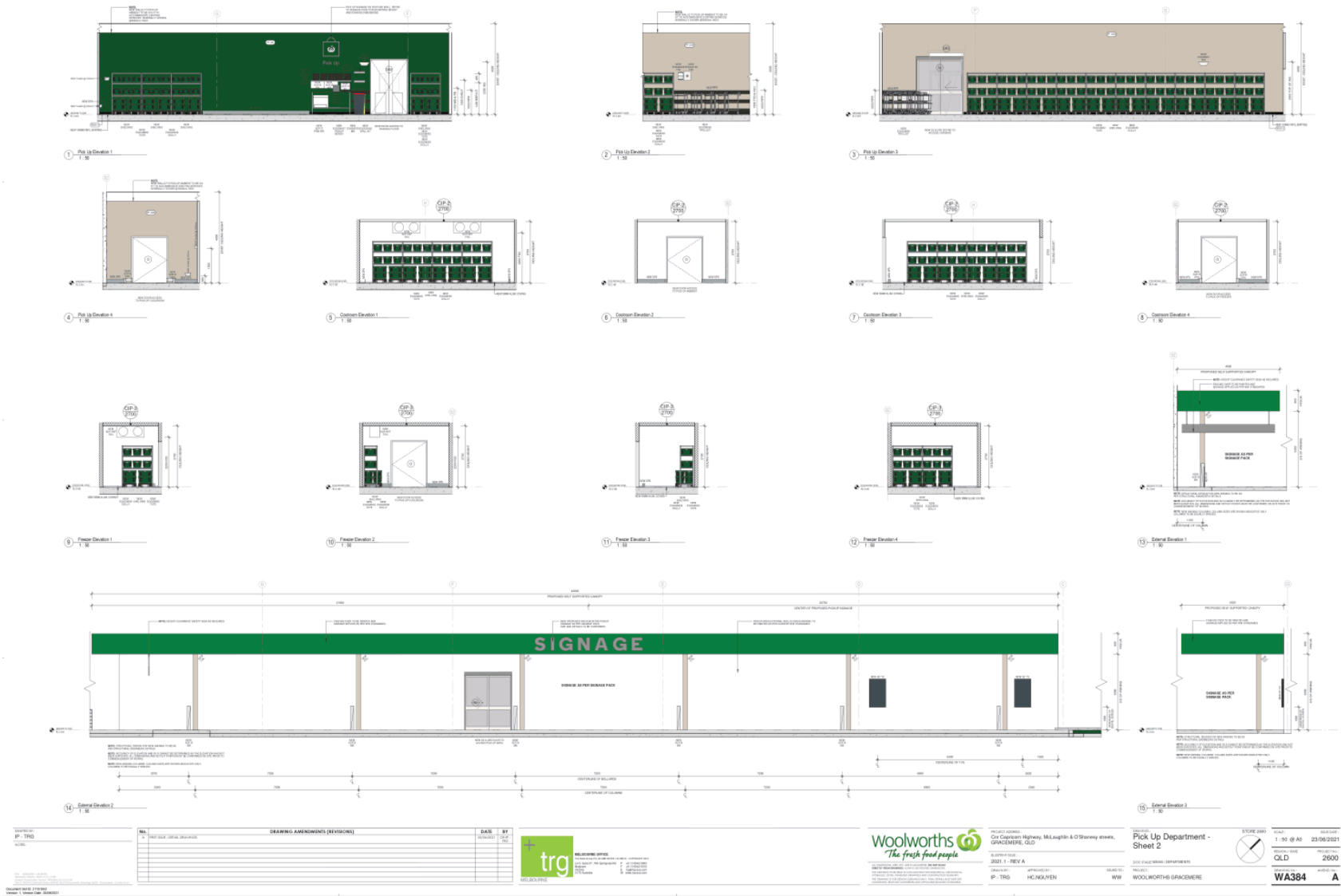
Attachment No: 2

**MINOR CHANGE TO DEVELOPMENT
PERMIT D-R/242-2009 FOR A
MATERIAL CHANGE OF USE FOR A
RETAIL/COMMERCIAL COMPLEX
(TWO-STAGE SHOPPING CENTRE)**

Elevation Plan

Meeting Date: 28 September 2021

Attachment No: 3



WASTE AND RECYCLING**Councillor Portfolio – Councillor Latcham**

No items for consideration

WATER AND ENVIRONMENTAL SUSTAINABILITY**Councillor Portfolio – Councillor Kirkland**

No items for consideration

BUDGET, GOVERNANCE AND OTHER MATTERS**9.3 INFORMATION SYSTEMS SPECIALISED AND SOLE SUPPLIER
ARRANGEMENTS****File No: 3609****Attachments: Nil****Authorising Officer: Ross Cheesman - Deputy Chief Executive Officer****Author: Drew Stevenson - Manager Corporate and Technology
Services****SUMMARY**

The purpose of this report is to seek a Council's approval for the nominated information systems vendors / suppliers to be deemed as specialised or sole suppliers in accordance with Section 235 (a) and (b) of the Local Government Regulation 2012.

OFFICER'S RECOMMENDATION

THAT pursuant to s235(a) and (b) of the Local Government Regulation 2012, Council approves the nominated information systems vendors / suppliers as specialised or sole suppliers of information technology and information management software, maintenance and support services.

BACKGROUND

Over the years, Council has procured specialised software and hardware, which can only be maintained and supported by the vendors who have supplied the product. Approving these additional software / information management vendors as specialist or sole suppliers will permit the vendors to be re-engaged to continue to provide the required services on expiry of their existing contract terms.

Goods or Service	Supplier	Justification	Reg Section
WasteTrack – Waste Collection Routing Solution	3 Logix	Selected as Waste Collection Routing solution for RRC through assessment of options and quotes in 2018/19. 3 Logix is the only provider of the WasteTrack platform.	235(a)

Goods or Service	Supplier	Justification	Reg Section
Volunteer Management Solution – Better Impact	Better Impact	This system was selected as a suitable solution to recruit, onboard and otherwise manage volunteers. Vendor analysis and recommendation was endorsed by ISSG in 2019. Better Impact is the only supplier for this solution.	235(a)
Ferve Ticketing	Ferve Ticketing	This system was selected as a suitable solution to meet Council's event ticketing needs via a project panel in 2020 convened to develop requirements, examine options and obtain quotes. Ferve is the only supplier for this solution.	235(a)
Collection Management System - Veevart	Veevart	Selected through quotation evaluation process in 2019 as a solution for managing the art collection, management of memberships, point of sale and ticketing for the Art Gallery/Rockhampton Museum of Art. The supplier is the product developer and the only supplier of this solution.	235(a)
Tuflow	BMT Commercial Australia	Hydraulic Modelling Software for Flood, Urban Drainage, Estuarine and Coastal Assessment. Software has been created and developed by the Vendor and has been in use by Council for a number of years. Given the intellectual property developed within Tuflow, sourcing and training in any new software (if available) would be impractical.	235(b)
SIDRA Intersection	Akcelik & Associates\Sidra Solutions	Micro-analytical software used as an aid for the design and evaluation of single intersections and networks of intersections. Software has been created and developed by the Vendor and has been in use by council for a number of years. Given the intellectual property developed within the SIDRA product, sourcing and training in any new software (if available) would be impractical.	235(b)
Land F/X Design Software	Ecograft Inc	Design team selected this software as being the only one to integrate well with existing design tools (Civil 3D, ARD, etc). Annual maintenance is only available from the original supplier.	235(a)
Online Email Marketing Software – Vision6	Vision6	Online Email Marketing Software used across Council for internal and external email campaigns. Sourcing and training in any new solution would be impractical.	235(b)

Goods or Service	Supplier	Justification	Reg Section
Hybrid event platform - EVENTIUM	Entegy	<p>Event specific app to keep users engaged and provide relevant information and instant alerts during an event. Rolled out for major events Rockynats, Rockhampton River Festival, CapriCon, and Rockhampton Agricultural Show. A digital program also reduces our environmental impact and as uptake increases for each event, less printed programs are ordered.</p> <p>Sourcing and training in any new solution would be impractical.</p>	235(b)

PREVIOUS DECISIONS

Nil applicable for the listed suppliers and services.

BUDGET IMPLICATIONS

Expenses will be against the annual adopted operating and capital budgets as applicable.

LEGISLATIVE CONTEXT

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

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

–

- a) *the local government resolves it is satisfied that there is only 1 supplier who is reasonably available; or*
- b) *the local government resolves that, because of the specialised or confidential nature of the services that are sought, it would be impractical or disadvantageous for the local government to invite quotes or tenders; or*
- c) *.....”*

LEGAL IMPLICATIONS

Nil applicable

STAFFING IMPLICATIONS

Nil applicable

RISK ASSESSMENT

Refer Council's Operational Risk Register:

#214 – Establishing vendor support arrangements to ensure appropriate management and support of ICT systems.

CORPORATE/OPERATIONAL PLAN

4.3.1 - Implement the Information and Communication Technology Strategic Plan 2021-2025.

Deliver the Information and Communication Technology Strategic Plan actions for 2021-22.

CONCLUSION

It is recommended that Council approves the listed software / information management vendors / suppliers as specialised or sole suppliers in accordance with Sections 235 (a) or (b) of the Local Government Regulation 2012.

9.4 ANNUAL REVIEW OF DELEGATION OF POWERS TO CHIEF EXECUTIVE OFFICER**File No:** 12660**Attachments:**

1. [Legislative Delegations](#)
2. [Limitations to the Exercise of Powers](#)
3. [Chief Executive Officer's Financial Delegations](#)

Authorising Officer: Tracy Sweeney - Executive Manager Workforce and Governance**Author:** Allysa Brennan - Coordinator Legal and Governance

SUMMARY

In accordance with s257(5) of the Local Government Act 2009 the legislative delegations to the Chief Executive Officer are presented for Council's annual review.

OFFICER'S RECOMMENDATION

THAT in accordance with s257(5) of the *Local Government Act 2009*, this report containing the annual review of the legislative and financial delegations to the Chief Executive Officer be received.

COMMENTARY

The *Local Government Act 2009* requires Council to annually review the legislative powers delegated to the CEO.

A summary of the current legislative sections delegated to the CEO is set out in Attachment 1 of this report. Limitations to the exercise of power are referenced in Attachment 1 with full details of the limitations set out in Attachment 2. Full descriptions of the specific powers conferred by these sections and the limitations to the exercise of power have been previously presented to Council for delegation to the CEO.

The CEO's financial delegations are set out in Attachment 3 and are also presented for review.

PREVIOUS DECISIONS

Specified sections of the legislative acts, regulations as well as the financial and contractual delegations contained within the attachments have previously been presented to Council and adopted at various Council meetings.

The last statutory annual review report was presented to the Council meeting 22 September 2020.

BUDGET IMPLICATIONS

Not applicable.

LEGISLATIVE CONTEXT

Section 257 *Local Government Act 2009* allows Council to delegate its powers to one or more individuals or standing committees, including to the CEO. Pursuant to section 257(5) *Local Government Act 2009* a legislative delegation to the CEO must be reviewed annually by Council. This annual review ensures that the delegation remains consistent with the local government's policy direction and intent.

To further streamline the decision making process, section 259 of the *Local Government Act 2009* allows the CEO to sub-delegate the powers (including those delegated to him by Council) to another Council employee where appropriate.

The statutory requirement for an annual review is only relevant to the CEO, not other delegates.

Under section 260 of the *Local Government Act 2009*, the CEO must establish a register of delegations. The CEO must record all delegations by the local government, Mayor or CEO in the register.

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.
- Council, as delegator, has responsibility to ensure that the relevant power is properly exercised.
- 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

For the reasons stated within the report, it is recommended that Council's annual review of the legislative and financial delegations to the CEO be endorsed.

