



ORDINARY MEETING

AGENDA

13 JUNE 2023

Your attendance is required at an Ordinary meeting of Council to be held in the Council Chambers, 232 Bolsover Street, Rockhampton on 13 June 2023 commencing at 9:00am for transaction of the enclosed business.

A handwritten signature in black ink, appearing to be "C. P.", is positioned above the printed name of the Chief Executive Officer.

CHIEF EXECUTIVE OFFICER
7 June 2023

Next Meeting Date: 27.06.23

Please note:

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

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1 OPENING

- 1.1 Acknowledgement of Country
- 1.2 Opening Prayer to be delivered by Pastor Lance Warcon from the International Network of Churches

2 PRESENT

Members Present:

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

In Attendance:

Mr E Pardon – Chief Executive Officer

3 APOLOGIES AND LEAVE OF ABSENCE

4 CONFIRMATION OF MINUTES

Minutes of the Ordinary Meeting held 23 May 2023

Minutes of the Special Meeting held 30 May 2023

Minutes of the Special Meeting held 8 June 2023

5 DECLARATIONS OF INTEREST IN MATTERS ON THE AGENDA

6 BUSINESS OUTSTANDING

Nil

7 PUBLIC FORUMS/DEPUTATIONS

Nil

8 PRESENTATION OF PETITIONS

8.1 PETITION REQUESTING REVIEW AND AMENDMENT SUBORDINATE LOCAL LAW NO. 2 (ANIMAL MANAGEMENT) 2011

File No: 11698

Attachments: 1. Extract of Petition

Responsible Officer: Nicole Semfel - Acting Senior Executive Assistant to the Mayor
Justin Kann - Manager Office of the Mayor
Evan Pardon - Chief Executive Officer

SUMMARY

Councillor Shane Latcham has received a petition from approximately 380 petitioners requesting Rockhampton Regional Council amend Subordinate Local Law 2.

RECOMMENDATION

THAT the petition requesting the review of amendment to Subordinate Local Law No.2 (Animal Management) 2011 to include a definition of 'bees' that aligns with State Legislation be received.

OFFICER COMMENT

Councillor Shane Latcham has received a petition (extract attached) from the Rockhampton Branch of the Australian Native Bee Association requesting the review and update to Schedule 13 'Dictionary' of the Subordinate Local Law No. 2 (Animal Management) 2011 to include a definition of 'bees' that aligns with State Legislation and defines 'bees' as 'a bee of any species of the genus Apis' and therefore explicitly exempts the keeping of native bees in urban areas from prohibition under the Local Laws.

Currently, the Local Laws and Rockhampton Regional Council policies in relation to the keeping of native bees are unclear based on the fact that the Local Laws do not include a definition for 'bees'. The current approach seems to be that native bees are treated the same under the Local Laws as the European Honey Bee. It's argued that this is a mistake, as native bees are a completely different genus and species to honey bees. Further, State Legislation currently treats native bees and honey bees differently, as outlined below:

Schedule 4 of the Biosecurity Act 2014 (Qld) defines 'bee' as:

- (a) a honey bee (*Apis mellifera*); or
- (b) another genus or species declared under a regulation to be a bee under this Act.

Section 94EA of the Biosecurity Regulation 2016 (Qld) defines 'bee' as 'a bee of any species of the genus *Apis* (*Apis* spp.) whether living or dead'.

Section 2 of the Apiaries Act 1982 (Qld) defines 'bee' as 'a honey bee *Apis mellifera* L. or any other genus or species declared under a regulation to be a bee'.

The State legislation clearly defines 'bee' as a bee in the genus *Apis* and does not include native bees in the definition of 'bee'.

In Schedule 1 of Subordinate Local Law No 2, the hive allotment is based on the Code of Practice for Urban Bee Keeping Queensland 1998. Presumably, the Code of Practice applies the same definition of 'bee' as the State Legislation that it operates under. Therefore, applying to *Apis mellifera*, and not native bees.

The Rockhampton Branch of the Australia Native Bee Association will argue that it is a misinterpretation of Law to treat native bees the same as honey bees under the Local Laws, as they are clearly not included in the definition of 'bee' under State Legislation.

Native bees are inherently a different animal from the honey bees that the Local Laws apply to. Additionally, native bees are stingless, so they do not pose the same risk or nuisance to the public as honey bees do. As such, it is unreasonable for native bees to be prohibited in the same manner as honey bees.

**PETITION REQUESTING REVIEW AND
AMENDMENT SUBORDINATE
LOCAL LAW NO. 2
(ANIMAL MANAGEMENT) 2011**

Extract of Petition

Meeting Date: 13 June 2023

Attachment No: 1

Petition Submission Form



Privacy Notice: Council deals with personal information in accordance with law, including the *Information Privacy Act 2009*.

This form is to be completed when members of the public wish to submit a petition to Council. Please refer to the Petitions Factsheet for further information. All correspondence regarding this request will be directed to the Principal Petitioner. Petitions presented at Council Meetings will be published on Council's website as required by section 254F of the *Local Government Regulation 2012*.

P: 07 4932 9000 | E: enquiries@rrc.qld.gov.au | W: www.rrc.qld.gov.au | PO Box 1860 Rockhampton QLD 4700 | ABN: 59 923 523 766

Principal Petitioner Details		
Contact name: Lloyd Younger		
Preferred contact number: 0437 727 657	Email: rockyoungers@hotmail.com	
Residential Address		
Street number and name: 7 Lace Flower Court		
Suburb: Norman Gardens	State: Queensland	Postcode: 4701
Postal address (if different): N/A		
Declaration		
I submit this Petition Submission Form as the Principal Petitioner for the below petition to be considered for presentation to Council.		
Name: Lloyd Younger	Signature: <i>L. Younger</i>	Date: 02/05/2023
Petition Details <small>(Please outline the details and reasons for the petition)</small>		
<p>We, the undersigned, hereby respectfully request the Rockhampton Regional Council:</p> <p>Review and update Schedule 13 'Dictionary' of the Subordinate Local Law No. 2 (Animal Management) 2011 to include a definition of 'bees' that aligns with State legislation and defines 'bees' as 'a bee of any species of the genus Apis' and therefore explicitly exempts the keeping of native bees in urban areas from prohibition under the Local Laws.</p> <p>Currently the Local Laws and RRC policies in relation to the keeping of native bees are unclear based on the fact that the Local Laws do not include a definition for 'bees'. The current approach seems to be that native bees are treated the same under the Local Laws as the European Honey Bee. We argue that this is a mistake, as native bees are a completely different genus and species to honey bees. Further, State legislation currently treats native bees and honey bees differently, as outlined below:</p> <p>Schedule 4 of the Biosecurity Act 2014 (Qld) defines 'bee' as: (a) a honey bee (<i>Apis mellifera</i>); or (b) another genus or species declared under a regulation to be a bee under this Act.</p> <p>Section 94EA of the Biosecurity Regulation 2016 (Qld) defines 'bee' as 'a bee of any species of the genus <i>Apis</i> (<i>Apis</i> spp.) whether living or dead'.</p> <p>Section 2 of the Apiaries Act 1982 (Qld) defines 'bee' as 'a honey bee <i>Apis mellifera</i> L. or any other genus or species declared under a regulation to be a bee'.</p> <p>The State legislation clearly defines 'bee' as a bee in the genus <i>Apis</i> and does not include native bees in the definition of 'bee'.</p> <p>In Schedule 1 of Subordinate Local Law No 2, the hive allotment is based on the Code of Practice for Urban Bee Keeping Queensland 1998. Presumably, the Code of Practice applies the same definition of 'bee' as the State legislation that it operates under, therefore applying to <i>Apis mellifera</i>, and not native bees.</p> <p>We argue that it is a misinterpretation of Law to treat native bees the same as honey bees under the Local Laws, as they are clearly not included in the definition of 'bee' under State legislation.</p> <p>Native bees are inherently a different animal from the honey bees that the Local Laws apply to. Additionally, native bees are stingless, so they do not pose the same risk or nuisance to the public as honey bees do. As such, it is unreasonable for native bees to be prohibited in the same manner as honey bees.</p>		
OFFICE USE ONLY	Date received:	Date presented to Council meeting:
		Responsible officer:

9 COMMITTEE REPORTS

Nil

10 COUNCILLOR/DELEGATE REPORTS

10.1 COUNCILLOR DISCRETIONARY FUND APPLICATION - COUNCILLOR GRANT MATHERS - INDIAN ASSOCIATION OF CENTRAL QUEENSLAND

File No: 8295
Attachments: Nil
Authorising Officer: Nicole Semfel - Acting Senior Executive Assistant to the Mayor
Justin Kann - Manager Office of the Mayor
Evan Pardon - Chief Executive Officer
Author: Megan Careless - Executive Support Officer

SUMMARY

This report requests Council's consideration and approval for an allocation from Councillor Grant Mather's Councillor Discretionary Fund towards an International Yoga Day event on Sunday 25 June 2023 hosted by the Indian Association of Central Queensland.

OFFICER'S RECOMMENDATION

THAT Council approves the allocation of \$500.00 from Councillor Grant Mather's Councillor Discretionary Fund to the Indian Association of Central Queensland towards hosting an International Yoga Day event on Sunday 25 June 2023.

BACKGROUND

The Indian Association of Central Queensland are seeking financial assistance to host a yoga event on International Yoga Day on Sunday 25 June 2023. The event will be held at Bauhinia House.

The Indian Association is supporting and organising many events for the Indian, Australian and all ethnic communities in our Region for the overall development in health and cultural fields. The Association is now providing an opportunity on how to keep up health and wellbeing through practicing Yoga and proper breathing techniques.

Councillor Drew Wickerson has previously contributed \$200.00 from his Councillor Discretionary monies for the same event, therefore, Councillor Grant Mathers is seeking approval to make an additional donation towards the costs of hosting the event.

11 OFFICERS' REPORTS

11.1 ROCKY RIVER RUN 2024

File No:	6097
Attachments:	Nil
Authorising Officer:	Zac Garven - Acting Executive Manager Advance Rockhampton
Author:	Eileen Brown - Events Coordinator

SUMMARY

Rocky River Run 2024 event date to be established for promotion and planning.

OFFICER'S RECOMMENDATION

THAT Council approve the date for the 2024 Rocky River Run event to be held on Sunday 19 May 2024.

COMMENTARY

Rocky River Run is an annual running event held in Rockhampton raising funds for local charitable organisations. The event is in its 7th year and is an open, all-inclusive event from the elite race chasers to the local runners, walkers and rollers. Rocky River Run attracts attendance both locally and from across Australia.

Multi-year contracts locked in with both Atlas Multi Sport and the Naming Sponsor Channel 7 enables the early promotion and marketing of the event which will assist in building the event profile and awareness with more lead time and exposure.

BACKGROUND

Rocky River Run dates are a recommendation from our partners Atlas Multi Sport to ensure that the event fits into the circuit of other major running events across the country.

This event sits at a time of year that has ideal temperature and weather conditions in Rockhampton for delivering this event.

PREVIOUS DECISIONS

At its meeting on 25 October 2022, Council approved the Advance Rockhampton Major Events Calendar which included the date for the Rocky River Run 2023.

BUDGET IMPLICATIONS

Rockhampton Regional Council managed events are to be delivered within the Advance Rockhampton Budget.

LEGISLATIVE CONTEXT

Not applicable.

LEGAL IMPLICATIONS

Multi year contract with Naming Sponsor and Management agency.

STAFFING IMPLICATIONS

No staffing implications, event to be delivered in partnership with the Advance Rockhampton Event team and Altus Multi Sport.

RISK ASSESSMENT

Managed through Event Management plans.

CORPORATE/OPERATIONAL PLAN

Regional Promotions -

3.3.2 We design places and deliver events that encourage visitors to come and stay.

3.3.2.1 Develop a diverse events calendar that supports livability & investability within the region.

CONCLUSION

The purpose of this report is to confirm the recommended date for the 2024 Rocky River Run of Sunday 19 May 2024. This will provide the opportunity to be able to forward plan and deliver expectations with sponsors and reach revenue targets.

11.2 SPONSORSHIP OPPORTUNITY - AUSTRALASIAN GRAIN SCIENCE ASSOCIATION - ANNUAL CONFERENCE IN ROCKHAMPTON

File No:	14966
Attachments:	1. Australasian Grain Science Association Conference Prospectus, 26-29 September 2023 ↓
Authorising Officer:	Zac Garven - Acting Executive Manager Advance Rockhampton
Author:	Wade Clark - Industry Engagement Manager

SUMMARY

The Australasian Grain Science Association (AGSA) conference being held in Rockhampton on the 26-29 September 2023 will provide a forum for approximately 150 grain scientists, students, nutritionists and others to advance the grain industry. AGSA provides an opportunity for the Rockhampton Region to grow its reputation as an agricultural capital providing a platform for Advance Rockhampton to pursue talent and investment attraction whilst supporting local cropping interests.

OFFICER'S RECOMMENDATION

THAT Council sponsors the Australian Grain Science Association Conference to be held in Rockhampton from 26-29 September 2023 in the amount of \$5,000 (plus GST).

COMMENTARY

The AGSA conference provides a forum for grain scientists, students, nutritionists and others to advance the knowledge and understanding of grain science and the grain industry.

Rockhampton has been selected to hold the annual conference for this international event as the broader Fitzroy region has significant growth opportunities for further grain production for human consumption, animal feed and for feedstock into biofuels including sustainable aviation fuel.

With the development of Rookwood Weir and the growth of cropping in the Rockhampton Region the conference offers opportunities for the region and Advance Rockhampton to pursue talent and investment attraction opportunities whilst supporting the local industry.

It is proposed that the Council locks in the Silver Sponsor Package (Please see attachment 1 – Australasian Grain Science Association Conference Prospectus). This sponsorship package will provide sufficient exposure and brand recognition.

BUDGET IMPLICATIONS

The AGSA sponsorship Silver Sponsor Package will cost Council \$5,000 plus GST. This will be funded from the Advance Rockhampton Economic Development budget.

STAFFING IMPLICATIONS

Advance Rockhampton's Industry Engagement Manager will be Council's lead for this event.

CORPORATE/OPERATIONAL PLAN

Corporate Plan – Economy: Goal 3.4 *We support our Region's economy through our projects and activities.*

Operational Plan – Economy: 3.2.2.1 *Deliver industry development to strengthen and grow the key sectors of Resources and Construction and Agriculture and Water.*

CONCLUSION

The Rockhampton Region has an opportunity to continue building its agricultural brand and credentials through the sponsorship of the 2023 AGSA conference in Rockhampton.

**SPONSORSHIP OPPORTUNITY -
AUSTRALASIAN GRAIN SCIENCE
ASSOCIATION – ANNUAL
CONFERENCE IN ROCKHAMPTON**

**Australasian Grain Science
Association Conference Prospectus,
26-29 September 2023**

Meeting Date: 13 June 2023

Attachment No: 1



Australasian Grain Science Association

73rd Annual Conference | 26-29 September 2023 | Rockhampton, QLD



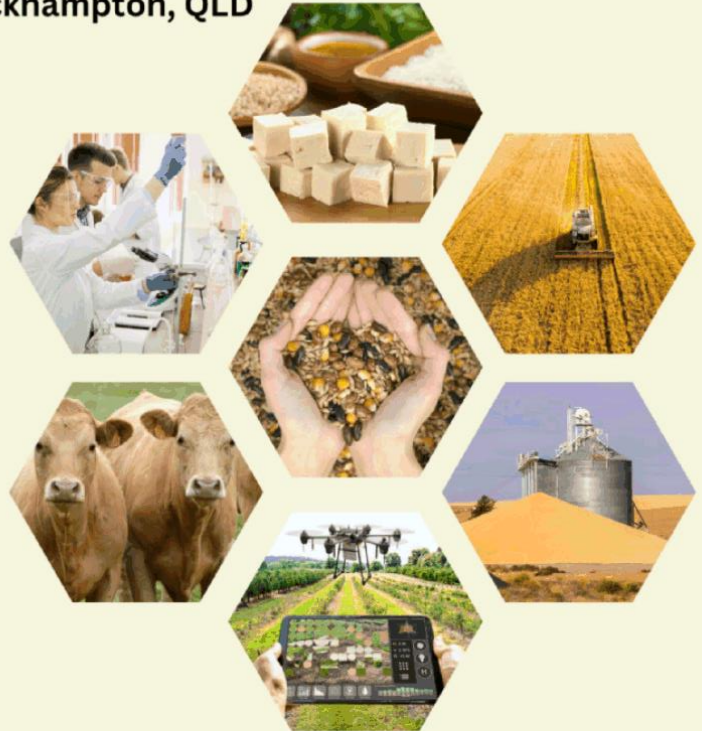
Grain Crops and Sustainable **FOOD SYSTEMS**



conference@ausgrainscience.org.au

www.ausgrainscience.org.au

#AGSA23





SPONSORSHIP PROSPECTUS

Supporting the Australasian grains industry's growth and development through research, innovation, networking and communication.

www.ausgrainscience.org.au



WHAT IS AGSA?

The Australasian Grain Science Association (AGSA) provides a forum for grain scientists, students, nutritionists and others to advance the knowledge and understanding of grain science and the grain industry.

It serves individuals in the grain food and allied industries, the agrifood sector, research and education.

Through its conferences and activities, AGSA facilitates exchange of information, networking and communication. And through its awards, AGSA recognises outstanding achievements in the grain sciences and allied industries.

www.ausgrainscience.org.au



ABOUT THE CONFERENCE



AGSA's 73rd conference will be held in the sunshine and winter warmth of Rockhampton and CQUniversity from 26–29 September 2023.

Straddling the Tropic of Capricorn and the Fitzroy River, Rockhampton is best known for its beef production and bull statues.

But it is also the gateway to the broadacre wheat, cotton, sorghum, and pulse-producing areas of Queensland's Dawson Valley and Central Highlands, as well as the launch pad for emerging crops for northern Australia, such as black sesame and nigella.

www.ausgrainscience.org.au



ABOUT THE CONFERENCE



Working from an overarching theme of Grain Crops & Sustainable Food Systems, the program will tackle eight key topics crucial to the future of the Australian grains industry:

- Starch, dietary fibre – structure, metabolic health
- Grains, bioactives and human nutrition
- Grains and plant-based protein
- Climate and grain production
- Sensors and novel technologies
- Grain waste valorisation
- Grain and graze
- New and emerging grain crops

www.ausgrainscience.org.au



WHY SPONSOR



AGSA offers your organisation a unique opportunity to connect with national and international research leaders in grain science, and promote your business to opinion setters and key influencers in the industry.

- ✓ Build brand awareness amongst the leaders in grains research
- ✓ Meet and greet the top grain science students in the country
 - ✓ Influence future industry leaders

If you would like to discuss how you can be a part of our conference, contact our Sponsorship Officer Dr Cassandra Walker
0419 514 253

www.ausgrainscience.org.au



SPONSORSHIP PACKAGES



Platinum Sponsor - \$15,000 + GST

- Naming rights to the AGSA gala dinner
- 10-minute presentation at the gala dinner
 - Opportunity to chair a session
 - 2 x full conference registrations
 - 1 x trade stand
 - MC recognition throughout the event
- Recognition in conference media and social media promotional materials
 - Logo and link via the conference website
 - Pull up banner display during the conference
- Logo recognition on program and abstract book



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SPONSORSHIP PACKAGES



Gold Sponsor - \$7500 + GST

- Naming rights to 1 x lunch
- 1 x conference registration
- Invitation to provide a speaker or chair a session
 - Pull up banner display during the conference
- Recognition in conference media and social media promotional materials
- Logo recognition on program and abstract book
 - Logo and link via the conference website
- Marketing item included in the conference satchel

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SPONSORSHIP PACKAGES



Silver Sponsor - \$5000 + GST

- Naming rights to the Welcome Reception
- MC recognition at the Reception and opportunity to formally welcome delegates
 - 1 x conference registration
- Pull up banner display during the conference
- Recognition in conference media and social media promotional materials
- Logo recognition on program and abstract book
 - Logo and link via the conference website
- Marketing item included in the conference satchel

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SPONSORSHIP PACKAGES



Bronze Sponsor - \$3500 + GST

- Naming rights to a morning tea or afternoon tea
 - MC recognition
- Pull up banner display at the food break and logo display on the buffets
- Recognition in conference media and social media promotional materials
- Logo recognition on program and abstract book
 - Logo and link via the conference website

www.ausgrainscience.org.au



SPONSORSHIP PACKAGES



Special Packages – from \$2000 + GST

Provide your company's branded collateral as special sponsor for:

- Satchels
- Notepads and pens
- Lanyards
- +
- Logo recognition on program and abstract book
 - Logo and link via the conference website

www.ausgrainscience.org.au



SPONSORSHIP PACKAGES



Trade Exhibits – \$2000 + GST

A dedicated trade marquee will feature as a central thoroughfare for delegates to reach morning/afternoon teas and lunch service.

Engage with the delegates and promote your business with a:

- 3m x 3m trade exhibit space
- Access to power included
 - Poster board backing
- Tables and chairs can be included upon request

All exhibitors to be listed in the program and on the website, plus have the option of including one item in delegate satchels.

www.ausgrainscience.org.au



SPONSOR TODAY!



Sponsorship Bookings

Contact:

AGSA Sponsorship Officer

Dr Cassandra Walker

0419 514 253

Cassandra.Walker@agriculture.vic.gov.au

www.ausgrainscience.org.au

11.3 MAKING WATER WORK PROGRAM - PROGRESSION OF FITZROY FOOD BOWL - LANDHOLDER ASSISTANCE TO ACHIEVE REEF WATER OUTCOMES

File No: 14966
Attachments: Nil
Authorising Officer: Zac Garven - Acting Executive Manager Advance Rockhampton
Author: Wade Clark - Industry Engagement Manager

SUMMARY

The Making Water Work Program (MWWP) was developed in collaboration with the Cooperative Research Centre for Developing Northern Australia (CRCNA) and the State Government to assist the Fitzroy Food Bowl in growing agriculture in a sustainable and resilient manner in the face of climate change. The MWWP is now at a stage where action is required to assist landholders in striving to achieve Reef Protection rules and reef water quality whilst progressing agricultural developments.

OFFICER'S RECOMMENDATION

THAT Council approves \$125,000 to be allocated to the Cooperative Research Centre for Developing Northern Australia for the achieving of reef water quality requirements in new agricultural developments project to assist landholders.

COMMENTARY

The Rockhampton Region is actively pursuing irrigated agriculture growth opportunities along the Fitzroy River, and the MWWP business case was produced in 2019-2020 to help assist this effort.

The goal of the MWWP is to progress the agriculture industry in the Fitzroy Food Bowl by fostering sustainable planning efforts that will lead to economic growth. Unlocking unmet domestic and international demand in agriculture, maximising the use of water resources, reaping the rewards of circular economies, and advancing agriculture in a way that is consistent with Great Barrier Reef outcomes are all goals of the MWWP.

After the Council endorsed the Making Water Work Program – Progression of Fitzroy Food Bowl Planning (10 May 2022) four of the five key project areas have begun, these include:

1. Defining a supply chain and development precincts vision.
2. Visionary land use planning to facilitate development precincts (the South Yaamba Planning Foundations Precinct Report).
3. Mobilising strong water governance arrangements.
4. Integrating nutrient, waste and energy streams in agricultural development (the hyacinth pilot).

The fifth key project is:

5. Achieving reef water quality requirements in new agricultural developments (the project).

The project is proposed to deliver the following:

- a. Precinct wide sediment and nutrient plan accounting for new and expanding agriculture.
 - b. Tools and training for land managers to improve water quality outcomes in the Fitzroy Food Bowl.
 - c. Assessment of tools for application more broadly across the catchment.
 - d. Case studies demonstrating the implementation process.
 - e. Establishment of systems governance framework.
-

- f. Individual farm plans that meet the Rookwood Weir Land Management Code of Practice and the Reef Regulations.

The importance of proceeding with the project cannot be understated as new agricultural developments greater than five hectares will require under the Reef Protection regulations individualised farm plans which articulates how nutrient, sediment and pesticides will be managed. And the region could have new agriculture greater than five hectares slowed or halted altogether if dissolved inorganic nitrogen, fine sediment, particulate phosphorus, particulate nitrogen or pesticides exceed specified thresholds.

The project's proposed deliverables will help the Rockhampton Region's landholders meet the Reef Protection regulations, providing further evidence of the region being a proactive environmental steward whilst advancing responsible development of agriculture in the Fitzroy Food Bowl.

To assist the development of landholders within the Fitzroy Food Bowl it is recommended that Council allocate \$125,000 from the current Economic Development budget, noting that the economic development team budget has a positive variance due to favourable revenues.

The Cooperative Research Centre for Northern Australia and the Department of Agriculture and Fisheries have also contributed which will bring the total budget to \$271,725.

BACKGROUND

The Making Water Work business case development was funded in 2019-2020 by the State Government through the Communities in Transition Program facilitated by the CRCNA and Advance Rockhampton (on behalf of the Council).

In 2020, the MWWP developed a terms of reference to assist dialogue between the CRCNA, Advance Rockhampton, State Government agencies and industry representatives to pursue outcomes identified by the Making Water Work Business Case.

PREVIOUS DECISIONS

Ordinary Council Meeting 10 May 2022:

THAT Council approves an allocation of \$110,000 from the current Economic Development budget to be paid to the Cooperative Research Centre for Northern Australia to undertake planning for the South Yaamba agricultural precinct which forms part of the Fitzroy Food Bowl.

LEGISLATIVE IMPLICATIONS

The Environmental Protection (Great Barrier Reef Protection Measures) and Other Legislation Amendment Act 2019 was passed by Queensland Parliament on 19 September 2019 and new Reef protection regulations commenced on 1 December 2019.

The new Reef protection regulations address land-based sources of water pollution to the Great Barrier Reef, including agricultural sources of nutrient and sediment pollution, this includes the Fitzroy River.

BUDGET IMPLICATIONS

Proceeding with the recommendation will see \$125,000 allocated from the current (2022/2023) Economic Development Budget noting this allocation is being funded by positive revenue variances from the Sunwater Rookwood Weir Landholder Support Grant Program in this current financial year.

STAFFING IMPLICATIONS

Advance Rockhampton's Industry Engagement Manager will be Council's key lead for the MWWP with assistance also being provided by the Economic Development & Industry Engagement Advisor.

