



ORDINARY MEETING

MINUTES

24 AUGUST 2021

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**REPORT OF THE ORDINARY MEETING
HELD AT COUNCIL CHAMBERS, 232 BOLSOVER STREET, ROCKHAMPTON
ON TUESDAY, 24 AUGUST 2021 COMMENCING AT 9:00AM**

1 OPENING

1.1 Acknowledgement of Country

2 PRESENT

Members Present:

The Mayor, Councillor A P Williams (Chairperson)
Councillor S Latcham
Councillor C E Smith
Councillor C R Rutherford
Councillor M D Wickerson
Councillor D Kirkland
Councillor G D Mathers

In Attendance:

Mr E Pardon – Chief Executive Officer
Mr R Cheesman – Deputy Chief Executive Officer
Ms A Cutler – General Manager Community Services
Mr P Kofod – General Manager Regional Services
Mr G Bowden – Executive Manager Advance Rockhampton
Ms M Taylor – Chief Financial Officer
Mr A Pont – Manager Parks
Mr A Russell – Manager Strategy and Planning
Mr J Weir – Project Manager Art Gallery – Technical
Ms A Brennan – Coordinator Legal and Governance
Ms T Fitzgibbon – Coordinator Development Assessment
Ms A O'Mara – Principal Planning Officer
Ms C Bell – Coordinator Environmental Sustainability
Ms S Michaels – Senior Communications Officer
Ms T Conrad – Executive Assistant to CEO
Ms K Walsh – Acting Senior Committee Support Officer

Via Webex:

Ms T Sweeney – Executive Manager Workforce and Governance
Mr D Morrison – Project Manager Art Gallery – Operations
Mr G Sheppard – Senior Executive Economic Development
Mr M Crow - Manager Infrastructure Planning
Mr D Stevenson – Manager Corporate and Technology Services
Ms K Roberts – Coordinator Property and Insurance
Ms E Drumm – Coordinator Disaster Management
Mr M Mansfield – Coordinator Media and Communications

3 APOLOGIES AND LEAVE OF ABSENCE

Leave of Absence for the meeting was previously granted to Councillor Neil Fisher.

4 CONFIRMATION OF MINUTES OF PREVIOUS MEETING

COUNCIL RESOLUTION

THAT the minutes of the Ordinary Meeting of 10 August 2021 be confirmed.

Moved by: Councillor Smith
Seconded by: Councillor Wickerson

MOTION CARRIED UNANIMOUSLY

5 DECLARATIONS OF INTEREST IN MATTERS ON THE AGENDA

6 PUBLIC FORUMS/DEPUTATIONS

6.1 DEPUTATION BY STRAW NO MORE "STRAWBASSADOR" CHARLIE ERLEWEIN

File No: 10097
Authorising Officer: Ross Cheesman - Acting Chief Executive Officer
Author: Ross Cheesman - Acting Chief Executive Officer

SUMMARY

Charlie Erlewein is a 'Straw No More Ambassador', the youngest in Australia and is passionate about turtles and the environment.

Charlie will present to Council her message on the banning of single use plastic straws and plastics.

COUNCIL RESOLUTION

THAT the deputation from Charlie Erlewein be received.

Moved by: Councillor Kirkland
Seconded by: Councillor Wickerson

MOTION CARRIED

7 PRESENTATION OF PETITIONS

Nil

8 COUNCILLOR/DELEGATE REPORTS

Nil

9 OFFICERS' REPORTS

9.1 QME 2022 EXHIBITORS SITE

File No: 8444

Authorising Officer: Graham Sheppard - Senior Executive Economic Development
Greg Bowden - Executive Manager Advance Rockhampton

Author: Emily Van Riet - Economic Development and Industry Engagement Advisor

SUMMARY

Rockhampton Regional Council through Advance Rockhampton has the opportunity to exhibit at 2022 Queensland Mining and Engineering Expo (QME 2022). It is proposed that the exhibition site is secured to better promote and position the Rockhampton region in the mining and resource industry sectors.

COUNCIL RESOLUTION

THAT Rockhampton Regional Council through Advance Rockhampton exhibit at QME 2022 with an exhibitors fee of \$16,236.

Moved by: Mayor Williams
Seconded by: Councillor Smith
MOTION CARRIED

9.2 BOWEN BASIN MINING CLUB SEPTEMBER LUNCHEON SPONSORSHIP

File No: 8444
Authorising Officer: Graham Sheppard - Senior Executive Economic Development
Greg Bowden - Executive Manager Advance Rockhampton
Author: Emily Van Riet - Economic Development and Industry Engagement Advisor

SUMMARY

Rockhampton Regional Council through Advance Rockhampton has the opportunity to sponsor the annual Rockhampton luncheon presented by the Bowen Basin Mining Club (BBMC). It is proposed that the sponsorship is provided to continue promoting the Rockhampton region as a leader in the mining and resource industry sectors.

COUNCIL RESOLUTION

THAT Rockhampton Regional Council sponsor the September 2021 Rockhampton Bowen Basin Mining Club Luncheon for \$3500 +GST.

Moved by: Councillor Kirkland

Seconded by: Councillor Latcham

MOTION CARRIED UNANIMOUSLY

9.3 BLACK SUMMER BUSHFIRE RECOVERY GRANTS

File No: 12534
Authorising Officer: Martin Crow - Manager Infrastructure Planning
Peter Kofod - General Manager Regional Services
Author: Elizabeth Drumm - Coordinator Disaster Management

SUMMARY

The National Recovery and Resilience Agency is administering the Black Summer Bushfire Recovery Grants (\$280 Million). The Rockhampton Local Government Area has been allocated \$1.6 Million. Local Government, Community Groups and incorporated organisations are eligible to apply.

This program's intention is to help communities address remaining priorities for recovery and resilience after the 2019-20 bushfires. Projects can seek to build resilience through human social, economic, built infrastructure or environmental focused initiatives.

Potential projects have been identified and are outlined within this report.

OFFICER'S RECOMMENDATION

THAT Council endorse that funding applications are submitted to the Black Summer Bushfire Recovery Grants for the projects outlined.

COUNCIL RESOLUTION

That the matter lay on the table until later in the meeting pending further information.

Moved by: Mayor Williams
Seconded by: Councillor Wickerson
MOTION CARRIED

**9.4 ROCKHAMPTON BOTANIC GARDENS & ZOO REDEVELOPMENT -
IMPLEMENTATION PLAN**

File No: 14412
Authorising Officer: Alicia Cutler - General Manager Community Services
Author: Aaron Pont - Manager Parks
Jacob Weir - Project Manager Art Gallery - Technical

SUMMARY

This report presents for Council's endorsement a revised implementation plan for the Rockhampton Botanic Gardens & Zoo redevelopment. The revised implementation plan is based upon completion of the precinct concept design.

This report provides a summary of key outcomes from the precinct concept design and implementation plan for endorsement.

COUNCIL RESOLUTION

THAT Council endorse the Implementation Plan for the Rockhampton Botanic Gardens & Zoo Redevelopment.

Moved by: Councillor Rutherford
Seconded by: Councillor Smith

MOTION CARRIED

9.5 D/66-2021 - DEVELOPMENT APPLICATION FOR A MATERIAL CHANGE OF USE FOR A MULTIPLE DWELLING (19 UNITS)

File No: D/66-2021

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

Author: Amanda O'Mara - Principal Planning Officer

SUMMARY

Development Application Number: D/66-2021

Applicant: Kele Property Group (Qld) Pty Ltd

Real Property Address: Lot 4 and 3 on RP892683

Common Property Address: 99 and 101 Pennycuick Street, West Rockhampton

Area of Site: 7,388 square metres

Planning Scheme: Rockhampton Region Planning Scheme 2015 (2.1)

Planning Scheme Zone: Low Density Residential Zone

Planning Scheme Overlays: Nil

Existing Development: Dwelling Houses

Approval Sought: Development Permit for a Material Change of Use for a Multiple Dwelling (19 units)

Level of Assessment: Impact Assessable

Submissions: Nil

Referral Agency: Not applicable

Infrastructure Charges Area: Charge Area 1

COUNCIL RESOLUTION

RECOMMENDATION A

THAT in relation to the application for a Development Permit for a Material Change of Use for a Multiple Dwelling (19 units), made by Kele Property Group (Qld) Pty Ltd, located at 99 and 101 Pennycuick Street, West Rockhampton - described as Lot 4 and 3 on RP892683, Council resolves to provide the following reasons for its decision:

STATEMENT OF REASONS

Description of the development	The proposed development is for a Material Change of Use for a Multiple Dwelling (19 units)
Reasons for Decision	<ul style="list-style-type: none"> a) The proposal will expand on the range of housing opportunities available to the local community within an established residential zone; b) The built form and density of the proposal, being single storey with design elements that reflect the character of the surrounding neighbourhood, ensures the development does not impact the residential amenity; c) The development is located in an established residential area, within close proximity to a minor urban collector road, that is well serviced

	<p>with public transport and urban infrastructure and services;</p> <p>d) Assessment of the development against the relevant zone purpose, planning scheme codes and planning scheme policies demonstrates that the proposed development will not cause significant adverse impacts on the surrounding natural environment, built environment and infrastructure, community facilities, or local character and amenity; and</p> <p>e) On balance, the application should be approved because the circumstances favour Council exercising its discretion to approve the application even though the development does not comply with an aspect of the assessment benchmarks.</p>	
Assessment Benchmarks	<p>The proposed development was assessed against the following assessment benchmarks:</p> <ul style="list-style-type: none"> • Strategic Framework; • Low Density Residential Zone Code; • Access, Parking And Transport Code; • Filling and Excavation Code; • Landscape Code; • Stormwater Management Code; and • Water and Sewer Code. 	
Compliance with assessment benchmarks	<p>The development was assessed against all of the assessment benchmarks listed above and complies with all of these with the exception listed below.</p>	
	Assessment Benchmark	Reasons for the approval despite non-compliance with benchmark
	<p>Low Density Residential Zone Code</p>	<p>PO18 The proposal does not comply with AO18.1 which states public transport or a centre must be within 200 metres of the site. However, the site is in close proximity to the Botanical Gardens, a golf course and within an established residential area where public transport is available. In addition, the proposal does not comply with AO18.2 which requires the site to have direct access to a minor urban collector road or higher order road. However, the proposal is located on an urban access place and is within 200 metres to a minor urban collector. Therefore, the proposal provides additional housing in an area which is highly accessible and located to minimise impacts on the local street network.</p>
Matters prescribed by regulation	<ul style="list-style-type: none"> • The <i>Rockhampton Region Planning Scheme 2015</i> (2.1); and • The common material, being the material submitted with the application. 	