ANNUAL REVIEW OF DELEGATION OF POWERS TO CHIEF EXECUTIVE OFFICER

Legislative Delegations

Meeting Date: 28 September 2021

Attachment No: 1

ATTACHMENT 1 - LEGISLATIVE DELEGATIONS

<i>Legislation Title</i>	<i>Sections Delegated to CEO</i>	<i>Limitations to the Exercise of Power</i>
<i>Aboriginal Cultural Heritage Act 2003</i>	56(1), 61(2), 62, 63, 64, 65, 68(1), 68(4), 76, 91, 96, 99, 100, 101, 103, 106(2) 111, 113(2)	As per Attachment 2
<i>Acquisition of Land Act 1967</i>	4B(2), 7, 8, 9, 12(4B), 12(5A), 12(7), 12A, 13(1) and (1A), (b), 13(2) and (2A), 13(3), 15B, 15C, 15D, 16(1), 16(1B), 16(1C), 17(1), 17(1A), 17(2)(c), 17(5), 19, 19(4) and (6), 21(1), 21(1A), 21(2), 23(2), 23(5), 23(6), 23(7), 24(1), 24(4), 25(1), 29 and 30, 32, 35, 36(1), 36(3), 37(1), 37(2), 37(5), 38(1), 41(1)	As per Attachment 2, excluding No. 1
<i>Animal Care and Protection Act 2001</i>	36(1), 156(2), 157(2), 189(2), 214A(2)	As per Attachment 2, excluding No. 1
<i>Animal Management (Cats and Dogs) Act 2008</i>	39, 42(4), 49(2), 51(a), 64(1)(b), 74(1), 75(1), 75(3), 75(5), 77(1), 79, 84(1), 84(4)(b), 84(5)(a), 84(5)(b), 87(1), 89, 89(4), 90(1), 92, 94(1), 94(2), 95(1), 95(4), 100(3), 102, 114(1), 212(3), 228(3)	As per Attachment 2, excluding No. 1
<i>Biosecurity Act 2014</i>	53(1), 59, 105(1), 239(2), 239(3), 246(2)(b), 329(1), 365(1), 366(1), 379(1), 379(3), 380(2), 381(3), 381(5)(a), 381(5)(b)	As per Attachment 2, excluding No. 1
<i>Biosecurity Regulation 2016</i>	27(1), 46(1)	As per Attachment 2, excluding No. 1
<i>Body Corporate and Community Management (Accommodation Module) Regulation 2008</i>	159(6)(b)	As per Attachment 2, excluding No. 2 and 6
<i>Body Corporate and Community Management (Commercial Module) Regulation 2008</i>	117(6)(b)	As per Attachment 2, excluding No. 2 and 6
<i>Body Corporate and Community Management (Small Schemes Module) Regulation 2008</i>	95(6)(b)	As per Attachment 2, excluding No. 2
<i>Body Corporate and Community Management (Specified Two-lot</i>	33(4)(b)	As per Attachment 2, excluding No. 1

Legislation Title	Sections Delegated to CEO	Limitations to the Exercise of Power
Schemes Module) Regulation 2011		
Body Corporate and Community Management (Standard Module) Regulation 2008	161(6)(b)	As per Attachment 2, excluding No. 2
Body Corporate and Community Management Act 1997	51(1)(a), 51(1)(b), 51(6), 51(7), 51(8), 51(8)(a), 51A(i)(b), 51A(5), 51A(6), 51A(7), 60(1), 60(4), 316(1), 430(3), 430(4), 430(5)	As per Attachment 2, excluding No. 1
Building Act 1975	34A(2), 41(1), 46(5), 51(2)(a), 51(2)(b), 51(3), 52, 53(2), 54, 55, 65, 68A(2), 71, 87, 92(2), 92(5), 93(1), 95, 97(2), 117, 124A(2), 143B(2), 190(1), 206(1), 207, 208(1), 210, 221(2), 221(2)(b), 221(3), 221(4), 222(2), 228, 228(4), 236, 237, 238, 239, 242(2), 242(3), 243, 244, 245A, 245B, 245C(1), 245C(2), 245E(2), 245E(3), 245F, 245FA(2), 245XB(2), 245XD(2), 245XF(2), 245XF(3), 245XG(1), 245XN(2), 245XS(1), 245XS(3), 245XV(2), 246ADA(2), 246ADA(5), 246AF(2), 246AF(3), 246AG(1), 246AG(5), 246AG(6), 246AG(7), 246AH, 246AIA, 246AIB(2), 246AQ, 246ATC, 246X, 248(1), 248(2), 248(3), 256(2)(d), 256(2)(e), 256(2)(f), 256(2)(g), 256(2)(h), 256(2)(i), 256(2)(k), 262	As per Attachment 2, excluding No. 1
Building Regulation 2006	13(4)	As per Attachment 2, excluding No. 1
Building Units and Group Titles Act 1980	8(3)(b), 9(7), 9(8)(b), 10(1), 11(1), 12(1), 22(1), 22(2), 22(7), 24(2), 24(3), 24(4), 24(5), 24(5A), 25(3), 25(4), 25(4A), 26(1), 128	As per Attachment 2, excluding No. 1
Coastal Protection and Management Act 1995	164A(1)	As per Attachment 2, excluding No. 1
Disaster Management Act 2003	29, 31, 37, 57(1), 57(2)(g), 59(1), 61	As per Attachment 2, excluding No. 1
Disaster Management Regulation 2014	5(1)(c)(i), 5(1)(c)(ii), 5(1)(c)(iii), 5(1)(c)(iv), 7(1)(b), 9(1), 9(4), 10(1)	As per Attachment 2, excluding No. 1

Legislation Title	Sections Delegated to CEO	Limitations to the Exercise of Power
<i>Economic Development Act 2012</i>	36B, 36C(3), 36I(3), 40B, 40H(1), 40I, 40J(a), 40J(b), 40K(2), 40K(6), 40M(2), 41(6)(b), 42A, 42B, 42C, 42D, 42E, 42G, 42H, 42I, 42J, 42L, 43(3), 51AJ, 51AQ(2), 52(3), 58(2)(a), 82(1)(b), 84(4)(d), 98(2), 116E(3)(b), 116G, 117, 122(2), 127(4), 128(4), 169(3), 171B, 171B(6), 213(2), 214(2)	As per Attachment 2, excluding No. 1
<i>Environmental Protection Act 1994</i>	128(2), 129(2), 130(3), 131(d), 133(1)(b), 134(4), 140(1), 143(2), 145(1), 145(3), 147(3), 150(1)(d), 152(3), 159(2), 159(3), 159(4), 159(5)(b)(i), 159(5)(b)(ii), 159(5)(b)(iii), 160, 161(3), 162(1), 168(2), 168(4), 170(2)(a), 170(2)(b), 171(2)(a), 171(2)(b), 172(2), 173(1), 173(3), 195, 198(2), 198(4), 203(1), 203(2), 204(2), 209(4), 211, 212(2), 212(3), 212A(2), 212A(3), 213(2), 213(3), 214(2), 214(3), 215(1), 215(1)(a), 216, 217, 218, 219(1), 219(3), 220, 221(2)(b), 227A(2), 227A(3), 227A(5), 228(1), 229, 230(2), 233(3), 237(1)(b), 238(3)(a), 238(7), 240(1), 240(2), 240(3), 242(1)(b), 242(3), 247(1), 247(2)(c), 247(3), 248(b), 249, 250C(a), 254(1), 255(1)(b), 255(2), 258(2), 261(2), 264(2)(a), 265, 266(1), 269(a), 269(b)(i), 269(b)(ii), 269(c), 275(a)(ii), 275(b), 278(1), 280(1), 281, 282(1), 282(1)(a), 282(1)(b), 282(3), 283(1), 283(2), 284C, 284F(1)(a)(ii), 284F(1)(b), 287, 292(1), 292(2), 292(3), 295(1), 295(2)(c), 295(4), 296, 299(2), 300, 301(1), 301(2), 304(1), 305(1)(a), 305(1)(b), 305(3), 305(5), 306(1), 306(3), 306(6), 308(2), 310(1), 311, 312, 314(2), 314(3), 314(5), 315(1), 320DB(1), 320DB(2), 322(1), 322(2), 323(1), 323(2), 326B(1), 326B(2), 326BA(1), 326BA(2), 326F(2), 326G(4), 326G(5), 326G(7), 326G(7)(a), 326G(8), 326H, 326I(2), 326I(3), 332(1), 332(2), 334A(1), 336(1), 336(2), 336(3), 336(4), 336A(1), 337(1), 337(2), 338(1), 339(1), 339(2), 340(1), 340(2)(b), 340(2)(c), 340(3), 342(2), 343A(2)(B), 344(3), 344(4), 344A(2), 344A(3), 344B, 344C(1), 344C(2), 344E(1), 344E(1)(b), 344E(2)(a), 344F(2)(a), 344G(2), 352(1), 355(1), 357E(1), 357E(2), 357F, 357J, 358, 359, 445(1)(c), 445(2), 448, 451(1), 454(1), 454(3)(b), 458(2), 463(2), 490, 502A(2), 507(1), 507(3), 507(4), 509(1), 510, 511, 512(1), 512(2), 512(4), 512(5), 512(6), 512(7), 513(2), 517(2), 521(2)(a)(ii), 521(5), 521(8), 531(1), 544(1), 568, 620(2), 620(5)(b), 621(1), 621(2), 621(4), 623(2), 626(3)(a), 634(1), 671(2), 697(1), 698(1), 698(2), 698B, 699(4), 699(5), 701(2)	As per Attachment 2, excluding No. 1
<i>Environmental Protection (Water) Policy 2009</i>	24(2)	As per Attachment 2

Legislation Title	Sections Delegated to CEO	Limitations to the Exercise of Power
Environmental Protection Regulation 2019	35(1), 35(3), 36(1), 37, 40, 41, 51(2), 51(3), 52, 53, 73, 78(1), 78(2), 79(2), 79(3), 79(4), 80(1), 80(2), 80(3), 80(4), 84(1), 84(2), 84(3), 84(4), 87(1), 87(2), 87(4), 88(2), 92, 93, 94, 97, 117(7), 119, 120, 123, 127, 130, 131, 132, 133, 134, 135, 136, 155, 166(1), 170, 171(3), 172, 173(2), 174(3), 175, 177(2), 177(3), 178(2)	As per Attachment 2, excluding No. 1
Fire and Emergency Services Act 1990	58D, 69, 96, 97, 98(2), 99, 100, 101, 102(1), 104E, 104F(2), 104G(2), 104G(3), 104I(9), 104SI(2)(b)(ii), 109(1), 111(2), 112(1), 112(2), 113(3), 113(6), 113(7), 117(3), 118(1), 118(4), 121(2), 126(1), 133(2), 134(2), 136(3), 136(4), 140, 141(2), 142(3), 146(2), 152C(4)	As per Attachment 2, excluding No. 1
Food Act 2006	55, 56(1), 56(2), 57, 58(a), 58(b), 59(1)(a), 59(1)(b), 60(2), 62(1), 62(2), 62(3), 64, 67, 68(1), 68(2), 69(1)(e), 69(2)(b), 69(3), 71, 72(3), 72(4), 72(5), 73(3), 73(4), 73(5), 74(3), 74(4), 74(5), 74(6), 74(7), 75(1), 78(2), 79(1)(a), 79(2), 80(2), 81, 82(1)(b), 82(2)(a), 82(2)(b), 82(3), 83, 83(2), 83(4), 91(1)(b), 91(2), 92(2), 97(1), 97(2), 97(3), 97(5), 103(1), 103(2), 104, 105(1), 106(2), 107(4), 108(1), 108(2), 108(3), 109(2), 109(2)(a), 109(3), 110(1), 110(2), 110(3), 110(4), 112(4), 112(5), 112(6), 113(1), 114(1), 114(2), 114(3)(c), 115(2), 118(1), 119(2), 120, 121(1)(b), 121(2), 121(3), 222(b), 223, 238(2), 239, 239(1), 255(1)(b), 258(1), 258(2), 277	As per Attachment 2, excluding No. 1
Food Production (Safety) Act 2000	83(1)c	As per Attachment 2
Health (Drugs and Poisons) Regulation 1996	290(3)(a), 291(3)(b)	As per Attachment 2
Housing Act 2003	25(1), 26(2)(b), 65	As per Attachment 2, excluding No. 1
Housing Regulation 2015	15(1), 18(2), 19(3)	As per Attachment 2, excluding No. 1
Human Rights Act 2019	49(2), 52(1)(a), 52(1)(b), 77(1), 78(5), 83(1), 93(2), 98(3)	As per Attachment 2, excluding No. 1
Information Privacy Act 2009	29(1), 33(a), 33(c), 33(d)(i), 34(1), 44(3), 49(2), 50(2), 50(5)(b), 52(1)(b), 52(2), 53(2), 53(3), 53(6), 54(2), 54(3), 54(5)(b), 55(1), 55(3), 56(1), 56(3)(b), 56(3)(c), 56(3)(d), 56(4), 57(2), 57(2)(b), 59(2), 60(1), 61(1), 61(1)(b), 61(1)(c), 61(6)(b), 62(3), 63(3), 65(a), 65(b), 66(2), 68(1), 69(2), 70, 71(2), 72(1)(a), 73(1), 74, 76(3)(b), 76(5), 76(5)(b), 81(1), 82(2), 82(3), 87(1), 87(2), 88(1), 88(2), 88(3), 91(2), 91(3)(a), 91(3)(b), 92(2), 94(2),	As per Attachment 2, excluding No. 1