In total there is \$10,000 of in-kind support to be provided by Advance Rockhampton for this project.

CORPORATE/OPERATIONAL PLAN

Corporate Plan – Economy: Goal 3.4 *We support our Region’s economy through our projects and activities.*

Operational Plan – Economy: 3.2.2.1 *Deliver industry development to strengthen and grow the key sectors of Resources and Construction and Agriculture and Water.*

CONCLUSION

The local landowner community will benefit from the joint effort that will support the project achieve reef water quality requirements in new agricultural developments.

This support will come in the form of guidance as landowners create unique strategies for farming in line with government regulations.

As a result, this project will help the agricultural sector in our region thrive and grow in ways that are environmentally friendly, provide long-lasting resources that are useful now and for the future, are congruent with the MWWP's overarching mission and vision and are able to be internalised by the landowner and practiced as a cornerstone of an enterprise that benefits them, our society, and the Great Barrier Reef, for years to come.

11.4 AG JOBS QUEENSLAND PLATFORM SPONSORSHIP

File No:	14966
Attachments:	1. Ag Jobs Queensland - Sponsorship Proposal ↓
Authorising Officer:	Zac Garven - Acting Executive Manager Advance Rockhampton
Author:	Wade Clark - Industry Engagement Manager

SUMMARY

The Ag Jobs Queensland platform has recently been launched by the Queensland Farmers Federation (QFF) to connect employers across agriculture with prospective job seekers. With growth expected in line with new agricultural developments it is evident that the region's ag labour force will need to expand. As Rockhampton will be competing with other regions across the country for labour it is proposed that the Council sponsors the new platform to help build Rockhampton's agricultural brand, local employment opportunities and encourages talent to the region.

OFFICER'S RECOMMENDATION

THAT Council sponsors the Queensland Farmers Federation Ag Jobs Queensland platform for \$7,500 (plus GST).

COMMENTARY

The Rockhampton Region's agricultural and food manufacturing developments in the next two to three years are expected to grow by approximately 350 full time equivalents on top of 1600 currently employed in the region.

The positions will be varied, ranging from agri-tech specialists, irrigators, horticulturists, stock hands all the way through to veterinarians. Whilst local agricultural developments will focus on employing as many suitably qualified locals as possible, it is foreseen that the region will also need to attract suitably qualified agricultural workers to Rockhampton.

As other agricultural developments are proceeding across Australia, Rockhampton will be competing with other regions for specialised ag labour.

Recently the QFF launched a platform that could assist Rockhampton's future labour demands, the Ag Jobs Queensland platform. This platform is a one-stop portal for connecting employers with job seekers in farming and agriculture in Queensland.

The QFF have provided the Council with a sponsorship opportunity to assist Rockhampton with branding and promotion of the region (please see attached Ag Jobs Queensland – Sponsorship proposal).

It is recommended that the Council utilises this recently launched Ag Jobs Queensland platform as one of its marketing touch points integrating the "Live and Work in Rockhampton" campaign for this industry area. Noting that this campaign is in line with the Rockhampton Region Economic Action Plan 2023-2028.

It must be also be highlighted that the Ag Jobs Queensland platform will also assist local jobseekers connect with local agriculture focused businesses / developments.

BUDGET IMPLICATIONS

Proceeding with the recommendation will see \$7,500 (plus GST) allocated from the current (2022/2023) Economic Development Budget noting this allocation is being funded by positive revenue variances in this current financial year.

STAFFING IMPLICATIONS

The Industry Engagement Manager will be Council's main liaison with the QFF with support of the Industry Engagement and Marketing Officer and the Senior Graphic Designer.

CORPORATE/OPERATIONAL PLAN

Corporate Plan – Economy: Goal 3.2 *We support projects that strengthen the Region's economic development.*

Operational Plan – Economy: 3.2.2.1 *Deliver industry development to strengthen and grow the key sectors of Resources and Construction and Agriculture and Water.*

CONCLUSION

To grow Rockhampton's agricultural labour force it proposed that Council seeks additional marketing touch points such as the Ag Jobs Queensland platform to help promote the region.

AG JOBS QUEENSLAND PLATFORM SPONSORSHIP

Ag Jobs Queensland – Sponsorship Proposal

Meeting Date: 13 June 2023

Attachment No: 1



QFF
QUEENSLAND
FARMERS'
FEDERATION

**AG JOBS
QUEENSLAND**

About Ag Jobs Queensland

Ag Jobs Queensland is a dedicated industry jobs platform for the Queensland agricultural sector.

It connects employers from every corner of agriculture across the state with job seekers looking for their opportunity to work in what is arguably the most exciting industries to be involved in.

The Queensland agricultural sector is experiencing strong growth with global demand for our top-quality

food, fibre and foliage on the rise.

Businesses right across the agricultural supply chain are innovating to meet opportunities and challenges and are seeking talent to fill a diversity of roles within their operations.

Ag Jobs Queensland is a one-stop portal for connecting employers and job seekers in farming and agriculture.

agjobsqueensland.com.au

Become a 'Champion of Ag'!

\$7,500 + GST annually

Industry Engagement

- Access to engage directly with your target market through Queensland Farmers' Federation (QFF) Ag Jobs Queensland networks.
- Invitation to QFF's Annual Partner Networking Event to provide your business the opportunity to network and build relationships.

Branding and Promotion

- Business profile on the 'Champions of Ag' page of the Ag Jobs Queensland website.
- Business profile featured on 'Champions of Ag' carousel on the homepage.
- 3 x dedicated posts on Ag Jobs Queensland social media platforms annually.
- 2 x dedicated email communications sent direct from the Ag Jobs Queensland platform to subscribed employers and/or job seekers with content supplied by your organisation.
- 2 x noticeboard articles provided by your organisation published on the Ag Jobs Queensland platform.
- Opportunity to provide materials for Ag Jobs Queensland tools and resources directories.

Additional opportunities may be identified throughout the term of the partnership.

About Queensland Farmers' Federation

The Queensland Farmers' Federation (QFF) is the united voice of intensive and irrigated agriculture in Queensland. It is a federation that represents the interests of peak state and national agriculture industry organisations. QFF engages in a broad range of economic, social, environmental and regional issues of strategic importance to the productivity, sustainability and growth of the agricultural sector. QFF's mission is to secure a strong and sustainable future for Queensland farmers by representing the common interests of our member organisations.

For more than 30 years, QFF has earned a formidable reputation as a leader in sectoral policy development and driving change to improve the operating environment for Queensland's farmers. Recognised as a non-partisan organisation that works effectively with all levels and sides of government, QFF is widely acknowledged as one of the most influential and respected advocacy groups in Queensland.

11.5 TRUSTEE LEASE RENEWAL - CATTLE CLUB

File No:	8763
Attachments:	1. Rockhampton Cattle Club Sketch Plan
Authorising Officer:	John Webb - Manager Communities and Culture Alicia Cutler - General Manager Community Services
Author:	Mark Millett - Coordinator Major Venues

SUMMARY

A trustee lease between Council and the Rockhampton Cattle Club Inc. for a building site, wholly contained within the Rockhampton Showgrounds, is due to expire on 30 June 2023. Council's resolution is required to issue the club with a new trustee lease over the land.

OFFICER'S RECOMMENDATION

THAT:

1. Pursuant to section 236(1)(b)(ii) and (c)(iii) of the *Local Government Regulation 2012*, Council approve the issuing of a Trustee Lease to the Rockhampton Cattle Club Inc for part of Lot 424 on CP LN2006 as shown in the sketch plan attached to the report; and
2. Council authorises the Chief Executive Officer (Manager Communities and Culture) to negotiate suitable terms and conditions of the agreement in preparation for execution by the delegated officer.

COMMENTARY

The Rockhampton Cattle Club operates from a building owned by the club within the Rockhampton Showgrounds. The current trustee lease commenced in 2018 is due to expire on 30 June 2023.

BACKGROUND

In early 2003, the then Rockhampton City Council became the trustee of the Rockhampton Showgrounds and consequently the lessor to Rockhampton Cattle Club Inc.

Over the intervening period the club's use of the building has been covered by non-exclusive tenure agreements. Investigations have established that the Club has retained ownership of the building and it has been determined that the appropriate form of agreement is a Trustee Lease to provide exclusive use of the land on which the Cattle Club's building occupies.

It is important to ensure that the location of the Rockhampton Cattle Club and the nature of ownership does not restrict Council's ability to deliver key events at the Rockhampton Showgrounds. This was discussed with the Club and an agreement permitting appropriate use in support of this was achieved and a subsequent trustee lease was executed.

This lease is due for renewal.

The Showgrounds and Victoria Park master planning exercise has commenced with a planned completion target of November 2023 for Council consideration.

The consultants undertaking the master planning have commenced consultation with stakeholders to inform the current and future usage of the site.

On completion and endorsement of the master plan a detailed design process will be prioritised. This will allow for possible announcement of the Stage 1 of the redevelopment at Beef 24 providing for a completion and opening for at Beef 27.

Redevelopment of the site may impact upon the positioning of tenants within the Showgrounds. Tenant tenure should be timed to provide for the steps within the forecasted redevelopment process.

Consequently, the Rockhampton Cattle Club should be offered a lease that expires two years prior to Beef 27 allowing flexibility for completion of Stage 1.

This will provide flexibility of possible relocation.

PREVIOUS DECISIONS

On 7th December 2016, council resolved to provide the cattle club a 5 year Trustee lease on the Rockhampton Showgrounds Site

BUDGET IMPLICATIONS

The lease fee will be set by the adopted fees and charges for the lease of a building site to a community organisation

LEGISLATIVE CONTEXT

Under Section 236 of the Local Government Regulation 2012 (Qld), Council has the ability to enter into leases with community organisations, provided that Council has decided, by resolution that the exception applies to the leasing of valuable non-current assets (i.e. land) other than by tender or auction.

LEGAL IMPLICATIONS

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

STAFFING IMPLICATIONS

Nil

RISK ASSESSMENT

If the Trustee Lease is not renewed to the club, there will be no legal tenure. If this was to occur normal rights and obligations applying to both parties contained within a Trustee Lease would not be in place for their continued occupation of the site.

CORPORATE/OPERATIONAL PLAN

Goal 2.1

“We Ensure community assets are utilized and appropriate for the needs of the community”

“We provide facilities for sports and the arts that encourage community participation and attract elite sporting and cultural events”

CONCLUSION

It is recommended that Council renew the Trustee Lease for a period of 23 Months. This is to allow consultation and possible Stage 1 construction of the Showgrounds and Victoria Park master plan to be undertaken within the desired time frames.

TRUSTEE LEASE RENEWAL - CATTLE CLUB

Rockhampton Cattle Club Sketch Plan

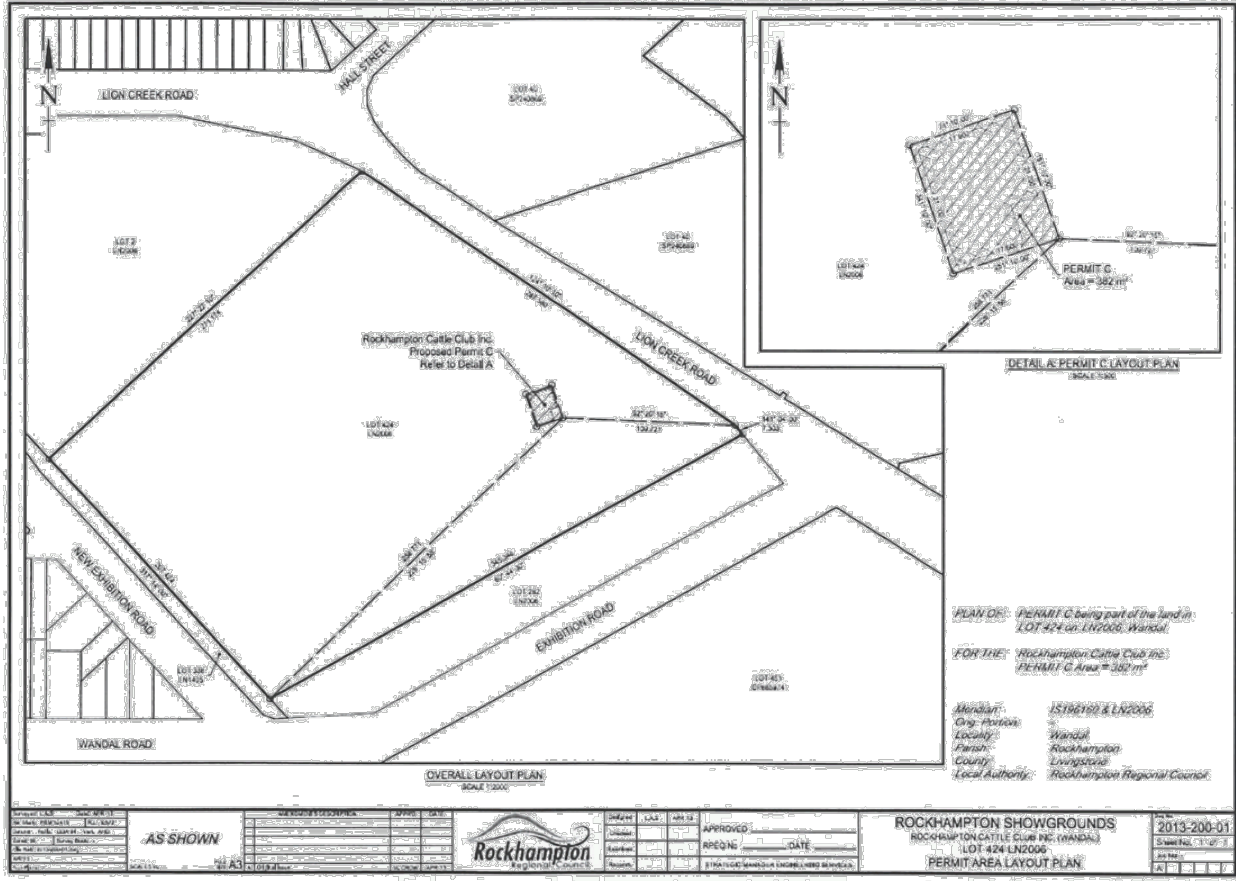
Meeting Date: 13 June 2023

Attachment No: 1

SCHEDULE

QUEENSLAND LAND REGISTRY
Land Title Act 1994, Land Act 1994 and Water Act 2000

Title Reference [90486131]



**11.6 ROCKHAMPTON REGIONAL PLANNING SCHEME MAJOR AMENDMENT
VERSION 5 PREPARATION AND COMMENCEMENT**

File No:	RRPS-PRO-2023/004
Attachments:	Nil
Authorising Officer:	Cameron Wyatt - Coordinator Strategic Planning Angus Russell - Executive Manager Strategy and Planning
Author:	Sophie Muggeridge - Strategic Planner

SUMMARY

This report seeks approval from Council to commence an amendment to the Rockhampton Region Planning Scheme. The preparation for Major Amendment Version 5 to the planning scheme is proposed to contain changes to the Flood Hazard Overlay Code and the residential zone provisions.

OFFICER'S RECOMMENDATION

THAT Council prepares a Major Amendment to the Rockhampton Region Planning Scheme (Version 5) in accordance with section 20 of the *Planning Act 2016* and *Ministers Guidelines and Rules*.

COMMENTARY

The process of amending a Planning Scheme is a normal and necessary part of maintaining the integrity of Council's planning framework and something that most local governments undertake periodically. This process seeks to improve the clarity of the Planning Scheme and to deliver good development outcomes through development assessment.

In response to the recent Queensland Housing Summit and to promote growth within urban areas, it is proposed to commence a major amendment to the Rockhampton Region Planning Scheme. The proposed amendment will involve updating the residential zones codes to encourage further infill development and to allow more flexibility within greenfield areas.

Changes are also proposed flood hazard overlay code, including reducing the level of assessment from impact assessable to code assessable for areas subject to the flood hazard overlay mapping. The proposed change will reduce the complexity of developing sites within greenfield areas, that are already appropriately zoned to accommodate future growth. The policy intent of the flood hazard overlay code will remain regarding ensuring that risk to people and property is mitigated against.

In summary the recommended proposed changes to the planning scheme for 'Version 5' include:

- Update the table of assessment for reconfiguring of a lot in the Flood Hazard Overlay;
- Reduce the minimum lot size within the Low-Density Residential Zone; and
- Review the level of assessment provisions for multiple dwellings within the Low-Density Residential Zone Code.

In accordance with the *Planning Act 2016*, major amendments are amendments that result in a change to the policy direction and are not minor amendments or administrative amendments. Council is required to undertake public notification and the Minister is responsible for approving the adoption of the major amendments.

The purpose of this report is to commence preparation of major amendment Version 5 to the planning scheme. Once completed a further report will be presented to Council, to submit the amendment to the State Government to undertake the state interest review process.

PREVIOUS DECISIONS

Council resolved on 16 August 2022 as follows:

THAT:

1. Council transfer the ownership of all three buildings at 78 East Street, Mount Morgan to the Mount Morgan Citizens Club in an 'as is' condition, for \$1.
2. Pursuant to Section 236(1)(b)(ii) of the Local Government Regulation 2012 (Qld) Council approve the lease of the land at 78 East Street Mount Morgan to the Mount Morgan Citizens Club Inc, and authorises the Chief Executive Officer (General Manager Community Services) to negotiate the terms of the agreement in preparation for execution by the delegated officer.
3. Council retains ownership of the contents of the large Church.
4. **Furthermore Council proceed to make alterations to the Planning Scheme as in regards to the proposed purpose of these buildings.**

The resolution refers to 78 East Street, Mount Morgan and to *proceed to make alternations to the planning scheme as in regards to the proposed purpose of these buildings*. It is recommended that this proposed amendment does not form part of major amendment Version 5 to the planning scheme.

The resolution to make alternations to the planning scheme is recommended to be considered as part of the 10-year planning scheme review process (yet to commence). Any proposed changes to the planning scheme policy settings needs to be supported with sufficient justification and consider the strategic outcomes under the strategic framework and future land use considerations. Individual zone changes for example, are based upon a planning study or planning need assessment or, whereby recommendations are made to undertake changes to the planning scheme or resulting from a development application approval.

It is also important to recognise that any proposed changes to the planning scheme are not a certainty, as all major amendments to the planning scheme must undertake the amendment process under the Planning Act 2016, in accordance with the Minister's Guidelines and Rules and must address the State Planning Policy, State guidelines and all other legislative requirements.

The major amendment process is assessed by State Government and therefore any proposed changes must provide sufficient justification. Approval is required by State Government prior to any amendments being introduced into the planning scheme.

BUDGET IMPLICATIONS

The cost associated with preparing the amendment and associated public consultation will be met from Council's Operational Budget.

LEGAL IMPLICATIONS

The process for undertaking a major amendment to the planning scheme is detailed under section 20 of the *Planning Act 2016* and Chapter 2 of the *Minister's Guidelines and Rules*.

CORPORATE/OPERATIONAL PLAN

The amendments to the planning scheme align with the **Operational Plan 2022-23** Action 3.1.2.3 – Amend the Rockhampton Region Planning Scheme as required to achieve Council's policy objectives and outcomes.

CONCLUSION

The purpose of this report is to commence the preparation of major amendment Version 5 to the Rockhampton Region Planning Scheme (Version 5) for changes to the flood hazard overlay code, tables of assessment and the residential zone provisions.

11.7 D/77-2022 - DEVELOPMENT APPLICATION FOR A MATERIAL CHANGE OF USE FOR A SHOPPING CENTRE, SHOWROOM AND MULTIPLE DWELLING (12 TOWNHOUSES)

File No: D/77-2022

Attachments:

1. [Locality Plan](#)
2. [Site Plan - Stages 1 & 2](#)
3. [Site Plan - Stage 3](#)
4. [Site Plan - Stage 4](#)
5. [Elevations - Stages 1 & 2](#)
6. [Elevations - Stage 3](#)
7. [Elevations - Stage 4](#)

Authorising Officer: Doug Scott - Manager Planning and Regulatory Services
Alicia Cutler - General Manager Community Services

Author: Amanda O'Mara - Coordinator Development Assessment

SUMMARY

Development Application Number: D/77-2022

Applicant: Coles Group Limited

Real Property Address: Lot 25 on RP610513

Common Property Address: 452-488 Yaamba Road, Norman Gardens

Area of Site: 2.66 Hectares

Planning Scheme: Rockhampton Region Planning Scheme 2015 (version 2.2)

Planning Scheme Zone: Specialised Centre Zone - Yaamba Road Precinct

Planning Scheme Overlays: Airport Environs Overlay
Steep Land Overlay

Existing Development: Previously Bunnings (currently vacant)

Approval Sought: Development Permit for a Material Change of Use for a Shopping Centre, Showroom and Multiple Dwelling (12 Townhouses)

Level of Assessment: Impact Assessable

Submissions: 10 Submissions

Referral Agency: State Development Infrastructure, Local Government and Planning (State Assessment and Referral Agency Department) – Referral Agency
Ergon Energy – Advice Agency

OFFICER'S RECOMMENDATION**RECOMMENDATION A**

THAT in relation to the application for a Development Permit for a Material Change of Use for a Shopping Centre, Showroom and Multiple Dwelling (12 Townhouses), made by Coles Group Limited, located at 452-488 Yaamba Road, Norman Gardens - described as Lot 25 on RP610513, Council resolves to provide the following reasons for its decision:

STATEMENT OF REASONS

Description of the development	
Material Change of Use for a Shopping Centre, Showroom and Multiple Dwelling (12 Townhouses)	
Reasons for Decision	
<p>a) 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>b) 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 development was assessed against the following assessment benchmarks:</p> <ul style="list-style-type: none"> • Strategic Framework; • Specialised Centre Zone Code; • Airport Environs Overlay Code; • Access, Parking and Transport Code; • Landscape Code; • Stormwater Management Code; • Waste Management Code; and • Water and Sewer Code. 	
Compliance with assessment benchmarks	
The development was assessed against all of the assessment benchmarks listed above and complies with all of these with the exception(s) listed below.	
Assessment Benchmark	Reasons for the approval despite non-compliance with benchmark
Strategic Framework	<p>Settlement Pattern 3.3.12.1 (2) and 3.3.12.1 (17)</p> <p>The proposed Shopping Centre is within the Specialised Centres designation in the Strategic Framework and conflicts with the above strategic / specific outcomes which state specialised centres do not accommodate shopping centres to protect the role, function and vitality of other centres. However, Council's Commercial Centres Study 2021 indicates the planning scheme provides too much Specialised Centre zoned land for bulky good retail type uses and identified there will be a need for a new District Centre in North Rockhampton. District Centres are the level in the hierarchy where full line supermarkets are anticipated.</p> <p>To the extent any conflicts are identified in the Strategic Framework, regard to relevant matters is considered to outweigh those conflicts.</p> <p>3.3.12.1 (5)</p> <p>The proposed development conflicts with specific outcome 3.3.12.1 (5) because the development does not provide an active frontage along Yaamba Road – a State controlled Road. However, there is no established</p>

	<p>active frontage along Yaamba Road and given its function and the surrounding land uses and zoning, there is unlikely to be an active frontage in the future which the site could tie into. The proposal nevertheless provides a much improved built form, land use activation and visual amenity when compared to the current built form and previous use on the site</p> <p>To the extent any conflicts are identified in the Strategic Framework, regard to relevant matters is considered to outweigh those conflicts.</p> <p>3.3.8.1 (6)</p> <p>The proposed Multiple Dwelling is located in Urban Area designation in the Strategic Framework and conflicts with specific outcome 3.3.8.1 (6) because the site is not located on a higher order road.</p> <p>Despite this, specific outcome 3.3.8.1 (5) (f) contemplates a range of housing and lifestyle options in the Urban and New Urban area designation. The proposed development provides housing choice for people seeking to live in low-rise residential development, and also assists in softening housing pressures and by extension provides more affordable housing options for different socio-economic groups.</p> <p>To the extent any conflicts are identified in the Strategic Framework, regard to relevant matters is considered to outweigh those conflicts.</p>
Specialised Centre Zone Code	<p>PO8</p> <p>The proposed development does not comply with Acceptable Outcome AO1.1 as the proposed buildings are not set back within twenty (20) per cent of the average front setback of adjoining buildings. However, there is no established building line along Yaamba Road, which has a mixture of building setbacks. The proposed setbacks are appropriate for the site and ensure efficiency of operations while allowing for casual surveillance of the street. The proposed Stage 3 (Showroom) is closer to the street providing some human scale while also being consistent with the adjoining motel.</p> <p>Therefore, the development is taken to comply with PO8.</p> <p>PO23</p> <p>The proposed development does not comply with Performance Outcome PO23 which states retail uses are limited to convenience shopping for the immediate neighbourhood and local customers. The proposed development, while providing a convenience function, will attract customers from beyond the immediate neighbourhood.</p> <p>To the extent any conflicts are identified with PO23 and are not otherwise overcome by higher order provisions in the Planning Scheme, regard to relevant matters is considered to outweigh those conflicts.</p> <p>PO38</p> <p>The proposed development does not comply with Performance Outcome PO38 / Acceptable Outcome AO38.1 which states a Shopping Centre does not exceed 500 square metres in gross floor area.</p> <p>To the extent any conflicts are identified with PO38 and are not otherwise overcome by higher order provisions in the Planning Scheme, regard to relevant matters is considered to outweigh those conflicts.</p>
Landscaping Code	<p>PO11</p> <p>The proposed development does not comply with AO11.1-11.3 because shade tree planting within the car parking area is not provided in accordance with the rates set out in the Landscape Code.</p>