RECOMMENDATION B

THAT in relation to the application for a Development Permit for a Material Change of Use for a Multiple Dwelling (19 units), made by Kele Property Group (Qld) Pty Ltd, located at 99 and 101 Pennycuik Street, West Rockhampton - described as Lot 4 and 3 on RP892683, Council resolves to Approve the application subject to the following conditions:

1.0 ADMINISTRATION

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

- 1.2 Where these Conditions refer to “Council” in relation to requiring Council to approve or to be satisfied as to any matter, or conferring on the Council a function, power or discretion, that role may be fulfilled in whole or in part by a delegate appointed for that purpose by the Council.
- 1.3 All conditions, works, or requirements of this development approval must be undertaken, completed, and be accompanied by a Compliance Certificate for any operational works required by this development approval:
 - 1.3.1 to Council’s satisfaction;
 - 1.3.2 at no cost to Council; and
 - 1.3.3 prior to the commencement of the use unless otherwise stated.
- 1.4 Infrastructure requirements of this development approval must be contributed to the relevant authorities, where applicable, at no cost to Council, prior to the commencement of the use, unless otherwise stated.
- 1.5 The following further Development Permits must be obtained prior to the commencement of any works associated with their purposes:
 - 1.5.1 Operational Works:
 - (i) Road Works;
 - (ii) Access and Parking Works;
 - (iii) Sewerage Works;
 - (iv) Stormwater Works;
 - (v) Roof and Allotment Drainage;
 - (vi) Site Works; and
 - (vii) Landscaping Works.
 - 1.5.2 Plumbing and Drainage Works
 - 1.5.3 Building Works:
 - (i) Demolition Works; and
 - (ii) Building Works.
- 1.6 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.
- 1.7 All works must be designed, constructed and maintained in accordance with the relevant Council policies, guidelines and standards, unless otherwise stated.
- 1.8 All engineering drawings/specifications, design and construction works must be in accordance with the requirements of the relevant *Australian Standards* and must be approved, supervised and certified by a Registered Professional Engineer of Queensland.
- 1.9 Lot 3 RP892683 and Lot 4 RP892683 must be amalgamated and registered as one lot prior to the commencement of the use.
- 2.0 APPROVED PLANS AND DOCUMENTS
- 2.1 The approved development must be completed and maintained generally in accordance with the approved plans and documents, except where amended by any condition of this development approval:

<u>Plan/Document Name</u>	<u>Prepared by</u>	<u>Date</u>	<u>Reference No.</u>	<u>Version/Issue</u>
Proposed Site Plan	design + architecture	1 July 2021	SK-001	22
Street Elevation	design + architecture	10 May 2021	SK-002	14
3 Bed – Type 1	design + architecture	10 May 2021	SK-003	14
3 Bed – Type 2	design + architecture	10 May 2021	SK-004	14
2 Bed – Type 1	design + architecture	10 May 2021	SK-005	14
2 Bed – Type 2	design + architecture	10 May 2021	SK-006	14
Locality Plan	McMurtrie Consulting Engineers	2 June 2021	0772021-P-0001	B
Preliminary Site Layout and Vehicle Swept Paths	McMurtrie Consulting Engineers	27 April 2021	0772021-P-0002	A
Preliminary Earthwork Layout Plan	McMurtrie Consulting Engineers	27 April 2021	0772021-P-0003	A
Preliminary Services Layout Plan	McMurtrie Consulting Engineers	2 June 2021	0772021-P-0004	B
Stormwater Management Plan	McMurtrie Consulting Engineers	27 May 2021	036-20-21	B
Technical Memorandum (Flood Statement)	McMurtrie Consulting Engineers	31 May 2021	077-20-21	-

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

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

3.0 ROAD WORKS

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

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

3.3 A concrete pathway, with a minimum width of 1.2 metres, must be constructed on the eastern side of Pennycuick Street for the full frontage of the development site.

4.0 ACCESS AND PARKING WORKS

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

- 4.2 All access and parking works must be designed and constructed in accordance with the approved plans (refer to condition 2.1), *Capricorn Municipal Development Guidelines*, *Australian Standard AS2890 "Parking facilities"* and the provisions of a Development Permit for Operational Works (access and parking works).
- 4.3 All car parking and access areas must be paved or sealed to Council's satisfaction. Design and construction must be in accordance with the provisions of a Development Permit for Operational Works (access and parking works).
- 4.4 The existing access from Pennycuik Street to the development must be upgraded to comply with the requirements of the *Capricorn Municipal Development Guidelines*.
- 4.5 Any redundant vehicular crossovers must be replaced by Council standard kerb and channel.
- 4.6 All vehicles must ingress and egress the development in a forward gear.
- 4.7 Adequate sight distances must be provided for all ingress and egress movements at the access driveways in accordance with *Australian Standard AS2890.2 "Parking facilities - Off street commercial vehicle facilities"*.
- 4.8 A minimum of forty-seven (47) parking spaces must be provided on-site. This includes nine (9) visitor's parking spaces.
- 4.9 Parking spaces must be line-marked in accordance with the approved Site Plan (refer to condition 2.1) and in accordance with the *Australian Standard AS2890 "Parking facilities"* and the provisions of a Development Permit for Operational Works (access and parking works).
- 4.10 Any application for a Development Permit for Operational Works (access and parking works) must be accompanied by detailed and scaled plans, which demonstrate the turning movements/swept paths of the largest vehicle to access the development site including refuse collection vehicles.
- 4.11 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"*.
- 4.12 Road signage and pavement markings must be installed in accordance with *Australian Standard AS1742.1 "Manual of uniform traffic control devices"*.
- 4.13 All vehicle operation areas must be illuminated in accordance with the requirements of *Australian Standard AS1158 "Lighting for roads and public spaces"*.
- 5.0 **SEWERAGE WORKS**
- 5.1 A Development Permit for Operational Works (sewerage works) must be obtained prior to the commencement of any sewerage works on the development site.
- 5.2 All sewerage works must be designed and constructed in accordance with the approved plans (refer to condition 2.1), *Capricorn Municipal Development Guidelines*, *Water Supply (Safety and Reliability) Act 2008*, *Plumbing and Drainage Act 2018* and the provisions of a Development Permit for Operational Works (sewerage works).
- 5.3 The development must be connected to Council's reticulated sewerage network.
- 5.4 A new sewerage access chamber must be installed over existing 150 millimetre diameter sewerage main within the site. A new sewerage connection point must be provided from this access chamber to service the development. This non-trunk infrastructure is conditioned under section 145 of the *Planning Act 2016*.
- 5.5 The existing sewerage connection point(s) must be disconnected.

- 5.6 The finished sewerage access chamber surface must be at a sufficient level to avoid ponding of stormwater above the top of the chamber. A heavy duty trafficable lid must be provided in the trafficable area.
- 5.7 The proposed sewerage infrastructure internal to the site except existing 150 millimetre diameter sewerage main must be privately owned sewerage infrastructure and must be maintained by the owner at no cost to Council.
- 5.8 Large trees must not be planted within one (1) metre of the centreline of any sewerage infrastructure owned by Council; small shrubs and groundcover are acceptable.

6.0 WATER WORKS

- 6.1 All water works must be designed and constructed in accordance with the approved plans (refer to condition 2.1), *Capricorn Municipal Development Guidelines, Water Supply (Safety and Reliability) Act 2008* and *Plumbing and Drainage Act 2018*.
- 6.2 The development must be connected to Council's reticulated water network.
- 6.3 The existing water connection point(s) at Pennycuick Street road reserve must be disconnected. A new water connection point must be provided to the development. An hydraulic engineer or other suitably qualified person must determine the size of connection required.
- 6.4 Adequate domestic and firefighting protection must be provided to the development, in accordance with *Australian Standard AS2419 "Fire Hydrant Installations"* and must be certified by an hydraulic engineer or other suitably qualified person.
- 6.5 The development must be provided with a master meter at the development site boundary and sub-meters for each sole occupancy building in accordance with the *Queensland Plumbing and Drainage Code* and Council's Sub-metering Policy.
- 6.6 If required, the existing Fire Hydrant (FH) at proposed vehicle crossover must be re-located under a private works quote.
- 6.7 The proposed water supply infrastructure internal to the site must be privately owned water supply infrastructure and must be maintained by the owner at no cost to Council.
- 6.8 Water meter boxes located within trafficable areas must be raised or lowered to suit the finished surface levels and must be provided with heavy duty trafficable lids.

7.0 PLUMBING AND DRAINAGE WORKS

- 7.1 A Development Permit for Plumbing and Drainage Works must be obtained for the removal and/or demolition of any existing structures and proposed new structures on the development site.
- 7.2 All internal plumbing and drainage works must be designed and constructed in accordance with the approved plans (refer to condition 2.1), *Capricorn Municipal Development Guidelines, Water Supply (Safety and Reliability) Act 2008, Plumbing and Drainage Act 2018*, Council's Plumbing and Drainage Policies and the provisions of a Development Permit for Plumbing and Drainage Works.
- 7.3 All internal plumbing and sanitary drainage works must be completely independent for each dwelling unit.
- 7.4 Disconnection of internal plumbing and sanitary drainage works associated with the existing buildings must be in accordance with regulated work under the *Plumbing and Drainage Act 2018* and Council's Plumbing and Drainage Policies.

8.0 STORMWATER WORKS

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

- 8.2 All stormwater drainage works must be designed and constructed in accordance with the approved plans (refer to condition 2.1), *Queensland Urban Drainage Manual*, *Capricorn Municipal Development Guidelines*, sound engineering practice and the provisions of a Development Permit for Operational Works (stormwater works).
- 8.3 All stormwater must drain to a demonstrated lawful point of discharge and must not adversely affect surrounding land or infrastructure in comparison to the pre-development conditions, including but not limited to blocking, altering or diverting existing stormwater runoff patterns or having the potential to cause damage to other infrastructure.
- 8.4 Any application for a Development Permit for Operational Works (stormwater works) must be accompanied by engineering plans with details of any new drainage systems including detention systems, inlet and outlet structures and water quality structures to implement the proposed drainage strategy.
- 8.5 The installation of gross pollutant traps must be in accordance with relevant *Australian Standards* and all maintenance of the proposed gross pollutant traps must be the responsibility of the property owner or body corporate (if applicable).
- 8.6 All proprietary stormwater quality treatment devices must be routinely checked, serviced and cleaned in accordance with the manufacturer's recommendations. Records of all maintenance activities undertaken must be kept and made available to Council upon request. Where replacement cartridges or other necessary components for the system become unavailable, an alternative system approved by Council, is required to be retrofitted into the development to achieve an equivalent pollutant reduction outcome. All maintenance cost must be borne by the site owner.
- 8.7 The proposed stormwater infrastructure internal to the site must be privately owned stormwater infrastructure and must be maintained by the owner at no cost to Council.
- 9.0 ROOF AND ALLOTMENT DRAINAGE WORKS
- 9.1 A Development Permit for Operational Works (roof and allotment drainage works) must be obtained prior to the commencement of any drainage works on the development site.
- 9.2 All roof and allotment drainage works must be designed and constructed in accordance with the approved plans (refer to condition 2.1), *Queensland Urban Drainage Manual*, *Capricorn Municipal Development Guidelines*, sound engineering practice and the provisions of a Development Permit for Operational Works (roof and allotment drainage works).
- 9.3 All roof and allotment runoff from the development must be directed to a lawful point of discharge and must not restrict, impair or change the natural flow of runoff water or cause a nuisance to surrounding land or infrastructure.
- 10.0 SITE WORKS
- 10.1 A Development Permit for Operational Works (site works) must be obtained prior to the commencement of any site works on the development site.
- 10.2 Any application for a Development Permit for Operational Works (site works) must be accompanied by an earthworks plan that clearly identifies the following:
- 10.2.1 the location of cut and/or fill;
 - 10.2.2 the type of fill to be used and the manner in which it is to be compacted;
 - 10.2.3 the quantum of fill to be deposited or removed and finished cut and/or fill levels;
 - 10.2.4 details of any proposed access routes that are intended to be used to transport fill to or from the development site; and

- 10.2.5 the maintenance of access roads to and from the development site so that they are free of all cut and/or fill material and cleaned as necessary.
- 10.3 All earthworks must be undertaken in accordance with *Australian Standard AS3798 "Guidelines on earthworks for commercial and residential developments"*.
- 10.4 Site works must be constructed such that they do not, at any time, in any way restrict, impair or change the natural flow of runoff water, or cause a nuisance or worsening to surrounding land or infrastructure.
- 10.5 Retaining structures above one (1) metre in height that are not incidental works to a Development Permit for Building Works, must not be constructed unless separately and specifically certified by a Registered Professional Engineer of Queensland and must be approved as part of a Development Permit for Operational Works (site works).
- 10.6 Retaining structures close to or crossing sewerage infrastructure must comply with *Queensland Development Code, Mandatory Part 1.4 "Building over or near relevant infrastructure."* The structure must be self-supporting and no additional load must be applied to Council's sewerage infrastructure. Any permit associated with the Building Over/Adjacent to Local Government Sewerage Infrastructure Policy must be obtained prior to the issue of a Development Permit for Building Works.
- 10.7 All site works must be undertaken to ensure that there is:
- 10.7.1 no increase in upstream or downstream flood levels for all levels of immunity up to a one per cent (1%) Annual exceedance probability flood event;
- 10.7.2 no increase in velocity profiles, for which no remedy exists to prevent erosion and/or scouring. In the event that modelling shows non-compliance with the above, works must be undertaken within the system to satisfy the above criteria for development; and
- 10.7.3 a lawful point of discharge to which the approved works drain during construction phase.
- 11.0 **BUILDING WORKS**
- 11.1 A Development Permit for Building Works must be obtained prior to the commencement of any building works on the site.
- 11.2 A Development Permit for Building Works must be obtained for the removal and/or demolition of any existing structures and proposed structures on the development site.
- 11.3 The development must comply with *Queensland Development Code, Mandatory Part 1.4 "Building over or near relevant infrastructure."* Any permit associated with the Building Over/Adjacent to Local Government Sewerage Infrastructure Policy must be obtained prior to the issue of a Development Permit for Building Works.
- 11.4 Impervious paved waste storage area/s must be provided in accordance with the approved plans (refer to condition 2.1) and the *Environmental Protection Regulation 2019* and must be:
- 11.4.1 of a sufficient size to accommodate commercial type bin for recycled waste that will be serviced by a commercial contractor plus clearances around the bins for manoeuvring and cleaning;
- 11.4.2 If required, provided with a suitable hosecock and hoses at the refuse container area, and washdown must be drained to the sewer and fitted with an approved stormwater diversion valve arrangement in accordance with the Sewerage Trade Waste provisions and the *Plumbing and Drainage Act 2018*.
- As an alternative to a washdown facility, a fully contained commercial bin cleaning service is acceptable provided no wastewater is discharged from the site to the sewer.