Legislation Title	Sections Delegated to CEO	Limitations to the Exercise of Power
	97(2), 97(3), 102(2), 106(1)(b), 112(2), 114(2), 114(3), 115(1), 127(1), 131(1), 132(1), 157(1), 159(1), 159(3)(b), 161(1), 172(1), 171(2), Schedule 3: 7(3)(a), 10(1)(b), 10(1)(d), 11(1)(c), 11(1)(e), 11(1)(f)(iv)	
Integrity Act 2009	71(4)	As per Attachment 2
Land Act 1994	13A(4), 13AC(1)(a), 13B(1), 13B(2), 13B(6), 18(1), 18(2), 18(3), 23A(1), 23A(6), 24(3), 25(2), 26(2), 26(4), 26B(8), 31C(1), 31C(2), 31C(3), 31D(1), 31D(2), 31D(3), 32, 34(1), 34(2), 34(3), 34H(1), 34H(2), 34I(1), 34I(3), 34I(4), 38A(1), 38A(2), 38A(3), 38A(4), 38G(1), 38G(2), 44, 45, 46, 47, 48, 49, 52(1), 55(1), 55A(1), 55A(2), 55A(3), 55H(1), 55H(2), 57(1), 57(3), 57(7), 57A(1), 58(1), 58(7), 60(1), 60(3), 62, 63(3), 64(1), 64(4), 65(1), 66(1), 67(2), 67(3), 80(1), 82, 84(1), 94(2), 99(1), 99(3), 99(4), 100, 150(3), 109A(1), 109A(2), 109A(3), 109B(1), 109B(2), 109B(3), 109B(4), 120A(1), 154, 155A(2), 155B(2), 155BA(2), 158, 160(3), 164C(1), 164C(7), 166(1), 168(5), 176(1), 176(2), 176E, 176K(1), 176K(3)(b), 176N, 177, 177A(1), 177A(2), 179, 180(2), 180A, 180H(1), 180H(2), 201, 210, 212(3), 214A, 214B, 214D, 214F(3), 222(6), 225(2), 226(5), 230(2), 232(5), 239(4), 240E(1), 240G, 243(1A), 243(1), 288(1), 288(1)(b), 318, 319, 322(3), 322(5), 322(8), 327, 327A, 327B, 327C(1), 327C(2), 327I(1), 327I(2), 329(1), 332(1), 332(2), 332(7), 336, 339F, 339G, 339H(2), 339I(1), 339I(2), 339J(1), 339J(2), 339K, 339L, 339O(1), 339O(2), 339Q(3)(c), 339R(1)(b), 339R(2), 339T, 339U, 358(1), 358(2), 360C(1), 360C(2), 360C(3), 360D, 363(1)(b), 371(2), 372(2), 372(5), 373A, 420CB, 420E, 423, 427, 431ZG, 431ZH(2), 481A, 481B(1), 481B(2), 481B(4), 481B(5), 481J(1), 481J(2), 482, 492(1), 505(2)	As per Attachment 2, excluding No. 1
Land Regulation 2020	4(3), 4(6), 19(2), 31(3), 32(3), 48(1), 60(2), 60(4), 65(3), 65(4)	As per Attachment 2, excluding No. 1
Land Title Act 1994	18, 50(1)(b), 50(1)(h), 50(1)(j), 54(1), 54(3), 60(1), 64, 65(3A), 67(1), 68(1), 69(1), 69(2), 69(3), 82(1), 83(1)(b), 83(2), 85B(2), 87, 90(1), 90(2), 90(3), 91(1), 97A, 97C, 97D, 97E, 97I, 97K, 97L, 97O, 97P(c), 97S(1), 97U(1), 99(1), 100, 104, 105(2), 108A, 110(1), 122, 125, 126(2), 126(3), 128(1), 129(2), 139(1), 145(1), 149(1), 156(3), 159(3), 159(4), 160, 165, 169(1), 172(1)	As per Attachment 2, excluding No. 1

<i>Legislation Title</i>	<i>Sections Delegated to CEO</i>	<i>Limitations to the Exercise of Power</i>
<i>Land Valuation Act 2010</i>	74, 244	As per Attachment 2, excluding No. 1
<i>Liquor Act 1992</i>	105B(1), 105B(4), 117(2), 117A(2), 173C(1), 173C(2), 173D(6), 173E(1), 173N(4), 173NH(2)(d)	As per Attachment 2, excluding No. 1
<i>Local Law No. 1 (Administration) 2011</i>	8(1), 9(1), 9(2), 9(4), 10(1), 12(1), 14(3), 14(4), 14(6), 14(8), 14(9), 15(3)(a), 15(4), 15(6), 15(7), 15(8), 15(9), 15(11), 16(3), 16(4), 16(5), 16(6), 18(2), 18(3), 18(4), 18(5), 19(1), 19(2), 22(3), 23(1), 23(3), 35(3), 37(3), 37(4), 37A(5)(c), 37A(10)(b)(i), 37A(14), 37A(15)(b)	As per Attachment 2, excluding No. 1 and including the following additional: Section 35(3) For a period of 2 fiscal years from the original fee application payment and Section 23(1) Applications received in accordance with Section 22 must be reviewed in accordance with Section 23(2) which states that the application must not be dealt with by:- (a) the person who made the original decision or (b) a person in a less senior office than the person who made the original decision, unless the original decision was made by the CEO.
<i>Subordinate Local Law No. 1.1 (Alteration or Improvement to Local Government Controlled Areas and Roads) 2011</i>	7(1), 8(1)	As per Attachment 2, excluding No. 1.
<i>Subordinate Local Law No. 1.2 (Commercial Use of Local Government Controlled Areas and Roads) 2011</i>	7(1), 8(1)	As per Attachment 2, excluding No. 1.
<i>Subordinate Local Law No. 1.3 (Establishment or Occupation of Temporary Home) 2011</i>	3(8), 4(6), 8(2)	As per Attachment 2, excluding No. 1.

<i>Legislation Title</i>	<i>Sections Delegated to CEO</i>	<i>Limitations to the Exercise of Power</i>
<i>Subordinate Local Law No. 1.4 (Installation of Advertising Devices) 2019</i>	7(1), 8(1)	As per Attachment 2, excluding No. 1.
<i>Subordinate Local Law No. 1.5 (Keeping of Animals) 2011</i>	6(5)(g), 7(1), 8(1)	As per Attachment 2, excluding No. 1.
<i>Subordinate Local Law No. 1.6 (Operation of Accommodation Parks) 2018</i>	6(10)(b), 6(11), 6(12)(a), 6(18), 6(26)(a), 6(30), 6(31), 6(32), 7(1), 8(1)	As per Attachment 2, excluding No. 1.
<i>Subordinate Local Law No. 1.9 (Operation of Cemeteries) 2011</i>	7(1), 8(1)	As per Attachment 2, excluding No. 1.
<i>Subordinate Local Law No. 1.12 (Operation of Temporary Entertainment Events) 2011</i>	8(1)	As per Attachment 2, excluding No. 1.
<i>Subordinate Local Law No. 1.13 (Undertaking Regulated Activities Regarding Human Remains) 2011</i>	7(1), 8(1)	As per Attachment 2, excluding No. 1.
<i>Subordinate Local Law No. 1.14 (Undertaking Regulated Activities on Local Government Controlled Areas and Roads) 2011</i>	4(8)(b), 6(5)(g), 6(5)(h), 7(1), 8(1)	As per Attachment 2, excluding No. 1.
<i>Subordinate Local Law No. 1.15 (Parking Contrary to an Indication on an Official Traffic Sign Regulating Parking by Time or Payment of a Fee) 2011</i>	4, 7(1), 8(1)	As per Attachment 2, excluding No. 1.

<i>Legislation Title</i>	<i>Sections Delegated to CEO</i>	<i>Limitations to the Exercise of Power</i>
<i>Subordinate Local Law No. 1.16 (Carrying Out Works on a Road or Interfering with a Road or its Operation) 2011</i>	6(2)(aa), 6(2)(ah), 6(2)(aj), 7(1), 8(1)	As per Attachment 2, excluding No. 1.
<i>Subordinate Local Law No. 1.17 (Gates and Grids) 2019</i>	7(1), 8(1)	As per Attachment 2, excluding No. 1.
<i>Subordinate Local Law No. 1.18 (Use of a Vehicle on an Airside Area) 2011</i>	8(1)	As per Attachment 2, excluding No. 1.
<i>Local Law No. 2 (Animal Management) 2011</i>	10(3), 11(2), 19(3), 32(1), 32(6), 33(1), 34(2), Schedule	As per Attachment 2, excluding No. 1.
<i>Subordinate Local Law No. 2 (Animal Management) 2011</i>	Schedule 5, Item 3(e), Schedule 5, Item 4(e), Schedule 5, Item 5(d), Schedule 13	As per Attachment 2, excluding No. 1.
<i>Local Law No. 3 (Community and Environmental Management) 2011</i>	7(1)	As per Attachment 2, excluding No. 1.
<i>Local Law No. 4 (Local Government Controlled Areas, Facilities and Roads) 2011</i>	5(2), 6(6), 7(3), 8(4), 11(4)	As per Attachment 2, excluding No. 1.
<i>Subordinate Local Law No. 4 (Local Government Controlled Areas, Facilities and Roads) 2019</i>	Schedule 1 Item 4(l), Schedule 2 Item 3(e), Schedule 2 Item 3(f)(ii), Schedule 2 Item 4(b)(ii), Schedule 2 Item 4(c), Schedule 2 Item 4(g)(i), Schedule 2 Item 4(h)(i), Schedule 2 Item 5(a)(i), Schedule 2 Item 5(b)(vi), Schedule 2 Item 6(e)(ii), Schedule 2 Item 6(f)(i)(A), Schedule 2 Item 7(b)(ii)	As per Attachment 2, excluding No. 1.
<i>Local Law No. 5 (Parking) 2011</i>	7(1), 8(1)	As per Attachment 2, excluding No. 1.
<i>Subordinate Local Law No. 5 (Parking) 2011</i>	7(5), 7(6), 7(7), 7(8), 7(9)	As per Attachment 2, excluding No. 1.