	<p>Despite this, the car parking area in some areas does not practically allow for shade tree planting given building awnings and proposed shade structures provided over most of the car parking area. Landscaping within and around the site, including shade tree planting along all boundaries and throughout the site, does assist in reducing the visual appearance of car parking areas, provide shade, reduce glare and reduce heat stored in hard surfaces.</p> <p>Therefore, the development is taken to comply with PO11.</p>
Relevant Matters	
<p>The proposed development was assessed against the following relevant matters:</p> <ul style="list-style-type: none"> • The proposal will regenerate an existing vacant site. The Bunnings Warehouse use that was previously on the site has relocated. The proposal will bring the site back into beneficial use for the community. Therefore, would regenerate an untenanted, underutilised, but strategically located commercial site in North Rockhampton. • The design of the proposal, including the townhouses on the eastern boundary, will mitigate the impacts of the Shopping Centre such that it would lead to improved amenity outcomes, when compared to the operation of the previous and approved uses of the site for a Bunnings Warehouse. • There is demonstrated need for a new District centre in North Rockhampton. Council's Commercial Centres Study 2021 indicates this should be in the Specialised Centre Zone – Yaamba Road Precinct. The centres study indicates the planning scheme provides too much Specialised Centre zoned land for bulky good retail type uses. The planning scheme has an oversupply of Specialised Centre zoned land. A realignment in the balance of zones is required. The realignment requires the addition of a District Centre and the consolidation of Specialised Centre Zone. The site is in a strategic location between the existing Major Centre to the south and the existing District Centre to the north. District Centre is the level in the hierarchy where full line supermarkets are anticipated, therefore the proposal would satisfy the demonstrated need for new District Centre uses in North Rockhampton. Further, it would assist in realigning the balance of zones, integrating effectively within the hierarchy of centres. • The proposed development has community benefits providing increased choice and convenience for residents. The proposed development complements the current offerings of limited line and independent supermarkets within the primary trade area. Approval of the proposal would improve choice, competition and accessibility of northern Rockhampton residents to a Coles supermarket. • With regard to the proposed Multiple Dwelling, there is an overriding planning and community need for additional and diverse housing in Rockhampton. Currently there is limited housing stock available, with very low vacancy rates. The proposed development will assist in increasing housing stock and provide more affordable housing choice for existing and future residents. • The proposed Multiple Dwelling would complement the proposed Shopping Centre. The units will form an appropriate and orderly transition from the Shopping Centre to the lower density housing on the eastern side of Potts Street, completing the residential context of this street. They will also provide housing choice for the community in an accessible location that is well serviced by community facilities and infrastructure. In this context, the proposed Multiple Dwelling development for townhouses is an appropriate use on the site. 	
Matters raised in submissions	

Issue	How matter was dealt with
Inconsistent with the planning scheme / impacts on the viability of existing centres	<p>Each submission identified inconsistency with the planning scheme through the identification of the underlying zoning (Specialised Centre – Yaamba Road Precinct) and the intent for bulky goods retailing to occur in this Precinct.</p> <p>There are conflicts with the purpose of the precinct and the strategic outcomes of the planning scheme which identify Specialised Centres do not accommodate Shopping Centres in order to protect the role, function and vitality of other centres. Where these conflicts were identified, regard to relevant matters were considered to outweigh the conflicts (refer to the Relevant Matters section above).</p>
Inadequate car parking	<p>Most of the submissions identified that the proposed development does not provide for adequate car parking supply.</p> <p>An extensive peak parking analysis based on comprehensive parking demand studies of existing Coles developments and other similar Shopping Centre developments in Queensland was undertaken.</p> <p>The results indicated the proposed car parking spaces exceed the estimated peak parking demand and represent appropriate on-site parking supply to sufficiently accommodate the peak demands of the development and therefore will not result in any off-site adverse impacts.</p> <p>The residential component, Stage 4 provides twenty-four (24) covered spaces (12 x double garages) for the 12 units which satisfies the residential supply requirement as per the planning scheme.</p>
Impact on amenity	<p>A submission raised concern there would be amenity impacts on the surrounding residential area. However, it is noted the proposed use seeks to mitigate rather than intensify impacts (namely acoustic and visual impacts) of the previous Bunnings Warehouse use. Acoustic treatments are proposed and will be implemented in accordance with the approved Environmental Noise Level Impact Assessment. These treatments seek to address the current standards and exceed measures on the existing building.</p>
Impact on traffic and safety on Yaamba Road	<p>Concerns were raised the proposed development would compromise the safety and efficiency of Yaamba Road.</p> <p>Yaamba Road is a State-controlled road. The development application was assessed by the Department of Transport and Main Roads. The State provided a concurrence agency response with conditions. Therefore, it is taken the State is satisfied the proposed development will not compromise the safety or efficiency of the road network, subject to conditions.</p>
Matters prescribed by regulation	
<ul style="list-style-type: none"> • The <i>Rockhampton Region Planning Scheme 2015</i> (version 2.2); 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 Shopping Centre, Showroom and Multiple Dwelling (12 Townhouses), made by Coles Group Limited, located at 452-488 Yaamba Road, Norman Gardens - described as Lot 25 on RP610513, Council resolves to Approve the application subject to the following conditions:

1.0 ADMINISTRATION

1.1 The owner, the owner's successors in title, and any occupier of the premises 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) Water Works;
 - (v) Stormwater Works; and
 - (vi) Site Works.
 - 1.5.2 Plumbing and Drainage Works; and
 - 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 All development conditions contained in this development approval about infrastructure under Chapter 4 of the *Planning Act 2016* should be read as being non-trunk infrastructure conditioned under section 145 of the *Planning Act 2016*, unless otherwise stated.

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>
Cover Sheet	Thomson Adsett	15 November 2022	A-DA-001	2
Staging Key Plan & Site Context Plan	Thomson Adsett	5 April 2023	A-DA-002	6
Site Plan – Stages 1 & 2	Thomson Adsett	5 April 2023	A-DA-020	7
Site Plan – Stage 3	Thomson Adsett	5 April 2023	A-DA-021	7
Site Plan – Stage 4	Thomson Adsett	5 April 2023	A-DA-022	9
Site Plan – Survey & Tree Location Overlay	Thomson Adsett	15 November 2022	A-DA-030	2
Site Sections – Sheet 1	Thomson Adsett	15 November 2022	A-DA-040	5
Impervious Area Plans & Schedules	Thomson Adsett	15 November 2022	A-DA-050	5
Detailed Floor Plan – Stages 1 & 2	Thomson Adsett	15 November 2022	A-DA-100	2
Detailed Roof Plan – Stages 1 & 2	Thomson Adsett	15 November 2022	A-DA-110	2
Elevations – Stages 1 & 2 – Sheet 1	Thomson Adsett	15 November 2022	A-DA-120	2
Elevations – Stages 1 & 2 – Sheet 2	Thomson Adsett	15 November 2022	A-DA-121	2
Sections – Stages 1 & 2 – Sheet 1	Thomson Adsett	15 November 2022	A-DA-130	2
Detailed Floor Plan & Detailed Roof Plan – Stage 3	Thomson Adsett	16 November 2022	A-DA-300	3
Elevations – Stage 3 – Sheet 1	Thomson Adsett	15 November 2022	A-DA-320	2
Elevations – Stage 3 – Sheet 2	Thomson Adsett	15 November 2022	A-DA-321	2
Sections – Stage 3 – Sheet 1	Thomson Adsett	15 November 2022	A-DA-330	2
Floor Plan – Stage 4	Thomson Adsett	15 November 2022	A-DA-400	5

Roof Plan – Stage 4	Thomson Adsett	15 November 2022	A-DA-410	4	40444366
Elevations – Stage 4 – Sheet 1	Thomson Adsett	15 November 2022	A-DA-420	4	40444366
Elevations – Stage 4 – Sheet 2	Thomson Adsett	15 November 2022	A-DA-421	4	40444366
Sections – Stage 4 – Sheet 1	Thomson Adsett	15 November 2022	A-DA-430	4	40444366
Pre Development Catchment Layout Plan	Michael Bale & Associates	17 November 2022	DA01-G21097	04	39736981
Post Development Catchment Layout Plan	Michael Bale & Associates	17 November 2022	DA02-G21097	04	39736981
Bulk Earthworks Layout Plan	Michael Bale & Associates	17 November 2022	C200-G21097	03	39736981
Sewer Layout Plan	Michael Bale & Associates	17 November 2022	C600-G21097	02	39736981
Environmental Noise Level Impact Assessment for Proposed Coles Supermarket, Liquorland, Speciality Retail, Showroom and Residential	David Moore & Associates Pty Ltd	16 November 2022	R22024/D3621	1	39727319
Landscape Concept Design Report	02 Landscape Architecture	17 November 2022	590 SD_LR001_D	-	39727320

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.

3.0 STAGED DEVELOPMENT

3.1 This development approval is for a development to be undertaken in four (4) discrete stages, namely:

3.1.1 Supermarket (Coles), liquor store and amenities (Stage One);

3.1.2 Specialty store and outdoor seating (Stage Two);

3.1.3 Showroom and extension to shopping centre – additional specialty (Stage Three); and

3.1.4 Multiple Dwelling – 12 townhouses (Stage 4),

in accordance with the approved Staging Key Plan & Site Context Plan (refer to condition 2.1).

3.2 The currency period for all stages is six (6) years from the date this approval takes effect.

3.3 Stage One (1) must be completed prior to any other stage. All other stages are not required to be undertaken in any chronological order.

- 3.4 Unless otherwise expressly stated, the conditions must be read as being applicable to all stages.

STAGES 1 – 3

4.0 ROAD WORKS

- 4.1 A Development Permit for Operational Works (road works) must be obtained prior to the commencement of any road works required by this development approval.
- 4.2 All road works must be designed and constructed in accordance with the approved plans (refer to condition 2.1), *Capricorn Municipal Development Guidelines*, relevant *Australian Standards* and *Austrroads Guidelines* and the provisions of a Development Permit for Operational Works (road works).
- 4.3 Dedicated pedestrian linkages through the proposed development linking the carpark to the existing pedestrian pathways on Yaamba Road and Potts Street must be provided in accordance with the approved plans (refer to condition 2.1).
- 4.4 All pathways and access ramps must be designed and constructed in accordance with *Australian Standard AS1428 "Design for access and mobility"*.
- 4.5 Retaining structures and their foundations must be wholly contained within private allotments and not be constructed as Council-owned infrastructure.

5.0 ACCESS AND PARKING WORKS

- 5.1 A Development Permit for Operational Works (access and parking works) must be obtained prior to the commencement of any access and parking works on the development site.
- 5.2 All access and parking works must be designed and constructed in accordance with the approved plans (refer to condition 2.1), *Capricorn Municipal Development Guidelines*, *Australian Standard AS2890 "Parking facilities"* and the provisions of a Development Permit for Operational Works (access and parking works).
- 5.3 All car parking and access areas must be paved or sealed to Council's satisfaction. Design and construction must be in accordance with the provisions of a Development Permit for Operational Works (access and parking works).
- 5.4 All vehicular access to and from the commercial development must be via Yaamba Road only. Direct vehicle access to the commercial development from Potts Street is prohibited.
- 5.5 All vehicles must ingress and egress the development in a forward gear.
- 5.6 Universal access parking spaces must be provided on-site in accordance with *Australian Standard AS2890.6 "Parking facilities - Off-street parking for people with disabilities"*.
- 5.7 Parking spaces must be line-marked in accordance with the approved Site Plan (refer to condition 2.1) and in accordance with the *Australian Standard AS2890 "Parking facilities"* and the provisions of a Development Permit for Operational Works (access and parking works).
- 5.8 All vehicle operations associated with the development must be directed by suitable directional, informative, regulatory or warning signs in accordance with *Australian Standard AS1742.1 "Manual of uniform traffic control devices"* and *Australian Standard AS2890.1 "Parking facilities – Off-street car parking"*.
- 5.9 Road signage and pavement markings must be installed in accordance with *Australian Standard AS1742.1 "Manual of uniform traffic control devices"*.
- 5.10 All vehicle operation areas must be illuminated in accordance with the requirements of *Australian Standard AS1158 "Lighting for roads and public spaces"*.

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- 5.11 All internal pedestrian pathways must be designed and constructed in accordance with *Australian Standard AS1428 "Design for access and mobility"*.
 - 5.12 Bicycle parking facilities must be provided in accordance with *AUSTROADS Guide to Traffic Engineering Practice, Part 14 – Bicycles*. The bicycle parking facilities must be located at basement or ground floor level and encourage casual surveillance.
 - 5.13 End-of-trip facilities must be provided in accordance with the *Queensland Development Code, Mandatory Part 4.1 "Sustainable buildings, End of trip facilities"*.

6.0 PLUMBING AND DRAINAGE WORKS

- 6.1 A Development Permit for Plumbing and Drainage Works must be obtained prior to the commencement of any plumbing and drainage works on the development site.
- 6.2 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.
- 6.3 The development must be connected to Council's reticulated sewerage and water networks.
- 6.4 The existing sewerage and water connection point(s) must be retained, and upgraded if necessary, to service the development.
- 6.5 Adequate domestic and fire fighting protection must be provided to the development, and must be certified by an hydraulic engineer or other suitably qualified person.
- 6.6 The proposed 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.
- 6.7 All internal plumbing and sanitary drainage works must be completely independent for each unit/tenancy.
- 6.8 The finished surface of the existing sewerage access chamber must be at a sufficient level to avoid ponding of stormwater above the top of the chamber. A heavy-duty trafficable lid must be provided in the trafficable area.
- 6.9 Sewer connections and water meter boxes located within trafficable areas must be raised or lowered to suit the finished surface levels and must be provided with heavy duty trafficable lids.
- 6.10 Alteration, disconnection or relocation of internal plumbing and sanitary drainage works associated with the existing building must be in accordance with regulated work under the *Plumbing and Drainage Act 2018* and Council's Plumbing and Drainage Policies.
- 6.11 Amended sewerage/Sewerage trade waste permits must be obtained for the discharge of any non-domestic waste into Council's reticulated sewerage network. Arrestor traps must be provided where commercial or non-domestic waste is proposed to be discharged into the sewer system.

7.0 STORMWATER WORKS

- 7.1 A Development Permit for Operational Works (stormwater works) must be obtained prior to the commencement of any stormwater works required by this development approval.
- 7.2 All stormwater drainage works must be designed and constructed in accordance with the approved plans (refer to condition 2.1) subject to ensuring compliance and any alterations required by the *Environmental Protection Act 1994, Queensland Urban Drainage Manual, Capricorn Municipal Development Guidelines*, sound engineering practice and the provisions of a Development Permit for Operational Works

- (stormwater works).
- 7.3 All stormwater discharge must be lawful 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.
- 7.4 The development must not increase peak stormwater runoff for a selected range of storm events up to and including a one per cent (1%) Annual exceedance probability storm event, for the post-development conditions.
- 7.5 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).
- 7.6 Any application for a Development Permit for Operational Works (stormwater works) must be accompanied by engineering plans with details of any new drainage systems including retention systems, inlet and outlet structures, or the amendment and upgrading of existing drainage systems to implement the proposed drainage strategy.
- 7.7 Any application for a Development Permit for Operational Works (stormwater works) must be accompanied by an updated Stormwater Management Plan, prepared and certified by a Registered Professional Engineer of Queensland that addresses the following:
- 7.7.1 The proposed overland flow discharge arrangements to Potts Street must comply with the *Queensland Urban Drainage Manual* and the *Capricorn Municipal Development Guidelines* requirements;
- Note: Depth Velocity criteria must be satisfied and any concentrated flow to the Potts Street verge must be avoided.
- 7.7.2 The existing car park detention volume must be considered when calculating the proposed detention volume requirements;
- Note: As per Council's current Splitters Creek flood model, the existing car parking area fronting the building acts as a form of detention.
- 7.7.3 details of all calculations, assumptions and data files (where applicable).
- 7.7.4 include sufficient documentary evidence to demonstrate that the maintenance of the of the approved stormwater strategy must be the responsibility of the property owner / developer at no cost to Council
- 7.8 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).
- 7.9 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 costs must be borne by the site owner/operator.
- Note: No stormwater easement is required for the proposed overland flow path adjacent to the northern boundary. For any future Development Application to subdivide the commercial and residential development (units), a stormwater easement will be required along the portion of the northern boundary that contains the stormwater main that discharges to Potts Street.
- 8.0 ROOF AND ALLOTMENT DRAINAGE WORKS
- 8.1 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 and sound engineering practice.

- 8.2 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.
- 8.3 The development must not increase peak stormwater runoff for a selected range of storm events up to and including a one per cent (1%) Annual exceedance probability storm event, for the post-development conditions.

9.0 SITE WORKS

- 9.1 A Development Permit for Operational Works (site works) must be obtained prior to the commencement of any site works on the development site.
- 9.2 All earthworks must be undertaken in accordance with *Australian Standard AS3798 "Guidelines on earthworks for commercial and residential developments"*.
- 9.3 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.
- 9.4 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).
- 9.5 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.

10.0 BUILDING WORKS

- 10.1 A Development Permit for Building Works assessable under the Building Assessment Provisions must be obtained prior to the commencement of any building works on the site.
- 10.2 All external elements, such as air conditioners and associated equipment, must be adequately screened from public view, to Council's satisfaction.
- 10.3 Access to and use of the land the subject of this application must comply with the provisions of the *Anti-Discrimination Act 1991*. If this statute requires the provision of access or facilities in a way that is inconsistent with this development approval, those facilities must be provided.
- 10.4 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:
 - 10.4.1 designed and located so as not to cause a nuisance to neighbouring properties;
 - 10.4.2 surrounded by at least a 1.8 metre high screen fence that obstructs from view the contents of the waste storage area by any member of the public from any public place;
 - 10.4.3 of a sufficient size to accommodate commercial type bins that will be serviced by a commercial contractor plus clearances around the bins for manoeuvring and cleaning;
 - 10.4.4 setback a minimum of two (2) metres from any road frontage; and
 - 10.4.5 provided with a suitable hosecock and hoses at the refuse container area, and washdown must be drained to the sewer and fitted with an approved

stormwater diversion valve arrangement in accordance with the Sewerage Trade Waste provisions and the *Plumbing and Drainage Act 2018*.

As an alternative to a washdown facility, a fully contained commercial bin cleaning service is acceptable provided no wastewater is discharged from the site to the sewer.

11.0 LANDSCAPING WORKS

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

11.2 Landscaping must be constructed and/or established prior to the commencement of the use and in accordance with the Landscape Concept Design Report (refer to condition 2.1).

11.3 Shade trees within car parking areas are to be provided and planted within a deep natural ground/structured soil garden bed/island/bay and protected by wheel stops or bollards as required.

11.4 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 and must comply with the following requirements:

11.4.1 Plant species are chosen from sources recommended in *Planning Scheme Policy SC6.12 – Landscape Design and Street Trees Planning Scheme Policy*; and

11.4.2 Plant species must not include undesirable species identified in *Planning Scheme Policy SC6.12 – Landscape Design and Street Trees Planning Scheme Policy*.

11.5 Shade trees must comply with the following requirements:

11.5.1 Be planted clear of services and utilities;

11.5.2 Not obstruct pedestrian or bicycle traffic; and

11.5.3 Comply with crime prevention through environmental design principles.

11.6 Large trees must not be planted within one (1) metre of the centreline of any sewerage infrastructure; small shrubs and groundcover are acceptable.

11.7 The landscaped areas must be subject to:

11.7.1 a watering and maintenance plan during the establishment moment; and

11.7.2 an ongoing maintenance and replanting programme.

12.0 ELECTRICITY

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

13.0 TELECOMMUNICATIONS

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

14.0 ASSET MANAGEMENT

14.1 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.

14.2 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.

- 14.3 '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)*.

15.0 ENVIRONMENTAL

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

- (i) objectives;
- (ii) site location and topography;
- (iii) vegetation;
- (iv) site drainage;
- (v) soils;
- (vi) erosion susceptibility;
- (vii) erosion risk;
- (viii) concept;
- (ix) design; and
- (x) implementation,

for the construction and post-construction phases of work.

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

16.0 ENVIRONMENTAL HEALTH

- 16.1 All noise mitigation measures must be constructed and implemented for the development in accordance with the Environmental Noise Level Impact Assessment (refer condition 2.1).

- 16.2 Noise emitted from the activity must not cause an environmental nuisance.

- 16.3 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".

17.0 OPERATING PROCEDURES

- 17.1 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 Yaamba Road or Potts Street.

- 17.2 The hours of operations for the development site Shopping Centre and Showrooms must be limited to:

- (i) 0800 hours to 2100 hours on Monday to Friday,
 - (ii) 0800 hours to 1800 hours on Saturday, and
 - (iii) 0900 hours to 1800 hours on Sunday and Public Holidays.
- 17.3 The loading and/or unloading of delivery and waste collection vehicles is limited between the hours of 0600 and 2200 Monday to Sunday. No heavy vehicles must enter the development site outside these times to wait for unloading/loading.
- 17.4 All waste must be stored within a waste storage area (for example, general waste, recyclable waste, pallets, empty drums etcetera) in accordance with the approved plans (refer to condition 2.1). The owner of the land must ensure that:
- 17.4.1 the area is kept in a clean and tidy condition;
 - 17.4.2 fences and screens are maintained;
 - 17.4.3 no waste material is stored external to the waste storage area/s;
 - 17.4.4 the area is maintained in accordance with *Environmental Protection Regulation 2019*.

STAGE 4 – MULTIPLE DWELLING

18.0 ROAD WORKS

- 18.1 A Development Permit for Operational Works (road works) must be obtained prior to the commencement of any road works required by this development approval.
- 18.2 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 Austroads Guidelines and the provisions of a Development Permit for Operational Works (road works).
- 18.3 The existing concrete pathway must be maintained on the western side of Potts Street for the full frontage of the development site with connections to the Multiple Dwelling and the internal pathway to the commercial development provided.
- 18.4 All pathways and access ramps must be designed and constructed in accordance with Australian Standard AS1428 "Design for access and mobility".
- 18.5 Retaining structures and their foundations must be wholly contained within private allotments and not be constructed as Council-owned infrastructure.

19.0 ACCESS AND PARKING WORKS

- 19.1 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.
- 19.2 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, and the provisions of a Development Permit for Operational Works (access and parking works).
- 19.3 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).
- 19.4 Three (3) new accesses to the Multiple Dwelling development must be provided in accordance with the approved plans (refer to condition 2.1).
- 19.5 All vehicles must ingress and egress the development in a forward gear.
- 19.6 A minimum of thirty (30) parking spaces must be provided on-site. This includes twenty-four (24) covered car parking spaces and six (6) visitor's parking spaces for the Multiple Dwelling use.

19.7 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.

20.0 SEWERAGE WORKS

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

20.2 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).

20.3 The development must be connected to Council's reticulated sewerage network.

20.4 A new non-trunk 150 millimetre diameter sewer main is to be constructed from the existing sewer access chamber located within Lot 25 on SP610513 to service the proposed Multiple Dwelling development. The new sewer main is to be constructed within Lot 25 on SP610513 only.

20.5 A new sewerage connection point for the Multiple Dwelling must be provided at a new sewer access chamber or lamphole at the southern end of the proposed Multiple Dwelling development.

20.6 The finished surface of the existing sewerage access chamber 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.

20.7 Sewer connections located within trafficable areas must be raised or lowered to suit the finished surface levels and must be provided with heavy duty trafficable lids.

20.8 Easements must be provided over all sewerage infrastructure located within private property. The easement location(s) and width(s) must be in accordance with the requirements of the Capricorn Municipal Development Guidelines.

20.9 Large trees must not be planted within one (1) metre of the centreline of any sewerage and/or water infrastructure; small shrubs and groundcover are acceptable.

21.0 WATER WORKS

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

21.2 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, Plumbing and Drainage Act 2018 and the provisions of a Development Permit for Operational Works (water works).

21.3 The development must be connected to Council's reticulated water network.

21.4 A new water connection point must be provided at Potts Street. A hydraulic engineer or other suitably qualified person must determine the size of connection required.

21.5 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.

21.6 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.

21.7 A road crossing water conduit and associated water service pipe works must be constructed across Potts Street and must be approved as part of a Development Permit for Operational Works (water works).

22.0 PLUMBING AND DRAINAGE WORKS

22.1 A Development Permit for Plumbing and Drainage Works must be obtained prior to

the commencement of any plumbing and drainage works on the development site.

22.2 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.

22.3 All internal plumbing and sanitary drainage works must be completely independent for each unit/tenancy.

23.0 ROOF AND ALLOTMENT DRAINAGE WORKS

23.1 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 and sound engineering practice.

23.2 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.

23.3 The development must not increase peak stormwater runoff for a selected range of storm events up to and including a one per cent (1%) Annual exceedance probability storm event, for the post-development conditions.

24.0 SITE WORKS

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

24.2 All earthworks must be undertaken in accordance with Australian Standard AS3798 "Guidelines on earthworks for commercial and residential developments".

24.3 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.

24.4 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).

24.5 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.

25.0 BUILDING WORKS

25.1 A Development Permit for Building Works assessable under the Building Assessment Provisions must be obtained prior to the commencement of any building works on the site.

25.2 All external elements, such as air conditioners and associated equipment, must be adequately screened from public view, to Council's satisfaction.

25.3 Dwelling units must be provided with private open space or a balcony directly accessible from a habitable room with:

25.3.1 a minimum area of nine (9) square metres;

25.3.2 a minimum dimension of three (3) metres; and

25.3.3 must not accommodate air conditioning units.

26.0 LANDSCAPING WORKS

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- 26.1 A Development Permit for Operational Works (landscaping works) must be obtained prior to the commencement of any landscaping works required by this development approval.
- 26.2 Landscaping must be constructed and/or established prior to the commencement of the use and in accordance with the Landscape Concept Design Report (refer to condition 2.1).
- 26.3 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 and must comply with the following requirements:
- 26.3.1 Plant species are chosen from sources recommended in *Planning Scheme Policy SC6.12 – Landscape Design and Street Trees Planning Scheme Policy*; and
- 26.3.2 Plant species must not include undesirable species identified in *Planning Scheme Policy SC6.12 – Landscape Design and Street Trees Planning Scheme Policy*.
- 26.4 Street tree planting must be carried out in accordance with the requirements of Planning Scheme Policy SC6.12 - Landscape Design and Street Trees Planning Scheme Policy.
- 26.5 Street trees must be located such that when mature, they do not impact on street lighting, future driveway locations or other infrastructure in accordance with the Capricorn Municipal Development Guidelines.
- 26.6 Street trees and landscaping must not impact on vehicle site distances in accordance with Australian Standard AS2890 – Parking Facilities, or unduly restrict visibility to pedestrians in verge areas.
- 26.7 Shade trees must comply with the following requirements:
- 26.7.1 Be planted clear of services and utilities;
- 26.7.2 Not obstruct pedestrian or bicycle traffic; and
- 26.7.3 Comply with crime prevention through environmental design principles.
- 26.8 Large trees must not be planted within one (1) metre of the centreline of any sewerage infrastructure; small shrubs and groundcover are acceptable.
- 26.9 The landscaped areas must be subject to:
- 26.9.1 a watering and maintenance plan during the establishment moment; and
- 26.9.2 an ongoing maintenance and replanting programme.
- 26.10 The private open space of each unit must be screened with mature vegetation or fence to prevent viewing of the private open space from a public space and adjoining properties.
- 27.0 ELECTRICITY
- 27.1 Electricity services must be provided to the development in accordance with the standards and requirements of the relevant service provider.
- 28.0 TELECOMMUNICATIONS
- 28.1 Telecommunications services must be provided to the development in accordance with the standards and requirements of the relevant service provider. Unless otherwise stipulated by telecommunications legislation at the time of installation, this includes all necessary pits and pipes, and conduits that provide a connection to the telecommunications network.
- 29.0 ASSET MANAGEMENT
- 29.1 Any alteration necessary to electricity, telephone, water mains, sewerage mains,
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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.