- 11.5 All external elements, such as air conditioners, pool and spa pumps and associated equipment, must be adequately screened from public view, to Council's satisfaction.
- 11.6 Any lighting devices associated with the development, such as sensory lighting, must be positioned on the development site and shielded so as not to cause glare or other nuisance to nearby residents and motorists. Night lighting must be designed, constructed and operated in accordance with Australian Standard AS4282 "Control of the obtrusive effects of outdoor lighting".
- 11.7 All fencing for the development must be provided in accordance with the approved plans (refer to condition 2.1).
- 12.0 LANDSCAPING WORKS
- 12.1 A Development Permit for Operational Works (landscaping works) must be obtained prior to the commencement of any landscaping works required by this development approval.
- 12.2 Landscaping must be constructed and/or established prior to the commencement of the use in all areas shown on the approved plans (refer to condition 2.1).
- 12.3 A Landscaping Plan must be submitted with any application for a Development Permit for Operational Works (landscaping works). The landscaping plans must be designed in accordance with the requirements of *Planning Scheme Policy SC6.12 - Landscape Design and Street Trees Planning Scheme Policy*.
- 12.4 At least fifty (50) per cent of all new plantings within the landscaping areas (refer to condition 2.1) must be locally native species with low water dependency.
- 12.5 Plant species must not include undesirable species identified in *Planning Scheme Policy SC6.12 - Landscape Design and Street Trees Planning Scheme Policy*.
- 12.6 The landscaped areas must be subject to:
- 12.6.1 a watering and maintenance plan during the establishment moment; and
 - 12.6.2 an ongoing maintenance and replanting programme.
- 13.0 ELECTRICITY
- 13.1 Electricity services must be provided to the development in accordance with the standards and requirements of the relevant service provider.
- 14.0 TELECOMMUNICATIONS
- 14.1 Telecommunications services must be provided to the development in accordance with the standards and requirements of the relevant service provider.
- 15.0 ASSET MANAGEMENT
- 15.1 Any alteration necessary to electricity, telephone, water mains, sewerage mains, and/or public utility installations resulting from the development or in connection with the development, must be undertaken and completed at no cost to Council.
- 15.2 Any damage to existing stormwater, water supply and sewerage infrastructure, kerb and channel, pathway or roadway (including removal of concrete slurry from public land and Council infrastructure), that occurs while any works are being carried out in association with this development approval must be repaired at full cost to the developer. This includes the reinstatement of any existing traffic signs or pavement markings that may have been removed or damaged.
- 15.3 'As Constructed' information pertaining to assets to be handed over to Council and those which may have an impact on Council's existing and future assets must be provided prior to the commencement of the use. This information must be provided in accordance with the *Asset Design and As Constructed Manual (ADAC)*.

16.0 OPERATING PROCEDURES

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

ADVISORY NOTES

NOTE 1. Aboriginal Cultural Heritage

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

NOTE 2. Asbestos Removal

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

NOTE 3. General Environmental Duty

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

NOTE 4. General Safety Of Public During Construction

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

NOTE 5. Infrastructure Charges Notice

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

RECOMMENDATION C

THAT in relation to the application for a Development Permit for a Material Change of Use for a Multiple Dwelling (19 units), made by Kele Property Group (Qld) Pty Ltd, located at 99 and 101 Pennycuick Street, West Rockhampton - described as Lot 4 and 3 on RP892683, Council resolves to issue an Infrastructure Charges Notice for the amount of \$345,000.00.

Moved by: Councillor Latcham

Seconded by: Councillor Mathers

MOTION CARRIED UNANIMOUSLY

9.6 COMMUNITY ASSISTANCE PROGRAM: ENVIRONMENT AND SUSTAINABILITY SCHEME - JULY 2021 COMMUNITY INITIATIVES

File No: 12535
Authorising Officer: Alicia Cutler - General Manager Community Services
Author: Christine Bell - Coordinator Environmental Sustainability

SUMMARY

This report tables the latest round of community-based initiatives submitted for consideration under Council's Community Assistance Program – Environment and Sustainability Scheme.

COUNCIL RESOLUTION

That Council approves funding and support for the following community-led environment and sustainability initiatives:

Organisation	Grant (GST exc)
Gracemere State School P&C Association – Containers for Change project (10c container collection bins)	\$200
St Joseph's Catholic Primary School Park Avenue P&F Association – Interactive Ecozone (sustainability themed outdoor learning area)	\$3,000
St Peter's Catholic Primary School P&F Association – Don't waste our environment part 3 (outdoor water efficiency initiatives)	\$3,000
Total grant value	\$6,200

Moved by: Councillor Kirkland
Seconded by: Councillor Wickerson
MOTION CARRIED

**9.7 2020-21 OPERATIONAL PLAN PROGRESS REPORT - ANNUAL SUMMARY
(INCLUDING QUARTER 4 PROGRESS REPORT)**

File No: 8320
Authorising Officer: Tracy Sweeney - Executive Manager Workforce and Governance
Author: Allysa Brennan - Coordinator Legal and Governance

SUMMARY

The 2020-21 Operational Plan Quarterly Report for quarter four as at 30 June 2021, pursuant to section 174(3) Local Government Regulation 2012 is presented for Council endorsement.

COUNCIL RESOLUTION

THAT Council receive the 2020-21 Operational Plan Quarterly Report for quarter four as at 30 June 2021.

Moved by: Mayor Williams
Seconded by: Councillor Rutherford

MOTION CARRIED UNANIMOUSLY

9.8 COUNCIL DELEGATIONS TO CHIEF EXECUTIVE OFFICER

File No: 12660
Authorising Officer: Tracy Sweeney - Executive Manager Workforce and Governance
Author: Allysa Brennan - Coordinator Legal and Governance

SUMMARY

This report seeks Council's approval for delegations under State legislation to the position of Chief Executive Officer.

COUNCIL RESOLUTION

THAT:

1. Council resolves as per section 257 of the Local Government Act 2009 to delegate to the Chief Executive Officer, the exercise of powers contained in schedule 1 of Delegation Register – Land Regulation 2020; Delegation Register – Residential Tenancies and Rooming Accommodation (COVID-19 Emergency Response) Regulation 2020; Delegation Register – Building Act 1975; Delegation Register – Fire and Emergency Services Act 1990; and Delegation Register – State Penalties Enforcement Act 1999, as attached to the minutes.
2. These powers must be exercised subject to any limitations contained in schedule 2 of the Delegation Registers, as attached to the minutes.

Moved by: Councillor Latcham
Seconded by: Councillor Wickerson

MOTION CARRIED

Delegations Register – Land Regulation 2020

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

These powers must be exercised subject to the limitations contained in Schedule 2. All prior resolutions delegating the same powers are repealed.

Schedule 1

Section	Entity Power Given To	Title	Description	Recommendation
Section 4(3)	Entity Power Given To: Trustee	Part 2 – Reserves and Deeds of Grant in Trust Division 1 – Adoption of Model By-Laws by Trustee Sub-Division 1 – Requirements for Trustee Permits	Power, as trustee, to:- (a) give a public notice of the decision to adopt the model by-law; and (b) notify the chief executive. NB. for the avoidance of doubt, this section does not include the power to adopt the model by-law.	Delegation to the CEO
Section 4(6)	Entity Power Given To: Trustee	Part 2 – Reserves and Deeds of Grant in Trust Division 1 – Adoption of Model By-Laws by Trustee Sub-Division 1 – Requirements for Trustee Permits	Power, as trustee, while the model by-law has effect, to keep a copy of the public notice available for inspection free of charge.	Delegation to the CEO
Section 19(2)	Entity Power Given To: Lessee	Part 3 – Matters Affecting Land Holdings Division 1 – Purchase Price and Valuations for Particular Purposes	Power, as lessee, to appeal against the purchase price decision.	Delegation to the CEO
Section 31(3)	Entity Power Given To: Prospective Lessee or Licensee	Part 4 - Rents and Instalment Division 2 - Categorisation of Tenures for Rental Purposes Subdivision 3 - Allocating Particular Tenures to Rental Categories	Power, as prospective lessee or licensee, to appeal against the rental category decision.	Delegation to the CEO
Section 32(3)	Entity Power Given To: Prospective Permittee	Part 4 - Rents and Instalment Division 2 - Categorisation of Tenures for Rental Purposes Subdivision 3 - Allocating Particular Tenures to Rental Categories	Power, as prospective permittee, to appeal against the rental category decision.	Delegation to the CEO
Section 48(1)	Entity Power Given To: Tenure Holder	Part 4 - Rents and Instalment Division 5 - Payment of Rent and Instalments	Power, as a tenure holder, to pay the rent or instalments for the tenure when and where required under Part 4, Division 5.	Delegation to the CEO
Section 60(2)	Entity Power Given To: Tenure Holder	Part 4 - Rents and Instalment Division 6 - Deferral of Rent and Instalments Subdivision 2 - Deferral by Application	Power, as a tenure holder in the circumstances set out in subsection 60(1), to apply to the Minister for a deferral of all or part of the rent or instalments payable for the tenure.	Delegation to the CEO
Section 60(4)	Entity Power Given To: Tenure Holder	Part 4 - Rents and Instalment Division 6 - Deferral of Rent and Instalments Subdivision 2 - Deferral by Application	Power, as a tenure holder who has lodged an application under subsection 60(2), to give the Minister any further information needed to help decide the application.	Delegation to the CEO
Section 65(3) and (4)	Entity Power Given To: Tenure Holder	Part 4 - Rents and Instalment Division 7 - Action for Non-Payment of Rent or Instalments	Power, as a tenure holder in the circumstances set out in subsections 65(1) and (2), to pay the penalty interest.	Delegation to the CEO
Section 85(1)	Entity Power Given To: Manager of a Declared Beach Area	Part 8 - General Division 2 - Declared Beach Areas Subdivision 2 - Use Conditions	Power, as the manager of a declared beach area, to temporarily close the declared beach area or a part of the declared beach area. NB. this power only applies to the proposed easements A, B and C on SP143259 situated in lots 69, 71 and 72 on plan FD395, which are in the Gladstone Regional Council area.	Not Relevant to Council
Section 85(2)	Entity Power Given To: Manager of a Declared Beach Area	Part 8 - General Division 2 - Declared Beach Areas Subdivision 2 - Use Conditions	Power, as the manager of a declared beach area, to allow a person to access the closed area. NB. this power only applies to the proposed easements A, B and C on SP143259 situated in lots 69, 71 and 72 on plan FD395, which are in the Gladstone Regional Council area.	Not Relevant to Council

Schedule 2

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

Delegations Register –

Residential Tenancies and Rooming Accommodation ((COVID-19) Emergency Response) Regulation 2020

Under section 257 of the Local Government Act 2009, ROCKHAMPTON REGIONAL COUNCIL resolves to delegate the exercise of the powers contained in Schedule 1 to the Chief Executive Officer.

These powers must be exercised subject to the limitations contained in Schedule 2. All prior resolutions delegating the same powers are repealed.