Legislation Title	Sections Delegated to CEO	Limitations to the Exercise of Power
Local Law No. 7 (Aerodromes) 2011	5(1), 6(1), 7(1), 13, 14(1), 14(4), 14(7), 18, 21(1)	As per Attachment 2, excluding No. 1.
Local Law No. 8 (Waste Management) 2018	6(1)(b)(i), 6(2), 8(1)(a), 8(2)(a), 9(2)(a), 9(2)(a)(i)(A), 9(2)(a)(i)(B), 10(2), 11(2)(a), 11(2)(b), 12(1)(a), 12(1)(a)(i), 12(1)(a)(ii), 12(2), 13(a), 16(1), 17(2)(b)	As per Attachment 2, excluding No. 1.
Local Government Act 2009	16, 29(1), 29A(3), 60, 61, 61(6), 62, 64, 65(3), 65(4), 66, 67, 68, 69(1), 69(2), 69(3), 69(4), 69(5), 70(2), 70(3), 70(4), 70(7), 70(8), 71(1), 71(3), 71(4), 72(2), 72(3), 72(3)(a), 72(3)(b), 72(5), 73, 74(1), 75, 77, 78, 79, 95, 104(1), 104(7), 105(1), 107(1), 107(3), 110, 133, 137, 138(5), 138A(1), 142(2), 142(4), 142(8), 143, 147, 150P(2), 150S(2), 150AE(4), 150AF(1), 150AF(4), 150BI(1), 150BI(2), 150CN, 150CR, 150DX, 195, 196(2), 197A(3), 197A(4), 198, 219(1), 219(2), 219A, 220, 220A(4), 220B(2), 220B(3), 221(2), 221(4), 222(3), 224(2), 226(1), 226(2), 228(4), 236, 237, 239, 240(1), 250(1)(b), 262	As per Attachment 2, excluding No. 1 and including the following additional: Section 236(1) The delegate will not exercise the delegated power specified under section 236(1) for the purpose of executing a contract for the sale of land.
Local Government Act 2009	The power to make, amend or discharge contracts on behalf of Council, of a value up to the level of financial limits specified in the CEO's Financial Delegations.	As per Attachment 2, excluding No. 1
Local Government Act 2009	The power to enter into community based employment agreements subject to existing financial delegation.	Nil
Local Government Act 2009	The authority to verify documents pursuant to section 250(1)(b).	Nil
Local Government Act 2009	The power to apply for grants to the amount of not more than \$150,000.00	As per Attachment 2, excluding No. 1
Local Government Regulation 2012	6(6), 14(2), 14(4), 41(1), 53, 55(4), 56(1), 58(2), 59, 63, 88(2), 90(5)(b), 105, 107(1), 108, 110, 111, 112, 113, 114, 115, 117, 122(3), 122(4), 123, 124(2), 130(10), 134, 138(3), 140(3), 141(3), 141(4), 142, 143(1), 143(2), 143(3), 144(1), 144(2), 144(4), 144(5), 144(6), 144(7), 145(2), 146, 149(2), 150(3), 151, 154(1), 154(2)(e), 155(4), 162, 164, 165(4), 173(1), 174(5), 175(3), 182(4), 194, 196(2), 197(2), 199(2), 200, 201, 201B(4), 202A(2), 203, 204, 207, 210(3), 212, 213A(2), 213A(3), 213B(2), 213B(4), 215, 218(2)(b), 220(8), 225, 225(1), 225(3), 225(4), 226, 226(1), 227, 227(1), 228(2)(b), 228(6), 228(7), 228(8), 228(9), 228(10), 230(1), 231(2), 231(4), 232(2), 232(3), 232(4), 232(6), 233(2), 233(5), 234(1), 235, 236, 237, 254B(1), 254B(2), 254B(3), 254B(4), 254C(1), 254D(1), 254D(2), 254F(6), 254F(7),	As per Attachment 2, excluding No. 1

Legislation Title	Sections Delegated to CEO	Limitations to the Exercise of Power
	254K, 262, 277D(2), 287(1), 287(3), 295(1), 295(2), 295(3), 295(4), 296A(2), 306(4), 364(1), Schedule 4 Sections 5, 6, 7, 8, 9, 10	
Mineral and Energy Resources (Common Provisions) Act 2014	39(3)(b), 42(1), 44(1), 45(1), 45(2), 45(3), 47(1)(a)(i), 47(1)(a)(ii), 48(2), 52(1), 53(1), 53(4), 57(3), 59(2), 59(4)(b), 59(7), 60(1), 63(1)(b)(i), 63(1)(b)(ii), 64(1), 67(b)(iv)(A), 70(1), 72(1), 83(1), 85(1), 87(2), 88(2)(a), 88(2)(b), 89(4), 89(7), 90(4), 90(7), 91(2), 94(1), 96(2), 100(1), 101(2)	As per Attachment 2, excluding No. 1
Mineral Resources Act 1989	19(1), 19(2), 19(3), 20(3), 20(6), 26(3), 26(9)(a)(i), 32(2), 34(1), 46(1), 47(1), 47(2), 47(4), 51(2)(a), 54(a), 65(1)(a), 71(1), 71(2), 71A(1), 85(1)(a), 125(9)(a)(i), 125(10), 129(3)(a), 129(6), 167(1), 181(8)(a), 190(7), 190(8)(a), 216(1), 237(2)(d)(i), 237(2)(d)(ii), 238(1)(a), 260(1), 260(4), 261(1), 279(1)(a), 280(1), 283A(2), 317(10), 335F(1), 335F(2)(a), 335G(1), 335G(2), 335H(1), 335L(1), 403(1)(e), Schedule 1: 2(1)(a), 3(1)(a), 3(3), 4	As per Attachment 2, excluding No. 1
Nature Conservation (Animals) Regulation 2020	42(2), 43(1), 61(2), 235, 242(2), 243, 258, 265, 266(1), 267, 271(1), 275(1), 276, 277, 278, 279, 280, 372, 379(1), 379(2), 381(2), 382, 383	As per Attachment 2, excluding No. 1
Neighbourhood Disputes (Dividing Fences and Trees) Act 2011	88(1)(d), 88(3), 88(4), 88(5A)	As per Attachment 2, excluding No. 1
Peaceful Assembly Act 1992	4 - definition of "representative" - paragraph (b), 10(2)(b), 11(1), 11(4), 11(5), 12(1), 13(1)(b), 13(1)c, 13(1)(d), 13(3), 15(1)	As per Attachment 2, excluding No. 1
Planning Act 2016	18, 19, 20, 21, 22, 23, 24, 25, 26, 29, 35, 36, 37, 37(4), 38, 41(1), 42, 46, 48, 48(3)(b), 48(3)(d), 51, 51(2), 53, 54, 55, 56, 57, 59, 60, 61, 62, 63, 64, 64(9), 65, 66, 67, 71, 75, 76, 78A, 79, 80, 81, 81A, 81B, 82, 82A, 83, 84, 84(3)(b)(i), 84(3)(b)(iii), 85, 86, 86(2A) 87, 89, 93, 93(2), 100, 101, 105, 105(3), 107, 109, 115, 118, 119, 120, 121, 129, 123, 125, 128(1), 128(2), 130, 131, 132, 133, 134, 135, 137, 140, 141, 142, 144(2), 145, 149, Chapter 4 Part 4, 167, 168, 169, 170, 174, 175(1)(a), 176(10), 178(1)(b), 180, 180(13), 181(4), 214, 221, 229(4), 230(6), 239(1), 240, 241, 246(2), 248, 249, 257, 265, 267(13), 270, 275B	As per Attachment 2, excluding No. 1 and including the following additions: Sections 18, 20 and 26 – This delegation does not include any powers that are required to be exercised by Council pursuant to a resolution of Council. Sections 21 and 26 – This delegation does not include any powers that are required to be exercised by Council pursuant to a resolution of Council. Sections 22 and 26 – This delegation

<i>Legislation Title</i>	<i>Sections Delegated to CEO</i>	<i>Limitations to the Exercise of Power</i>
		<p>does not include any powers that are required to be exercised by Council pursuant to a resolution of Council.</p> <p>Sections 23 and 26 – This delegation does not include any powers that are required to be exercised by Council pursuant to a resolution of Council.</p> <p>Section 24 – This delegation does not include the power to decide to repeal the TLPI or planning scheme policy which is required to be exercised by Council pursuant to a resolution of Council (see subsection (1)).</p> <p>Sections 25 and 26 – This delegation does not include any powers that are required to be exercised by Council pursuant to a resolution of Council.</p> <p>Section 29(6) must not be exercised if:</p> <ul style="list-style-type: none"> (a) there is a conflict between proposed use and the superseded scheme zoning intent; or (b) compensation issues would arise from the superseded development application, <p>in which case the power must be undertaken by Council.</p> <p>Sections 60(2)(a), 60(2)(b), 60(2)(c), 60(2)(d), 60(3)(a), 60(3)(b) and 60(5)</p>

<i>Legislation Title</i>	<i>Sections Delegated to CEO</i>	<i>Limitations to the Exercise of Power</i>
		<p>must not be exercised if:</p> <ul style="list-style-type: none"> (a) the application was impact assessable and there were submissions; (b) the application is being recommended for refusal; or (c) the proposed development is inconsistent with the intent of the zone, <p>in which case the power must be undertaken by Council.</p> <p>Section 60(3)(c) – operational work, reconfiguring a lot and material change of use applications must be decided by Council.</p> <p>Sections 75(4)(b)(ii) and 75(4)(b)(iii) must not be exercised if the original application was decided by Council in which case the power must be undertaken by Council.</p> <p>Section 76(1) must not be exercised if the original application was decided by Council in which case the power must be undertaken by Council.</p> <p>Sections 87(2)(a) and 87(2)(b) must not be exercised if the decision is to refuse the extension sought in which case the power must be undertaken by Council.</p> <p>Section 293(5) does not include any powers that are required to be exercised by Council pursuant to a</p>

<i>Legislation Title</i>	<i>Sections Delegated to CEO</i>	<i>Limitations to the Exercise of Power</i>
		resolution of Council.
<i>Planning Act 2016 – Development Assessment Rules</i>	1.2, 2.3, 3.1, 3.2, 3.4, 3.5, 3.6(b), 5.1, 6.2, 7.1, 8.1(a), 8.1(b), 8.2, 8.2(b), 8.3(b), 9.2(a), 9.2(b), 11.2, 12.1, 12.2, 12.4, 12.5, 13.1, 17.1, 17.3, 17.4, 18.1, 19.1, 19.3, 22.1(a), 25.1, 26.1, 26.2(a)(i), 26.2(b), 26.2(c), 26.5, 27.2, 27.3, 28.1, 28.4(a), 28.4(b), 29.2, 29.6, 33.1, 34.1, 35.1, 38.2	As per Attachment 2, excluding No. 1
<i>Planning and Environment Court Act 2016</i>	16(3), 18(1), 20(1), 21(2)(a), 26(2), 27(1)(a), 41(2)(a), 41(3), 63(1), 64(1), 4(2)	As per Attachment 2, excluding No. 1
<i>Planning Regulation 2017</i>	12(b), Schedule 18: 3(1), 3(2), Schedule 22: 1, 2, 3, 3A, 3B, 5, 6, 7, 8, 9, 10	As per Attachment 2, excluding No. 1
<i>Plumbing and Drainage Act 2018</i>	90(1)(d), 135(1), 136, 137, 139(1), 142(a), 142(b), 143(1), 143(2), 144, 149(2), 150	As per Attachment 2, excluding No. 1
<i>Plumbing and Drainage Regulation 2019</i>	16(1), 16(2), 17(3), 24(2), 26(2), 27(c), 29(1), 34(1), 41, 45(2), 46, 48, 50(2), 59(3), 67(2), 68(3), 69(2), 75(2), 83(1), 86(1), 86(3), 87(3), 98(3), 101, 107(2), 112, 113, 114, 115(1), 115(2), 116	As per Attachment 2, excluding No. 1
<i>Prostitution Act 1999</i>	64C(5), Schedule 4: definition of 'authorised officer of a relevant local government'	As per Attachment 2, excluding No. 1
<i>Prostitution Regulation 2014</i>	25(2)	As per Attachment 2, excluding No. 1
<i>Public Health Act 2005</i>	17(2), 24(1), 24(2), 25(1), 27(2)(b), 32(3), 36(5), 57B, 376(2), 378, 378(a), 379(1)(b), 379(2), 393(2), 407(3), 446(1), 446(2)	As per Attachment 2