- 29.2 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.
- 29.3 '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)*.

30.0 ENVIRONMENTAL

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

- (i) objectives;
- (ii) site location and topography;
- (iii) vegetation;
- (iv) site drainage;
- (v) soils;
- (vi) erosion susceptibility;
- (vii) erosion risk;
- (viii) concept;
- (ix) design; and
- (x) implementation,

for the construction and post-construction phases of work.

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

31.0 ENVIRONMENTAL HEALTH

- 31.1 All noise mitigation measures must be constructed and implemented for the development in accordance with the Environmental Noise Level Impact Assessment (refer condition 2.1).

32.0 OPERATING PROCEDURES

- 32.1 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 Potts 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 Seniors, Disability Services and Aboriginal and Torres Strait Islander Partnerships website www.dsdsatsip.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. Advertising Devices

A Development Permit for Operational Works (Advertising Device/s) must be submitted for approval by Council for any proposed signage, other than those that are accepted development under the Council Planning Scheme.

NOTE 6. Ergon Energy

The developer must contact Ergon Energy to request a Safety Advice before construction starts so that on site hazards can be pointed out and measures implemented if deemed necessary.

The conditions of easements in favour of Ergon Energy must be maintained at all times.

Electrical safety clearances are to be maintained as per Ergon Energy’s Standard Guidelines WP1323 and existing ground levels must not be reduced.

NOTE 7. Plumbing and Drainage

A Development Permit for Plumbing and Drainage Works must be obtained for the removal and/or demolition of any existing structure on the development site.

NOTE 8. Demolition Works

The existing building and structures on the subject land must be demolished and a Development Permit for Building Works (demolition) must be obtained prior to the commencement of demolition works on the development site.

PROPOSAL IN DETAIL

The proposal is for Material Change of Use for Shopping Centre (including supermarket and specialty stores), Showroom and Multiple Dwelling (12 townhouses), staged as follows:

Stage 1: Supermarket (Coles), foyer / circulation, amenities and liquor store (Liquorland);

Stage 2: Specialty store and outdoor seating;

Stage 3: Extension to shopping centre (additional specialty) and Showroom; and

Stage 4: Multiple Dwelling (12 x four (4) bed townhouses).

Table below provides an overview of the proposed gross floor area (GFA) for each component of development and proposed parking:

Component	Proposed GFA	Proposed Parking
Stages 1 and 2		
Coles supermarket	3,950 square metres	211 spaces
Liquor store	150 squares metres	
Amenities	120 square metres	
Specialty store	170 square metres	
TOTAL	4,390 square metres	
Stage 3		
Speciality store	140 square metres	32 spaces
Showroom	700 square metres	
TOTAL	840 square metres	
Stage 4		
Townhouses (12 x 4 bedroom)	230 square metres per dwelling	30 spaces
TOTAL	2,760 square metres	

Landscaping is to be incorporated along each of the site's boundaries (and between the proposed supermarket and townhouses with respect to the eastern boundary) to provide a vegetated buffer to surrounding residential uses and the State-controlled Road (Yaamba Road). The southern boundary is to include a continuous three (3) metre wide planting bed with a three (3) tiered buffer, comprising large and small canopied trees, shrubs and groundcovers. The northern and eastern boundaries include existing vegetation, which is to be retained as it already provides a satisfactory buffer to the adjacent residential/accommodation land uses. Shade trees are also to be provided throughout the site, particularly in the car parking area at a rate of approximately one (1) tree per three (3) parking spaces, to soften the bitumen surface.

The proposed development incorporates the necessary acoustic barriers as outlined in the Environmental Noise Level Impact Assessment. Specifically noise barriers will be constructed along the northern and southern boundaries which will represent an improvement over the existing (previous) use.

Access to and from the commercial components of the proposal will be via Yaamba Road and via Potts Street for the proposed townhouses.

SITE AND LOCALITY

The site comprises a single lot at 452-488 Yaamba Road, Norman Gardens (Lot 25 on RP610513). The total area of the site is approximately 2.66 hectares. The site is currently improved by a 8,000 square metre former Bunnings Warehouse building and associated car parking and hard stand.

The immediate locality is predominantly residential, with non-residential development fronting Yaamba Road and Macartney Street.

The adjoining land to the north includes a motel (fronting Yaamba Road) and four (4) Dwelling Houses. The adjoining land to the south includes an office (fronting Yaamba Road), six (6) Dwelling Houses and a Duplex. Immediately to the east of the site, across Potts Street, are predominantly Dwelling Houses on suburban type lots. Immediately to the west of the site, across Yaamba Road, are predominantly Dwelling Houses on suburban sized lots. A Warehouse (distribution centre) is on the opposite side of Macartney Street.

The site is generally level, with a slight gradient towards the north-east of the site. There are two easements along the southern boundary of the site. One easement burdens the land (Ergon Energy) and the other easement benefits an adjoining lot for stormwater purposes.

PLANNING ASSESSMENT

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

State Planning Policy 2017

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

Central Queensland Regional Plan 2013

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

Rockhampton Region Planning Scheme 2015

Strategic framework

The subject site is situated within the Specialised Centres and Urban Area designation under the scheme's strategic framework map. The strategic framework themes and their strategic outcomes, as identified within Part 3 of the *Rockhampton Region Planning Scheme 2015* are applicable:

- Settlement Pattern;
- Natural Environment and Hazards;
- Community Identity diversity;
- Access and Mobility;
- Infrastructure and Services; and
- Natural Resources and Economic Development.

The proposed development advances and does not compromise all above listed themes of the Strategic Framework, except for the Settlement pattern theme. An assessment against relevant parts of the Settlement pattern theme has been undertaken and is contained in **Recommendation A** of this report.

Specialised Centre Zone – Yaamba Road Precinct

The subject site is situated within the Specialised Centre Zone – Yaamba Road Precinct under the *Rockhampton Region Planning Scheme 2015*. The purpose of the Specialised Centre Zone – Yaamba Road Precinct identifies that: -

Yaamba Road precinct

- (1) *The following overall outcomes of the Yaamba Road precinct are additional to those of the specialised centre zone and take precedence in the event of a conflict:*
 - (a) *the precinct is reinforced as a destination for ‘homemaker’ and other bulky goods, warehousing and showroom outlets;*
 - (b) ***this precinct does not accommodate large-scale shops such as discount department stores, supermarkets or shopping centres;***
 - (c) *ancillary uses which provide for customers in the precinct, including cafes and passive recreation uses are supported;*
 - (d) *short-term accommodation such as a motel is supported where fronting onto Yaamba Road;*
 - (e) *development does not compromise the role and function of Yaamba Road as the major thoroughfare through the precinct; and*
 - (f) *office activities exceeding 200 square metres in gross floor area will not occur.*

The proposed Showroom is consistent with the purpose of the Zone, however the proposed Shopping Centre and Multiple Dwelling conflict with the overall outcomes of the Precinct. However, these conflicts are outweighed having regard to Relevant Matters contained in the State of Reasons in **Recommendation A** of this report.

Rockhampton Regional Planning Scheme Codes

The following codes are applicable to this application:

- Specialised Centres Zone Code;
- Airport Environs Overlay Code;
- Steep Land Overlay Code;
- Access, Parking and Transport Code;
- Landscape Code;
- Stormwater Management Code;
- Waste Management Code; and
- Water and Sewer Code.

An assessment has been made against the requirements of the abovementioned codes and the proposed development generally complies with the relevant Performance Outcomes and Acceptable Outcomes. Where the application is in conflict with the Acceptable Outcomes and is not otherwise conditioned to comply an assessment of the Performance Outcomes is contained in the Statement of Reasons in **Recommendation A** of this report.

INFRASTRUCTURE CHARGES

Charges Resolution (No. 1) of 2022 for non-residential development and residential development applies to the application. The Infrastructure Charges are as follows:

- (a) A charge of \$220,879.08 for 12 four (4) bedroom units;
- (b) A charge of \$893,316.00 for Gross Floor Area being 4,530 square metres (Shopping Centre);
- (c) A charge of \$107,380.00 for Gross Floor Area being 700 square metres (Showroom);
- (d) A charge of \$200,045.55 for Impervious Area being 18,269 square metres (roof area, hardstand areas, access, and parking areas for the Shopping Centre and Showroom); and
- (e) An Infrastructure Credit of \$1,447,787.75, made up as follows:
 - (i) \$1,227,200.00 - Infrastructure Credit applicable for the existing Hardware and Trade Supplies (Bunnings Warehouse) structures (8,000 square metres of gross floor area x \$153.40 per square metre); and

- (ii) \$220,587.75 - Infrastructure Credit applicable for the existing impervious roof area, hardstand areas, access and parking areas (20,145 square metres x \$10.95 per square metre).

In accordance with section 3.1 of *Charges Resolution (No.1) of 2022*, the base charge will be automatically increased using the Producer Price Index (PPI), adjusted according to the three (3) yearly PPI average quarterly percentage change between financial quarters; and

In accordance with Development Incentives Policy, section 3.5 of the *Charges Resolution (No. 1) of 2022*, the levied charge will be 85 per cent of the total charge calculated.

The automatic increase and development incentive calculations are reflected in the below table:

Use Schedule		Adopted Infrastructure Charge for residential development (\$)		Calculated Charge
		(a) 2 or less bedroom	(b) 3 or more bedroom	
Multiple Dwelling		N/A	18,406.59	\$220,879.08
Use Schedule	Use	Adopted Infrastructure Charge for non-residential development (\$)		
		(a) per m ² of Gross Floor Area (GFA)	(b) per m ² Impervious to Stormwater	
Commercial (retail)	Shopping Centre	197.20		\$893,316.00
Commercial (bulk goods)	Showroom	153.40		\$107,380.00
			10.95	\$200,045.55
Total Base Charge				\$1,421,620.63
Charge (including PPI)				\$1,471,354.16
Total Base Credit				\$1,447,787.75
Credit (including PPI)				\$1,498,436.70
TOTAL CREDIT				\$27,082.54

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

CONSULTATION

The proposal was the subject of public notification between 24 November 2022 and 15 December 2022, in accordance with the requirements of the *Planning Act 2016* and the Development Assessment Rules, nine (9) properly made submissions and one (1) not properly made submission was received. Six (6) of the submissions were for the development and four (4) of the submissions were against the development.

The issues raised and how they were considered and addressed are outlined in the Statement of Reasons in **Recommendation A** of this Report.

REFERRALS

The application was referred to the State Development Infrastructure, Local Government and Planning (State Assessment and Referral Agency Department) as a Concurrence. The Department assessed the application and provided a referral agency response on 5 April 2023.

The application was referred to Ergon Energy as an Advice Agency. The Agency reviewed the application and provided a response on 25 July 2022.

CONCLUSION

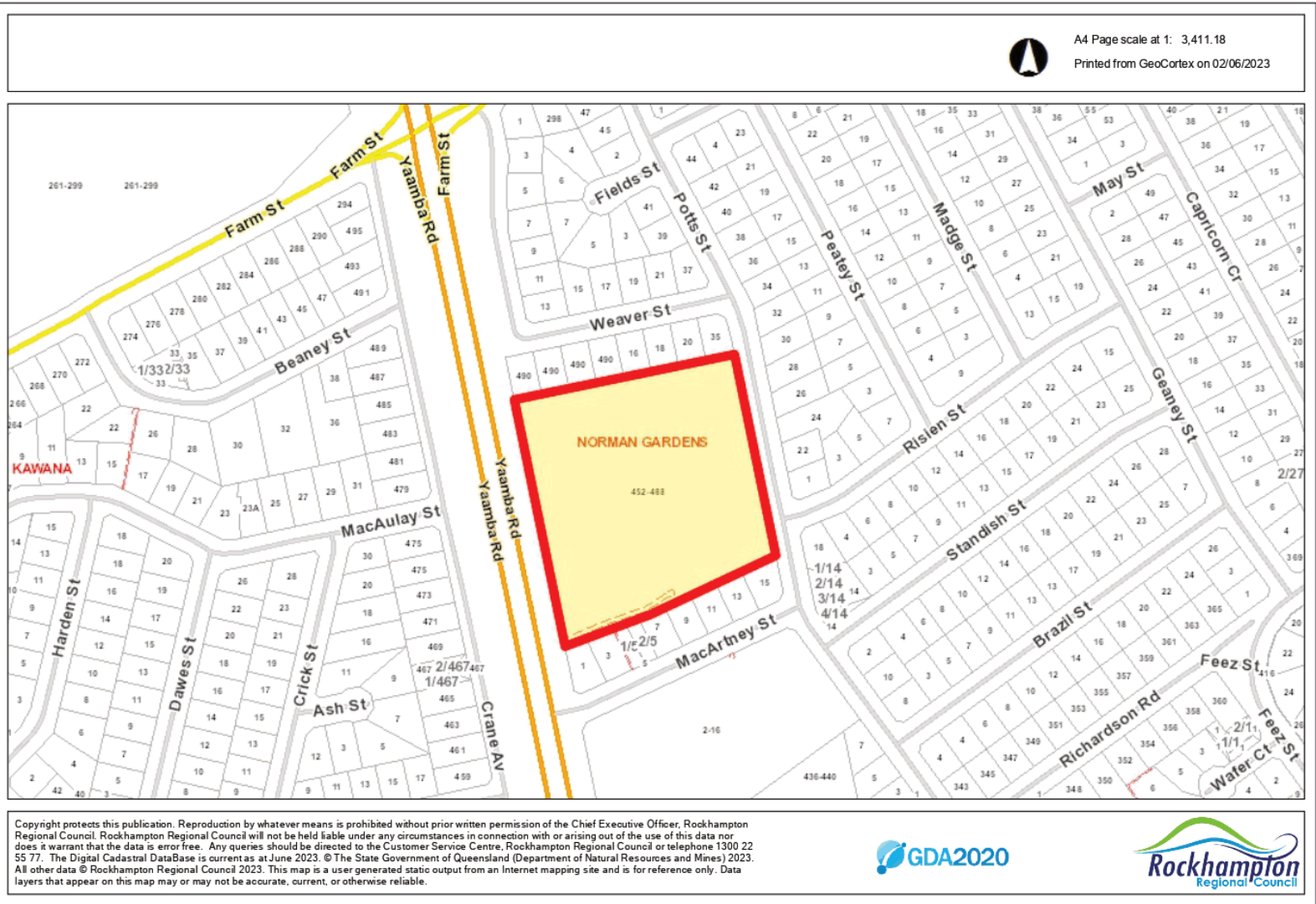
THAT the proposed development is not anticipated to compromise the Strategic Framework of *Rockhampton Region Planning Scheme 2015* or is otherwise supported by relevant matters. Furthermore, the proposal generally complies with the provisions included in the applicable codes. The proposal is therefore, recommended for approval in accordance with the approved plans and subject to the conditions outlined in the recommendation.

**D/77-2022 - DEVELOPMENT
APPLICATION FOR A MATERIAL
CHANGE OF USE FOR A SHOPPING
CENTRE, SHOWROOM AND MULTIPLE
DWELLING (12 TOWNHOUSES)**

Locality Plan

Meeting Date: 13 June 2023

Attachment No: 1



**D/77-2022 - DEVELOPMENT
APPLICATION FOR A MATERIAL
CHANGE OF USE FOR A SHOPPING
CENTRE, SHOWROOM AND MULTIPLE
DWELLING (12 TOWNHOUSES)**

Site Plan - Stages 1 & 2

Meeting Date: 13 June 2023

Attachment No: 2

- LEGEND**
- RESTAURANT (NOT PART OF THIS APPLICATION)
 - STAGE 1 WORKS
 - STAGE 2 WORKS
 - STAGE 3 WORKS
 - STAGE 4 WORKS
 - ACOUSTIC WALL / BARRIER
- NOTE**
- PRELIMINARY LEVELS PROVIDED FOR DISCUSSION.

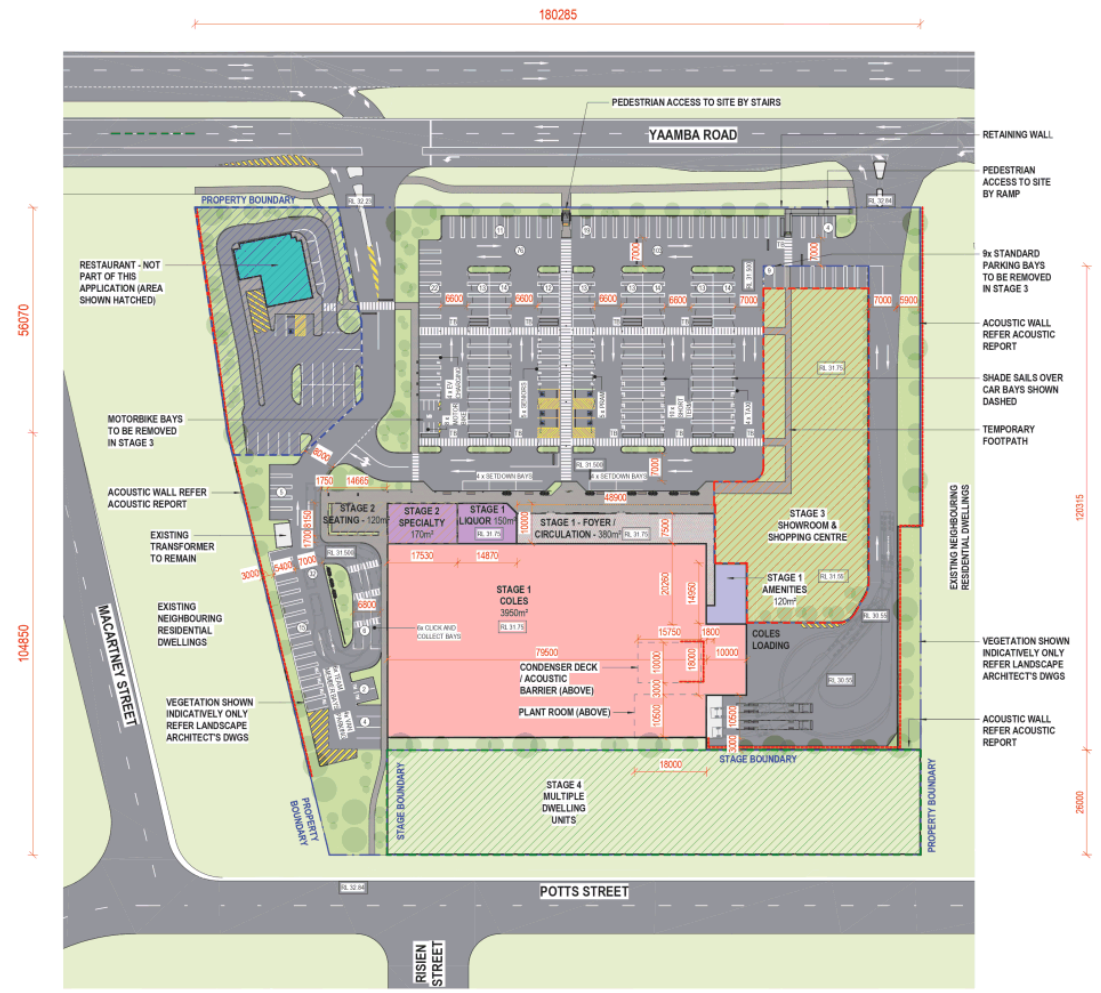
DEVELOPMENT SCHEDULE - STAGES 1 & 2

SPACE	GFA	RATIO	REQUIRED
SUPERMARKET (STAGE 1)	3950 m ²	1:30	198
LIQUOR STORE (STAGE 1)	180 m ²	1:30	7.5
AMENITIES (STAGE 1)	120 m ²	1:20	6
SPECIALTY (STAGE 2)	170 m ²	1:20	8.5
TOTAL	4390 m²		229 BAYS

PARKING SCHEDULE - STAGES 1 & 2

SPACE	LENGTH	WIDTH	QTY
STANDARD PARKING BAYS	5400mm	2700mm	145 BAYS
EV CHARGING BAYS	5400mm	2700mm	4 BAYS
SENIORS BAYS	5400mm	2700mm	5 BAYS
PRAM BAYS	5400mm	2700mm	5 BAYS
SHORT TERM BAYS	5400mm	2700mm	10 BAYS
TAXI BAYS	5400mm	2700mm	4 BAYS
TEAM MEMBER BAYS	5400mm	2700mm	5 BAYS
PND BAYS	5400mm	2700mm	7 BAYS
SET DOWN BAYS	7800mm	3000mm	8 BAYS
ONLINE DELIVERY VANS	6000mm	2700mm	4 BAYS
MOTORBIKE BAYS	2300mm	1300mm	8 BAYS
CLICK AND COLLECT BAYS	5400mm	2400mm	6 BAYS
TOTAL			271 BAYS

STAGE 1 - PARKING RATIO = 5.00 / 100m²
 COLES CARPARKING REQUIREMENTS (9/100m²) = 198



1 SITE PLAN - STAGES 1 & 2
 1:500

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SITE PLAN - STAGES 1 & 2
 As indicated @ A1 2023-04-05
 A-DA-020 rev. 7

DA REVIEW ISSUE



Document No: DA04930
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**D/77-2022 - DEVELOPMENT
APPLICATION FOR A MATERIAL
CHANGE OF USE FOR A SHOPPING
CENTRE, SHOWROOM AND MULTIPLE
DWELLING (12 TOWNHOUSES)**

Site Plan - Stage 3

Meeting Date: 13 June 2023

Attachment No: 3

LEGEND

- RESTAURANT (NOT PART OF THIS APPLICATION)
- STAGE 1 WORKS
- STAGE 2 WORKS
- STAGE 3 WORKS
- STAGE 4 WORKS
- ACOUSTIC WALL / BARRIER

NOTE

PRELIMINARY LEVELS PROVIDED FOR DISCUSSION.

DEVELOPMENT SCHEDULE - STAGE 3

SPACE	GFA	RATIO	REQUIRED
SPECIALISED CENTRE USES (STAGE 3)	140 m ²	1.20	7 BAYS
SPECIALISED CENTRE USES (STAGE 3)	700 m ²	1.30	24 BAYS
TOTAL	840 m²		31 BAYS

PARKING SCHEDULE - STAGE 3

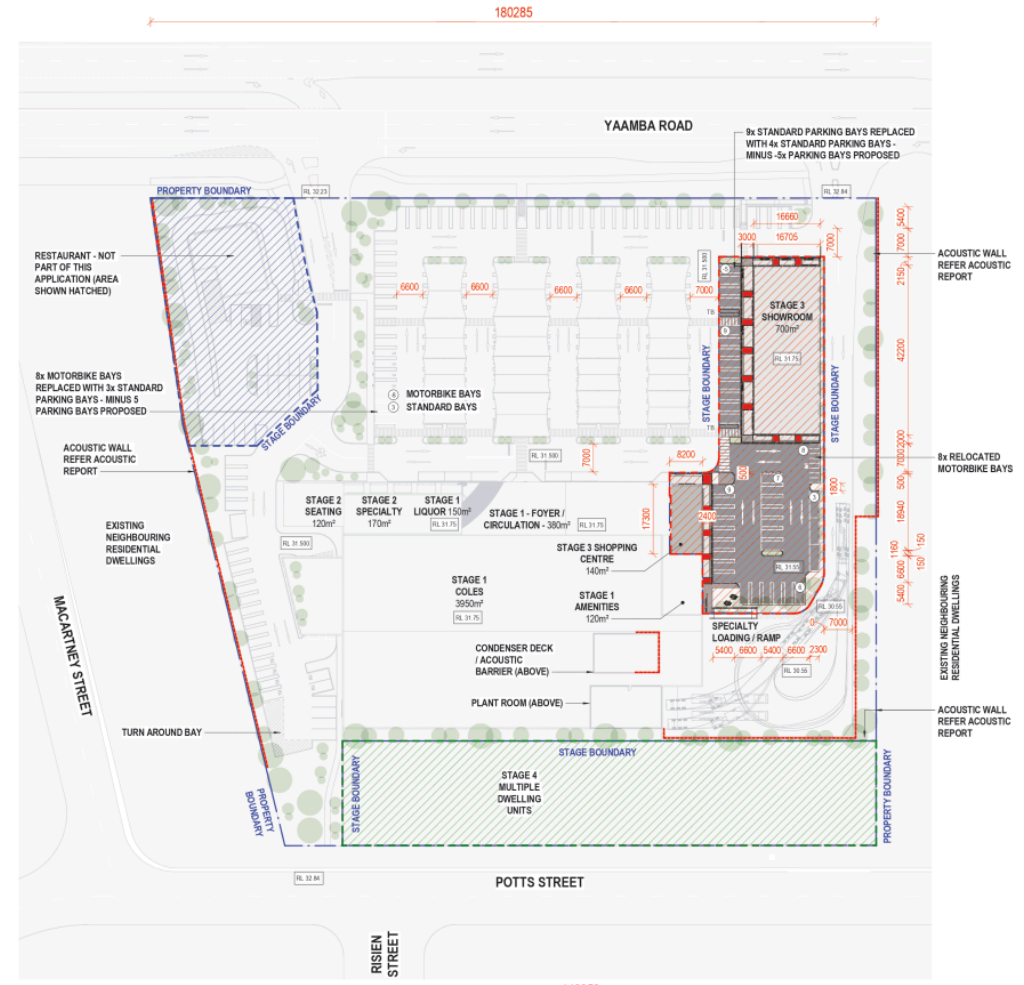
SPACE	LENGTH	WIDTH	QTY
STANDARD PARKING BAYS	5400mm	2700mm	29 BAYS
SET DOWN BAYS	7800mm	3200mm	3 BAYS
MOTORBIKE BAYS (8 x bays relocated)	2500mm	1200mm	0 BAYS
TOTAL			32 BAYS

STAGE 1 - PARKING RATIO = 3.80 / 100m²

PARKING SCHEDULE - TOTAL

SPACE	LENGTH	WIDTH	QTY
STANDARD PARKING BAYS	5400mm	2700mm	174 BAYS
EV CHARGING BAYS	5400mm	2700mm	4 BAYS
SENIORES BAYS	5400mm	2700mm	5 BAYS
PRAM BAYS	5400mm	2700mm	5 BAYS
SHORT TERM BAYS	5400mm	2700mm	10 BAYS
TAXI BAYS	5400mm	2700mm	4 BAYS
TEAM MEMBER BAYS	5400mm	2700mm	5 BAYS
PND BAYS	5400mm	2700mm	7 BAYS
SET DOWN BAYS	7800mm	3200mm	11 BAYS
ONLINE DELIVERY VANS	6000mm	2700mm	4 BAYS
MOTORBIKE BAYS	2500mm	1200mm	8 BAYS
CLICK AND COLLECT BAYS	5400mm	2400mm	6 BAYS
TOTAL			243 BAYS

DA REVIEW ISSUE



1 SITE PLAN - STAGE 3
1 : 500

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SITE PLAN - STAGE 3

As indicated @ A1 2023-04-05

A-DA-021

rev. 7







**D/77-2022 - DEVELOPMENT
APPLICATION FOR A MATERIAL
CHANGE OF USE FOR A SHOPPING
CENTRE, SHOWROOM AND MULTIPLE
DWELLING (12 TOWNHOUSES)**

Site Plan - Stage 4

Meeting Date: 13 June 2023

Attachment No: 4

LEGEND

-  RESTAURANT (NOT PART OF THIS APPLICATION)
-  STAGE 1 WORKS
-  STAGE 2 WORKS
-  STAGE 3 WORKS
-  STAGE 4 WORKS
-  ACOUSTIC WALL / BARRIER

NOTE

PRELIMINARY LEVELS PROVIDED FOR DISCUSSION.