Schedule 1

Section	Entity Power Given To	Title	Description	Recommendation
Section 23(2)	Entity Power Given To: Lessor	Part 2 – Residential Tenancies Division 7 – Domestic Violence Sub-Division 1 – Leaving Premises	Power, as a lessor, to inform the tenant of each of the matters set out in subsection 23(2).	Delegation to the CEO
Section 25(3)	Entity Power Given To: Lessor	Part 2 – Residential Tenancies Division 7 – Domestic Violence Sub-Division 1 – Leaving Premises	Power, as a lessor, to give each remaining cotenant a written notice containing those matters identified in subsection 25(3).	Delegation to the CEO
Section 30(2)	Entity Power Given To: Lessor	Part 2 – Residential Tenancies Division 7 – Domestic Violence Sub-Division 1 – Leaving Premises	Power, as a lessor, in the circumstances set out in subsection 30(1), to apply to the tribunal for an order setting aside the notice because it does not comply with section 22.	Delegation to the CEO
Section 61(2)	Entity Power Given To: Provider	Part 3 – Rooming Accommodation Division 7 – Domestic Violence Sub-Division 1 – Leaving Rental Premises	Power, as a provider, to inform the resident of each of the matters set out in subsection 61(2).	Not Relevant to Council
Section 63(3)	Entity Power Given To: Provider	Part 3 – Rooming Accommodation Division 7 – Domestic Violence Sub-Division 1 – Leaving Rental Premises	Power, as a provider, to give each remaining coresident a written notice containing those matters identified in subsection 63(3).	Not Relevant to Council
Section 68(2)	Entity Power Given To: Provider	Part 3 – Rooming Accommodation Division 7 – Domestic Violence Sub-Division 1 – Leaving Rental Premises	Power, as a provider, in the circumstances set out in section 60, to apply to the tribunal for an order setting aside the notice because it does not comply with section 22.	Not Relevant to Council
Section 71(1)	Entity Power Given To: Provider	Part 3 – Rooming Accommodation Division 7 – Domestic Violence Sub-Division 2 – Other Matters	Power, as a provider, to change or repair the lock to a resident's room if the resident believes it is necessary to protect the resident from domestic violence.	Not Relevant to Council
Section 83(2)	Entity Power Given To: Person	Part 4 - General Provisions	Power, in the circumstances prescribed by subsection 83(1), to apply to the authority for an extension of time to make the application or respond to the action.	Delegation to the CEO
Section 85(2)	Entity Power Given To: Lessor or Provider	Part 4 - General Provisions	Power, in the circumstances prescribed by subsection 85(1), to require evidence from the tenant or resident to support the claim if the evidence is similar in nature to the information the lessor or provider required from the tenant or resident to enter into the agreement.	Delegation to the CEO
Section 92(3)	Entity Power Given To: Either Party	Part 5 – Transitional and Saving Provisions Division 2 – Transitional Provisions for Residential Tenancies and Rooming Accommodation (COVID-19 Emergency Response) Amendment Regulation 2020	Power, in the circumstances prescribed by subsection 92(3), to:- (a) make a dispute resolution request under repealed section 12(2); and (b) make an application to the tribunal under repealed section 12(3).	Delegation to the CEO

Schedule 2

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

Delegations Register – Building Act 1975

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

These powers must be exercised subject to the limitations contained in Schedule 2. All prior resolutions delegating the same powers are repealed.

Schedule 1

Section	Entity Power Given To	Title	Description	Recommendation
Section 34A(2)	Entity Power Given To: Assessment Manager	Chapter 4 – Building Assessment Provisions And Assessing Building Development Applications Part 1 – Laws And Other Documents Applying to Building Work Division 1 – General Provisions About The Laws And Documents Applying to Building Work	Power, as an assessment manager, to determine whether a building development application complies with the building assessment provisions and if it does, to approve the application.	Delegation to the CEO
Section 41(1)	Entity Power Given To: Assessment Manager	Chapter 4 – Building Assessment Provisions And Assessing Building Development Applications Part 1 – Laws And Other Documents Applying to Building Work Division 2 – Variation of How Particular Building Assessment Provisions Apply	Power, as an assessment manager, to consult with the chief executive about the variation application.	Delegation to the CEO
Section 46(5)	Entity Power Given To: Referral Agency	Chapter 4 – Building Assessment Provisions And Assessing Building Development Applications Part 2 – Persons Responsible For Assessing Building Development Applications Division 1 – Who Carries Out Building Assessment Work	Power, as a referral agency, to appoint or employ a building certifier to carry out the assessment against the fire safety standard.	Delegation to the CEO
Section 51(2)(a)	Entity Power Given To: Local Government	Chapter 4 – Building Assessment Provisions And Assessing Building Development Applications Part 2 – Persons Responsible For Assessing Building Development Applications Division 3 – Functions Of Local Government	Power, under the <i>Planning Act</i> to receive, assess and decide a building development application.	Delegation to the CEO
Section 51(2)(b)	Entity Power Given To: Local Government	Chapter 4 – Building Assessment Provisions And Assessing Building Development Applications Part 2 – Persons Responsible For Assessing Building Development Applications Division 3 – Functions Of Local Government	Power to appoint or employ a private certifier or another building certifier.	Delegation to the CEO
Section 51(3)	Entity Power Given To: Local Government	Chapter 4 – Building Assessment Provisions And Assessing Building Development Applications Part 2 – Persons Responsible For Assessing Building Development Applications Division 3 – Functions Of Local Government	Power to appoint or employ a building certifier where asked in writing by the nominated owner and the building work has not been certified.	Delegation to the CEO
Section 52	Entity Power Given To: Local Government	Chapter 4 – Building Assessment Provisions And Assessing Building Development Applications Part 2 – Persons Responsible For Assessing Building Development Applications Division 3 – Functions Of Local Government	Power to issue a building development approval.	Delegation to the CEO
Section 53(2)	Entity Power Given To: Local Government	Chapter 4 – Building Assessment Provisions And Assessing Building Development Applications Part 2 – Persons Responsible For Assessing Building Development Applications Division 3 – Functions Of Local Government	Power, in carrying out functions under the <i>Building Act</i> , to accept and, without further checking, rely and act on a certificate or other document made by or given to the building certifier.	Delegation to the CEO

Section	Entity Power Given To	Title	Description	Recommendation
Section 54	Entity Power Given To: Local Government	Chapter 4 – Building Assessment Provisions And Assessing Building Development Applications Part 2 – Persons Responsible For Assessing Building Development Applications Division 3 – Functions Of Local Government	Power to accept and, without further checking, rely and act on the document, given to Council by a private certifier for a building development application, for the purpose of making it available for inspection or purchase as required by the <i>Planning Act</i> .	Delegation to the CEO
Section 55	Entity Power Given To: Assessment Manager	Chapter 4 – Building Assessment Provisions And Assessing Building Development Applications Part 2 – Persons Responsible For Assessing Building Development Applications Division 4 – Power of Particular Replacement Assessment Managers to Decide Status of Development Assessment Process under <i>Planning Act</i>	Power, as assessment manager, in relation to undecided building development applications and lapsed building development approvals, to resume or start the development assessment process under the <i>Planning Act</i> at any stage the assessment manager considers appropriate.	Delegation to the CEO
Section 65	Entity Power Given To: Holder of a Registered Easement or Statutory Covenant	Chapter 4 – Building Assessment Provisions And Assessing Building Development Applications Part 4 – Requirements For And Restrictions On Assessing Or Approving Building Development Applications	Power, as the holder of a registered easement or statutory covenant, to consent to building work.	Delegation to the CEO
Section 68A(2)	Entity Power Given To: Assessment Manager	Chapter 4 – Building Assessment Provisions And Assessing Building Development Applications Part 4 – Requirements For And Restrictions On Assessing Or Approving Building Development Applications	Power, as assessment manager, to prepare a written statement of reasons.	Delegation to the CEO
Section 71	Entity Power Given To: Local Government	Chapter 4 – Building Assessment Provisions And Assessing Building Development Applications Part 5 – Conditions Of Building Development Approvals Division 1 – Conditions Taken To Be Imposed	Power to decide an application to extend the period mentioned in subsection 71(3), to consult with an entity in deciding the application and to give notice of the decision.	Delegation to the CEO
Section 87	Entity Power Given To: Local Government	Chapter 4 – Building Assessment Provisions And Assessing Building Development Applications Part 6 – Regulation Of Building Assessment Work and the Issuing of Building Development Approvals by Private Certifiers	Power to give a private certifier a document acknowledging receipt of the fee mentioned in subsection 86(1)(c).	Delegation to the CEO
Section 92(2)	Entity Power Given To: Local Government	Chapter 4 – Building Assessment Provisions And Assessing Building Development Applications Part 7 – Provisions About Lapsing Of Building Development Approvals And Related Matters Division 1 – Building Work For Demolition Or Removal	Power to take the action it considers necessary to complete the building work where the building development approval lapses and the building work is other than demolition.	Delegation to the CEO
Section 92(5)	Entity Power Given To: Local Government	Chapter 4 – Building Assessment Provisions And Assessing Building Development Applications Part 7 – Provisions About Lapsing Of Building Development Approvals And Related Matters Division 1 – Building Work For Demolition Or Removal	Power to use of all or part of any security given to the local government for the carrying out of the building work.	Delegation to the CEO
Section 93(1)	Entity Power Given To: Local Government	Chapter 4 – Building Assessment Provisions And Assessing Building Development Applications Part 7 – Provisions About Lapsing Of Building Development Approvals And Related Matters Division 1 – Building Work For Demolition Or Removal	Power to refund or release part of any security given to the local government for the carrying out of the building work, at any time, having regard to the process of the building work.	Delegation to the CEO

Section	Entity Power Given To	Title	Description	Recommendation
Section 95	Entity Power Given To: Assessment Manager	Chapter 4 – Building Assessment Provisions And Assessing Building Development Applications Part 7 – Provisions About Lapsing Of Building Development Approvals And Related Matters Division 2 – Other Building Work	Power, as the assessment manager, to give a reminder notice about the lapsing.	Delegation to the CEO
Section 97(2)	Entity Power Given To: Local Government	Chapter 4 – Building Assessment Provisions And Assessing Building Development Applications Part 7 – Provisions About Lapsing Of Building Development Approvals And Related Matters Division 2 – Other Building Work	Power to consult with a private certifier with regard to further extensions of the period under the <i>Planning Act</i> , s85(1) (currency period).	Delegation to the CEO
Section 117	Entity Power Given To: Assessment Manager	Chapter 5 – Inspections, Building Classification, And The Use Of Buildings Part 4 – Restrictions On The Use Of Buildings	Power, as the assessment manager, to take enforcement action against an owner contravening section 114 of the Act.	Delegation to the CEO
Section 124A(2)	Entity Power Given To: Owner of a Building	Chapter 5 – Inspections, Building Classification, And The Use Of Buildings Part 5 – Miscellaneous Provisions	Power, as the owner of a building, to by notice ask for a copy of any inspection documentation for the inspection performed by the building certifier.	Delegation to the CEO
Section 143B(2)	Entity Power Given To: Owner of a Building	Chapter 6 - Provisions About Private Certifiers and Other Building Certifiers Part 2 - Private Certifiers Division 2 - Engagement of Private Certifiers	Power, as the owner of a building, to give an additional certification notice.	Delegation to the CEO
Section 190(1)	Entity Power Given To: Local Government	Chapter 6 - Provisions About Private Certifiers and Other Building Certifiers Part 4 - Complaints, Investigations and Disciplinary Proceedings Relating to Building Certifiers Division 1 - Complaints	Power to make a complaint to QBCC about a building certifier.	Delegation to the CEO
Section 206(1)	Entity Power Given To: Local Government	Chapter 6 – Provisions About Private Certifiers And Other Building Certifiers Part 4 – Complaints, Investigations And Disciplinary Proceedings Relating To Building Certifiers Division 3 – Show Cause Notice For Disciplinary Proceedings	Power to give a building certifier a notice ('show cause notice').	Delegation to the CEO
Section 207	Entity Power Given To: Local Government	Chapter 6 – Provisions About Private Certifiers And Other Building Certifiers Part 4 – Complaints, Investigations And Disciplinary Proceedings Relating To Building Certifiers Division 3 – Show Cause Notice For Disciplinary Proceedings	Power to consider any representations made under the show cause notice and decide to take no further action, or apply to the Queensland Civil and Administrative Tribunal to start a disciplinary proceeding against the building certifier.	Delegation to the CEO
Section 208(1)	Entity Power Given To: Local Government	Chapter 6 – Provisions About Private Certifiers and Other Building Certifiers Part 4 – Complaints, Investigations and Disciplinary Proceedings Relating to Building Certifiers Division 4 – Disciplinary Proceedings	Power to apply to the Queensland Civil and Administrative Tribunal to conduct disciplinary proceeding to determine whether there are proper grounds for taking disciplinary action against a building certifier.	Delegation to the CEO
Section 210	Entity Power Given To: Local Government	Chapter 6 – Provisions About Private Certifiers and Other Building Certifiers Part 4 – Complaints, Investigations and Disciplinary Proceedings Relating to Building Certifiers Division 4 – Disciplinary Proceedings	Power to notify the QBCC of its application to the Queensland Civil and Administrative Tribunal.	Delegation to the CEO
Section 221(2)	Entity Power Given To: Local Government	Chapter 7 – Fire Safety For Budget Accommodation Buildings Part 3 – Budget Accommodation Buildings Built, Approved Or Applied For, Before 1 January 1992	Power to consult with any other entity considered appropriate in deciding an application made by the owner of a budget accommodation building to approve a period for the building under section 220(a)(i) or (b)(i) (longer periods for approval).	Delegation to the CEO
Section 221(2)(b) and (3)	Entity Power Given To: Local Government	Chapter 7 – Fire Safety For Budget Accommodation Buildings Part 3 – Budget Accommodation Buildings Built, Approved Or Applied For, Before 1 January 1992	Power to grant (including with reasonable conditions) or refuse an application made by the owner of a budget accommodation building to approve a period for the building under section 220(a)(ii) or (b)(ii) (longer periods for approval).	Delegation to the CEO