Legislation Title	Sections Delegated to CEO	Limitations to the Exercise of Power
Public Health (Infection Control for Personal Appearance Services) Act 2003	33, 34, 35(1), 36, 37(1), 38(1), 38(2), 38(3), 39(4), 40(2), 41(1)(c), 41(2)(b), 41(3), 44(4), 44(5), 44(6), 44(7), 45(1), 47(3), 47(4), 47(5), 47(6), 47(7), 48(1), 49(3), 49(4), 49(5), 49(6), 49(7), 50(1), 51(2), 52(1), 52(2), 53(2), 54(1), 54(3), 55(1), 55(3), 55(4), 56(1), 56(2)(a), 56(2)(c)(i), 62(1), 62(2), 62(3), 62(4), 65(3), 68(1)(b), 68(2), 70(1), 70(2), 72(1), 105(1), 105(2), 121(2), 122(1), 122(2), 140(1), 140(2), 147, 153(3), 154(3), 155(2)	As per Attachment 2
Public Health Regulation 2018	6, 12(2)(c), 16, 22	As per Attachment 2, excluding No. 1
Public Interest Disclosure Act 2010	30(1), 30(1)(b), 30(1)(d), 30(2), 30(3), 31(1), 31(3), 31(4), 32(1), 32(4), 60(3)	As per Attachment 2, excluding No. 1
Public Records Act 2002	10(1)(a), 16(1)(a), 16(1)(A), 16(2), 16(2)(b)(i), 16(3)(a), 18(2)(b), 19(2), 19(3), 19(4), 26(1), 28, 39	As per Attachment 2, excluding No. 1
Queensland Competition Authority Act 1997	13C(2), 13C(2)(b), 13C(2)(c), 13C(3), 13C(3)(b), 13C(3)(c), 18B(1), 19(5)(b), 36A(4), 84(3)(b)	As per Attachment 2, excluding No. 1
Queensland Heritage Act 1992	82(1)(b), 82(1), 117(1), 118	As per Attachment 2, excluding No. 1
Queensland Reconstruction Authority Act 2011	42(5), 43(7), 43(8), 49, 50, 53(1), 53(2), 53(4), 80(2), 80(6), 80(3), 81, 92(3), 111(2), 111(3), 112	As per Attachment 2, excluding No. 1
Residential Services (Accreditation) Act 2002	29(2)(a), 29(3), 189(3)(a)	As per Attachment 2
Residential Tenancies and Rooming Accommodation Act 2008	62(1), 62(3), 64(3), 65(2), 66(2), 67, 68(2), 69, 77(4)(h), 78, 81(1)(b), 88(3), 88(5), 91(2), 97(3), 98(3)(a), 98(3)(b), 99(2)(a), 102(3), 105(3), 106(2), 106(3), 107(2), 109(3), 116(1)(b), 117(2)(b), 117(3)(b), 118(2)(b), 118(3)(b), 118(4)(a)(ii), 118(4)(b)(ii), 145(1), 145(2)(b), 154(b), 155(3), 160(1), 168(3)(a), 168(4), 192(1)(h), 192(i), 192(j), 192(1)(l), 193(1)(a), 195(1)(b), 195(5), 197(1)(a), 198(1)(a), 203, 211(1)(a), 211(2)(b), 216(2), 220(2), 223, 229(1)(b), 233(2), 237(2), 238(2)(a), 242(1)(a), 242(1)(b), 248(1), 248(2), 255(1), 257(1), 259(2), 259(4), 270(1), 271, 272(4)(b), 273(2), 273(7), 274(7), 277(2), 277(3), 277(7)(b), 277(7)(c), 280(1), 280(2), 281(1), 282(1), 283(2), 284(1), 285(2), 286(1), 287(2), 288(1), 289(2), 290A, 291, 294(1),	As per Attachment 2, excluding No. 1

Legislation Title	Sections Delegated to CEO	Limitations to the Exercise of Power
	295(1), 296(1), 296A(1), 297(1), 297A, 298(2), 299(2), 300(1)(b), 300(2), 325(2)(a), 326(1)(b), 333(1), 333(2)(b), 335(1), 355(1), 357(1), 359(1), 363(2), 363(4), 366(2), 366(7)(b), 366(7)(c), 368(1), 368(2), 368(3)(d), 368(4), 369(1), 369(2)(d), 369(5), 370(1), 370(2)(b), 371, 371(3)(d), 372(1), 372(2), 374(1), 374(2)(d), 375(2), 375(4), 376(2), 377(1), 388(1), 393(2), 393(5), 395(3), 402(1), 402(2), 405(1), 405(2), 408(2), 410(1), 418(1), 419(1), 419(2), 424(1), 429(1), 455(1), 455(3), 527D(1), 527D(4), 527E(1)	
Residential Tenancies and Rooming Accommodation (COVID-19 Emergency Response) Regulation 2020	23(2), 25(3), 30(2), 83(2), 85(2), 92(3)	As per Attachment 2, excluding No. 1
Residential Tenancies and Rooming Accommodation Regulation 2009	2(3), 5(1), 6(1)(b)(v), 8(3)(b)(i), 8(3)(ii), 8(5), 10(1), 13(2), 20, 22(1), 27(2), 29(1)(a), 31(1)(b), 34(1), 36(1)(a), 36(1)(b), 39(1), 40(2)(a), 44(4), 44(6), 2(3), 5(1), 6(1)(b)(v), 8(3)(b)(i), 8(3)(b)(ii), 8(5), 10, 13(2), 14(1)(a), 17(4), 20(1), 22(2), 22(3), 28(2), 30(1)(a), 32(1)(b), 35(1)(a), 36(2), 38(1), 42(1)(a), 42(1)(b), 45(1), 46(2)(a), 50(4), 50(6), 7(3), 7(4), 7(5), 8(4), 9, 10(1), 11(1)(a), 13(2), 14(6), 17, 25, 24(5)(a), 24(5)(b), 25(4), 26(1), 28(1), 31, 33(1)(a), 33(1)(b), 36(1), 37(2)(b), 41(4), 41(6), 42(3), 42(7), 43(2), 45(1), 2(4), 4(2), 6(3)(b)(i) and (ii), 6(5), 8(1), 9(2), 10(2), 11(2), 21(2), 22, 23(1)(a), 23(1)(b), 29(4), 29(6)	As per Attachment 2, excluding No. 1
Right to Information Act 2009	30(1), 30(2), 32(1)(b), 32(2), 33(2), 33(3), 33(6), 34(2), 35(1), 35(3), 36(1), 36(2), 36(4), 36(7), 37(1), 37(3)(b), 37(3)(c), 37(4), 38(2), 38(2)(b), 40(2), 41(1), 42(1)(a), 42(1)(a)(ii), 42(6), 43(3), 43(3)(b)(ii), 43(3)(b)(iii), 43(3)(c)(ii), 45(a), 45(b), 46(2), 47(3), 48(1), 48(3), 49(1), 49(3), 49(5), 50(1), 50(4), 51(1), 51(3), 52(1)(a), 52(1)(b), 52(2), 54(1), 55(2), 64(1), 66(2), 66(3), 68(4), 68(8), 72(1), 72(2), 73(1), 73(2), 73(3), 74(2), 75(2), 75B(2), 76(2), 76(3), 77(2), 83(1), 83(2), 83(3), 93(1)(b), 99(2), 114(1), 118(1), 119(1), Schedule 4: 1(3)	As per Attachment 2, excluding No. 1
River Improvement Trust Act 1940	3(3), 5(1)(a), 5(1A)(a), 5A(1), 5K(2), 6(1A), 12A(1), 14(1B)	As per Attachment 2, excluding No. 1

Legislation Title	Sections Delegated to CEO	Limitations to the Exercise of Power
Safety in Recreational Water Activities Act 2011	29, 29(7), 30	As per Attachment 2, excluding No. 1
State Penalties Enforcement Act 1999	15(1), 23, 24(1), 28(1), 28(2), 33(1), 57(5), 81, 84(1), 84(2), 84(3), 84(4), 94, 157(2), 157(4), 160, 162	As per Attachment 2, excluding No. 1
Statutory Bodies Financial Arrangements Act 1982	62	As per Attachment 2, excluding No. 1
Strong and Sustainable Resource Communities Act 2017	7(3), 9(5)	As per Attachment 2, excluding No. 1
Summary Offences Regulation 2006	10(1)(a), 14(3)	As per Attachment 2, excluding No. 1
Survey and Mapping Infrastructure Act 2003	21(2), 34, 39, 40, 44, 49	As per Attachment 2, excluding No. 1
Sustainable Planning Act 2009	96(1), 96(2), 96(4), 97, 98(4), 223(1), 224, 225, 226, 227(2), 256(1), 261(1)(a)(ii)(A)(B), 262(5)(a), 262(5)(b), 263, 266(1), 267(2), 272(b), 274(2)(b), 276(1), 277(1), 277(3), 280(2)(b), 282(1), 282(2), 284(1), 284(3), 285(2), 287, 288(1)(a), 290(1)(a), 290(1)(b)(i), 290(1)(b)(ii), 290(2), 291(2), 292, 297(1), 302(1)(a), 302(1)(b), 303(2), 303(3), 304(1), 305(3), 313(2), 313(3), 314(2), 314(3), 315(1), 316(4), 317, 318(1), 318(2), 318(4), 324(1), 327(1), 331(6), 334(1), 337(1), 337(2), 348, 350(1)(b), 350(2), 354(1)(b), 354(4), 355(4), 357(2), 362, 363(1), 363(5), 364(2), 368(3), 369, 371, 371(d), 371(e), 373(1)(a), 374(1) and (2), 375(1)(a) and (b), 375(5), 376(1), 378(3), 378(7), 378(9), 378(9)(a), 378(9)(b), 381(a) and (b), 383(4), 385(a), 385(b), 387(1), 387(3), 389, 402(4), 402(5)(a), 402(5)(b), 405(1), 405(2) and (3), 405(5), 407(1)(a), 407(1)(b), 408(3)(b)(i), 408(3)(b)(ii), 412(3), 412(4), 412(5), 412(6), 412(9), 413(2)(a), 413(2)(c), 413(3), 456(1), 456(2), 461(1), 462(1), 463(2), 464(2), 465(1), 466(1), 467(1), 479(1), 485(4), 485(9)(c), 485(10)(b)(ii), 487(4), 488, 498(1), 510(3), 512, 513(3), 515(1), 515(4), 520(2), 521(2)(a)(ii), 528, 529(1), 530(1)(a)(ii), 531(1), 537(1), 543(4), 543(5), 544(c), 545(b)(ii), 546(c), 547(3)(b), 560(1), 562(1) and (2), 568, 588(1), 588(2), 588(3), 590(1), 590(9), 591(2), 592(2), 597(1), 601(1)(a),	As per Attachment 2, excluding No. 1