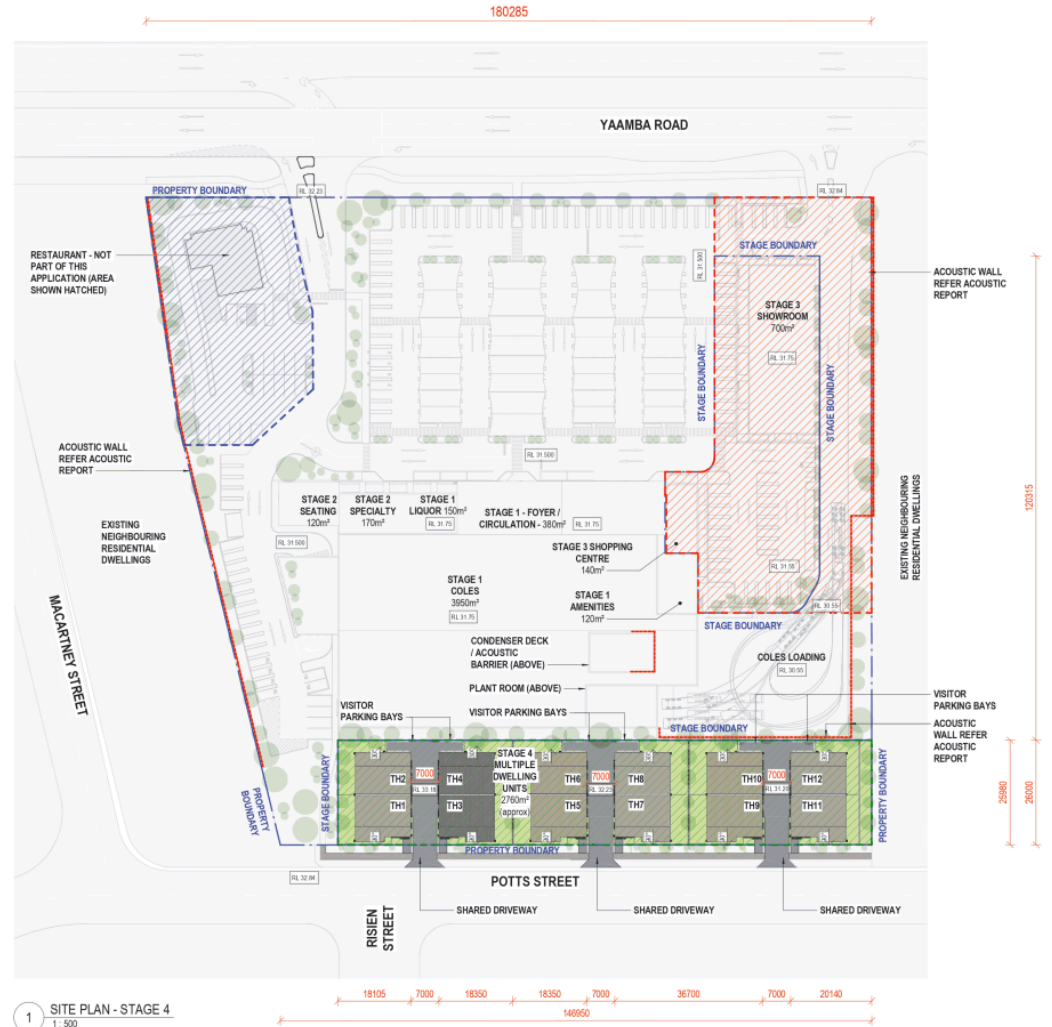
TO CONTROL LOADING DOCK AND PLANT / EQUIPMENT NOISE (STAGE 1) TO THE NOISE LIMIT INSIDE THE ON-SITE RESIDENTIAL UNITS ALL RESIDENTIAL UNITS TO BE AIR CONDITIONED AND THEIR MATERIALS OF CONSTRUCTION MUST PROVIDE A MINIMUM NOISE REDUCTION OF 25dB(A) FROM OUTSIDE TO INSIDE IN ACCORDANCE WITH THE QUEENSLAND DEVELOPMENT CODE MANDATORY PART 4.4 THIS IS ACHIEVED WITH NOISE CATEGORY 1 MATERIALS OF CONSTRUCTION.

DEVELOPMENT SCHEDULE - STAGE 4

SPACE	AREA
TOWN HOUSE (incl. GARAGE & VERANDA SPACES)	236 m ² (2 LEVEL) - (115m ² / Floor) - approx.
TOTAL (12 TOWN HOUSES)	2,780 m ² (approx)

PARKING SCHEDULE - STAGE 4

SPACE	LENGTH	WIDTH	QTY
VISITOR PARKING BAYS	540mm	2400mm	6 BAYS
TOTAL			6 BAYS



1 SITE PLAN - STAGE 4
1:500

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SITE PLAN - STAGE 4

As indicated @ A1

2023-04-05

A-DA-022

rev. 9

DA REVIEW ISSUE



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**D/77-2022 - DEVELOPMENT
APPLICATION FOR A MATERIAL
CHANGE OF USE FOR A SHOPPING
CENTRE, SHOWROOM AND MULTIPLE
DWELLING (12 TOWNHOUSES)**

Elevations - Stages 1 & 2

Meeting Date: 13 June 2023

Attachment No: 5



1 EAST ELEVATION - STAGES 1&2
1:150



2 WEST ELEVATION - STAGES 1&2
1:150

DA REVIEW ISSUE



Document No: DA-404499
Version: 1, Version Date: 11/04/2022

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ELEVATIONS - STAGES 1 & 2 - SHEET 2

1:150 @ A1

2022-11-15

A-DA-121

rev. 2

**D/77-2022 - DEVELOPMENT
APPLICATION FOR A MATERIAL
CHANGE OF USE FOR A SHOPPING
CENTRE, SHOWROOM AND MULTIPLE
DWELLING (12 TOWNHOUSES)**

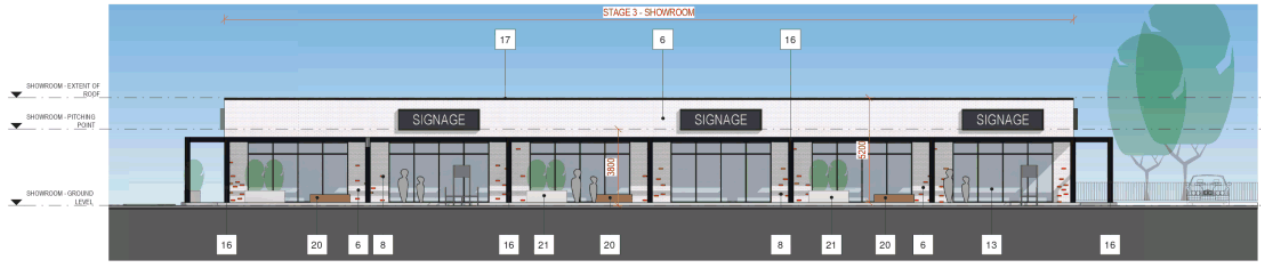
Elevations - Stage 3

Meeting Date: 13 June 2023

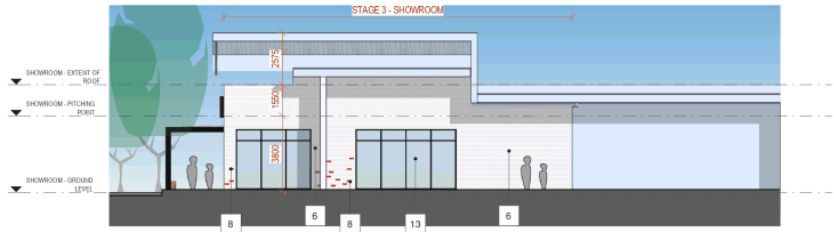
Attachment No: 6



1 NORTH ELEVATION - SHOWROOM & SHOPPING CENTRE - STAGE 3
1:100



2 SOUTH ELEVATION - SHOW ROOM - STAGE 3
1:100



3 SOUTH ELEVATION - SHOPPING CENTRE - STAGE 3
1:100

DA REVIEW ISSUE



Document No: DA044999
Version: 1, Version Date: 11/04/2022

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ELEVATIONS - STAGE 3 - SHEET 1

1:100 @ A1 2022-11-15

A-DA-320 rev. 2

MATERIAL SCHEDULE.		
MARK	DESCRIPTION	IMAGE
9	PLYWOOD SHEETING	
10	FIBRE CEMENT SHEETING - EXPRESSED JOINTS - WHITE	
11	TIMBER FINISH - BLONDE	
12	ROLLER DOOR - LIGHT	
13	GLAZING - CLEAR	
14	FEATURE MESH - RED	
15	ALUMINIUM BATTENS POWDERCOAT FINISH - RED	
16	STEEL - PAINTED FINISH - DARK	
17	PARAPET CAPPING - DARK	
18	BOX GUTTER AND DOWN PIPE - PAINTED FINISH - DARK	
19	ROOF CLADDING - LIGHT	
20	SEATING - ARTIFICIAL TIMBER - BLONDE	
21	PLANTER BOX - WHITE	
22	VERTICAL METAL CLADDING - STANDING SEAM - DUNE	
23	VERTICAL METAL CLADDING - STANDING SEAM - BASALT	
24	VERTICAL METAL CLADDING - STANDING SEAM - COVE	

MATERIAL SCHEDULE.		
MARK	DESCRIPTION	IMAGE
1	PAINTED CONCRETE WALL - WHITE	
2	PAINTED CONCRETE WALL - DARK	
3	PAINTED CONCRETE WALL - RED	
4	VERTICAL METAL CLADDING - DARK	
5	VERTICAL METAL CLADDING - LIGHT	
6	BRICKWORK - WHITE	
7	BRICKWORK - LIGHT	
8	BRICKWORK - FEATURE RED	

**D/77-2022 - DEVELOPMENT
APPLICATION FOR A MATERIAL
CHANGE OF USE FOR A SHOPPING
CENTRE, SHOWROOM AND MULTIPLE
DWELLING (12 TOWNHOUSES)**

Elevations - Stage 4

Meeting Date: 13 June 2023

Attachment No: 7



1 FRONT ELEVATION - STAGE 4
1:100



2 REAR ELEVATION - STAGE 4
1:100

DA REVIEW ISSUE



Document No: DA 404490
Version: 1, Version Date: 11/04/2022

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ELEVATIONS - STAGE 4 - SHEET 1

1:100 @ A1

2022-11-15

A-DA-420

rev. 4

MATERIAL SCHEDULE		
MARK	DESCRIPTION	IMAGE
1	PAINTED CONCRETE WALL - WHITE	
2	PAINTED CONCRETE WALL - DARK	
3	PAINTED CONCRETE WALL - RED	
4	VERTICAL METAL CLADDING - DARK	
5	VERTICAL METAL CLADDING - LIGHT	
6	BRICKWORK - WHITE	
7	BRICKWORK - LIGHT	
8	BRICKWORK - FEATURE RED	
9	PLYWOOD SHEETING	
10	FIBRE CEMENT SHEETING - EXPRESSED JOINTS - WHITE	
11	TIMBER FINISH - BLONDE	
12	ROLLER DOOR - LIGHT	
13	GLAZING - CLEAR	
14	FEATURE MESH - RED	
15	ALUMINIUM BATTENS POWDERCOAT FINISH - RED	
16	STEEL - PAINTED FINISH - DARK	
17	PARAPET CAPPING - DARK	
18	BOX GUTTER AND DOWN PIPE - PAINTED FINISH - DARK	
19	ROOF CLADDING - LIGHT	
20	SEATING - ARTIFICIAL TIMBER - BLONDE	
21	PLANTER BOX - WHITE	
22	VERTICAL METAL CLADDING - STANDING SEAM - DUNE	
23	VERTICAL METAL CLADDING - STANDING SEAM - BASALT	
24	VERTICAL METAL CLADDING - STANDING SEAM - COVE	

11.8 COUNCIL DELEGATIONS TO CHIEF EXECUTIVE OFFICER**File No:** 12660

- Attachments:**
1. Delegation Register - Mining and Quarrying Act 1999 [↓](#)
 2. Delegation Register - Mining and Quarrying Safety and Health Regulation 2017 [↓](#)
 3. Delegation Register - Retail Shop Leases Act 1994 [↓](#)
 4. Delegation Register - Working with Children (Risk Management and Screening) Act 2000 [↓](#)
 5. Delegation Register - Animal Care and Protection Regulation 2012 [↓](#)
 6. Delegations Register - Medicines and Poisons Act 2019 [↓](#)
 7. Delegation Register - Medicines and Poisons (Pest Management Activities) Regulation 2021 [↓](#)
 8. Delegation Register - Medicines and Poisons (Poisons and Prohibited Substances) Regulation 2021 [↓](#)
 9. Delegation Register - Building Fire Safety Regulation 2008 [↓](#)
 10. Delegation Register - Justices Act 1886 [↓](#)
 11. Delegation Register - Summary Offences Regulation 2016 - Clean [↓](#)
 12. Delegation Register - Transport Infrastructure (Public Marine Facilities) Regulation 2011 - Clean [↓](#)
 13. Delegation Register - Acquisition of Land Act 1967 - Clean [↓](#)
 14. Delegation Register - Local Government Act 2009 - Clean [↓](#)
 15. Delegation Register - Mineral Resources Act 1989 - Clean [↓](#)
 16. Delegation Register - Mineral and Energy Resources (Common Provisions) Act 2014 - Clean [↓](#)
 17. Delegation Register - Residential Tenancies and Rooming Accommodation Act 2008 - Clean [↓](#)
 18. Delegation Register - Queensland Heritage Act 1992 - Clean [↓](#)
 19. Delegation Register - Summary Offences Regulation 2016 - Tracked [↓](#)
 20. Delegation Register - Transport Infrastructure (Public Marine Facilities) Regulation 2011 - Tracked [↓](#)
 21. Delegation Register - Acquisition of Land Act 1967 - Tracked [↓](#)
 22. Delegation Register - Local Government Act 2009 - Tracked [↓](#)
 23. Delegation Register - Mineral Resources Act 1989 - Tracked [↓](#)
 24. Delegation Register - Mineral and Energy Resources (Common Provisions) Act 2014 - Tracked [↓](#)

25. Delegation Register - Residential Tenancies and Rooming Accommodation Act 2008 - Tracked [↓](#)
26. Delegation Register - Queensland Heritage Act 1992 - Tracked [↓](#)

Authorising Officer: Damon Morrison - Manager Workforce and Governance
Ross Cheesman - Deputy Chief Executive Officer

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.

OFFICER'S RECOMMENDATION

THAT:

1. Council resolves as per section 257 of the *Local Government Act 2009* to delegate to the Chief Executive Officer, the exercise of powers contained in schedule 1 of:
 1. Delegation Register – *Mining and Quarrying Safety and Health Act 1999* (Attachment 1 of report);
 2. Delegation Register – *Mining and Quarrying Safety and Health Regulation 2017* (Attachment 2 of report);
 3. Delegation Register – *Retail Shop Leases Act 1994* (Attachment 3 of report);
 4. *Delegation Register – Working with Children (Risk Management and Screening) Act 2000* (Attachment 4 of report);
 5. Delegation Register – *Animal Care and Protection Regulation 2012* (Attachment 5 of report);
 6. Delegation Register - *Medicines and Poisons Act 2019* (Attachment 6 of report);
 7. Delegation Register – *Medicines and Poisons (Pest Management Activities) Regulation 2021* (Attachment 7 of report);
 8. Delegation Register – *Medicines and Poisons (Poisons and Prohibited Substances) Regulation 2021* (Attachment 8 of report);
 9. Delegation Register - *Building Fire Safety Regulation 2008* (Attachment 9 of report);
 10. Delegation Register - *Justices Act 1886* (Attachment 10 of report);
 11. Delegation Register – *Summary Offences Regulation 2016* (Attachment 11 of report);
 12. Delegation Register – *Transport Infrastructure (Public Marine Facilities) Regulation 2011* (Attachment 12 of report);
 13. Delegation Register – *Acquisition of Land Act 1967* (Attachment 13 of report);
 14. Delegation Register - *Local Government Act 2009* (Attachment 14 of report);
 15. Delegation Register – *Mineral Resources Act 1989* (Attachment 15 of report);
 16. Delegation Register – *Mineral and Energy Resources (Common Provisions) Act 2014* (Attachment 16 of report);
 17. Delegation Register – *Residential Tenancies and Rooming Accommodation Act 2008* (Attachment 17 of report); and
 18. Delegation Register - *Queensland Heritage Act 1992* (Attachment 18 of report).
2. These powers must be exercised subject to any limitations contained in schedule 2 of the Delegation Registers attached to this report.

3. The powers previously delegated to the Chief Executive Officer for the *Health (Drugs and Poisons) Regulation 1996* be revoked for the reasons stated within the report

COMMENTARY

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

1. *Mining and Quarrying Safety and Health Act 1999*;
2. *Mining and Quarrying Safety and Health Regulation 2017*;
3. *Retail Shop Leases Act 1994*;
4. *Working with Children (Risk Management and Screening) Act 2000*;
5. *Animal Care and Protection Regulation 2012*;
6. *Medicines and Poisons Act 2019*;
7. *Medicines and Poisons (Pest Management Activities) Regulation 2021*;
8. *Medicines and Poisons (Poisons and Prohibited Substances) Regulation 2021*;
9. *Building Fire Safety Regulation 2008*;
10. *Justices Act 1886*;
11. *Summary Offences Regulation 2016*;
12. *Transport Infrastructure (Public Marine Facilities) Regulation 2011*;
13. *Acquisition of Land Act 1967*;
14. *Local Government Act 2009*;
15. *Mineral Resources Act 1989*;
16. *Mineral and Energy Resources (Common Provisions) Act 2014*;
17. *Residential Tenancies and Rooming Accommodation Act 2008*; and
18. *Queensland Heritage Act 1992*.

Subsequently, delegation registers containing the legislative powers under this legislation have been prepared. The delegation registers attached to this report recommend which powers should be delegated to the Chief Executive Officer (CEO) and which powers should be made at a Council meeting.

Council's previous service provider issued monthly delegation updates, however as a result of Council transitioning to the LGAQ delegation service, updates are now provided half-yearly. Less frequent updates received by Council has resulted in a significant number of delegation registers now needing review.

New Delegation Registers

Attachments 1 to 10 contain proposed delegation registers for mining and quarrying safety, retail shop leases, working with children, animal care and protection, medicines and poisons, building fire safety and justices legislation.

These legislative instruments have not previously been contained in Council's existing Delegation Register. Within the recommendation column in the attachment, a recommendation is made suggesting powers that should be delegated from Council to the CEO.

The recommendations in attachments 1 to 10 are for Council's consideration and adoption.

Changes to Existing Delegable Powers

The following existing Council delegation registers have been reviewed due to legislative changes:

1. *Summary Offences Regulation 2016*;
2. *Transport Infrastructure (Public Marine Facilities) Regulation 2011*; and
3. *Acquisition of Land Act 1967*;
4. *Local Government Act 2009*

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

1. *Mineral Resources Act 1989*;
2. *Mineral and Energy Resources (Common Provisions) Act 2014*;
3. *Residential Tenancies and Rooming Accommodation Act 2008*; and
4. *Queensland Heritage Act 1992*.

For Councillor's convenience, the changes to Council's existing registers are highlighted in attachments 19 to 26 in red.

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

- (a) To remain with Council; or
- (b) Delegation from Council to CEO.

The recommendations in attachments 11 to 18 are for Council's consideration and adoption.

Rescindment of Delegation Register

It is recommended the powers delegated to the CEO under the *Health (Drugs and Poisons) Regulation 1996* Delegation Register be revoked as this regulation has lapsed and replaced by the *Medicines and Poisons Act 2019*.

PREVIOUS DECISIONS

Attachments 11 to 18 were last considered and adopted by Council at the following meeting:

Legislation	Meeting Date
<i>Summary Offences Regulation 2016</i>	15 October 2019
<i>Transport Infrastructure (Public Marine Facilities) Regulation 2011</i>	25 January 2022
<i>Acquisition of Land Act 1967</i>	7 May 2019
<i>Local Government Act 2009</i>	8 December 2020
<i>Mineral Resources Act 1989</i>	10 January 2017
<i>Mineral and Energy Resources (Common Provisions) Act 2014</i>	10 January 2017
<i>Residential Tenancies and Rooming Accommodation Act 2008</i>	25 November 2014
<i>Queensland Heritage Act 1992</i>	25 July 2015

BUDGET IMPLICATIONS

Not applicable.

LEGISLATIVE CONTEXT

Section 257 of the *Local Government Act 2009* allows Council to delegate its powers to one or more individuals, including to the CEO. In accordance with section 257(5) of the *Local Government Act 2009* a delegation to the CEO must be reviewed annually by Council.

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

LEGAL IMPLICATIONS

Important legal principles which apply to the delegation proposal set out in this report are:

- Council at all times retains power to revoke the delegation. Accordingly, Council retains ultimate control.
- Council, as delegator, has responsibility to ensure that the relevant power is properly exercised. Council will therefore continue to supervise and oversee the exercise of its powers.
- A delegation of power by Council may be subject to any lawful conditions which Council wishes to impose. The imposition of conditions enables Council to impose checks and balances on its delegations, however, the delegated power cannot be unduly fettered.
- The delegate must exercise a delegated power fairly and impartially, without being influenced by or being subject to the discretion of other individuals.

STAFFING IMPLICATIONS

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

RISK ASSESSMENT

Without powers being delegated to the CEO and subsequently sub-delegated to relevant positions, Council operations would be impeded significantly as separate resolutions would be required to allow decisions to be made for a vast number of operational activities that are undertaken on a daily basis.

CORPORATE/OPERATIONAL PLAN

Not applicable.

CONCLUSION

This report includes Delegation Registers for legislation incorporating sections to be delegated from the Council to the CEO and the revoking of powers under the *Health (Drugs and Poisons) Regulation 1996* be endorsed and implemented.

Once Council has resolved to delegate to the CEO, the exercise of powers contained in schedule 1 of the Delegation Registers attached to this report subject to any limitations contained in schedule 2 of the Delegation Registers, the sub-delegates will be given specific delegations according to their respective areas of responsibility subject to the same general conditions and, where appropriate, specific limitations.