Section	Entity Power Given To	Title	Description	Recommendation
Section 221(4)	Entity Power Given To: Local Government	Chapter 7 – Fire Safety For Budget Accommodation Buildings Part 3 – Budget Accommodation Buildings Built, Approved Or Applied For, Before 1 January 1992	Power to decide the application and give the owner an information notice about the decision.	Delegation to the CEO
Section 222(2)	Entity Power Given To: Local Government	Chapter 7 – Fire Safety For Budget Accommodation Buildings Part 3 – Budget Accommodation Buildings Built, Approved Or Applied For, Before 1 January 1992	Power to, on written application from the owner, decide whether or not a building conforms with fire safety standards and, if applicable, state what must be done to make the building conform.	Delegation to the CEO
Section 228(2)	Entity Power Given To: Local Government	Chapter 7 – Fire Safety For Budget Accommodation Buildings Part 4 – All Budget Accommodation Buildings	Power to inspect budget accommodation buildings at least once every 3 years.	Delegation to the CEO
Section 228(4)	Entity Power Given To: Local Government	Chapter 7 – Fire Safety For Budget Accommodation Buildings Part 4 – All Budget Accommodation Buildings	Power to keep the records referred to in subsections 228(4)(a) to (c).	Delegation to the CEO
Section 231AK(a)(ii) and (b)(iii) and Section 231AL	Entity Power Given To: Local Government	Chapter 7A – Fire Safety For Residential Care Buildings Built, Approved Or Applied For, Before 1 June 2007 Part 4 – Assessment Of Residential Care Buildings	Power, as local government, to approve, with or without conditions, a later day for a residential care building to comply with section 231AK of the Building Act.	Not Relevant to Council
Section 231AL	Entity Power Given To: Local Government	Chapter 7A – Fire Safety For Residential Care Buildings Built, Approved Or Applied For, Before 1 June 2007 Part 4 – Assessment Of Residential Care Buildings	Power, as local government, on an application by the owner of an RCB for a later day to obtain a fire safety compliance certificate or certificate of occupancy to: (a) consult on the application (b) decide the application (c) impose conditions on the grant of an application (d) give an information notice about the decision.	Not Relevant to Council
Section 236	Entity Power Given To: Local Government	Chapter 8 – Swimming Pool Safety Part 2 – Compliance With Pool Safety Standard And Other Matters About Pool Safety Division 3 – Exemptions From Compliance With Pool Safety Standard – Disability Subdivision 1 – Applying For Exemption And Deciding Application	Power to require an applicant to give medical evidence to support the application.	Delegation to the CEO
Section 237	Entity Power Given To: Local Government	Chapter 8 – Swimming Pool Safety Part 2 – Compliance With Pool Safety Standard And Other Matters About Pool Safety Division 3 – Exemptions From Compliance With Pool Safety Standard – Disability Subdivision 1 – Applying For Exemption And Deciding Application	Power to, on application by a pool owner, decide an application for exemption from complying with a part of the pool safety standard relating to barriers for a regulated pool due to disability (with or without conditions).	Delegation to the CEO
Section 238	Entity Power Given To: Local Government	Chapter 8 – Swimming Pool Safety Part 2 – Compliance With Pool Safety Standard And Other Matters About Pool Safety Division 3 – Exemptions From Compliance With Pool Safety Standard – Disability Subdivision 1 – Applying For Exemption And Deciding Application	Power to give notice of Council's decision (including an information notice about the decision).	Delegation to the CEO
Section 239	Entity Power Given To: Local Government	Chapter 8 – Swimming Pool Safety Part 2 – Compliance With Pool Safety Standard And Other Matters About Pool Safety Division 3 – Exemptions From Compliance With Pool Safety Standard – Disability Subdivision 1 – Applying For Exemption And Deciding Application	Power to give notice of each exemption granted under Chapter 8, Part 2, Division 3 to QBCC commissioner.	Delegation to the CEO

Section	Entity Power Given To	Title	Description	Recommendation
Section 242(2)	Entity Power Given To: Local Government	Chapter 8 – Swimming Pool Safety Part 2 – Compliance With Pool Safety Standard And Other Matters About Pool Safety Division 3 – Exemptions From Compliance With Pool Safety Standard – Disability Subdivision 2 – Ending And Revocation Of Exemptions	Power to give an applicant a show cause notice.	Delegation to the CEO
Section 242(3)	Entity Power Given To: Local Government	Chapter 8 – Swimming Pool Safety Part 2 – Compliance With Pool Safety Standard And Other Matters About Pool Safety Division 3 – Exemptions From Compliance With Pool Safety Standard – Disability Subdivision 2 – Ending And Revocation Of Exemptions	Power to consider any representations made under the show cause notice and give a further notice (a revocation notice) to the applicant, revoking the decision previously given.	Delegation to the CEO
Section 243	Entity Power Given To: Local Government	Chapter 8 – Swimming Pool Safety Part 2 – Compliance With Pool Safety Standard And Other Matters About Pool Safety Division 3 – Exemptions From Compliance With Pool Safety Standard – Disability Subdivision 2 – Ending And Revocation Of Exemptions	Power to give the QBCC commissioner notice of each revocation notice given.	Delegation to the CEO
Section 244	Entity Power Given To: Local Government	Chapter 8 – Swimming Pool Safety Part 2 – Compliance With Pool Safety Standard And Other Matters About Pool Safety Division 3 – Exemptions From Compliance With Pool Safety Standard – Disability Subdivision 3 – Miscellaneous	Power to keep a copy of each exemption granted and make the copy available for inspection and purchase as if it were a document, that under the <i>Planning Act</i> , the local government must make available for inspection and purchase.	Delegation to the CEO
Section 245A	Entity Power Given To: Local Government	Chapter 8 – Swimming Pool Safety Part 2 – Compliance With Pool Safety Standard And Other Matters About Pool Safety Division 4 – Exemption From Compliance With Pool Safety Standard Impracticability Subdivision 1 – Applying For Exemptions And Deciding Applications	Power to, on application by a pool owner for exemption from complying with part of the pool safety standard relating to barriers for the regulated pool due to compliance being impracticable, require further information to establish that compliance with the part of the pool safety standard is not practicable.	Delegation to the CEO
Section 245B	Entity Power Given To: Local Government	Chapter 8 – Swimming Pool Safety Part 2 – Compliance With Pool Safety Standard And Other Matters About Pool Safety Division 4 – Exemption From Compliance With Pool Safety Standard Impracticability Subdivision 1 – Applying For Exemptions And Deciding Applications	Power to, on application by a pool owner, decide an application for exemption from complying with part of the pool safety standard relating to barriers for the regulated pool due to compliance being impracticable, (with or without conditions).	Delegation to the CEO
Section 245C(1)	Entity Power Given To: Local Government	Chapter 8 – Swimming Pool Safety Part 2 – Compliance With Pool Safety Standard And Other Matters About Pool Safety Division 4 – Exemption From Compliance With Pool Safety Standard Impracticability Subdivision 1 – Applying For Exemptions And Deciding Applications	Power to give written notice of the grant of an exemption.	Delegation to the CEO
Section 245C(2)	Entity Power Given To: Local Government	Chapter 8 – Swimming Pool Safety Part 2 – Compliance With Pool Safety Standard And Other Matters About Pool Safety Division 4 – Exemption From Compliance With Pool Safety Standard Impracticability Subdivision 1 – Applying For Exemptions And Deciding Applications	Power to give an information notice.	Delegation to the CEO

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

Section	Entity Power Given To	Title	Description	Recommendation
Section 245XS(1)	Entity Power Given To: Owner of Adjoining Land	Chapter 8 – Swimming Pool Safety Part 2A – Neighbours' Rights and Responsibilities for Particular Dividing Fences Division 4 – Process for Obtaining Contribution and Resolving Disputes Subdivision 3 – Resolving Disputes	Power, as owner of adjoining land, to apply to QCAT, in the absence of the owner of the other land, for authorisation to carry out fencing work, including apportionment of the contributions for the work.	Delegation to the CEO
Section 245XS(3)	Entity Power Given To: Owner of Adjoining Land	Chapter 8 – Swimming Pool Safety Part 2A – Neighbours' Rights and Responsibilities for Particular Dividing Fences Division 4 – Process for Obtaining Contribution and Resolving Disputes Subdivision 3 – Resolving Disputes	Power, as owner of adjoining land, where an order has been made under section 245XS(1) of the Building Act and the owner of the other land has since been located, to give a copy of the order to the owner of the other land and recover the contribution as stated in the order.	Delegation to the CEO
Section 245XV(2)	Entity Power Given To: Owner of Adjoining Land	Chapter 8 – Swimming Pool Safety Part 2A – Neighbours' Rights and Responsibilities for Particular Dividing Fences Division 5 – Process for Dealing with Unauthorised Fencing Work	Power, as owner of adjoining land, where the owner of the other land has carried out fencing work for a dividing fence forming part of a pool barrier without authorisation, to apply to QCAT for an order requiring the owner to rectify the dividing fence.	Delegation to the CEO
Section 246ADA(2)	Entity Power Given To: Local Government	Chapter 8 – Swimming Pool Safety Part 3 – Inspections of Regulated Pools by Pool Safety Inspectors Division 2 – Functions of Local Government for Inspections of Regulated Pools	Power to inspect a regulated pool for compliance when a pool safety complaint notice, or section 245I or 245UA notice is received.	Delegation to the CEO
Section 246ADA(5)	Entity Power Given To: Local Government	Chapter 8 – Swimming Pool Safety Part 3 – Inspections of Regulated Pools by Pool Safety Inspectors Division 2 – Functions of Local Government for Inspections of Regulated Pools	Power to take necessary enforcement action to ensure the pool complies with the pool safety standard or fencing standards for the pool.	Delegation to the CEO
Section 246AF(2)	Entity Power Given To: Local Government	Chapter 8 – Swimming Pool Safety Part 3 – Inspections Of Regulated Pools And The Giving Of Pool Safety Certificates Division 2 – Functions Of Local Government For Inspections Of Regulated Pools	Power to cancel a pool safety certificate for a regulated pool.	Delegation to the CEO
Section 246AF(3)	Entity Power Given To: Local Government	Chapter 8 – Swimming Pool Safety Part 3 – Inspections Of Regulated Pools And The Giving Of Pool Safety Certificates Division 2 – Functions Of Local Government For Inspections Of Regulated Pools	Power to give the QBCC commissioner notice of the cancellation of the pool safety certificate for a regulated pool.	Delegation to the CEO
Section 246AG(1)	Entity Power Given To: Local Government	Chapter 8 – Swimming Pool Safety Part 3 – Inspections Of Regulated Pools And The Giving Of Pool Safety Certificates Division 2 – Functions Of Local Government For Inspections Of Regulated Pools	Power to give a show cause notice before cancelling a pool safety certificate.	Delegation to the CEO
Section 246AG(5)	Entity Power Given To: Local Government	Chapter 8 – Swimming Pool Safety Part 3 – Inspections Of Regulated Pools And The Giving Of Pool Safety Certificates Division 2 – Functions Of Local Government For Inspections Of Regulated Pools	Power to consider submissions and decide whether to cancel the pool safety certificate.	Delegation to the CEO
Section 246AG(6)	Entity Power Given To: Local Government	Chapter 8 – Swimming Pool Safety Part 3 – Inspections Of Regulated Pools And The Giving Of Pool Safety Certificates Division 2 – Functions Of Local Government For Inspections Of Regulated Pools	Power to give the owner notice of the decision.	Delegation to the CEO