Legislation Title	Sections Delegated to CEO	Limitations to the Exercise of Power
	601(1)(b), 601(1)(c), 626(3)(a), 632(2), 635(2), 639(1)(a) and (b), 642, 643(1), 643(4), 646(2), 647(2), 650, 651(2), 655(3), 657(3), 660(1), 660(3), 660(5)(b), 661(1), 662(3), 662(4), 664(2), 669(2)(b), 674(1), 677(1)(a) and (b), 678(3), 678(4), 679(2), 691(8), 695(1), 695(3)(a), 695(3)(b), 709(1), 710(1), 710(2)(a), 714(2), 715(1), 716(3), 716(5), 741, 746(1), 749(2), 750, 750(b), 994B(4), 994B(5)	
<i>Tobacco and Other Smoking Products Act 1998</i>	26ZO(3), 26ZPD(3), 28(2), 28(3)	As per Attachment 2, excluding No. 1
<i>Transport Infrastructure Act 1994</i>	25(b), 27(3)(b), 41, 42(1), 43(1), 55(b), 105C(1), 105G(1), 105GB(1), 253(1), 307(1), 309(1), 358(1), 420(3), 421, 423(1), 424, 426(1)	As per Attachment 2
<i>Transport Operations (Road Use Management - Road Rules) Regulation 2009</i>	179(1)(c), 301(4)	As per Attachment 2
<i>Transport Operations (Road Use Management) Act 1995</i>	69(1), 69(2), 69(3), 69(4), 74(2), 75(1), 76(1), 100(1)(b)(ii), 100(3), 100(8), 101(1), 102(1)	As per Attachment 2
<i>Trusts Act 1973</i>	116	As per Attachment 2, excluding No. 1
<i>Waste Reduction and Recycling Act 2011</i>	28, 29, 29(2), 33, 34(3)(e), 44(1), 45, 45(2), 49, 50(3)(e), 53, 54, 56, 58, 59, 60, 60(3), 61, 63, 64, 65, 66, 67, 68, 69, 72, 72A, 72C, 72D, 72G, 72H, 72J(3)(c), 72L, 72M(1), 72M(2), 72R, 72S, 72U, 72V, 72W, 72X, 72Y, 73A, 73C(2), 73C(3), 73C(4), 73D(1) and (2), 73D(4), 89, 95, 97, 110, 111, 112, 123, 128, 147, 152, 160, 165, 168, 172, 173D, 173H, 173I, 173K, 173L, 173M, 173O, 173Q, 173T, 173ZB, 173ZE, 173ZF, 175, 176(2), 177, 178, 179, 180, 183, 187, 246, 248, 249, 253, 261, 323, 324	As per Attachment 2, excluding No. 1
<i>Waste Reduction and Recycling Regulation 2011</i>	7(b), 26(3)(a), 41Q	As per Attachment 2, excluding No. 1

Legislation Title	Sections Delegated to CEO	Limitations to the Exercise of Power
Water Act 2000	33(2)(b), 46(2)(c), 54(2)(c), 61(2)(c), 72(2)(c), 73(1)(a), 73(1)(b), 73(1)(c), 99(1), 99(2), 101(1), 102(1), 102(3), 107(4), 108(1), 112(3), 112(6), 121(1), 123(2), 123(5), 134(4), 136(1), 137(1), 146(2), 147(4), 149, 154(2), 154(3), 155(2), 155(3)(b), 155(4), 155(5), 157(1), 159(1), 161(1), 162(1), 162(2), 162(3), 164(3), 166(1)(b), 166(1)(c), 166(5), 175, 178(1), 181(1), 181(2), 184(1), 186, 187(1), 187(2), 188(2)(a)(i), 188(2)(a)(ii), 193(1), 193(2), 193(4), 195(2), 197(2), 198(3), 199(3), 200(1), 200(6), 201(2), 201(4), 206(1), 211(1), 212(3), 213(1)(a), 215(1), 216(1), 218(1), 218(3), 223(1), 227(1), 235(1), 236(1), 238(1), 239(1), 434(3), 556, 598A, 700A(1)(a)(i), 700A(1)(b), 779, 862(1), 863(3), 877(1)	As per Attachment 2, excluding No. 1
Water Regulation 2016	34(1), 34(3)(b)(i), 34(3)(b)(ii), 37(2), 58(1), 58(2), 61(2), 61(2)(a), 61(2)(b), 63, 113(1)(a), 113(1)(b), 114(a), 114(b), 119(3)	As per Attachment 2, excluding No. 1
Water Supply (Safety & Reliability) Act 2008	20(1), 21(1)(c)(ii), 23(1), 23A(2), 25A(1), 26(2), 26(8), 28(1), 28(4)(b), 33(2), 33(4), 34(2), 35(1), 36(2)(b), 36(2)(c), 41(1), 41(3), 43(1), 44(1), 44(2), 44(3), 44(4), 45(1), 45(2), 52(2), 52(3)(a), 52(3)(b), 54(1), 54(2), 54(3), 54(5), 57(2), 58(1), 58(2), 59(2), 60(1), 60(2), 61(1), 95(1), 99A(1), 100(2), 102(2), 102(3), 102A(2), 102A(3), 103(2), 107(2)(b), 109(1), 115(3), 142(2)(a), 142(2)(b), 142C(2), 145(1), 166(3), 167(2), 168(1), 168(2)(c), 169(1), 169(2), 180(1), 180(3), 180(4), 180(5), 181(1), 182, 183(1), 183(2), 183(3), 183(4), 184(1), 184(2), 184(3), 185(2), 191, 192(1), 192(2), 193(3), 195(1), 195(2), 196AA(1), 196AD(1), 196AE(1), 202(1), 203(1)(b), 208(2), 208(5), 209(1), 212(2), 212(3), 215(1), 215(3), 215(7), 230(2), 230(4), 230(6)(b), 230(9), 259(2)(b), 259(4), 259(6), 270(2), 270(4), 271(2), 271(4), 303(4)(e), 306(1), 307(2), 333(2), 352F, 352HB(1), 352HB(2), 352O(2)(c)(ii), 352P, 352Q(1), 352T(2), 352T(2)(a), 352T(2)(b), 352U(3), 354(3)(b), 359(3), 359(4), 371C, 371H(2), 372(2), 373, 374(2), 375, 378, 379(1), 379(2), 379(3), 381(1), 381(4), 381(6), 383(2), 383(2)(b), 384(3), 399B(1), 399B(2), 399B(4), 399C(3)(a), 399C(3)(b), 446(2), 447, 463(1)(d), 475(2)(b) and (c), 475(5), 476(1), 496, 498(1), 512(1), 513(3), 517(1), 524(2), 524A(2), 526, 573, 670(2), 670(3), 671(2), 671(3)(a)	As per Attachment 2, excluding No. 1
Work Health and Safety Act 2011	38, 47, 51, 52, 53 54, 65, 70, 71(5), 71(7), 74, 75, 76, 77, 78, 80, 81, 82(2), 87, 89, 97A, 102B, 102G, 103A, 103F, 112, 138, 140, 141, 141A, 142(4),	As per Attachment 2, excluding No. 1

<i>Legislation Title</i>	<i>Sections Delegated to CEO</i>	<i>Limitations to the Exercise of Power</i>
	142A, 180, 181, 184, 216, 221, 224, 229, 229F, 231(1), 231(1A), 231(3)	
<i>Work Health and Safety Regulation 2011</i>	43, 85(4), 144B, 144I, 144P, 144Q(1), 144Q(2), 144U, 144V, 144VA, 144VB, 144Y, 265, 270(1)(b), 288C, 288D, 344, 346, 383, 422(1), 424, 425(1), 426, 429, 430, 678(1), 678(2), 683, 684	As per Attachment 2, excluding No. 1
<i>Workers' Compensation and Rehabilitation Act 2003</i>	48, 54(7), 56(5), 57(3), 58(6), 58(10), 64(2), 68A(1), 68A(3), 69, 70, 77(3), 79, 80(3), 83, 92, 92A, 93, 93A, 94, 96, 97, 100(2), 103, 107E(2), 107E(6), 109(1), 207B(4), 226, 227, 228(1), 228(2), 228(3), 228(4), 280, 532C, 532D, 536(4), 541, 568, 571B, 576C	As per Attachment 2, excluding No. 1
<i>Workers' Compensation and Rehabilitation Regulation 2014</i>	115(3)	As per Attachment 2, excluding No. 1

ANNUAL REVIEW OF DELEGATION OF POWERS TO CHIEF EXECUTIVE OFFICER

Limitations to the Exercise of Powers

Meeting Date: 28 September 2021

Attachment No: 2

ATTACHMENT 2 - LIMITATIONS TO THE EXERCISE OF POWER

1. The Chief Executive Officer may sub-delegate the powers contained in Schedule 1.
2. Where Council in its budget or by resolution allocates an amount for the expenditure of Council funds in relation to a particular matter, in exercising delegated power in relation to that matter, the delegate will only commit Council to reasonably foreseeable expenditure up to the amount allocated.
3. The delegate will not exercise any delegated power in relation to a matter which, to the delegate's knowledge, adversely affects, or is likely to adversely affect, Council's relations with the public at large.
4. The delegate will not exercise any delegated power contrary to a resolution or other decision of Council (including a policy decision relating to the matter).
5. 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.
6. 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.
7. The delegate will not exercise any delegated power which cannot lawfully be the subject of delegation by Council.

ANNUAL REVIEW OF DELEGATION OF POWERS TO CHIEF EXECUTIVE OFFICER

Chief Executive Officer's Financial Delegations

Meeting Date: 28 September 2021

Attachment No: 3

CHIEF EXECUTIVE OFFICER – FINANCIAL DELEGATION

- (a) Formally approve any operating expenditure within budget and in accordance with policy, with the following limitation:

Where a natural disaster and/or extraordinary emergent event has been declared in the local government area, the CEO can exercise the delegation to formally approve expenditure necessary which does not cause a variation of greater than 5% from budget.

- (b) Formally approve any capital expenditure within budget and in accordance with policy, with the following limitation:

Where a natural disaster and/or extraordinary emergent event has been declared in the local government area, the CEO can exercise the delegation to formally approve expenditure necessary which does not cause a variation of greater than 5% from budget.

- (c) Formally approve the investment or borrowing of money in accordance with Council's approved policy.
- (d) Formally approve Act of Grace payments, on a case-by-case basis, as an equitable remedy to persons who may have been unintentionally disadvantaged by the effects of Council legislation, actions or omissions and who have no other viable means of redress, to the value of not more than \$2,000.
- (e) Formally approve the waiver of debt where all practical means to recover the debt have been exhausted and such debt is less than \$3000. The Chief Executive Officer must provide a report of debts that have been waived to be presented to Council at the next available meeting.
- (f) Formally approve the refund, exemption or reduction of fees and charges due to an error, on a case by case basis in accordance with Council's Refund, Exemption and Reduction of Fees and Charges Policy.
- (g) Formally approve the refund, exemption or reduction of fees and charges, other than due to an error, on a case by case basis, to the amount of not more than \$5,000 in accordance with Council's Refund, Exemption and Reduction of Fees and Charges Policy. The Chief Executive Officer must provide a report of these refunds, exemptions or reductions of fees to be presented to Council at the next available meeting.

9.5 SUMMARY BUDGET MANAGEMENT REPORT FOR THE PERIOD ENDED 31 AUGUST 2021**File No:** 8148**Attachments:**
1. **Income Statement - August 2021** [↓](#)
2. **Key Indicator Graphs - August 2021** [↓](#)**Authorising Officer:** Ross Cheesman - Deputy Chief Executive Officer**Author:** Marnie Taylor - Chief Financial Officer

SUMMARY

The Chief Financial Officer presenting the Rockhampton Regional Council Summary Budget Management Report for the period ended 31 August 2021.

OFFICER'S RECOMMENDATION

THAT Rockhampton Regional Council Summary Budget Management Report for the period ended 31 August 2021 be 'received'.

COMMENTARY

The attached financial report and graphs have been compiled from information within Council's TechnologyOne system. The reports presented are as follows:

1. Income Statement (Actuals and Budget for the period 1 July 2021 to 31 August 2021), Attachment 1.
2. Key Indicators Graphs, Attachment 2.

The attached financial statement provides Council's position after the second month of the 2021/22 financial year. After two months, results should be approximately 16.7% of budget.

The following commentary is provided in relation to the Income Statement:

Total Operating Revenue is at 38% of the adopted budget. Key components of this result are:

- Net Rates and Utility Charges are at 46% of budget. Council's rates and utility charges for the first six months of the financial year ending 31 December 2021 have been raised and were due on 1 September 2021.
- Grants and Subsidies are ahead of budget at 27%. Council has received the 1st quarterly payment for the Financial Assistance Grant for 2021/22 of \$1.1M.
- All other revenue items are in proximity to budget.

Total Operating Expenditure is at 15% of the adopted budget. Key components of this result are:

- Contractors and consultants are at 11% due to the processing of financial year end accruals – services provided in June and invoiced in July have been accrued back to the 2020/21 financial year.
- Administrative expenses are at 11% as the estimated timing of expenditure for the majority of this account group is later in the financial year for events managed by Community and Culture Unit and Advance Rockhampton.
- All other expenditure items are in proximity to budget.