COUNCIL DELEGATIONS TO CHIEF EXECUTIVE OFFICER

Delegation Register – Mining and Quarrying Act 1999

Meeting Date: 13 June 2023

Attachment No: 1

Delegations Register – Mining and Quarrying Safety and Health 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 38(1)(a), (b), (e), (f) and (2)	Entity Power Given To: Operator of a mine	Part 3 – Safety and health obligations Division 3 – Obligations of holders, operators, site senior executives and others	Power, as an operator of a mine, to comply with the operator's obligations contained in subsections (1)(a), (b), (e), (f) and (2).	Delegation to the CEO
Section 38(1) (c) and (d)	Entity Power Given To: Operator of a mine	Part 3 – Safety and health obligations Division 3 – Obligations of holders, operators, site senior executives and others	Power, as an operator of a mine, to comply with the operator's obligations and appoint a site senior executive for the mine and to ensure the site senior executive: (a) develops and implements a safety and health management system for the mine; and (b) develops, implements and maintains a management structure for the mine that helps ensure the safety and health of persons at the mine.	Delegation to the CEO
Section 47(1)(a)	Entity Power Given To: Operator of a mine	Part 4 - Provisions about the operation of mines Division 1 - Notices about mines	Power, as an operator of a mine, to give the inspector for the region in which the mine is situated notice of:- (a) the operator's name and address; and (b) the name of and description of the land comprising the mine or part of the mine.	Delegation to the CEO
Section 47(1)(b)	Entity Power Given To: Operator of a mine	Part 4 - Provisions about the operation of mines Division 1 - Notices about mines	Power, as an operator of a mine, to give the inspector for the region in which the mine is situated a facility description for the mine.	Delegation to the CEO
Section 47(3)	Entity Power Given To: Operator of a mine	Part 4 - Provisions about the operation of mines Division 1 - Notices about mines	Power, as an operator of a mine, to give the inspector for the region in which the mine is situated notice of the day operations are to start.	Delegation to the CEO
Section 47(4)(a)	Entity Power Given To: Operator of a mine	Part 4 - Provisions about the operation of mines Division 1 - Notices about mines	Power, as an operator of a mine, to give the inspector for the region in which the mine is situated notice of the appointment specified in subsection (4)(a).	Delegation to the CEO
Section 47(4)(b)	Entity Power Given To: Operator of a mine	Part 4 - Provisions about the operation of mines Division 1 - Notices about mines	Power, as an operator of a mine, to give the inspector for the region in which the mine is situated notice of the acting appointment specified in subsection (4)(b).	Delegation to the CEO
Section 47(5)	Entity Power Given To: Operator of a mine	Part 4 - Provisions about the operation of mines Division 1 - Notices about mines	Power, as an operator of a mine, to give the inspector for the region in which the mine is situated written particulars of the land added or omitted.	Delegation to the CEO
Section 52(1)	Entity Power Given To: Operator of a mine	Part 4 - Provisions about the operation of mines Division 2 - Management of mines	Power, as an operator of a mine, to appoint a person to act as the site senior executive during the absence.	Delegation to the CEO
Section 58(3)	Entity Power Given To: Operator of a mine	Part 4 - Provisions about the operation of mines Division 4 - Reports and reporting	Power, as an operator of a mine that has been abandoned, to give the chief inspector plans showing the extent of operations undertaken at the mine.	Delegation to the CEO
Section 59	Entity Power Given To: Operator of a mine	Part 4 - Provisions about the operation of mines Division 4 - Reports and reporting	Power, as an operator of a mine, to keep a mine record and make it available for inspection.	Delegation to the CEO
Section 59(5)	Entity Power Given To: Former operator	Part 4 - Provisions about the operation of mines Division 4 - Reports and reporting	Power, as a former operator, to give the new operator the mine record for the mine.	Delegation to the CEO
Section 61(1)	Entity Power Given To: Operator of a mine	Part 4 - Provisions about the operation of mines Division 5 - Protection of abandoned mines	Power, as an operator of a mine that has been abandoned, to ensure that the abandoned mine is safe and made secure.	Delegation to the CEO
Section 116(2)	Entity Power Given To: Person in control or temporarily in control of a mine	Part 8 - District workers' representatives Division 2 District workers' representatives	Power, as a person in control or temporarily in control of a mine, to give the representative reasonable help in the exercise of powers under subsection (1).	Delegation to the CEO
Section 116(3)	Entity Power Given To: Person with an obligation under the Act	Part 8 - District workers' representatives Division 2 District workers' representatives	Power, as a person with an obligation under the Act with access to the documents, to produce the documents.	Delegation to the CEO
Section 131(3)	Entity Power Given To: Occupier	Part 9 - Inspectors and other officers and directives Division 4 - Powers of inspectors, inspection officers and authorised officers Subdivision 3 - Procedure for entry	Power, as an occupier, to consent to the entry of a place by an officer and sign an acknowledgement of the consent.	Delegation to the CEO

Section	Entity Power Given To	Title	Description	Recommendation
Section 137	Entity Power Given To: Person required to give reasonable help	Part 9 - Inspectors and other officers and directives Division 4 - Powers of inspectors, inspection officers and authorised officers Subdivision 4 - General powers	Power, as a person required to give reasonable help under section 136(3)(f), to comply with the requirement.	Delegation to the CEO
Section 143(3)	Entity Power Given To: Person of whom the requirement is made	Part 9 - Inspectors and other officers and directives Division 4 - Powers of inspectors, inspection officers and authorised officers Subdivision 5 - Power to seize evidence	Power, as a person of whom the requirement is made, to comply with the requirement.	Delegation to the CEO
Section 146(2)	Entity Power Given To: Owner of a thing	Part 9 - Inspectors and other officers and directives Division 4 - Powers of inspectors, inspection officers and authorised officers Subdivision 5 - Power to seize evidence	Power, as the owner of a thing that has been seized and not returned, to apply to the chief inspector for its return.	Delegation to the CEO
Section 152	Entity Power Given To: Person of whom a document production requirement has been made	Part 9 - Inspectors and other officers and directives Division 4 - Powers of inspectors, inspection officers and authorised officers Subdivision 7 - Power to obtain information	Power, as a person of whom a document production requirement has been made, to comply with the requirement.	Delegation to the CEO
Section 153	Entity Power Given To: Person of whom a document certification requirement has been made	Part 9 - Inspectors and other officers and directives Division 4 - Powers of inspectors, inspection officers and authorised officers Subdivision 7 - Power to obtain information	Power, as a person of whom a document certification requirement has been made, to comply with the requirement.	Delegation to the CEO
Section 171(2)	Entity Power Given To: Person to whom a directive is given	Part 9 - Inspectors and other officers and directives Division 5 - Directives by inspectors, inspection officers and district workers' representatives Subdivision 3 - Recording of directives and other matters	Power, as a person to whom a directive is given, to comply with the directive.	Delegation to the CEO
Sections 172, 173, 174 and 175	Entity Power Given To: Person who has received a directive	Part 9 - Inspectors and other officers and directives Division 5 - Directives by inspectors, inspection officers and district workers' representatives Subdivision 4 - Review of directives	Power, as a person who has received a directive, to apply under Part 9, Subdivision 4 for the directive to be reviewed. For avoidance of doubt, the power delegated includes (without limitation) the power to take all actions as detailed in sections 172, 173, 174 and 175.	Delegation to the CEO
Section 195A(3)	Entity Power Given To: Person required to give primary information	Part 11 - Accidents and incidents Division 1 - Notification, information and inspections	Power, as a person required to give primary information under subsection (1), to comply with the requirement.	Delegation to the CEO
Section 216A(b)	Entity Power Given To: Corporation	Part 13 - Appeals Division 1 - Appeals against particular decisions of Minister, CEO or board of examiners	Power as a corporation on which a civil penalty is imposed to appeal against the chief executive's decision.	Delegation to the CEO
Section 218(1)	Entity Power Given To: Appellant	Part 13 - Appeals Division 1 - Appeals against particular decisions of Minister, CEO or board of examiners	Power to file a notice of appeal with an Industrial Magistrates Court and serve a copy of the notice.	Delegation to the CEO
Sections 223 and 224	Entity Power Given To: Affected person	Part 13 - Appeals Division 2 - Appeals against chief inspector's directives and particular decisions	Power to appeal to the Industrial Court. For avoidance of doubt, the power delegated includes (without limitation) the power to take all actions as detailed in sections 223 and 224.	Delegation to the CEO
Section 234	Entity Power Given To: Dissatisfied person	Part 14 - Legal proceedings Division 2 - Proceedings	Power, as a person dissatisfied with a decision of an industrial magistrate in proceedings brought under subsection 234(1), to appeal to the Industrial Court.	Delegation to the CEO
Section 246H	Entity Power Given To: Relevant corporation	Part 14B - Civil penalties	Power, as a relevant corporation, to make a written submission to the chief executive to show why the civil penalty should not be imposed.	Delegation to the CEO
Section 253(4)	Entity Power Given To: Operator of a mine	Part 16 - General Division 1 - General safety matters	Power, as an operator, to advise a subsequent worker that the original worker exercised rights under subsection (1).	Delegation to the CEO
Section 254	Entity Power Given To: Person with an obligation under the Act	Part 16 - General Division 1 - General safety matters	Power, as a person with obligation under the Act, to make a representation to an inspector or inspection officer.	Delegation to the CEO

Section	Entity Power Given To	Title	Description	Recommendation
Section 255(1)(a)	Entity Power Given To: Person from whom the information was obtained	Part 16 - General Division 2 - Miscellaneous	Power, as the person from whom the information was obtained, to consent to the disclosure of information concerning Council.	Delegation to the CEO
Section 259(3)	Entity Power Given To: Person given a notice by the CEO	Part 17 - Administration	Power, as a person given a notice by the CEO under subsection 259(1), to comply with the notice.	Delegation to the CEO

Schedule 2

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

COUNCIL DELEGATIONS TO CHIEF EXECUTIVE OFFICER

Delegation Register – Mining and Quarrying Safety and Health Regulation 2017

Meeting Date: 13 June 2023

Attachment No: 2

Delegations Register – Mining and Quarrying Safety and Health Regulation 2017

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 6(2)	Entity Power Given To: Operator	Chapter 2 - Ways of Achieving an Acceptable Level of Risk Part 2 - Safety and Health Risk Management Division 1 - Risk Management Practices and Procedures	Power, as an operator, to ensure hazard identification for the mine's operations is done during the operations' planning and design.	Delegation to the CEO
Section 8(1)	Entity Power Given To: Person	Chapter 2 - Ways of Achieving an Acceptable Level of Risk Part 2 - Safety and Health Risk Management Division 2 - Risk Management Process	Power, as a person who has an obligation under the Act to manage risk at a mine, to apply hazard controls in the order identified in subsection (1).	Delegation to the CEO
Section 9(1)	Entity Power Given To: Person	Chapter 2 - Ways of Achieving an Acceptable Level of Risk Part 2 - Safety and Health Risk Management Division 2 - Risk Management Process	Power, as a person who has an obligation under the Act to manage risk at a mine, to monitor risk in the person's own work and activities at the mine.	Delegation to the CEO
Section 11C(1)	Entity Power Given To: Responsible person	Chapter 2 - Ways of Achieving an Acceptable Level of Risk Part 2A - Safety and Health Fee	Power, as a responsible person for a mine, to pay a safety and health fee.	Delegation to the CEO
Section 11D(1)	Entity Power Given To: Responsible person	Chapter 2 - Ways of Achieving an Acceptable Level of Risk Part 2A - Safety and Health Fee	Power, as a responsible person for a mine, to give the chief executive a safety and health census.	Delegation to the CEO
Section 11D(2)(a)	Entity Power Given To: Responsible person	Chapter 2 - Ways of Achieving an Acceptable Level of Risk Part 2A - Safety and Health Fee	Power, as a responsible person for a mine, to apply to the chief executive to extend the period to give the a safety and health census.	Delegation to the CEO
Section 11DA(2)	Entity Power Given To: Responsible person	Chapter 2 - Ways of Achieving an Acceptable Level of Risk Part 2A - Safety and Health Fee	Power, as a responsible person for a mine, in the circumstances set out in subsection 11DA(1), to choose to give a safety and health census each financial year rather than each quarter.	Delegation to the CEO
Section 11DB(3)	Entity Power Given To: Responsible person	Chapter 2 - Ways of Achieving an Acceptable Level of Risk Part 2A - Safety and Health Fee	Power, as a responsible person for a mine, in the circumstances set out in subsection 11DB(1), to give the chief executive a safety and health census for the current quarter and each earlier quarter of the financial year, not previously given to the chief executive.	Delegation to the CEO
Section 11DC(2)	Entity Power Given To: Responsible person	Chapter 2 - Ways of Achieving an Acceptable Level of Risk Part 2A - Safety and Health Fee	Power, as a responsible person for a mine, keep records enabling the accuracy of the information required to be included in the safety and health census to be verified.	Delegation to the CEO
Section 11DC(5)	Entity Power Given To: Responsible person	Chapter 2 - Ways of Achieving an Acceptable Level of Risk Part 2A - Safety and Health Fee	Power, as a responsible person for a mine, to give the CEO the records within 14 days or a later period agreed in writing with the CEO.	Delegation to the CEO
Section 11E(3)	Entity Power Given To: Responsible person	Chapter 2 - Ways of Achieving an Acceptable Level of Risk Part 2A - Safety and Health Fee	Power, as a responsible person for a mine, to make submissions to the chief executive.	Delegation to the CEO
Section 11E(6)	Entity Power Given To: Responsible person	Chapter 2 - Ways of Achieving an Acceptable Level of Risk Part 2A - Safety and Health Fee	Power, as a responsible person for a mine, to pay the amount of the safety and health fee stated in the invoice.	Delegation to the CEO
Section 22	Entity Power Given To: Operator	Chapter 2 - Ways of Achieving an Acceptable Level of Risk Part 4 - Electrical Division 4 - Control and Protection for Electrical Equipment	Power, as an operator, to ensure:- (a) switchgear used at the mine allows for reliable circuit interruption, under fault conditions, at all points in the mine's electrical distribution system; and (b) each electrical circuit at the mine is protected against overload, short circuit and earth fault under all operating conditions to effectively:- (i) interrupt the electricity supply; and (ii) isolate faults.	Delegation to the CEO
Section 23	Entity Power Given To: Operator	Chapter 2 - Ways of Achieving an Acceptable Level of Risk Part 4 - Electrical Division 4 - Control and Protection for Electrical Equipment	Power, as an operator, to ensure that the electricity supply to the plant identified in section 23 is capable of interruption from an accessible position remote from the plant.	Delegation to the CEO

Section	Entity Power Given To	Title	Description	Recommendation
Section 24	Entity Power Given To: Operator	Chapter 2 - Ways of Achieving an Acceptable Level of Risk Part 4 - Electrical Division 4 - Control and Protection for Electrical Equipment	Power, as an operator, to ensure:- (a) each automatic, programmable or computerised electrical control system at the mine operates safely under all operating conditions, including power supply instability or failure; and (b) the emergency stopping systems and safety alarms at the mine remain effective if there is a fault or failure in a system mentioned in paragraph (a).	Delegation to the CEO
Section 25	Entity Power Given To: Operator	Chapter 2 - Ways of Achieving an Acceptable Level of Risk Part 4 - Electrical Division 4 - Control and Protection for Electrical Equipment	Power, as an operator, to ensure each earthing system at the mine is installed and maintained at sufficiently low impedance and has sufficient capacity to ensure:- (a) reliable operation of electrical protective systems and devices; and (b) adequate protection against contact with conductive parts that have become live under fault conditions.	Delegation to the CEO
Section 26	Entity Power Given To: Operator	Chapter 2 - Ways of Achieving an Acceptable Level of Risk Part 4 - Electrical Division 4 - Control and Protection for Electrical Equipment	Power, as an operator, to ensure the mine has earth leakage protection for each electrical circuit exceeding extra low voltage that:- (a) is in a portable, transportable or mobile apparatus; or (b) has an outlet for, or supplies electricity to, a trailing cable or flexible lead.	Delegation to the CEO
Section 27(1)	Entity Power Given To: Operator	Chapter 2 - Ways of Achieving an Acceptable Level of Risk Part 4 - Electrical Division 4 - Control and Protection for Electrical Equipment	Power, as an operator, to ensure each item of electrical equipment used at the mine has a full current isolation facility in a location that is easily accessible by a person required to carry out the isolation.	Delegation to the CEO
Section 27(2)	Entity Power Given To: Operator	Chapter 2 - Ways of Achieving an Acceptable Level of Risk Part 4 - Electrical Division 4 - Control and Protection for Electrical Equipment	Power, as an operator, to ensure the isolator is clearly marked or labelled and compatible with the mine's isolation and lock-out procedures.	Delegation to the CEO
Section 29	Entity Power Given To: Operator	Chapter 2 - Ways of Achieving an Acceptable Level of Risk Part 4 - Electrical Division 4 - Control and Protection for Electrical Equipment	Power, as an operator, to ensure electrical equipment exceeding extra low voltage used at the mine has a device or feature for preventing a person inadvertently contacting live parts of the equipment.	Delegation to the CEO
Section 30	Entity Power Given To: Operator	Chapter 2 - Ways of Achieving an Acceptable Level of Risk Part 4 - Electrical Division 4 - Control and Protection for Electrical Equipment	Power, as an operator, to ensure the prospective touch voltage at the mine is limited to a level necessary to achieve an acceptable level of risk.	Delegation to the CEO
Section 31	Entity Power Given To: Operator	Chapter 2 - Ways of Achieving an Acceptable Level of Risk Part 4 - Electrical Division 4 - Control and Protection for Electrical Equipment	Power, as an operator, to ensure voltage rise in an electrical installation at the mine caused by lightning strike, static electricity, voltage surges and other transient voltages is limited to a level necessary to achieve an acceptable level of risk.	Delegation to the CEO
Section 35(3)	Entity Power Given To: Operator	Chapter 2 - Ways of Achieving an Acceptable Level of Risk Part 5 - Emergencies	Power, as an operator of a mine mentioned in subsection (2), to provide adequate resources at the mine to ensure the effectiveness and implementation of the emergency response plan.	Not Relevant to Council
Section 44	Entity Power Given To: Person	Chapter 2 - Ways of Achieving an Acceptable Level of Risk Part 6 - Facilities and Processes	Power, as a person who has an obligation under the Act to manage risk in relation to ground control at a mine during the mine's design, operation or abandonment, to ensure appropriate measures are taken to prevent or control local and area failures in ground integrity.	Delegation to the CEO
Section 45	Entity Power Given To: Person	Chapter 2 - Ways of Achieving an Acceptable Level of Risk Part 6 - Facilities and Processes	Power, as a person who has an obligation under the Act to manage risk at a mine in relation to the mine layout, design and construction, to ensure the layout, design and construction is carried out having regard to the matters listed in section 45.	Delegation to the CEO
Section 46	Entity Power Given To: Person	Chapter 2 - Ways of Achieving an Acceptable Level of Risk Part 6 - Facilities and Processes	Power, as a person who has an obligation under the Act to manage risk at a mine in relation to the design and construction of the mine's roads, to ensure the specification for the design and construction enables the safe movement of vehicles about the mine.	Delegation to the CEO
Section 48	Entity Power Given To: Person	Chapter 2 - Ways of Achieving an Acceptable Level of Risk Part 6 - Facilities and Processes	Power, as a person who has an obligation under the Act to manage risk in relation to ventilation at a mine, to ensure appropriate measures are taken to ensure the ventilating air in a place where a person may be present at the mine is of a sufficient volume, velocity and quality to achieve a healthy atmosphere.	Not Relevant to Council
Section 56	Entity Power Given To: Person	Chapter 2 - Ways of Achieving an Acceptable Level of Risk Part 7 - Hazardous Chemicals and Dangerous Goods Division 1 - Provisions Applying to all Hazardous Chemicals and Dangerous Goods Subdivision 3 - Dealing with Hazardous Chemicals and Dangerous Goods	Power, as a person who has an obligation under the Act to manage risk in relation to storing and handling hazardous chemical or dangerous goods, to ensure they are handled and stored in the manner prescribed under section 56.	Delegation to the CEO
Section 65	Entity Power Given To: Person	Chapter 2 - Ways of Achieving an Acceptable Level of Risk Part 7 - Hazardous Chemicals and Dangerous Goods Division 2 - Explosives Subdivision 1 - General	Power, as a person who has an obligation under the Act to manage risk in relation to selecting explosives for use at the mine, to ensure the explosives comply with the requirements of section 65.	Not Relevant to Council

Section	Entity Power Given To	Title	Description	Recommendation
Sections 100, 101 and 102	Entity Power Given To: Person	Chapter 2 - Ways of Achieving an Acceptable Level of Risk Part 10 - Plant Generally Division 1 - Selection and Design	Power, as a person who has an obligation under the Act to manage risk at a mine in relation to the selection and design of plant, to ensure that the selection and design of plant complies with the requirements of sections 100, 101 and 102.	Delegation to the CEO
Section 104(1)	Entity Power Given To: Operator	Chapter 2 - Ways of Achieving an Acceptable Level of Risk Part 10 - Plant Generally Division 2 - Other Provisions About Plant	Power, as an operator, to ensure plant used or intended for use, at the mine is manufactured, constructed, stored, transported and installed in accordance with any applicable specifications and instructions.	Delegation to the CEO
Section 104(2)	Entity Power Given To: Operator	Chapter 2 - Ways of Achieving an Acceptable Level of Risk Part 10 - Plant Generally Division 2 - Other Provisions About Plant	Power, as an operator, to ensure for fixed plant:- (a) the plant is installed in a location and environment that is compatible with the plant and its use; and (b) the mine layout incorporates appropriate facilities and adequate space for:- (i) access to and egress from the plant during emergencies; and (ii) the plant's operation, monitoring servicing and maintenance.	Delegation to the CEO
Section 105	Entity Power Given To: Operator	Chapter 2 - Ways of Achieving an Acceptable Level of Risk Part 10 - Plant Generally Division 2 - Other Provisions About Plant	Power, as an operator, to ensure plant is commission in its operating environment at the mine before it is used to ensure those matters listed in subsections (1) and (2).	Delegation to the CEO
Section 106	Entity Power Given To: Person	Chapter 2 - Ways of Achieving an Acceptable Level of Risk Part 10 - Plant Generally Division 2 - Other Provisions About Plant	Power, as a person who has an obligation under the Act to manage risk at a mine in relation to the operation of plant, to ensure the plant is not operated in a way prescribed in section 106.	Delegation to the CEO
Section 108	Entity Power Given To: Person	Chapter 2 - Ways of Achieving an Acceptable Level of Risk Part 10 - Plant Generally Division 2 - Other Provisions About Plant	Power, as a person who has an obligation under the Act to manage risk at a mine in relation to the monitoring of plant, to ensure the plant is monitored in accordance with section 108.	Delegation to the CEO
Section 109	Entity Power Given To: Operator	Chapter 2 - Ways of Achieving an Acceptable Level of Risk Part 10 - Plant Generally Division 2 - Other Provisions About Plant	Power, as an operator, to ensure plant in use at the mine is serviced and maintained in accordance with section 109.	Delegation to the CEO
Section 131(6)	Entity Power Given To: Worker's employer	Chapter 2 - Ways of Achieving an Acceptable Level of Risk Part 14 - Work Environment Division 1 - Managing Risk from Exposure to Hazards Generally Subdivision 1 - Health Assessments	Power, as a worker's employer, to pay for the worker's health surveillance and health surveillance reports.	Delegation to the CEO
Section 145D(4)	Entity Power Given To: Worker's employer	Chapter 2 - Ways of Achieving an Acceptable Level of Risk Part 14 - Work Environment Division 3 - Managing Risk Through Health Surveillance Subdivision 2 - General Requirements	Power, as a worker's employer, to pay for the worker's health surveillance, respiratory health examination and health surveillance reports.	Delegation to the CEO
Section 145H(3)	Entity Power Given To: Former worker's employer	Chapter 2 - Ways of Achieving an Acceptable Level of Risk Part 14 - Work Environment Division 3 - Managing Risk Through Health Surveillance Subdivision 3 - Respiratory Health Surveillance for Workers	Power, as a former worker's employer, to carry out the respiratory health surveillance.	Delegation to the CEO

Schedule 2

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

COUNCIL DELEGATIONS TO CHIEF EXECUTIVE OFFICER

Delegation Register – Retail Shop Leases Act 1994

Meeting Date: 13 June 2023

Attachment No: 3

Delegations Register – Retail Shop Leases Act 1994

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 21B(1)	Entity Power Given To: A Lessor	Part 5 – Preliminary Disclosures about Leases Division 2 – Disclosure of Entering into or Renewing Lease	Power, as a lessor, to give the prospective lessee:- (a) a draft of the lease; and (b) a disclosure statement.	Delegation to the CEO
Section 21B(2)	Entity Power Given To: A Prospective Lessor	Part 5 – Preliminary Disclosures about Leases Division 2 – Disclosure of Entering into or Renewing Lease	Power, as a prospective lessee, to give the lessor a waiver notice.	Delegation to the CEO
Sections 21C(1) and (2)(b)	Entity Power Given To: A Prospective Sublessor	Part 5 – Preliminary Disclosures about Leases Division 2 – Disclosure of Entering into or Renewing Lease	Power, as a prospective sublessor, to request a head lessor disclosure statement from the lessor and pay the lessor's reasonable expenses incurred for preparation of the head lessor disclosure statement.	Delegation to the CEO
Section 21C(2)(a)	Entity Power Given To: A Lessor	Part 5 – Preliminary Disclosures about Leases Division 2 – Disclosure of Entering into or Renewing Lease	Power, as a lessor, to give the prospective sublessor a head lessor disclosure statement	Delegation to the CEO
Section 21E(2)	Entity Power Given To: A Lessor	Part 5 – Preliminary Disclosures about Leases Division 2 – Disclosure of Entering into or Renewing Lease	Power, as a lessor, to give the lessee a current disclosure statement.	Delegation to the CEO
Section 21E(3)	Entity Power Given To: A Lessee	Part 5 – Preliminary Disclosures about Leases Division 2 – Disclosure of Entering into or Renewing Lease	Power, as a lessee, to give a renewal notice with or without a waiver notice.	Delegation to the CEO
Section 21E(4)	Entity Power Given To: A Lessee	Part 5 – Preliminary Disclosures about Leases Division 2 – Disclosure of Entering into or Renewing Lease	Power, as a lessee, upon receiving the current disclosure statement, to give the lessor a written notice stating that the renewal notice is withdrawn.	Delegation to the CEO
Section 21F(1)	Entity Power Given To: A Lessee	Part 5 – Preliminary Disclosures about Leases Division 2 – Disclosure of Entering into or Renewing Lease	Power, as a lessee in the circumstances set out in subsection 21F(1), to terminate the retail shop lease by giving written notice to the lessor.	Delegation to the CEO
Section 21F(5)	Entity Power Given To: A Lessor	Part 5 – Preliminary Disclosures about Leases Division 2 – Disclosure of Entering into or Renewing Lease	Power, as a lessor, to pay to the lessee the reasonable compensation decided by way of the dispute resolution process.	Delegation to the CEO
Section 22	Entity Power Given To: A Lessor	Part 5 – Preliminary Disclosures about Leases Division 2 – Disclosure of Entering into or Renewing Lease	Power, as a lessor, to give the lessee the signed lease document or a certified copy of the signed lease.	Delegation to the CEO
Section 22B	Entity Power Given To: The Assignor of a Retail Shop Lease	Part 5 – Preliminary Disclosures about Leases Division 3 – Disclosure of Entering into Assignment of Lease	Power, as the assignor of a retail shop lease for a leased shop, to give a prospective assignee a disclosure statement and a copy of the current lease.	Delegation to the CEO
Section 22B(1A)(b)	Entity Power Given To: A Prospective Assignee	Part 5 – Preliminary Disclosures about Leases Division 3 – Disclosure of Entering into Assignment of Lease	Power, as a prospective assignee, to give the assignor a waiver notice.	Delegation to the CEO
Section 22B(2)	Entity Power Given To: A Prospective Assignee	Part 5 – Preliminary Disclosures about Leases Division 3 – Disclosure of Entering into Assignment of Lease	Power, as a prospective assignee, to give a disclosure statement to the assignor.	Delegation to the CEO
Section 22B(3)	Entity Power Given To: An Assignor	Part 5 – Preliminary Disclosures about Leases Division 3 – Disclosure of Entering into Assignment of Lease	Power, as an assignor, to give the lessor a copy of the disclosure statement given to the assignee to the lessor.	Delegation to the CEO
Section 22C(1)	Entity Power Given To: A Lessor	Part 5 – Preliminary Disclosures about Leases Division 3 – Disclosure of Entering into Assignment of Lease	Power, as a lessor, to give the prospective assignee a disclosure statement and a copy of the lease.	Delegation to the CEO
Section 22C(2)(b)	Entity Power Given To: A Prospective Assignee	Part 5 – Preliminary Disclosures about Leases Division 3 – Disclosure of Entering into Assignment of Lease	Power, as a prospective assignee, to give the lessor a waiver notice.	Delegation to the CEO
Section 26(2)	Entity Power Given To: A Lessor	Part 6 – Minimum Lease Standard Division 3 – Confidentiality of Turnover Information	Power, as a lessor, to disclose the information permitted by the section.	Delegation to the CEO
Sections 26(3)(b) and 4(b)	Entity Power Given To: A Lessee	Part 6 – Minimum Lease Standard Division 3 – Confidentiality of Turnover Information	Power, as a lessee, to agree to a person given information under subsection 26(2)(b)(i), (ii) or (iii) disclosing the information to someone else.	Delegation to the CEO