Section	Entity Power Given To	Title	Description	Recommendation
Section 246AG(7)	Entity Power Given To: Local Government	Chapter 8 – Swimming Pool Safety Part 3 – Inspections Of Regulated Pools And The Giving Of Pool Safety Certificates Division 2 – Functions Of Local Government For Inspections Of Regulated Pools	Power to give the owner an information notice about the decision.	Delegation to the CEO
Section 246AH	Entity Power Given To: Local Government	Chapter 8 – Swimming Pool Safety Part 3 – Inspections Of Regulated Pools And The Giving Of Pool Safety Certificates Division 2 – Functions Of Local Government For Inspections Of Regulated Pools	Power to appoint or employ a pool safety inspector to conduct an inspection of a pool in the circumstances referred to in subsection (1).	Delegation to the CEO
Section 246AIA	Entity Power Given To: Local Government	Chapter 8 – Swimming Pool Safety Part 3 – Inspections Of Regulated Pools And The Giving Of Pool Safety Certificates Division 2 – Functions Of Local Government For Inspections Of Regulated Pools	Power to keep a record of a notice mentioned in section 246ADA(1) and the results of the inspection carried out under section 246ADA.	Delegation to the CEO
Section 246AIB(2)	Entity Power Given To: Local Government	Chapter 8 – Swimming Pool Safety Part 3 – Inspections Of Regulated Pools And The Giving Of Pool Safety Certificates Division 2 – Functions Of Local Government For Inspections Of Regulated Pools	Power to comply with a request for information from the QBCC commissioner.	Delegation to the CEO
Section 246AQ	Entity Power Given To: Local Government	Chapter 8 – Swimming Pool Safety Part 4 – General Provisions About Regulated Pools Division 1 – Obligations to Give Notice of Regulated Pools	Power to give the QBCC commissioner notice of each existing regulated pool in Council's local government area of which it has a record.	Delegation to the CEO
Section 246ATC	Entity Power Given To: Local Government	Chapter 8 – Swimming Pool Safety Part 4 – General Provisions About Regulated Pools Division 4 – Obligation to Give Information to Particular Regulated Pool Owners	Power to give the swimming pool safety advisory information to the owner of each non-certificate regulated pool in its local government area.	Delegation to the CEO
Section 246X	Entity Power Given To: Local Government	Chapter 8B – Transport Noise Corridors Part 2 – Designation By Local Governments	Power to, by gazette notice, designate land as a transport noise corridor.	To Remain with Council
Section 248(1)	Entity Power Given To: Local Government	Chapter 9 – Show Cause And Enforcement Notices	Power to give a notice (an enforcement notice) to the owner of a building, structure or building work.	Delegation to the CEO
Section 248(2)	Entity Power Given To: Local Government	Chapter 9 – Show Cause And Enforcement Notices	Power to give an enforcement notice to a person who does not comply with a particular matter in this Act.	Delegation to the CEO
Section 248(3)	Entity Power Given To: Local Government	Chapter 9 – Show Cause And Enforcement Notices	Power to give a person a show cause notice.	Delegation to the CEO
Section 256(2)(d)	Entity Power Given To: Local Government	Chapter 10 – General Provisions	Power to make a complaint for an offence against section 245G(1) of the <i>Building Act 1975</i> .	Delegation to the CEO
Section 256(2)(e)	Entity Power Given To: Local Government	Chapter 10 – General Provisions	Power to make a complaint for an offence against section 245K, 245L or 246AR(2) of the <i>Building Act</i> .	Delegation to the CEO
Section 256(2)(f)	Entity Power Given To: Local Government	Chapter 10 – General Provisions	Power to make a complaint for an offence against section 246AD(2) or 246AJ(4) of the <i>Building Act</i> .	Delegation to the CEO
Section 256(2)(g)	Entity Power Given To: Local Government	Chapter 10 – General Provisions	Power to make a complaint for an offence against section 246AP(2) of the <i>Building Act</i> .	Delegation to the CEO
Section 256(2)(h)	Entity Power Given To: Local Government	Chapter 10 – General Provisions	Power to make a complaint for an offence against Chapter 8, part 4, division 5, subdivision 2 (excluding section 246ATH(2)) of the <i>Building Act</i> .	Delegation to the CEO

Section	Entity Power Given To	Title	Description	Recommendation
Section 256(2)(h) ²	Entity Power Given To: Local Government	Chapter 10 – General Provisions	Power to authorise a person to make a complaint for an offence against Chapter 8, part 4, division 5, subdivision 2 (excluding section 246ATH(2)) of the <i>Building Act</i> .	Delegation to the CEO
Section 256(2)(i)	Entity Power Given To: Local Government	Chapter 10 – General Provisions	Power to make a complaint for an offence against Chapter 8, part 5 of the <i>Building Act</i> .	Delegation to the CEO
Section 256(2)(j) ²	Entity Power Given To: Local Government	Chapter 10 – General Provisions	Power to authorise a person to make a complaint for an offence against Chapter 8, part 5 of the <i>Building Act</i> .	Delegation to the CEO
Section 256(2)(k)	Entity Power Given To: Local Government	Chapter 10 – General Provisions	Power to make a complaint for an offence in the <i>Building Act</i> other than an offence listed in section 256(2)(a)–(j) of the <i>Building Act</i> .	Delegation to the CEO
Section 256(2)(k) ²	Entity Power Given To: Local Government	Chapter 10 – General Provisions	Power to authorise a person to make a complaint for an offence in the <i>Building Act</i> other than an offence listed in section 256(2)(a)–(j) of the <i>Building Act</i> .	Delegation to the CEO
Section 262	Entity Power Given To: Local Government	Chapter 11 – Savings And Transitional Provisions Part 1 – Transitional Provisions For Local Government Act 1993	Power to extend the time for an owner to comply with section 235 where an extension under section 49H(1)(b) of the <i>Local Government Act 1936</i> is still in force.	Delegation to the CEO

Schedule 2

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

Delegations Register – Fire & Emergency Services Act 1990

Under section 257 of the Local Government Act 2009, ROCKHAMPTON REGIONAL COUNCIL resolves to delegate the exercise of the powers contained in Schedule 1 to the Chief Executive Officer.

These powers must be exercised subject to the limitations contained in Schedule 2. All prior resolutions delegating the same powers are repealed.

Schedule 1

Section	Entity Power Given To	Title	Description	Recommendation
Section 58D	Entity Power Given To: Person	Chapter 3 - Queensland Fire and Emergency Service Part 6 - Powers of Authorised Fire Officers	Power to comply with a requirement issued by an authorised fire officer under subsection (2).	Delegation to the CEO
Section 69	Entity Power Given To: Occupier of Premises	Chapter 3 - Queensland Fire and Emergency Service Part 7 - Control and Prevention of Fires	Power to comply with a requisition notice.	Delegation to the CEO
Section 96	Entity Power Given To: Occupier of Premises	Chapter 3 - Queensland Fire and Emergency Service Part 9 - Off-site Plans for Dangerous Goods	Power, as the occupier of a premises in or on which any dangerous goods are stored or to be stored, to provide information sought by the commissioner in a notice.	Delegation to the CEO
Sections 97, 99 and 100	Entity Power Given To: Occupier of Premises	Chapter 3 - Queensland Fire and Emergency Service Part 9 - Off-site Plans for Dangerous Goods	Power, as the occupier of a premises in or on which any dangerous goods are stored or to be stored, to prepare an off-site emergency plan and to amend the plan.	Delegation to the CEO
Section 98(2)	Entity Power Given To: Person Responsible for a Plan	Chapter 3 - Queensland Fire and Emergency Service Part 9 - Off-site Plans for Dangerous Goods	Power to pay to the commissioner charges for any advice or other assistance provided in preparation of an off-site emergency plan.	Delegation to the CEO
Section 101	Entity Power Given To: Person Responsible for a Plan	Chapter 3 - Queensland Fire and Emergency Service Part 9 - Off-site Plans for Dangerous Goods	Power to implement an off-site emergency plan.	Delegation to the CEO
Section 102(1)	Entity Power Given To: Person Responsible for a Plan	Chapter 3 - Queensland Fire and Emergency Service Part 9 - Off-site Plans for Dangerous Goods	Power to give written notice to the chief executive of a change of circumstances affecting an off-site emergency plan.	Delegation to the CEO
Section 104E	Entity Power Given To: Occupier of a Building	Chapter 3 - Queensland Fire and Emergency Service Part 9A - Building Fire Safety Division 2 - Obligations of Persons for Fire Safety Subdivision 2 - Fire and Evacuation Plan	Power, as the occupier of a building, to maintain a fire and evacuation plan and to provide instructions to prescribed persons in the building concerning the action to be taken by them in the event of fire threatening the building.	Delegation to the CEO
Section 104F(2)	Entity Power Given To: Occupier of a Building	Chapter 3 - Queensland Fire and Emergency Service Part 9A - Building Fire Safety Division 2 - Obligations of Persons for Fire Safety Subdivision 2 - Fire and Evacuation Plan	Power to pay to the commissioner charges for any advice or other assistance provided in preparation of a fire and evacuation plan.	Delegation to the CEO
Section 104G(2)	Entity Power Given To: Local Government	Chapter 3 - Queensland Fire and Emergency Service Part 9A - Building Fire Safety Division 2 - Obligations of Persons for Fire Safety Subdivision 5- Commissioner's Notice about Occupier's and Owner's Obligations	Power to consult with the commissioner about a notice under section 104G(1).	Delegation to the CEO
Section 104G(3)	Entity Power Given To: Occupier or Owner of a Building	Chapter 3 - Queensland Fire and Emergency Service Part 9A - Building Fire Safety Division 2 - Obligations of Persons for Fire Safety Subdivision 5- Commissioner's Notice about Occupier's and Owner's Obligations	Power, as the occupier or owner of a building, to comply with a notice issued by the commissioner under section 104G(1).	Delegation to the CEO
Section 104I(9)	Entity Power Given To: Local Government	Chapter 3 - Queensland Fire and Emergency Service Part 9A - Building Fire Safety Division 3 - Prohibition on Prescribed Use Without Certificate of Compliance	Power to consult with an authorised officer about a notice under section 104I(7) or (8).	Delegation to the CEO