The following commentary is provided in relation to capital income and expenditure, as well as investments and loans:

Total Capital Income is at 25% of the carryover budget and in line with expectations.

Total Capital Expenditure is at 7% of the adopted budget. The result for July was affected by processing of financial year-end accruals – work done in June and invoiced in July has been accrued back to the 2020/21 financial year.

Total Investments are \$116.3M as at 31 August 2021.

Total Loans are \$148.7M as at 31 August 2021.

CONCLUSION

With only two months of the financial year passed and a proportion of the transactions processed in July relating to the 20/21 financial year, definitive trends are yet to materialise within the budget management report. Total operational revenue is ahead of budget at 38% due to the levying of the General Rates and Utility Charges for the six months ending 31 December 2021.

The capital program saw \$10.9M spent during the first two months of the financial year and capital expenditure will need to gain momentum over the coming months to deliver the projects budgeted for the 2021/22 financial year.

SUMMARY BUDGET MANAGEMENT REPORT FOR THE PERIOD ENDED 31 AUGUST 2021

Income Statement - August 2021

Meeting Date: 28 September 2021

Attachment No: 1



Income Statement
For Period July 2021 to August 2021
16.7% of Year Gone

	Adopted Budget	Revised Budget	YTD Actual	Commitments	YTD Actuals (inc commitments)	% of Adopted Budget
	\$	\$	\$	\$	\$	
OPERATING						01 02
Revenues						
Net rates and utility charges	(160,931,373)	0	(73,788,027)	0	(73,788,027)	46% A
Fees and Charges	(27,688,335)	0	(4,441,834)	0	(4,441,834)	16% A
Private and recoverable works	(6,292,810)	0	(865,972)	0	(865,972)	14% A
Rent/Lease Revenue	(3,331,723)	0	(510,524)	0	(510,524)	15% A
Grants Subsidies & Contributions	(13,907,572)	0	(3,691,403)	0	(3,691,403)	27% A
Interest revenue	(508,000)	0	(67,042)	0	(67,042)	13% A
Other Income	(7,197,133)	0	(1,118,459)	0	(1,118,459)	16% A
Total Revenues	(219,856,946)	0	(84,483,261)	0	(84,483,261)	38% A
Expenses						
Employee Costs	89,494,925	0	14,029,636	202,128	14,231,765	16% A
Contractors & Consultants	22,639,536	0	2,534,420	7,496,403	10,030,823	11% A
Materials & Plant	13,684,577	0	2,771,094	2,694,375	5,465,469	20% A
Asset Operational	28,072,816	0	4,209,980	1,975,808	6,185,788	15% A
Administrative expenses	14,536,811	0	1,532,697	2,459,416	3,992,113	11% A
Depreciation	56,812,137	0	9,468,689	0	9,468,689	17% A
Finance costs	4,582,740	0	826,635	0	826,635	18% A
Other Expenses	1,334,865	0	189,696	77,745	267,441	14% A
Total Expenses	231,158,406	0	35,562,848	14,905,875	50,468,723	15% A
Transfer / Overhead Allocation						
Transfer / Overhead Allocation	(9,170,179)	0	(1,301,573)	0	(1,301,573)	14% A
Total Transfer / Overhead Allocation	(9,170,179)	0	(1,301,573)	0	(1,301,573)	14% A
TOTAL OPERATING POSITION (SURPLUS)/DEFICIT	2,131,281	0	(50,221,986)	14,905,875	(35,316,111)	-236% A
CAPITAL	Adopted Budget	Carry Over Budget	YTD Actual	Commitments	YTD Actuals (inc commitments)	% of Carry Over Budget
Total Developers Contributions Received	(5,345,400)	(5,345,400)	(641,199)	0	(641,199)	12%
Total Capital Grants and Subsidies Received	(54,504,290)	(55,825,260)	(16,138,862)	0	(16,138,862)	29%
Total Proceeds from Sale of Assets	(7,275,000)	(7,275,000)	(6,023)	0	(6,023)	0%
Total Capital Income	(67,124,690)	(68,445,660)	(16,786,084)	0	(16,786,084)	25%
Total Capital Expenditure	151,101,827	157,915,399	10,896,642	40,672,899	51,569,541	7%
Net Capital Position	83,977,137	89,469,740	(5,889,442)	40,672,899	34,783,457	-7%
TOTAL INVESTMENTS			116,311,856			
TOTAL BORROWINGS			148,716,000			

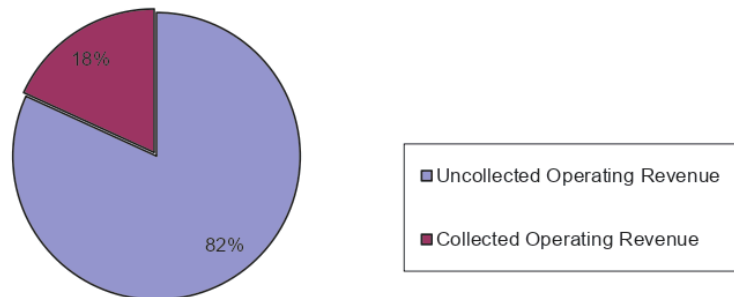
SUMMARY BUDGET MANAGEMENT REPORT FOR THE PERIOD ENDED 31 AUGUST 2021

Key Indicator Graphs - August 2021

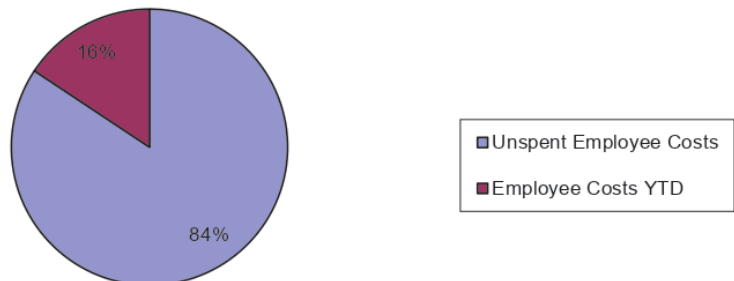
Meeting Date: 28 September 2021

Attachment No: 2

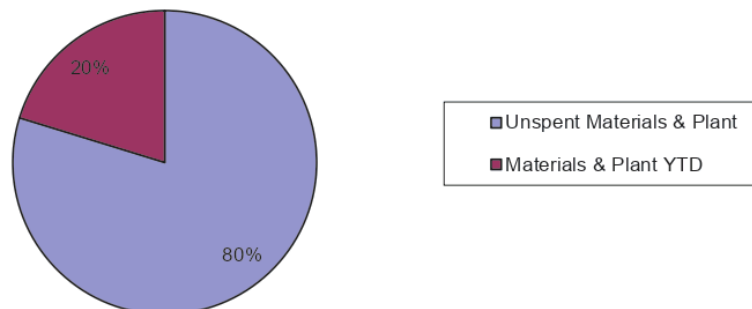
Operating Revenue
(Excluding Net Rates and Utility Charges)
(16.7% of Year Gone)

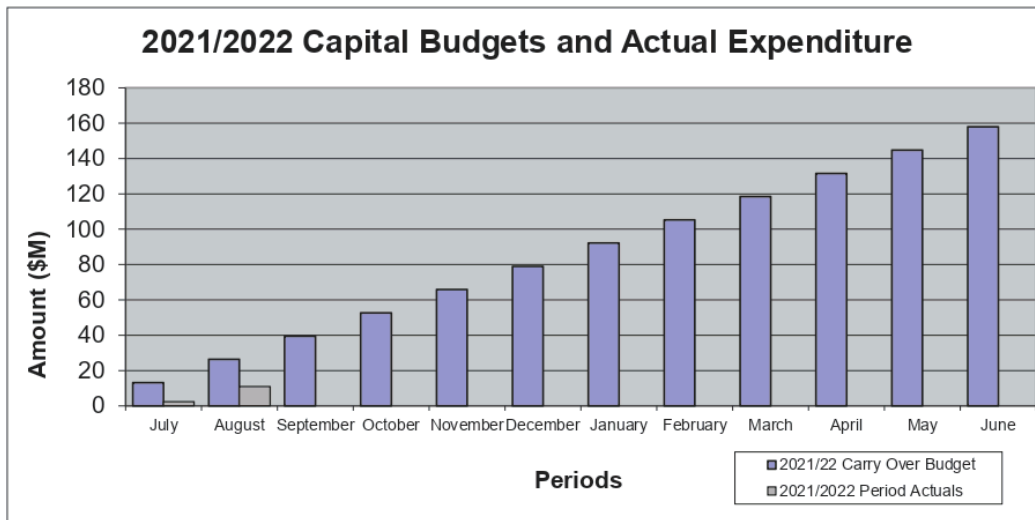
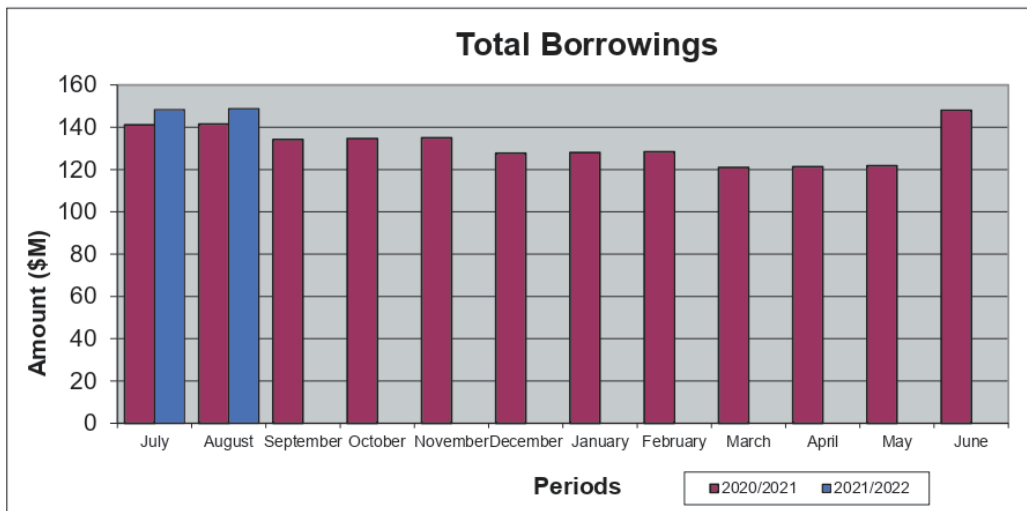
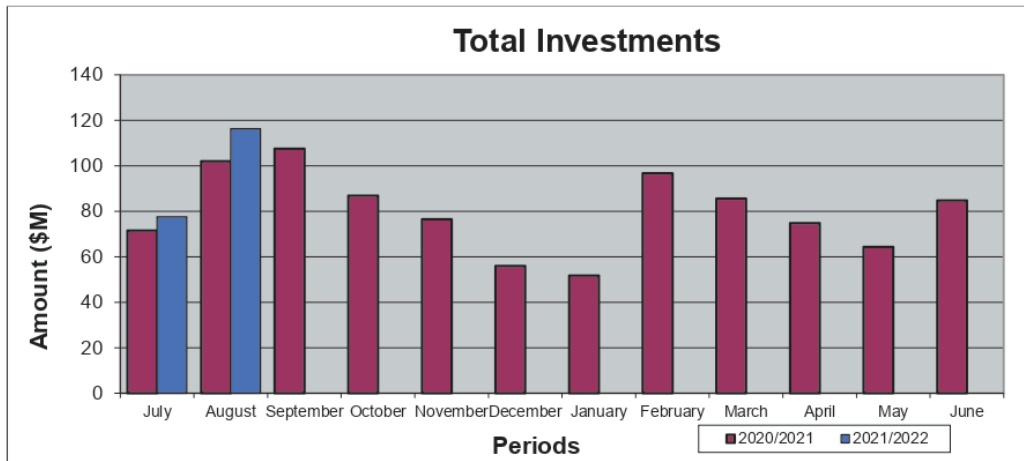


Operating Employee Costs
(16.7% of Year Gone)



Operating Materials & Plant
(16.7% of Year Gone)





9.6 PROPOSED SCHEDULE OF MEETINGS - JANUARY TO DECEMBER 2022

File No: 1460
Attachments: 1. **Proposed 2022 Schedule of Meetings** [↓](#)
Authorising Officer: Evan Pardon - Chief Executive Officer
Author: Evan Pardon - Chief Executive Officer

SUMMARY

Chief Executive Officer presenting the proposed Schedule of Council Meetings and Portfolio Workshops for the period January to December 2022.