Section	Entity Power Given To	Title	Description	Recommendation
Section 27(8)(b)	Entity Power Given To: A Major Lessee	Part 6 – Minimum Lease Standard Division 4 - Rent Review Sub-Division 1 - Timing and Bases of Rent Reviews	Power, as a major lessee before the lease is entered, to give the lessor a written notice stating the lessee agrees that subsections 27(2) to (7) do not apply in relation to the lease.	Delegation to the CEO
Section 27A(1A)(b)	Entity Power Given To: A Major Lessee	Part 6 – Minimum Lease Standard Division 4 - Rent Review Sub-Division 2 - Current Market Rent	Power, as a major lessee before the lease is entered, to give the lessor a written notice stating the lessee agrees that part 6, division 4, subdivision 2 does not apply in relation to the lease	Delegation to the CEO
Section 27A(2)	Entity Power Given To: A Lessee	Part 6 – Minimum Lease Standard Division 4 - Rent Review Sub-Division 2 - Current Market Rent	Power, as a lessee, to give written notice to the lessor asking for the current market rent to be determined.	Delegation to the CEO
Section 27A(2)	Entity Power Given To: A Lessee or Lessor	Part 6 – Minimum Lease Standard Division 4 - Rent Review Sub-Division 2 - Current Market Rent	Power, as a lessee or a lessor, to agree on the current market rent.	Delegation to the CEO
Section 28(2)	Entity Power Given To: A Lessee or Lessor	Part 6 – Minimum Lease Standard Division 4 - Rent Review Sub-Division 2 - Current Market Rent	Power, as a lessee or a lessor, to agree on the specialist retail valuer.	Delegation to the CEO
Section 28A(5)	Entity Power Given To: A Lessee or Lessor	Part 6 – Minimum Lease Standard Division 4 - Rent Review Sub-Division 2 - Current Market Rent	Power, as a lessee or a lessor, to give a submission to the valuer and give a copy to the other party.	Delegation to the CEO
Section 28A(6)	Entity Power Given To: A Lessee or Lessor	Part 6 – Minimum Lease Standard Division 4 - Rent Review Sub-Division 2 - Current Market Rent	Power, as a lessee or a lessor, who receives a copy of a submission to give the valuer a written response to it.	Delegation to the CEO
Section 30(1)	Entity Power Given To: A Lessor	Part 6 – Minimum Lease Standard Division 4 - Rent Review Sub-Division 2 - Current Market Rent	Power, as a lessor, to give the valuer the relevant information required by the valuer.	Delegation to the CEO
Section 34	Entity Power Given To: A Lessee or Lessor	Part 6 – Minimum Lease Standard Division 4 - Rent Review Sub-Division 2 - Current Market Rent	Power, as a lessee or a lessor, to pay to the specialist retail valuer one-half of the valuer's fee.	Delegation to the CEO
Section 35(1)(b)	Entity Power Given To: A Lessee or Lessor	Part 6 – Minimum Lease Standard Division 4 - Rent Review Sub-Division 2 - Current Market Rent	Power, as a lessee or a lessor, to agree to the valuer disclosing the information obtained under section 28A or 30 to someone else.	Delegation to the CEO
Section 35(3)	Entity Power Given To: A Lessee or Lessor	Part 6 – Minimum Lease Standard Division 4 - Rent Review Sub-Division 2 - Current Market Rent	Power, as a lessee or a lessor, to agree with the valuer about the reasonable compensation to be paid by the valuer.	Delegation to the CEO
Section 38A	Entity Power Given To: A Lessor	Part 6 – Minimum Lease Standard Division 5 - Lessor's Outgoings and Other Payments	Power, as a lessor, to give the lessee an outgoings estimate.	Delegation to the CEO
Section 38B	Entity Power Given To: A Lessor	Part 6 – Minimum Lease Standard Division 5 - Lessor's Outgoings and Other Payments	Power, as a lessor, to give the lessee an audited annual statement.	Delegation to the CEO
Section 38C(2)	Entity Power Given To: A Lessee	Part 6 – Minimum Lease Standard Division 5 - Lessor's Outgoings and Other Payments	Power, as a lessee in the circumstances set out in subsection 38C(1), to withhold payment of apportionable outgoings.	Delegation to the CEO
Section 40(3)	Entity Power Given To: A Lessor	Part 6 – Minimum Lease Standard Division 6 - Other Payments for Retail Shops	Power, as a lessor, to pay maintenance amounts paid by the lessee for the credit of the sinking fund into an interest bearing account.	Delegation to the CEO
Section 40(4)	Entity Power Given To: A Lessor	Part 6 – Minimum Lease Standard Division 6 - Other Payments for Retail Shops	Power, as a lessor, to apply amounts standing to the credit of the sinking fund and interest earned on the fund for a purpose mentioned in subsection 40(1).	Delegation to the CEO
Section 40A(2)	Entity Power Given To: A Lessor	Part 6 – Minimum Lease Standard Division 6 - Other Payments for Retail Shops	Power, as a lessor, to make available to the lessee a marketing plan that gives details of the lessor's proposed spending on promotion and advertising during that accounting period.	Delegation to the CEO
Section 41(2)	Entity Power Given To: A Lessor	Part 6 – Minimum Lease Standard Division 6 - Other Payments for Retail Shops	Power, as a lessor, to apply amounts for promotion and advertising directly attributable to the centre.	Delegation to the CEO
Section 41(4)	Entity Power Given To: A Lessor	Part 6 – Minimum Lease Standard Division 6 - Other Payments for Retail Shops	Power, as a lessor, to make available to the audited annual statement.	Delegation to the CEO
Section 41(6)	Entity Power Given To: A Lessor	Part 6 – Minimum Lease Standard Division 6 - Other Payments for Retail Shops	Power, as a lessor, to carry forward the unspent promotion amount to be applied towards spending on promotion and advertising of the centre.	Delegation to the CEO
Section 43(2)	Entity Power Given To: A Lessee	Part 6 – Minimum Lease Standard Division 7 - Implied Provisions for Compensation	Power, as a lessee, to give the lessor written notice of the loss or damage mentioned in subsection 43(1)	Delegation to the CEO
Section 44	Entity Power Given To: A Lessee or Lessor	Part 6 – Minimum Lease Standard Division 7 - Implied Provisions for Compensation	Power, as a lessor or a lessee, to agree on the amount of compensation payable under part 6, division 7.	Delegation to the CEO
Section 44A(2)	Entity Power Given To: A Lessor	Part 6 – Minimum Lease Standard Division 7 - Implied Provisions for Compensation	Power, as a lessor, to give the lessee a written notice that complies with subsection 44A(3).	Delegation to the CEO

Section	Entity Power Given To	Title	Description	Recommendation
Section 45(2)	Entity Power Given To: A Lessor	Part 6 – Minimum Lease Standard Division 8 - Lease Dealings	Power, as a lessor, to agree with the prospective secured creditor about the matters listed in subsection 45(2).	Delegation to the CEO
Section 46(2)	Entity Power Given To: A Lessor	Part 6 – Minimum Lease Standard Division 8 - Lease Dealings	Power, as a lessor, to give the lessee written notice of the option date.	Delegation to the CEO
Section 46AA(2)	Entity Power Given To: A Lessor	Part 6 – Minimum Lease Standard Division 8 - Lease Dealings	Power, as a lessor, to by written notice to the lessee:- (a) offer the lessee a renewal or extension of the lease on terms, including terms about rent, stated in the notice; or (b) tell the lessee that the lessor does not intend to offer the lessee a renewal or extension of the lease.	Delegation to the CEO
Section 46AA(3)	Entity Power Given To: A Lessor	Part 6 – Minimum Lease Standard Division 8 - Lease Dealings	Power, as a lessor, to revoke an offer made under subsection 46AA(2)(a).	Delegation to the CEO
Section 46AA(4A)	Entity Power Given To: A Lessee	Part 6 – Minimum Lease Standard Division 8 - Lease Dealings	Power, as a lessee, to, by written notice to the lessor, ask for an extension of the lease.	Delegation to the CEO
Section 46AA(5)	Entity Power Given To: A Lessor	Part 6 – Minimum Lease Standard Division 8 - Lease Dealings	Power, as a lessee, to terminate the lease before the extended period ends by giving written notice.	Delegation to the CEO
Section 46D	Entity Power Given To: A Lessor	Part 6 – Minimum Lease Standard Division 9 - General Sub-Division 1 - Relocating Lessee's Business	Power, as a lessor, to give the lessee a relocation notice.	Delegation to the CEO
Section 46E(1)	Entity Power Given To: A Lessee	Part 6 – Minimum Lease Standard Division 9 - General Sub-Division 1 - Relocating Lessee's Business	Power, as a lessee who has received a relocation notice, to give the lessor a written notice terminating the lease.	Delegation to the CEO
Section 46E(2)(a)	Entity Power Given To: A Lessee or Lessor	Part 6 – Minimum Lease Standard Division 9 - General Sub-Division 1 - Relocating Lessee's Business	Power, as a lessor or lessee, to agree on the day the lease terminates.	Delegation to the CEO
Section 46E(3)	Entity Power Given To: A Lessee or Lessor	Part 6 – Minimum Lease Standard Division 9 - General Sub-Division 1 - Relocating Lessee's Business	Power, as a lessor or lessee, to agree on an alternative retail shop.	Delegation to the CEO
Section 46E(3)(a)	Entity Power Given To: A Lessee or Lessor	Part 6 – Minimum Lease Standard Division 9 - General Sub-Division 1 - Relocating Lessee's Business	Power, as a lessor or lessee, to agree on the terms and conditions of an alternative retail shop lease.	Delegation to the CEO
Section 46G(2)	Entity Power Given To: A Lessee or Lessor	Part 6 – Minimum Lease Standard Division 9 - General Sub-Division 1 - Relocating Lessee's Business	Power, as a lessor or lessee, to agree on the lessee's reasonable costs of relocation.	Delegation to the CEO
Section 46I	Entity Power Given To: A Lessor	Part 6 – Minimum Lease Standard Division 9 - General Sub-Division 2 - Demolishing Building in Which Lessee's Business is Situated	Power, as a lessor, to give a lessor's termination notice.	Delegation to the CEO
Section 46J	Entity Power Given To: A Lessee	Part 6 – Minimum Lease Standard Division 9 - General Sub-Division 2 - Demolishing Building in Which Lessee's Business is Situated	Power, as a lessee who has received a lessor's termination notice, to give the lessor a lessee's termination notice.	Delegation to the CEO
Section 46K(3)(a)	Entity Power Given To: A Lessee or Lessor	Part 6 – Minimum Lease Standard Division 9 - General Sub-Division 2 - Demolishing Building in Which Lessee's Business is Situated	Power, as a lessor or lessee, to agree on reasonable compensation for loss or damage suffered by the lessee.	Delegation to the CEO
Section 48(3)(d)	Entity Power Given To: A Lessor	Part 6 – Minimum Lease Standard Division 9 - General Sub-Division 3 - Other General Provisions	Power, as a lessor, to give the prospective lessee a copy of the prospective lessor's invoice for expenses for the preparation of the final lease.	Delegation to the CEO
Section 50(1)(b)	Entity Power Given To: A Lessee	Part 6 – Minimum Lease Standard Division 9 - General Sub-Division 3 - Other General Provisions	Power, as a lessee, to give the lessor full particulars of a proposed assignment of the lease and asked the lessor, in writing, to consent to it.	Delegation to the CEO
Section 50(1)(c)	Entity Power Given To: A Lessor	Part 6 – Minimum Lease Standard Division 9 - General Sub-Division 3 - Other General Provisions	Power, as a lessor, to respond to a proposed assignment of the lease by the lessee.	Delegation to the CEO
Section 52(c)	Entity Power Given To: An Eligible Lessee	Part 7 - Retail Shop Lease Trading Hours	Power, as an eligible lessee, to cast a vote in a secret ballot.	Delegation to the CEO
Section 55	Entity Power Given To: A Party to a Retail Tenancy Dispute	Part 8 - Retail Tenancy Dispute Resolution Division 2 - Mediation of Retail Tenancy Disputes	Power, as a party to a retail tenancy dispute that is within a mediator's jurisdiction under section 97, to lodge notice of the dispute with the chief executive.	Delegation to the CEO
Section 57	Entity Power Given To: A Party to a Retail Tenancy Dispute	Part 8 - Retail Tenancy Dispute Resolution Division 2 - Mediation of Retail Tenancy Disputes	Power, as a party to a retail tenancy dispute, to represent Council at the mediation conference and conduct Council's case.	Delegation to the CEO
Section 61	Entity Power Given To: A Party to a Retail Tenancy Dispute	Part 8 - Retail Tenancy Dispute Resolution Division 2 - Mediation of Retail Tenancy Disputes	Power, as a party to a retail tenancy dispute, to reach an agreement on the solution of the dispute and sign the mediation agreement.	Delegation to the CEO

Section	Entity Power Given To	Title	Description	Recommendation
Section 64(1)	Entity Power Given To: A Party to a Retail Tenancy Dispute	Part 8 - Retail Tenancy Dispute Resolution Division 3 - Reference of Retail Tenancy Disputes and Applications to QCAT	Power, as a party to a retail tenancy dispute, to apply, as provided under the QCAT Act, to QCAT for an order to resolve the dispute	Delegation to the CEO
Section 91(1)	Entity Power Given To: Person who Lodge Dispute Notice	Part 8 - Retail Tenancy Dispute Resolution Division 5 - General	Power to, by written notice given to the chief executive, withdraw a dispute notice lodged for a retail tenancy dispute	Delegation to the CEO
Section 113(2)(a)	Entity Power Given To: A Party to the Dispute	Part 9 - Administration Division 3 - Confidentiality, Privilege and Immunity	Power, as a party to the dispute resolution process, to agree to the mediator or former tribunal member disclosing coming to the knowledge of the mediator or member during the dispute resolution process or the hearing	Delegation to the CEO

Schedule 2

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

COUNCIL DELEGATIONS TO CHIEF EXECUTIVE OFFICER

Delegation Register – Working with Children (Risk Management and Screening) Act 2000

Meeting Date: 13 June 2023

Attachment No: 4

Delegations Register – Working with Children (Risk Management and Screening) Act 2000

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 171	Entity Power Given To: Person Who Employs	Chapter 7 - Regulated Employment and Regulated Businesses Part 3 - Risk Management Strategies	Power, as a person who employs someone in employment that is regulated employment, to develop and implement a written strategy about the person's employees that complies with the requirements of subsection 171(1).	Delegation to the CEO
Section 172	Entity Power Given To: Person Who Carries on a Regulated Business	Chapter 7 - Regulated Employment and Regulated Businesses Part 3 - Risk Management Strategies	Power, as a person who carries on a regulated business, to develop and implement a written strategy about the regulated business that complies with the requirements of subsections 172(a) and 172(b).	Delegation to the CEO
Section 173(1)	Entity Power Given To: Employer	Chapter 7 - Regulated Employment and Regulated Businesses Part 4 - Screening Requirements Division 1 - Preliminary	Power as an employer, before giving a notice mentioned in section 175(1)(b) or 176C(1)(b), to take reasonable steps to verify the person's identity.	Delegation to the CEO
Section 173(2)	Entity Power Given To: Employer	Chapter 7 - Regulated Employment and Regulated Businesses Part 4 - Screening Requirements Division 1 - Preliminary	Power as an employer, to give a notice mentioned in section 175(1)(b) or 176C(1)(b), in the approved form and in the approved way.	Delegation to the CEO

Schedule 2

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

COUNCIL DELEGATIONS TO CHIEF EXECUTIVE OFFICER

Delegation Register – Animal Care and Protection Regulation 2012

Meeting Date: 13 June 2023

Attachment No: 5

Delegations Register – Animal Care and Protection Regulation 2012

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 2(2)	Entity Power Given To: Person	Part 2 – Codes of Practice	Power to comply with the requirements of schedules 2A Code of practice about sheep, Code of practice about cattle, 3 Code of practice for transport of livestock , 3AA Code of practice for livestock at depots and saleyards, 3A – Code of practice for breeding of dogs.	Delegation to the CEO
Section 5A	Entity Power Given To: Person in Charge of a Breeding Dog	Part 3 – Miscellaneous Provisions	Power as a person in charge of a breeding dog usually kept at premises to ensure:- (a) the relevant information for the dog is recorded in writing; and (b) the records of the relevant information is kept for 3 years after the later of when the dog is last used for breeding or the dog is no longer kept for breeding .	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.

COUNCIL DELEGATIONS TO CHIEF EXECUTIVE OFFICER

Delegations Register – Medicines and Poisons Act 2019

Meeting Date: 13 June 2023

Attachment No: 6

Delegations Register – Medicines and Poisons Act 2019

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 73(1)	Entity Power Given To: Holder of a Substance Authority	Chapter 3 – Authorising Regulated Activities Part 2 – Authorisations Under Substance Authorities Division 4 – Changes of Circumstances	Power, as the holder of a substance authority, to notify the chief executive of a change in circumstances in relation to the authority.	Delegation to the CEO
Section 73(2)	Entity Power Given To: Holder of a Substance Authority	Chapter 3 – Authorising Regulated Activities Part 2 – Authorisations Under Substance Authorities Division 4 – Changes of Circumstances	Power, as the holder of a substance authority, to apply to amend the substance authority in a stated way, or apply for a new substance authority, by a stated reasonable day.	Delegation to the CEO
Section 75	Entity Power Given To: Holder of a Substance Authority	Chapter 3 – Authorising Regulated Activities Part 3 – Applications for Substance Authorities Division 1 – Initial Applications	Power to apply for a substance authority and pay the fee prescribed by regulation.	Delegation to the CEO
Section 78	Entity Power Given To: Holder of a Substance Authority	Chapter 3 – Authorising Regulated Activities Part 3 – Applications for Substance Authorities Division 2 – Amendments of Substance Authorities	Power, as the holder of a substance authority, to apply to amend the authority and pay the fee prescribed by regulation.	Delegation to the CEO
Section 82	Entity Power Given To: Holder of a Substance Authority	Chapter 3 – Authorising Regulated Activities Part 3 – Applications for Substance Authorities Division 3 – Renewal Applications	Power, as the holder of a substance authority, to make a renewal application and pay the fee prescribed by regulation.	Delegation to the CEO
Section 87(4)	Entity Power Given To: Applicant	Chapter 3 – Authorising Regulated Activities Part 3 – Applications for Substance Authorities Division 4 – Considering Applications Sub-Division 2 - Further Information Requests and Period for Deciding Applications	Power, as an applicant, to comply with a notice received from the chief executive.	Delegation to the CEO
Section 88(1)	Entity Power Given To: Applicant	Chapter 3 – Authorising Regulated Activities Part 3 – Applications for Substance Authorities Division 4 – Considering Applications Subdivision 2 - Further Information Requests and Period for Deciding Applications	Power, as an applicant, to agree with the chief executive on a later day by which the application is to be decided.	Delegation to the CEO
Section 93	Entity Power Given To: Responsible Person for a Regulated Place	Chapter 4 - Managing Regulated Activities Part 2 – Substance Management Plans	Power, as a responsible person for a regulated place, to:- (a) make a substance management plan; (b) make the substance management plan available to staff; and (c) review the substance management.	Delegation to the CEO
Section 97(2)(d)	Entity Power Given To: Holder of an Authority Notice	Chapter 4 - Managing Regulated Activities Part 3 – Administrative Action Division 2 – Taking Administrative Action Generally	Power, as the holder of an authority notice, to respond to a show cause notice.	Delegation to the CEO
Sections 103(1) and (2)	Entity Power Given To: Relevant Person or Holder of an Authority Notice	Chapter 4 - Managing Regulated Activities Part 3 – Administrative Action Division 3 – Immediate or Agreed Administrative Action	Power, as a relevant person or the holder for an authority, to agree to the chief executive taking administrative action.	Delegation to the CEO
Section 103(4)	Entity Power Given To: A Relevant Person	Chapter 4 - Managing Regulated Activities Part 3 – Administrative Action Division 3 – Immediate or Agreed Administrative Action	Power, as a relevant person, to agree with the chief executive to a review day for the administrative action.	Delegation to the CEO

Section	Entity Power Given To	Title	Description	Recommendation
Section 105	Entity Power Given To: Holder of an Authority	Chapter 4 - Managing Regulated Activities Part 3 – Administrative Action Division 4 – Reviewing Administrative Action	Power, as the holder of an authority in relation to which administrative action has been taken, to- a) ask the chief executive, in writing, to review the administrative action; and b) give the chief executive information supporting the request.	Delegation to the CEO
Section 106(2)	Entity Power Given To: Relevant Person or Holder of an Authority	Chapter 4 - Managing Regulated Activities Part 3 – Administrative Action Division 4 – Reviewing Administrative Action	Power, as a relevant person or the holder for an authority, to agree to the chief executive taking further administrative action.	Delegation to the CEO
Section 110	Entity Power Given To: Person Given a Compliance Notice	Chapter 4 - Managing Regulated Activities Part 4 – Compliance Notice	Power to comply with a compliance notice.	Delegation to the CEO
Section 116	Entity Power Given To: A Person	Chapter 5 - Monitoring and Enforcing Part 1 - Special Powers Division 1 - Emerging Risk Declarations	Power to comply with an emerging risk declaration.	Not Relevant to Council
Section 120(2)	Entity Power Given To: A Responsible Person	Chapter 5 - Monitoring and Enforcing Part 1 - Special Powers Division 2 - Recall Orders and Public Warnings Sub-Division 1 - Recall Orders	Power, as a responsible person, to give the chief executive written submissions about why the proposed recall order should not be made.	Not Relevant to Council
Section 121(3)	Entity Power Given To: A Responsible Person	Chapter 5 - Monitoring and Enforcing Part 1 - Special Powers Division 2 - Recall Orders and Public Warnings Sub-Division 1 - Recall Orders	Power, as a responsible person, to give the chief executive written submissions about why the proposed recall order should be revoked.	Not Relevant to Council
Section 125	Entity Power Given To: A Responsible Person	Chapter 5 - Monitoring and Enforcing Part 1 - Special Powers Division 2 - Recall Orders and Public Warnings Sub-Division 1 - Recall Orders	Power to comply with a recall order.	Not Relevant to Council
Section 128(1)	Entity Power Given To: A Person Directly Affected	Chapter 5 - Monitoring and Enforcing Part 1 - Special Powers Division 3 - Compensation	Power, as a person directly affected by an emerging risk declaration or the responsible person for a recall order, to apply to the chief executive for compensation.	Not Relevant to Council
Section 145	Entity Power Given To: An Occupier	Chapter 5 - Monitoring and Enforcing Part 3 - Entry of Places by Inspector Division 2 - Entry by Consent	Power, as an occupier, to consent to the entry by an inspector, with or without conditions, and sign an acknowledgement of the consent.	Delegation to the CEO
Section 160	Entity Power Given To: A Person of Whom a Help Requirement Has Been Made	Chapter 5 - Monitoring and Enforcing Part 4 - Other Inspectors' Powers and Related Matters Division 2 - General Powers of Inspectors After Entering Places	Power, as a person of whom a help requirement has been made, to comply with the requirement.	Delegation to the CEO
Section 165	Entity Power Given To: A Person	Chapter 5 - Monitoring and Enforcing Part 4 - Other Inspectors' Powers and Related Matters Division 3- Seizure by Inspectors and Forfeiture Sub-Division 2 - Powers to Support Seizure	Power to comply with a requirement made under section 164(2)(c).	Delegation to the CEO
Section 169(3)	Entity Power Given To: An Owner	Chapter 5 - Monitoring and Enforcing Part 4 - Other Inspectors' Powers and Related Matters Division 3- Seizure by Inspectors and Forfeiture Subdivision 3 - Safeguards For Seized Things	Power, as the owner of a thing that was seized, to apply to the chief executive for its return.	Delegation to the CEO
Section 178(1)	Entity Power Given To: A Person of Whom a Document Production Requirement Has Been Made	Chapter 5 - Monitoring and Enforcing Part 4 - Other Inspectors' Powers and Related Matters Division 5 - Other Information- Obtaining Powers of Inspectors	Power to comply with a document production requirement.	Delegation to the CEO
Section 179(1)	Entity Power Given To: A Person of Whom a Document Certification Requirement Has Been Made	Chapter 5 - Monitoring and Enforcing Part 4 - Other Inspectors' Powers and Related Matters Division 5 - Other Information- Obtaining Powers of Inspectors	Power to comply with a document certification requirement.	Delegation to the CEO