Section	Entity Power Given To	Title	Description	Recommendation
Section 104S(2)(b)(ii)	Entity Power Given To: Local Government	Chapter 3 – Queensland Fire And Emergency Service Part 9B – Review Of Notices	Power to nominate a person to be appointed an assessor by the Commissioner to help QCAT in s104SG(1) proceedings.	Delegation to the CEO
Section 109(1)	Entity Power Given To: Local Government	Chapter 3 – Queensland Fire And Emergency Service Part 10 – Funding Division 2 – Matters Relating to Fund Contributions	Power to furnish to the chief executive a return disclosing the particulars prescribed under a regulation relating to certain properties.	Delegation to the CEO
Section 111(2)	Entity Power Given To: Local Government	Chapter 3 – Queensland Fire And Emergency Service Part 10 – Funding Division 2 – Matters Relating to Fund Contributions	Power to collect annual contributions and other amounts imposed by the local government pursuant to Part 10 of the Fire and Emergency Service Act.	Delegation to the CEO
Section 112(1)	Entity Power Given To: Local Government	Chapter 3 – Queensland Fire And Emergency Service Part 10 – Funding Division 2 – Matters Relating to Fund Contributions	Power to, in respect of each financial year: (a) determine the prescribed properties within its area; and (b) determine the annual contributions payable in respect of prescribed properties by reference to the categories prescribed under a regulation made under section 108.	Delegation to the CEO
Section 112(2)	Entity Power Given To: Local Government	Chapter 3 – Queensland Fire And Emergency Service Part 10 – Funding Division 2 – Matters Relating to Fund Contributions	Power to give the owner of a prescribed property a levy notice.	Delegation to the CEO
Section 113(3)	Entity Power Given To: Local Government	Chapter 3 – Queensland Fire And Emergency Service Part 10 – Funding Division 2 – Matters Relating to Fund Contributions	Power to give the chief executive information which is relevant to the determination of an appeal against a local government's determination, if required by the chief executive.	Delegation to the CEO
Section 113(6)	Entity Power Given To: Local Government	Chapter 3 – Queensland Fire And Emergency Service Part 10 – Funding Division 2 – Matters Relating to Fund Contributions	Power to amend, revoke or give a new levy notice if the Chief Executive allows an appeal.	Delegation to the CEO
Section 113(7)	Entity Power Given To: Local Government	Chapter 3 – Queensland Fire And Emergency Service Part 10 – Funding Division 2 – Matters Relating to Fund Contributions	Power to refund to the appellant any amount paid in respect of contributions, for the financial year to which the notice relates and for any previous financial year, in excess of the amount calculated in accordance with the chief executive's determination.	Delegation to the CEO
Section 117(3)	Entity Power Given To: Local Government	Chapter 3 – Queensland Fire And Emergency Service Part 10 – Funding Division 2 – Matters Relating to Fund Contributions	Power to decide the way in which it keeps an administration fee for performing functions under Part 10 of the Fire and Emergency Service Act.	Delegation to the CEO
Section 118(1)	Entity Power Given To: Local Government	Chapter 3 – Queensland Fire And Emergency Service Part 10 – Funding Division 2 – Matters Relating to Fund Contributions	Power to make payments to the department, for the fund, out of its operating fund from moneys received or recovered by the local government under Part 10.	Delegation to the CEO
Section 118(4)	Entity Power Given To: Local Government	Chapter 3 – Queensland Fire And Emergency Service Part 10 – Funding Division 2 – Matters Relating to Fund Contributions	Power to prepare and submit a return in the approved form	Delegation to the CEO
Section 121(2)	Entity Power Given To: Local Government	Chapter 3 – Queensland Fire And Emergency Service Part 10 – Funding Division 2 – Matters Relating to Fund Contributions	Power to refuse or grant, subject to any conditions, an application to pay contributions by instalments.	Delegation to the CEO
Section 126(1)	Entity Power Given To: Local Government	Chapter 3 – Queensland Fire And Emergency Service Part 10 – Funding Division 2 – Matters Relating to Fund Contributions	Power to engage a debt collector (authorised to perform a debt collection activity under the Debt Collectors (Field Agents and Collection Agents) Act 2014) to collect any arrears of annual contribution payable by an owner of prescribed property, and to require by notice in writing the owner to pay an amount by way of a collection fee.	Delegation to the CEO

Section	Entity Power Given To	Title	Description	Recommendation
Section 128A	Entity Power Given To: Local Government	Chapter 3 – Queensland Fire And Emergency Service Part 10 – Funding Division 3 – Funding for Rural Fire Brigades	Power to contribute amounts raised via special rates or charges, or separate rates or charges, to rural fire brigades operating in Council's local government area.	To Remain with Council
Section 133(2)	Entity Power Given To: Local Government	Chapter 4 – State Emergency Service, Emergency Service Units And Authorised Rescue Officers Part 1 – State Emergency Service Division 3 – Membership In SES Units	Power to consult with the commissioner about the establishment of an SES unit in Council's local government area.	Delegation to the CEO
Section 134(2)	Entity Power Given To: Local Government	Chapter 4 – State Emergency Service, Emergency Service Units And Authorised Rescue Officers Part 1 – State Emergency Service Division 3 – Membership In SES Units	Power to nominate a person to be the local controller for an SES unit.	Delegation to the CEO
Section 136(3)	Entity Power Given To: Local Government	Chapter 4 – State Emergency Service, Emergency Service Units And Authorised Rescue Officers Part 1 – State Emergency Service Division 3 – Membership In SES Units	Power as a local government affected by a disaster to request the commissioner to appoint a person as a SES coordinator.	Delegation to the CEO
Section 136(4)	Entity Power Given To: Local Government	Chapter 4 – State Emergency Service, Emergency Service Units And Authorised Rescue Officers Part 1 – State Emergency Service Division 3 – Membership In SES Units	Power to consult with the commissioner about the appointment of a person as a SES coordinator.	Delegation to the CEO
Section 140	Entity Power Given To: Local Government	Chapter 4 – State Emergency Service, Emergency Service Units And Authorised Rescue Officers Part 1 – State Emergency Service Division 5 – Agreements	Power to enter an agreement with the Department which sets out responsibilities of each party in relation to the SES in Council's local government's area.	Delegation to the CEO
Section 141(2)	Entity Power Given To: Local Government	Chapter 4 – State Emergency Service, Emergency Service Units And Authorised Rescue Officers Part 2 – Emergency Service Units Division 1 - Establishment and Functions	Power to consult with the commissioner about the establishment of an ES unit in Council's local government area.	Delegation to the CEO
Section 142(3)	Entity Power Given To: Local Government	Chapter 4 – State Emergency Service, Emergency Service Units And Authorised Rescue Officers Part 2 – Emergency Service Units Division 1 - Establishment and Functions	Power to consult with the commissioner about the functions of an ES unit in Council's local government area.	Delegation to the CEO
Section 146(2)	Entity Power Given To: Local Government	Chapter 4 – State Emergency Service, Emergency Service Units And Authorised Rescue Officers Part 2 – Emergency Service Units	Power to nominate a person to be a ES unit coordinator.	Delegation to the CEO
Section 152C(4)	Entity Power Given To: Person Who has Control	Chapter 5 - General Part 3 - Provisions About Performance of Functions under this Act	Power to produce to an authorised person any document or record mentioned in subsection (2)(b).	Delegation to the CEO

Schedule 2

Limitations to the Exercise of Power

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

Delegations Register – State Penalties Enforcement Act 1999

Under section 257 of the Local Government Act 2009, ROCKHAMPTON REGIONAL COUNCIL resolves to delegate the exercise of the powers contained in Schedule 1 to the Chief Executive Officer.

These powers must be exercised subject to the limitations contained in Schedule 2. All prior resolutions delegating the same powers are repealed.

Schedule 1

Section	Entity Power Given To	Title	Description	Recommendation
Section 15(1)	Entity Power Given To: Administering Authority	Part 3 – Infringement notices Division 1 – Service Of Infringement Notices	Power, as administering authority, to approve a form for an infringement notice.	Delegation to the CEO
Section 23	Entity Power Given To: Administering Authority	Part 3 – Infringement notices Division 3 – Obligations and options under infringement notices	Power, as administering authority, to approve (or refuse where the conditions in this section have not been complied with) an application for payment of a fine by instalments.	Delegation to the CEO
Section 24(1)	Entity Power Given To: Administering Authority	Part 3 – Infringement notices Division 3 – Obligations and options under infringement notices	Power, as administering authority, to submit particulars required for registration of approval of instalment payments with the State Penalties Enforcement Registry.	Delegation to the CEO
Section 28(1) and (2)	Entity Power Given To: Administering Authority	Part 3 – Infringement notices Division 4 – Withdrawal and re-issue of infringement notice	Power, as administering authority, to withdraw an infringement notice at any time before the fine is satisfied in full and take the steps required by subsection (2).	Delegation to the CEO
Section 32J(1)	Entity Power Given To: Approved Sponsor	Part 3B – Work and development orders	Power, as an approved sponsor, to apply to the registrar on behalf of the subject applicant for a work and development order to satisfy all or part of the enforceable amount of the applicant's SPER debt.	Not Relevant to Council
Section 32K(1)	Entity Power Given To: Approved Sponsor	Part 3B – Work and development orders	Power, as an approved sponsor, to undertake an eligibility assessment.	Not Relevant to Council
Section 32K(2)	Entity Power Given To: Approved Sponsor	Part 3B – Work and development orders	Power, as an approved sponsor, to give the registrar evidence to support the eligibility assessment.	Not Relevant to Council
Section 32Q(1)	Entity Power Given To: Approved Sponsor	Part 3B – Work and development orders	Power, as an approved sponsor, to apply to SPER on behalf of the individual for an increase in the order amount.	Not Relevant to Council
Section 32P(1)	Entity Power Given To: Approved Sponsor	Part 3B – Work and development orders	Power, as an approved sponsor, to withdraw the work and development order because the approved sponsor is unable to continue as the approved sponsor.	Not Relevant to Council
Section 32S	Entity Power Given To: Recipient	Part 3B – Work and development orders	Power, as the recipient of a notice under section 32L, 32O or 32Q, to apply, as provided under the QCAT Act, to QCAT for a review of the decision.	Not Relevant to Council
Section 33(1)	Entity Power Given To: Administering Authority	Part 4 – Enforcement orders Division 1 – Default commences enforcement process	Power, as administering authority, to give the State Penalties Enforcement Registry a default certificate for registration in respect of any recipient of an infringement notice who has not taken action within the time period provided by the infringement notice.	Delegation to the CEO
Section 41(2)	Entity Power Given To: Approved Sponsor	Part 4 – Enforcement orders Division 3 – Obligations and options under enforcement order	Power, as an approved sponsor who has the agreement of the debtor, to apply on behalf of the debtor under part 3B for:- (a) work and development order to satisfy the amount of the order; or (b) if the debtor is subject to a work and development order – a variation of the order.	Not Relevant to Council
Section 57(5)	Entity Power Given To: Administering Authority	Part 4 – Enforcement orders Division 6 – Cancellation of certain enforcement orders	Power, as administering authority to (a) commence proceedings against an applicant for an offence; or (b) accept payment of the fine in full; or (c) issue a fresh infringement notice, where the registrar has cancelled an enforcement notice and referred the matter back to Council.	Delegation to the CEO
Section 81	Entity Power Given To: Employer	Part 5 – Civil enforcement Division 4 – Provisions about fine collection notices redirecting earnings	Power, as an employer who pays earnings to an employee for whom a fine collection notice for redirection of the enforcement debtor's earnings is in force, to when paying the earnings, deduct an amount from the earnings as required under Part 5, Division 4.	Delegation to the CEO
Section 84(1)	Entity Power Given To: Employer	Part 5 – Civil enforcement Division 4 – Provisions about fine collection notices redirecting earnings	Power, as an employer who deducts an amount from an employee's earnings under a fine collection notice, to pay the amount to the registrar and give to the registrar a return in the approved form.	Delegation to the CEO

**9.9 SUMMARY BUDGET MANAGEMENT REPORT FOR THE PERIOD ENDED
30 JUNE 2021**

File No: 8148
Authorising Officer: Ross Cheesman - Acting 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 30 June 2021. The report has been prepared along similar lines to the normal month-end Management Reports and is the best comparison against Budget.

COUNCIL RESOLUTION

THAT the Rockhampton Regional Council Summary Budget Management Report for the period ended 30 June 2021 be 'received'.

Moved by: Mayor Williams
Seconded by: Councillor Mathers

MOTION CARRIED

**9.10 SUMMARY BUDGET MANAGEMENT REPORT FOR THE PERIOD ENDED
31 JULY 2021**

File No: 8148
Authorising Officer: Ross Cheesman - Acting 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 July 2021.

COUNCIL RESOLUTION

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

Moved by: Mayor Williams
Seconded by: Councillor Smith

MOTION CARRIED

Matter be Lifted from the Table**COUNCIL RESOLUTION**

That Item 9.3 – Black Summer Bushfire Recovery Grants be lifted from the table to be dealt with.

Moved by: Mayor Williams
Seconded by: Councillor Mathers

MOTION CARRIED

9.3 BLACK SUMMER BUSHFIRE RECOVERY GRANTS

9:59AM The Chief Executive Officer left the meeting room.
9:59AM The Deputy Chief Executive Officer assumed the Chair
10:01AM The Chief Executive Officer returned to the meeting room and resumed the Chair.

File No: 12534
Authorising Officer: Martin Crow - Manager Infrastructure Planning
Peter Kofod - General Manager Regional Services
Author: Elizabeth Drumm - Coordinator Disaster Management

SUMMARY

The National Recovery and Resilience Agency is administering the Black Summer Bushfire Recovery Grants (\$280 Million). The Rockhampton Local Government Area has been allocated \$1.6 Million. Local Government, Community Groups and incorporated organisations are eligible to apply.