OFFICER'S RECOMMENDATION

THAT the Schedule of Council Meetings and Portfolio Workshops for the period January to December 2022 be adopted.

COMMENTARY

A proposed Schedule of Council Meetings and Portfolio Workshops has been created for the 12 month period January to December 2022 for consideration by Councillors.

BACKGROUND

Suggested first meeting of the year is a Councillor Workshop on Tuesday 18 January 2022, with the first Council meeting proposed for Tuesday 25 January 2022.

Council meetings are then scheduled every second and fourth Tuesday as has been done throughout 2021.

This proposed schedule allows at least one informal meeting/workshop to be conducted every month for each Portfolio, with Whole of Council Workshops scheduled throughout the month to capture any urgent matters and those items that don't relate directly to a Portfolio.

PREVIOUS DECISIONS

There are no previous decisions regarding the 2022 meeting schedule.

BUDGET IMPLICATIONS

There are no identified budget implications.

LEGISLATIVE CONTEXT

Meetings are conducted in accordance with the *Local Government Act 2009* and *Local Government Regulation 2012*.

LEGAL IMPLICATIONS

There are no identified legal implications.

STAFFING IMPLICATIONS

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

CORPORATE/OPERATIONAL PLAN

Corporate Plan 2017-2022 - Section 5.2:

"Strong leadership that provides quality governance to support and service the community."

CONCLUSION

It is recommended that the first Council workshop for 2022 be held on Tuesday 18 January 2022. It also recommended that the first Council meeting be held on Tuesday 25 January 2022 and thereafter be held on the second and fourth Tuesday of each month.

PROPOSED SCHEDULE OF MEETINGS - JANUARY TO DECEMBER 2022

Proposed 2022 Schedule of Meetings

Meeting Date: 28 September 2021

Attachment No: 1



Councillor Meeting Schedule

Jan 2022

Monday	Tuesday	Wednesday	Thursday	Friday
3	4	5	6	7
PUBLIC HOLIDAY for NEW YEARS DAY				
10	11	12	13	14
17	18 9am – 1pm Whole of Council Workshop	19	20	21
24	25 9am COUNCIL MEETING	26 AUSTRALIA DAY PUBLIC HOLIDAY	27	28
31				



Councillor Meeting Schedule

Feb 2022

Monday	Tuesday	Wednesday	Thursday	Friday
	1 9am – 1pm Whole of Council Workshop	2	3	4
7	8 9am COUNCIL MEETING	9 9am – 1pm Whole of Council Workshop	10	11
14	15 9am – 1pm <u>Portfolio Workshops</u> Communities Parks	16 9am – 1pm <u>Portfolio Workshops</u> Airport Planning (incl Strat Planning) Advance Rockhampton	17	18
21	22 9am COUNCIL MEETING	23 9am – 1pm <u>Portfolio Workshops</u> Water Waste Infrastructure	24	25
28				



Councillor Meeting Schedule

Mar 2022

Monday	Tuesday	Wednesday	Thursday	Friday
	1 9am – 1pm Whole of Council Workshop	2	3	4
7	8 9am COUNCIL MEETING	9 9am – 1pm Whole of Council Workshop	10	11
14	15 9am – 1pm <u>Portfolio Workshops</u> Communities Parks	16 9am – 1pm <u>Portfolio Workshops</u> Airport Planning (incl Strat Planning) Advance Rockhampton	17	18
21	22 9am COUNCIL MEETING	23 9am – 1pm <u>Portfolio Workshops</u> Water Waste Infrastructure	24	25
28	29	30	31	



Councillor Meeting Schedule

Apr 2022

Monday	Tuesday	Wednesday	Thursday	Friday
				1
4	5 9am – 1pm Whole of Council Workshop	6	7	8
11	12 9am COUNCIL MEETING	13 9am – 1pm Whole of Council Workshop	14	15
18 EASTER MONDAY PUBLIC HOLIDAY	19 9am – 1pm Portfolio Workshops Communities Parks	20 9am – 1pm Portfolio Workshops Airport Planning (incl Strat Planning) Advance Rockhampton	21	22 GOOD FRIDAY PUBLIC HOLIDAY
25 ANZAC DAY PUBLIC HOLIDAY	26 9am COUNCIL MEETING	27 9am – 1pm Portfolio Workshops Water Waste Infrastructure	28	29



Councillor Meeting Schedule

May 2022

Monday	Tuesday	Wednesday	Thursday	Friday
2 LABOUR DAY PUBLIC HOLIDAY	3 9am – 1pm Whole of Council Workshop	4	5	6
9	10 9am COUNCIL MEETING	11	12	13
16	17 9am – 1pm <u>Portfolio Workshops</u> Communities Parks	18 9am – 1pm <u>Portfolio Workshops</u> Airport Planning (incl Strat Planning) Advance Rockhampton	19	20
23	24 9am COUNCIL MEETING	25 9am – 1pm <u>Portfolio Workshops</u> Water Waste Infrastructure	26	27
30	31			



Councillor Meeting Schedule

Jun 2022

Monday	Tuesday	Wednesday	Thursday	Friday
		1	2	3
6	7 9am – 1pm Whole of Council Workshop	8	9 ROCKHAMPTON SHOW HOLIDAY	10
13	14 9am COUNCIL MEETING	15	16	17
20	21 9am – 1pm <u>Portfolio Workshops</u> Communities Parks	22 9am – 1pm <u>Portfolio Workshops</u> Airport Planning (incl Strat Planning) Advance Rockhampton	23	24
27	28 9am COUNCIL MEETING	29 9am – 1pm <u>Portfolio Workshops</u> Water Waste Infrastructure	30	



Councillor Meeting Schedule

Jul 2022

Monday	Tuesday	Wednesday	Thursday	Friday
				1
4	5 9am – 1pm Whole of Council Workshop	6	7	8
11	12 9am COUNCIL MEETING	13 9am – 1pm Whole of Council Workshop	14	15
18	19 9am – 1pm <u>Portfolio Workshops</u> Communities Parks	20 9am – 1pm <u>Portfolio Workshops</u> Airport Planning (incl Strat Planning) Advance Rockhampton	21	22
25	26 9am COUNCIL MEETING	27 9am – 1pm <u>Portfolio Workshops</u> Water Waste Infrastructure	28	29



Councillor Meeting Schedule

Aug 2022

Monday	Tuesday	Wednesday	Thursday	Friday
1	2 9am – 1pm Whole of Council Workshop	3	4	5
8	9 9am COUNCIL MEETING	10 9am – 1pm Whole of Council Workshop	11	12
15	16 9am – 1pm <u>Portfolio Workshops</u> Communities Parks	17 9am – 1pm <u>Portfolio Workshops</u> Airport Planning (incl Strat Planning) Advance Rockhampton	18	19
22	23 9am COUNCIL MEETING	24 9am – 1pm <u>Portfolio Workshops</u> Water Waste Infrastructure	25	26
29	30	31		



Councillor Meeting Schedule

Sep 2022

Monday	Tuesday	Wednesday	Thursday	Friday
			1	2
5	6 9am – 1pm Whole of Council Workshop	7	8	9
12	13 9am COUNCIL MEETING	14 9am – 1pm Whole of Council Workshop	15	16
19	20 9am – 1pm <u>Portfolio Workshops</u> Communities Parks	21 9am – 1pm <u>Portfolio Workshops</u> Airport Planning (incl Strat Planning) Advance Rockhampton	22	23
26	27 9am COUNCIL MEETING	28 9am – 1pm <u>Portfolio Workshops</u> Water Waste Infrastructure	29	30



Councillor Meeting Schedule

Oct 2022

Monday	Tuesday	Wednesday	Thursday	Friday
3 QUEEN'S BIRTHDAY PUBLIC HOLIDAY	4 9am – 1pm Whole of Council Workshop	5	6	7
10	11 9am COUNCIL MEETING	12 9am – 1pm Whole of Council Workshop	13	14
17	18 9am – 1pm <u>Portfolio Workshops</u> Communities Parks	19 9am – 1pm <u>Portfolio Workshops</u> Airport Planning (incl Strat Planning) Advance Rockhampton	20	21
24	25 9am COUNCIL MEETING	26 9am – 1pm <u>Portfolio Workshops</u> Water Waste Infrastructure	27	28
31				



Councillor Meeting Schedule

Nov 2022

Monday	Tuesday	Wednesday	Thursday	Friday
	1 9am – 1pm Whole of Council Workshop	2	3	4
7	8 9am COUNCIL MEETING	9 9am – 1pm Whole of Council Workshop	10	11
14	15 9am – 1pm <u>Portfolio Workshops</u> Communities Parks	16 9am – 1pm <u>Portfolio Workshops</u> Airport Planning (incl Strat Planning) Advance Rockhampton	17	18
21	22 9am COUNCIL MEETING	23 9am – 1pm <u>Portfolio Workshops</u> Water Waste Infrastructure	24	25
28	29	30		



Councillor Meeting Schedule

Dec 2022

Monday	Tuesday	Wednesday	Thursday	Friday
		1	1	2
5	6 9am – 1pm Whole of Council Workshop	7	8	9
12	13 9am COUNCIL MEETING	14 9am – 1pm Whole of Council Workshop	15	16
19	20	21	22	23
26 BOXING DAY PUBLIC HOLIDAY	27 PUBLIC HOLIDAY for CHRISTMAS DAY	28 RRC SHUTDOWN (to be confirmed)	29 RRC SHUTDOWN (to be confirmed)	30 RRC SHUTDOWN (to be confirmed)

10 NOTICES OF MOTION

Nil

11 QUESTIONS ON NOTICE

Nil

12 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

13 CLOSED SESSION

In accordance with the provisions of section 254J(3) of the *Local Government Regulation 2012*, a local government may resolve to close a meeting to the public to discuss confidential items, such that its Councillors or members consider it necessary to close the meeting.

RECOMMENDATION

THAT the meeting be closed to the public to discuss the following items, which are considered confidential in accordance with section 254J(3) of the *Local Government Regulation 2012*, for the reasons indicated.

14.1 Proposed Sale of Council Land

In accordance with section 254J(3)(g)(i) of the *Local Government Regulation 2012* it is considered necessary to close the meeting to discuss negotiations relating to a commercial matter involving the local government for which a public discussion would be likely to prejudice the interests of the local government; AND a matter the local government is required to keep confidential under a law of, or formal arrangement with, the Commonwealth or a State.

14 CONFIDENTIAL REPORTS

14.1 PROPOSED SALE OF COUNCIL LAND

File No: 1680

Attachments:

1. Aerial Maps
2. First Adjoining Owner Consultation
3. Second Adjoining Owner Consultation
4. Drawing 2020-005-92_RevA

Authorising Officer: Drew Stevenson - Manager Corporate and Technology Services
Ross Cheesman - Deputy Chief Executive Officer

Author: Kellie Roberts - Coordinator Property and Insurance
Michelle Mills - Acting Coordinator Property and Insurance

In accordance with section 254J(3)(g)(i) of the *Local Government Regulation 2012* it is considered necessary to close the meeting to discuss negotiations relating to a commercial matter involving the local government for which a public discussion would be likely to prejudice the interests of the local government; AND a matter the local government is required to keep confidential under a law of, or formal arrangement with, the Commonwealth or a State.

SUMMARY

Reporting on a request to purchase Council land.

15 CLOSURE OF MEETING