This program's intention is to help communities address remaining priorities for recovery and resilience after the 2019-20 bushfires. Projects can seek to build resilience through human social, economic, built infrastructure or environmental focused initiatives.

Potential projects have been identified and are outlined within this report.

COUNCIL RESOLUTION

THAT Council endorse that funding applications are submitted to the Black Summer Bushfire Recovery Grants for the projects outlined.

Moved by: Councillor Smith
Seconded by: Councillor Kirkland

MOTION CARRIED UNANIMOUSLY

10 NOTICES OF MOTION

10.1 NOTICE OF MOTION - COUNCILLOR SHANE LATCHAM - ROCKHAMPTON REGIONAL COUNCIL FLORAL EMBLEM

File No: 792

Responsible Officer: Evan Pardon - Chief Executive Officer

SUMMARY

Councillor Shane Latcham has indicated his intention to move the following Notice of Motion at the next Council Meeting scheduled for Tuesday 24 August 2021, seeking to ratify Rockhampton Regional Council's floral emblem:

COUNCILLOR'S RECOMMENDATION

THAT Council adopt the native *Bauhinia Lysiphyllum Hookeri* (Queensland Ebony) as the official Floral Emblem of Rockhampton Regional Council.

COUNCIL RESOLUTION

Procedural Motion was moved by Councillor D Kirkland that the matter lay on the table to seek further information and to workshop.

Moved by: Councillor Kirkland

Seconded by:

MOTION CARRIED

11 QUESTIONS ON NOTICE

Nil

12 URGENT BUSINESS QUESTIONS

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.

COUNCIL RESOLUTION

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) 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.

Moved by: Councillor Wickerson

Seconded by: Councillor Smith

MOTION CARRIED

COUNCIL RESOLUTION

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.

14.2 Request for Trustee's consent involving State Reserve land adjoining Moores Creek

In accordance with section 254J(3)(i) of the *Local Government Regulation 2012* it is considered necessary to close the meeting to discuss a matter the local government is required to keep confidential under a law of, or formal arrangement with, the Commonwealth or a State.

Moved by: Mayor Williams

Seconded by: Councillor Smith

MOTION CARRIED

COUNCIL RESOLUTION

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.

14.3 Australian Defence Force Possibilities

In accordance with section 254J(3)(g) 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.

Moved by: Mayor Williams
Seconded by: Councillor Wickerson

MOTION CARRIED

COUNCIL RESOLUTION

10:16AM

THAT pursuant to s5.11 *Council Meeting Procedures* the meeting moves into Closed Session and be closed to the public.

Moved by: Councillor Wickerson
Seconded by: Councillor Kirkland

MOTION CARRIED

10:38AM Councillor Rutherford left the meeting.

10:42AM Mayor Williams declared that the meeting be adjourned, to resume at 10:55am.

10:56AM The meeting resumed.

Members Present:

The Mayor, Councillor A P Williams (Chairperson)
Councillor S Latcham
Councillor C E Smith
Councillor M D Wickerson
Councillor D Kirkland
Councillor G D Mathers

In Attendance:

Mr E Pardon – Chief Executive Officer
Mr R Cheesman – Deputy Chief Executive Officer
Mr P Kofod – General Manager Regional Services
Mr G Bowden – Executive Manager Advance Rockhampton
Mr A Russell – Manager Strategy and Planning
Mr G Sheppard – Senior Executive Economic Development
Ms K Walsh – Acting Senior Committee Support Officer

Via Webex:

Ms T Sweeney – Executive Manager Workforce and Governance
Mr D Morrison – Project Manager Art Gallery – Operations
Mr M Crow - Manager Infrastructure Planning
Mr D Stevenson – Manager Corporate and Technology
Ms K Roberts – Coordinator Property and Insurance
Mr M Mansfield – Coordinator Media and Communications

COUNCIL RESOLUTION

11:25AM

THAT pursuant to s5.11 *Council Meeting Procedures* the meeting moves out of Closed Session and be opened to the public.

Moved by: Councillor Wickerson

Seconded by: Councillor Mathers

MOTION CARRIED

14 CONFIDENTIAL REPORTS

14.1 PROPOSED SALE OF COUNCIL LAND

File No: 1680

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

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

In accordance with section 254J(3)(g) 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.

SUMMARY

Reporting on the proposed sale of Council land.

COUNCIL RESOLUTION

THAT Council authorises the Chief Executive Officer (Coordinator Property and Insurance) to undertake further investigations to inform the proposed sale of Council land identified in the report as 1(a), 1(b) and 1(c).

Moved by: Councillor Kirkland

Seconded by: Councillor Smith

MOTION CARRIED

**14.2 REQUEST FOR TRUSTEE'S CONSENT INVOLVING STATE RESERVE LAND
ADJOINING MOORES CREEK**

File No: 6984
Authorising Officer: Drew Stevenson - Manager Corporate and Technology Services
Ross Cheesman - Deputy Chief Executive Officer
Author: Michelle Mills - Acting Coordinator Property and Insurance
Kellie Roberts - Coordinator Property and Insurance

In accordance with section 254J(3)(i) of the *Local Government Regulation 2012* it is considered necessary to close the meeting to discuss 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 for Trustee's consent for an application to purchase part of State Reserve Land adjoining Moores Creek.

COUNCIL RESOLUTION

THAT Council proceed as outlined in the report.

Moved by: Councillor Kirkland

Seconded by: Councillor Mathers

MOTION CARRIED

14.3 AUSTRALIAN DEFENCE FORCE POSSIBILITIES

File No: 6592
Attachments: 1. ADF Advocacy Document
Authorising Officer: Greg Bowden - Executive Manager Advance Rockhampton
Author: Graham Sheppard - Senior Executive Economic Development

In accordance with section 254J(3)(g) 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.

SUMMARY

The Australian Defence Force are investing +\$10Billion in the rollout of Project Land 400, which involves the acquisition and build of over 600 armed military vehicles.

This report presents possible benefits for our region.

COUNCIL RESOLUTION

THAT Council proceed as outlined in the report.

Moved by: Mayor Williams
Seconded by: Councillor Wickerson
MOTION CARRIED UNANIMOUSLY

15 CLOSURE OF MEETING

There being no further business the meeting closed at 11:27am.

SIGNATURE

CHAIRPERSON

DATE



**MEETING
ATTACHMENTS**

24 AUGUST 2021

ANNEXURE A

Documents presented to Councillors for their reference during the Council meeting when dealing with:

Item 9.5 D/66-2021 – Development Application for a Material Change of Use for a Multiple Dwelling (19 Units)

**Development Application (D/66-2021) for
a Material Change of Use for a Multiple
Dwelling (19 units)**

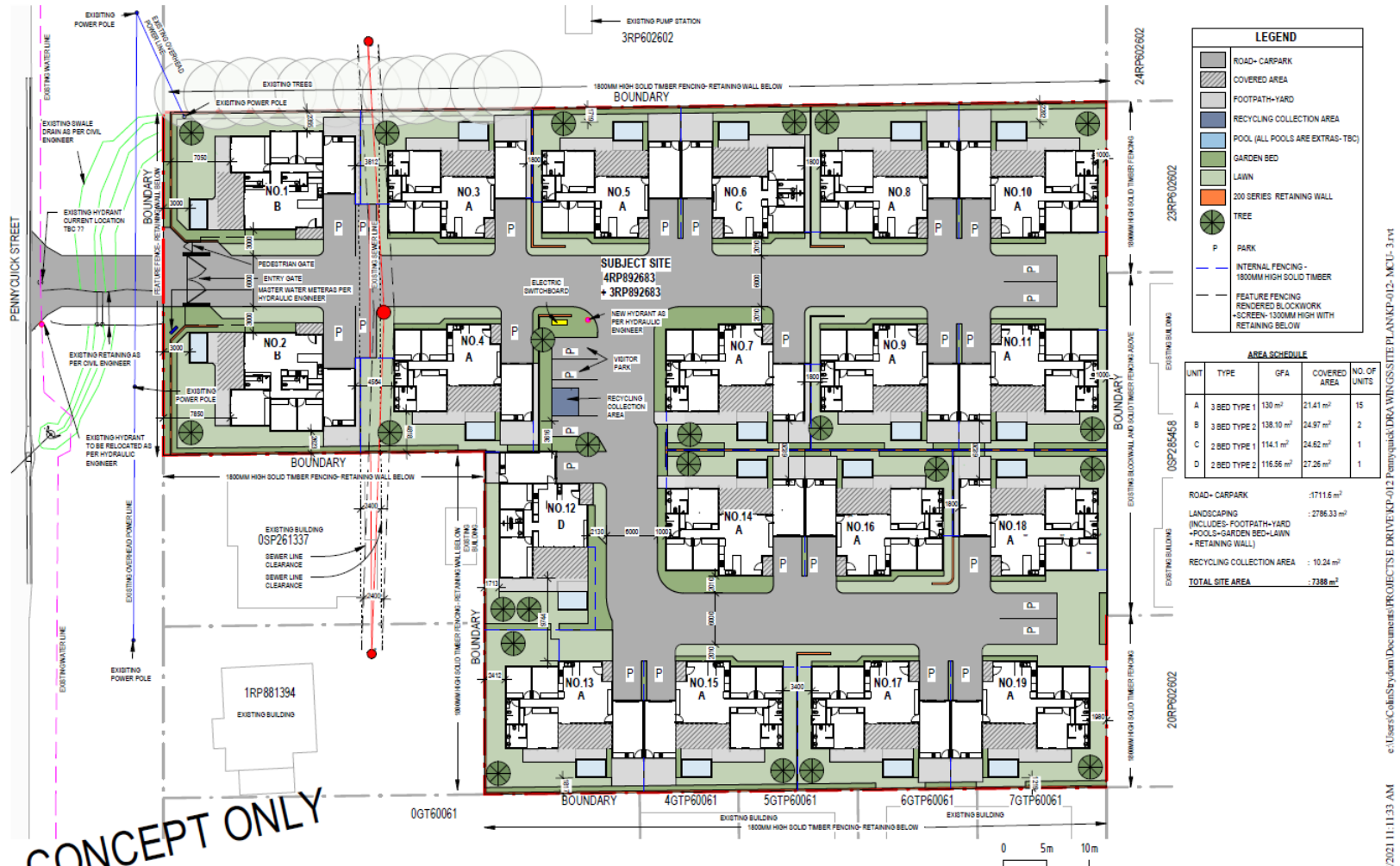
99 & 101 Pennycuick Street, West Rockhampton



Council meeting – 24 August 2021

Amanda O'Mara – Principal Planning Officer

Proposed Site Plan



CONCEPT ONLY

drawing title: **PROPOSED SITE PLAN**

drawing no: **SK-001** project no: **KP-012**



project: **PENNYCOVE**
 location: **PENNYCUIK STREET, LOT NO 4RP892683+ 3RP892683**
 clear: -

REV	DESCRIPTION	DATE
09	PRELIMINARY	22/04/2021
10	PRELIMINARY	30/04/2021
11	PRELIMINARY	10/05/2021
12	PRELIMINARY	10/05/2021
13	PRELIMINARY	10/05/2021
14	PRELIMINARY	17/05/2021
15	PRELIMINARY	21/05/2021
16	PRELIMINARY	24/05/2021
17	PRELIMINARY	04/07/2021

PRELIMINARY DESIGN PLANS
 If the drawings are marked and sealed (preliminary), before they are not suitable for building, application, tender or any other purpose. The user of these drawings must ensure that they are used for the specific project to which they are attached in the title block.
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 OTHER SCALE OF DRAWINGS: BY INDICATED AREA

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 041 907 97833 Pg.18
 041 908 2924
 design@designgroup.com.au
 reg no:4610

ISSUED FOR	
NO.	DATE
1	400
2	JUL 21
3	CC

ISSUED FOR: **PRELIMINARY**
 NO. OF UNITS: **22**

e:\Users\Cathy\sk\Documents\PROJECTS\DRIVE DRIVE\KP-012 Pennycove\DRAWINGS\SITE\PLANKP-012-MCU-3.rvt 2/07/2021 11:13:35 AM

Locality Plan



Assessment summary

- The proposed development is recommended for approval, subject to the conditions outlined in the report.