Section	Entity Power Given To	Title	Description	Recommendation
Section 181(1)	Entity Power Given To: A Person of Whom a Requirement is Made	Chapter 5 - Monitoring and Enforcing Part 4 - Other Inspectors' Powers and Related Matters Division 5 - Other Information- Obtaining Powers of Inspectors	Power to comply with a requirement to give information made under section 180(2).	Delegation to the CEO
Section 184(1)	Entity Power Given To: A Person	Chapter 5 - Monitoring and Enforcing Part 5 - Miscellaneous Provisions Relating to Inspectors Division 2 - Compensation	Power to claim compensation from the State if the Council incurs loss because of the exercise, or purported exercise, of a power by or for an inspector.	Delegation to the CEO
Section 198(1)	Entity Power Given To: An Affected Person for an Original Decision	Chapter 6 - Reviews and Legal Proceedings Part 1 - Review of Decisions Division 2 - Internal Review	Power, as an affected person for an original decision, to apply to the chief executive for internal review.	Delegation to the CEO
Section 198(2)	Entity Power Given To: An Affected Person for an Original Decision	Chapter 6 - Reviews and Legal Proceedings Part 1 - Review of Decisions Division 2 - Internal Review	Power, as an affected person for an original decision, to ask the chief executive for an information notice for the decision.	Delegation to the CEO
Section 200(2)	Entity Power Given To: An Affected Person	Chapter 6 - Reviews and Legal Proceedings Part 1 - Review of Decisions Division 2 - Internal Review	Power, as an affected person, to agree with the chief executive for a longer period for the chief executive to comply with the subsection 200(1).	Delegation to the CEO
Section 201(1)	Entity Power Given To: An Affected Person	Chapter 6 - Reviews and Legal Proceedings Part 1 - Review of Decisions Division 3 - Stays	Power, as an affected person, to apply to QCAT, in the way provided under the QCAT Act, for a stay of the operation of the decision.	Delegation to the CEO
Section 202(2)	Entity Power Given To: A Person given a QCAT Information Notice for a Decision	Chapter 6 - Reviews and Legal Proceedings Part 1 - Review of Decisions Division 4 - External Review	Power, as a person given a QCAT information notice for a decision, to apply to QCAT, as provided under the QCAT Act, for a review of the internal review decision or a decision about compensation under section 128.	Delegation to the CEO
Section 203	Entity Power Given To: A Person Given an Information Notice for a Property Decision	Chapter 6 - Reviews and Legal Proceedings Part 1 - Review of Decisions Division 5 - Appeals	Power, as a person given an information notice for a property decision, to: (a) appeal to a Magistrates Court against the decision; (b) make an application to extend the time for filing the notice of appeal (if necessary); (c) serve a copy of the notice of appeal, and any application, on the chief executive.	Delegation to the CEO
Section 204(1)	Entity Power Given To: A Person Given an Information Notice for a Property Decision	Chapter 6 - Reviews and Legal Proceedings Part 1 - Review of Decisions Division 5 - Appeals	Power to apply to the Magistrates Court for a stay of a property decision.	Delegation to the CEO

Schedule 2

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

COUNCIL DELEGATIONS TO CHIEF EXECUTIVE OFFICER

Delegation Register – Medicines and Poisons (Pest Management Activities) Regulation 2021

Meeting Date: 13 June 2023

Attachment No: 7

Delegations Register – Medicines and Poisons (Pest Management Activities) Regulation 2021

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 41	Entity Power Given To: A Qualified Person	Part 4 – Requirements for Carrying Out Pest Management Activities Division 2 – Using Fumigants or Pesticides	Power, as a qualified person, to use a fumigant or pesticide for a pest management activity in accordance with the approved label.	Not Relevant to Council
Section 42	Entity Power Given To: A Qualified Person	Part 4 – Requirements for Carrying Out Pest Management Activities Division 3 - Labels, Containers and Storage	Power, as a qualified person, to take all reasonable steps to ensure a container used in relation to carrying out a pest management activity has the characteristics required by the section.	Not Relevant to Council
Section 43	Entity Power Given To: A Qualified Person	Part 4 – Requirements for Carrying Out Pest Management Activities Division 3 - Labels, Containers and Storage	Power, as a qualified person, to take all reasonable steps to ensure a label complying with the section is attached to the outside of the container.	Not Relevant to Council
Section 44(1)	Entity Power Given To: A Qualified Person	Part 4 – Requirements for Carrying Out Pest Management Activities Division 3 - Labels, Containers and Storage	Power, as a qualified person, to ensure a fumigant or pesticide stored or transported in a vehicle is packed or placed in a way that prevents:- (a) any damage to the packaging of the fumigant or pesticide; and (b) any leakage or escape of the fumigant or pesticide.	Not Relevant to Council
Section 44(2)	Entity Power Given To: A Qualified Person	Part 4 – Requirements for Carrying Out Pest Management Activities Division 3 - Labels, Containers and Storage	Power, as a qualified person, to take all reasonable steps to prevent another person from accessing a vehicle in which a fumigant or pesticide is stored or transported.	Not Relevant to Council
Section 45	Entity Power Given To: A Qualified Person	Part 4 – Requirements for Carrying Out Pest Management Activities Division 3 - Labels, Containers and Storage	Power, as a qualified person, to store a fumigant or pesticide not being used by the person at a place in a way that prevents:- (a) damage to the packaging of the fumigant or pesticide; (b) any leakage or escape of the fumigant or pesticide; (c) access to the fumigant or pesticide by another person who is not a qualified person.	Not Relevant to Council
Section 46	Entity Power Given To: A Qualified Person	Part 4 – Requirements for Carrying Out Pest Management Activities Division 4 - Documentation	Power, as a qualified person, to make a record stating each of the matters required by the section for each pest management activity carried out.	Not Relevant to Council
Section 47	Entity Power Given To: A Qualified Person	Part 4 – Requirements for Carrying Out Pest Management Activities Division 5 - Incidents	Power, after becoming aware of the leakage or escape of a fumigant or pesticide, to take the action required by the section.	Not Relevant to Council
Section 48	Entity Power Given To: A Qualified Person	Part 4 – Requirements for Carrying Out Pest Management Activities Division 5 - Incidents	Power, as a qualified person, to dispose of a container used for a fumigant or pesticide in the way required by the section.	Not Relevant to Council
Section 49	Entity Power Given To: A Qualified Person	Part 4 – Requirements for Carrying Out Pest Management Activities Division 5 - Incidents	Power, as a qualified person, to notify the chief executive of an incident referred to in subsection 49(1).	Not Relevant to Council
Section 50	Entity Power Given To: A Qualified Person	Part 4 – Requirements for Carrying Out Pest Management Activities Division 5 - Incidents	Power, as a qualified person, to notify the chief executive of a suspicious product.	Not Relevant to Council
Section 52	Entity Power Given To: A Business Operator	Part 5 - Offences Division 1 - Business Operators Sub-Division 1 - Obligations in Relation to Employees	Power, as a business operator, to take all reasonable steps to ensure each pest management trainee employed by the operator:- (a) is supervised by a licensed technician while carrying out any pest management activity; and (b) receives training that is appropriate for the pest management activities carried out by the trainee and the trainee's level of competency.	Delegation to the CEO
Section 53	Entity Power Given To: A Business Operator	Part 5 - Offences Division 1 - Business Operators Sub-Division 1 - Obligations in Relation to Employees	Power, as a business operator, to take all reasonable steps to ensure the equipment, document or vehicle is suitable for carrying out the pest management activity.	Delegation to the CEO
Section 55	Entity Power Given To: A Business Operator	Part 5 - Offences Division 1 - Business Operators Sub-Division 2 - Vehicles	Power, as a business operator, to ensure a pest management vehicle used for a fumigant or pesticide complies with the requirements of the section.	Delegation to the CEO
Section 56	Entity Power Given To: A Business Operator	Part 5 - Offences Division 1 - Business Operators Sub-Division 2 - Vehicles	Power, as a business operator, to ensure the information required by the section is printed on the exterior of a pest management vehicle in English in a way that can be easily read.	Delegation to the CEO
Section 57	Entity Power Given To: A Business Operator	Part 5 - Offences Division 1 - Business Operators Sub-Division 3 - Places	Power, as a business operator, to take all reasonable steps to ensure the place used for storing a fumigant or pesticide complies with the requirements of the section.	Delegation to the CEO

Section	Entity Power Given To	Title	Description	Recommendation
Section 58	Entity Power Given To: A Business Operator	Part 5 - Offences Division 1 - Business Operators Sub-Division 4 - Documentation	Power, as a business operator, to keep a record of:- (a) the contact details of each of the operator's employees carrying out pest management activities; and (b) any notifiable incidents reported to the chief executive under section 49 in relation to the operator's pest management business.	Delegation to the CEO
Section 59	Entity Power Given To: A Business Operator	Part 5 - Offences Division 1 - Business Operators Sub-Division 4 - Documentation	Power, as a business operator in the circumstance provided in subsection 59(1) to:- (a) take all reasonable steps to ensure the employee complies with the requirement; and (b) keep any record given to the operator in compliance with the requirement.	Delegation to the CEO
Section 60(2)	Entity Power Given To: The Manager of a Place	Part 5 - Offences Division 2 - Managers	Power, as the manager of a place who has a pre-treatment pest control advice for a pest control activity, to give notice to the attendees of the matters stated in the advice.	Delegation to the CEO
Section 60(3)	Entity Power Given To: The Manager of a Place	Part 5 - Offences Division 2 - Managers	Power, as the manager of a place who has received a post-treatment pest control advice for a pest control activity, to give notice to the attendees of the matters stated in the advice or make the advice available for inspection at the place, and give the attendees notice of the place where, and the times when, the attendees may inspect the advice.	Delegation to the CEO
Section 70(2)	Entity Power Given To: A Person with a Hard Copy Document	Part 6 - Administration Division 2 - Miscellaneous	Power, as a person given a hard copy document evidencing a pest management licence, to apply to the chief executive for a replacement of the document.	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.

COUNCIL DELEGATIONS TO CHIEF EXECUTIVE OFFICER

Delegation Register – Medicines and Poisons (Poisons and Prohibited Substances) Regulation 2021

Meeting Date: 13 June 2023

Attachment No: 8

Delegations Register – Medicines and Poisons (Poisons and Prohibited Substances) Regulation 2021

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 22(1)	Entity Power Given To: The Holder of a General Approval	Chapter 2 - Standard Conditions for Substance Authorities Part 2 - Conditions for Particular Types of Substance Authorities Division 2 - General Approval for Controlling Invasive Animals	Power, as the holder of a general approval, to satisfy the competency requirements stated in the competency standard that relate to the type of approval held.	Delegation to the CEO
Section 22(2)	Entity Power Given To: The Holder of a General Approval	Chapter 2 - Standard Conditions for Substance Authorities Part 2 - Conditions for Particular Types of Substance Authorities Division 2 - General Approval for Controlling Invasive Animals	Power, as the holder of a general approval, to take all reasonable steps to ensure that every person dealing with a restricted S7 poison under the approval satisfies, and continues to satisfy, the relevant competency requirements stated in the competency standard.	Delegation to the CEO
Section 23	Entity Power Given To: The Holder of a General Approval	Chapter 2 - Standard Conditions for Substance Authorities Part 2 - Conditions for Particular Types of Substance Authorities Division 2 - General Approval for Controlling Invasive Animals	Power, as the holder of a general approval, to take all reasonable steps to ensure that every person dealing with a restricted S7 poison under the approval complies with the departmental standard called 'Dealing with restricted S7 poisons for invasive animal control'.	Delegation to the CEO
Section 38	Entity Power Given To: The Holder of a General Approval	Chapter 2 - Standard Conditions for Substance Authorities Part 3 - Conditions for Particular Regulated Poisons Division 4 - Disposal of Particular Hazardous Poisons	Power, as the holder of a general approval, to take all reasonable steps to ensure that waste from an S7 substance disposed of under the authority is destroyed under the supervision of an authorised supervisor for the authority.	Delegation to the CEO
Section 40	Entity Power Given To: The Holder of a Substance Authority	Chapter 2 - Standard Conditions for Substance Authorities Part 4 - Notification Conditions Division 1 - Conditions for All Regulated Poisons	Power, as the holder of a substance authority, to give the chief executive notice of the changes proposed by the holder.	Delegation to the CEO
Section 41	Entity Power Given To: The Holder of a Substance Authority	Chapter 2 - Standard Conditions for Substance Authorities Part 4 - Notification Conditions Division 1 - Conditions for All Regulated Poisons	Power, as the holder of a substance authority, to give the chief executive notice if the holder proposes to stop carrying out a dealing with a regulated poison under the authority.	Delegation to the CEO
Section 43	Entity Power Given To: The Holder of a Substance Authority	Chapter 2 - Standard Conditions for Substance Authorities Part 4 - Notification Conditions Division 2 - Conditions for Restricted S7 or High-risk Poisons	Power, as the holder of a substance authority, to give the chief executive notice if:- (a) an amount of a restricted S7 poison or high-risk poison possessed under the authority is not accounted for; (b) a release of a restricted S7 poison or high-risk poison possessed under the authority causes, or is likely to cause, someone to require medical treatment.	Delegation to the CEO
Section 47	Entity Power Given To: A Buyer of a Regulated Poison	Chapter 3 - Requirements for Dealings Part 2 - Buying Regulated Poisons by Wholesale	Power, as a buyer of a regulated poison, to give a written purchase order for the poison to the supplier.	Delegation to the CEO
Section 49	Entity Power Given To: A Buyer of a Regulated Poison	Chapter 3 - Requirements for Dealings Part 2 - Buying Regulated Poisons by Wholesale	Power, as a buyer of a regulated poison, to give a supplier information demonstrating that the buyer is authorised under the Act to buy the poison.	Delegation to the CEO
Section 50	Entity Power Given To: A Buyer of a Regulated Poison	Chapter 3 - Requirements for Dealings Part 2 - Buying Regulated Poisons by Wholesale	Power, as a buyer of a regulated poison, to keep the invoice received from the supplier.	Delegation to the CEO
Section 56(1)	Entity Power Given To: A Buyer of a Restricted S7 Poison or High-risk Poison	Chapter 3 - Requirements for Dealings Part 3 - Supplying Regulated Poisons Division 1 - Supply to Buyers	Power, as a buyer of a restricted S7 poison or high-risk poison, to sign a document confirming receipt of the poison.	Delegation to the CEO
Section 59(1)	Entity Power Given To: A Person who is Authorised to Supply a Low-risk Fluoroacetic Acid Bait	Chapter 3 - Requirements for Dealings Part 3 - Supplying Regulated Poisons Division 2 - Supply of Low-risk Fluoroacetic Acid Bait	Power, as a person who is authorised to supply a low-risk fluoroacetic acid bait, to supply it to a person mentioned in schedule 2, section 15 or 17.	Delegation to the CEO
Section 59(2)	Entity Power Given To: A Person	Chapter 3 - Requirements for Dealings Part 3 - Supplying Regulated Poisons Division 2 - Supply of Low-risk Fluoroacetic Acid Bait	Power to give the landholder a copy of the departmental standard called 'Dealing with restricted S7 poisons for invasive animal control' when supplying the low-risk fluoroacetic acid bait.	Delegation to the CEO
Section 62	Entity Power Given To: A Person Authorised to Apply a Regulated Poison	Chapter 3 - Requirements for Dealings Part 4 - Other Dealings with Regulated Poisons	Power, as a person authorised to apply a regulated poison, to comply with the requirements of the section.	Delegation to the CEO

Section	Entity Power Given To	Title	Description	Recommendation
Section 63	Entity Power Given To: A Person who is Authorised to Possess a Low-risk Fluoroacetic Acid Bait	Chapter 3 - Requirements for Dealings Part 4 - Other Dealings with Regulated Poisons	Power, as a person authorised to possess a low-risk fluoroacetic acid bait, to possess the bait in the way stated in the departmental standard called 'Dealing with restricted S7 poisons for invasive animal control'.	Delegation to the CEO
Section 64	Entity Power Given To: A Person Authorised to Possess an S7 Substance	Chapter 3 - Requirements for Dealings Part 4 - Other Dealings with Regulated Poisons	Power, as a person authorised to possess an S7 substance, to comply with the requirements of the section.	Delegation to the CEO
Section 65	Entity Power Given To: A Person Authorised to Dispose of Waste	Chapter 3 - Requirements for Dealings Part 4 - Other Dealings with Regulated Poisons	Power, as a person authorised to dispose of waste from a low-risk fluoroacetic acid bait, to dispose of the waste in the way stated in the departmental standard called 'Dealing with restricted S7 poisons for invasive animal control'.	Delegation to the CEO
Section 83(2)	Entity Power Given To: A Person Given a Hard Copy Document	Chapter 6 - Administration Part 1 - Administration by Chief Executive	Power, as a person given a hard copy document evidencing a substance authority for a dealing with a regulated poison, to apply to the chief executive for a replacement of the document.	Delegation to the CEO

Schedule 2

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

COUNCIL DELEGATIONS TO CHIEF EXECUTIVE OFFICER

Delegation Register – Building Fire Safety Regulation 2008

Meeting Date: 13 June 2023

Attachment No: 9

Delegations Register – Building Fire Safety Regulation 2008

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 8(3)	Entity Power Given To: Occupier of a Building	Part 2 – Mean of Escape from Buildings Division 2 – Keeping Evacuation Routes Free from Obstruction - General	Power, as the occupier of a building, to take reasonable steps to ensure that a person does not obstruct an evacuation route of the building.	Delegation to the CEO
Section 11(2)	Entity Power Given To: Occupier of a Building	Part 2 – Mean of Escape from Buildings Division 2 – Keeping Evacuation Routes Free from Obstruction - General	Power, as the occupier of a building, to ensure that a door on an evacuation route of the building is not locked, if the occupier knows, or reasonably ought to know, that a person is within the building on the internal side of the door.	Delegation to the CEO
Section 12(3)	Entity Power Given To: Occupier of a Building	Part 2 – Mean of Escape from Buildings Division 2 – Keeping Evacuation Routes Free from Obstruction - General	Power, as the occupier of a building, in the circumstances set out in subsection 12(1), to ensure that a door on an evacuation route of the building cannot be locked in a way that would be likely to unduly restrict, hinder or delay a custodian for the occupant in opening the door.	Delegation to the CEO
Section 13(4)	Entity Power Given To: Owner or Occupier of a Building	Part 2 – Mean of Escape from Buildings Division 4 – Keeping Evacuation Routes Free from Obstruction - Air Space	Power, as the owner or occupier of a building, to ensure that a person does not:- (a) install or alter a mechanical ventilation or air conditioning system in the building in contravention of subsection 13(1), or (b) do another act in contravention of subsection 13(2).	Delegation to the CEO
Section 16	Entity Power Given To: Occupier of a Building	Part 3 - Occupancy Limits for Buildings	Power, as the occupier of a building, to ensure that the number of persons in the building at any one time is not more than the maximum number that may be accommodated under subsection 16(1) or (2).	Delegation to the CEO
Section 21(2)	Entity Power Given To: Occupier of a Building	Part 4 - Evacuation Planning, Instruction and Practice Division 2 – Fire and Evacuation Plans Sub-Division 1 - Keeping Fire and Evacuation Plans in Specified Form	Power, as the occupier of a building, to ensure that the fire and evacuation plan for the building:- (a) is kept in written form; and (b) states the matters mentioned in subsection 21(3); and (c) includes:- (i) the evacuation diagram of the building; and (ii) if an evacuation diagram has been made for a part of the building—the evacuation diagram of the part of the building.	Delegation to the CEO
Section 22(2)	Entity Power Given To: Managing Entity	Part 4 - Evacuation Planning, Instruction and Practice Division 2 – Fire and Evacuation Plans Sub-Division 1 - Keeping Fire and Evacuation Plans in Specified Form	Power, as a managing entity, in the circumstances set out in subsection 22(1), to ensure that the fire and evacuation plan takes into account the evacuation coordination procedures stated in the fire and evacuation plans for all parts of the building occupied by secondary occupiers.	Delegation to the CEO
Section 23(2)	Entity Power Given To: Second Occupier of a Multi-occupancy Building	Part 4 - Evacuation Planning, Instruction and Practice Division 2 – Fire and Evacuation Plans Sub-Division 1 - Keeping Fire and Evacuation Plans in Specified Form	Power, as a secondary occupier of part of a multi-occupancy building, in the circumstances set out in subsection 23(1), to ensure that the fire and evacuation plan for the part of the building complements the evacuation coordination procedures under the fire and evacuation plan kept by the managing entity for the building.	Delegation to the CEO
Section 24(2)	Entity Power Given To: Occupier of a Building	Part 4 - Evacuation Planning, Instruction and Practice Division 2 – Fire and Evacuation Plans Sub-Division 1 - Keeping Fire and Evacuation Plans in Specified Form	Power, as the occupier of a building, in the circumstances set out in subsection 24(1), to ensure that:- (a) a record of the fire safety management procedure is included in the building's fire and evacuation plan; and (b) the plan adequately reflects the procedure.	Delegation to the CEO
Sections 25(1) and (2)	Entity Power Given To: Occupier of a Building	Part 4 - Evacuation Planning, Instruction and Practice Division 2 – Fire and Evacuation Plans Sub-Division 1 - Keeping Fire and Evacuation Plans in Specified Form	Power, as the occupier of a building, to:- (a) take reasonable steps to obtain the relevant approval documents for the building; and (b) keep a relevant approval document for the building, or a copy of the document, with the building's fire and evacuation plan.	Delegation to the CEO
Section 26(1)	Entity Power Given To: Occupier of a Building	Part 4 - Evacuation Planning, Instruction and Practice Division 2 – Fire and Evacuation Plans Sub-Division 2 - Other Matters Relating to Keeping Fire and Evacuation Plans	Power, as the occupier of a building, to:- (a) ensure the fire and evacuation plan for the building is made available for inspection in the building during its normal business hours; and (b) allow an interested person to inspect the fire and evacuation plan free of charge.	Delegation to the CEO
Section 26(2)	Entity Power Given To: Occupier of a Building	Part 4 - Evacuation Planning, Instruction and Practice Division 2 – Fire and Evacuation Plans Sub-Division 2 - Other Matters Relating to Keeping Fire and Evacuation Plans	Power, as the occupier of a building, to:- (a) inspect the fire and evacuation plan for the building at any reasonable time; and (b) copy the plan.	Delegation to the CEO
Section 27(1)	Entity Power Given To: Occupier of a Building	Part 4 - Evacuation Planning, Instruction and Practice Division 2 – Fire and Evacuation Plans Sub-Division 2 - Other Matters Relating to Keeping Fire and Evacuation Plans	Power, as the occupier of a building, to change the fire evacuation plan in the circumstances listed in subsection 27(1).	Delegation to the CEO
Section 27(2)	Entity Power Given To: Managing Entity of a Multi-occupancy Building	Part 4 - Evacuation Planning, Instruction and Practice Division 2 – Fire and Evacuation Plans Sub-Division 2 - Other Matters Relating to Keeping Fire and Evacuation Plans	Power, as the managing entity of a multi-occupancy building who changes the fire and evacuation plan for the building, to give written notice of the change.	Delegation to the CEO
Section 27(4)	Entity Power Given To: Second Occupier of a part of a Multi-occupancy Building	Part 4 - Evacuation Planning, Instruction and Practice Division 2 – Fire and Evacuation Plans Sub-Division 2 - Other Matters Relating to Keeping Fire and Evacuation Plans	Power, as the secondary occupier of a part of a multi-occupancy building who changes the fire and evacuation plan for the part of the building, to give written notice of the change.	Delegation to the CEO

Section	Entity Power Given To	Title	Description	Recommendation
Sections 28(1) and (2)	Entity Power Given To: Occupier of a Building	Part 4 - Evacuation Planning, Instruction and Practice Division 2 - Fire and Evacuation Plans Sub-Division 2 - Other Matters Relating to Keeping Fire and Evacuation Plans	Power, as the occupier of a building, to:- (a) carry out a review of the fire and evacuation plan for the building; (b) keep a written record of the review; and (c) if the building is a high occupancy building—give a copy of the record to the fire safety adviser for the building.	Delegation to the CEO
Section 30(1)	Entity Power Given To: Occupier of a Building	Part 4 - Evacuation Planning, Instruction and Practice Division 3 - Evacuation Signs and Diagrams	Power, as the occupier of a building, to display evacuation signs and evacuation diagrams for the building in compliance with subsections 30(2) and (3).	Delegation to the CEO
Sections 32(2) and (3)	Entity Power Given To: Occupier of a Building	Part 4 - Evacuation Planning, Instruction and Practice Division 5 - Fire and Evacuation Instructions - Buildings used for Temporary Events	Power, as the occupier of a building in the circumstances set out in subsection 32(1), to:- (a) give the person general evacuation instructions and first-response evacuation instructions for the building; and (b) give the evacuation coordination instructions for the building to the persons responsible for carrying out the evacuation coordination procedures under the fire and evacuation plan for the building.	Delegation to the CEO
Section 34(1)	Entity Power Given To: Occupier of a High Occupancy Building	Part 4 - Evacuation Planning, Instruction and Practice Division 6 - Fire and Evacuation Instructions - Other Buildings Sub-Division 2 - Fire Safety Advisers	Power, as the occupier of a high occupancy building, to appoint a person who holds a current building fire safety qualification as the fire safety adviser for the building.	Delegation to the CEO
Section 35(1)	Entity Power Given To: Occupier of a Building	Part 4 - Evacuation Planning, Instruction and Practice Division 6 - Fire and Evacuation Instructions - Other Buildings Sub-Division 3 - General Evacuation Instructions	Power, as the occupier of a building, to give general evacuation instructions for the building to each person working in the building at intervals of not more than 1 year.	Delegation to the CEO
Section 35(2)	Entity Power Given To: Occupier of a Building	Part 4 - Evacuation Planning, Instruction and Practice Division 6 - Fire and Evacuation Instructions - Other Buildings Sub-Division 3 - General Evacuation Instructions	Power, as the occupier of a building, to give general evacuation instructions for the building to a person who starts working in the building no later than 2 days after the person starts working in the building.	Delegation to the CEO
Section 35(4)	Entity Power Given To: Occupier of a Building	Part 4 - Evacuation Planning, Instruction and Practice Division 6 - Fire and Evacuation Instructions - Other Buildings Sub-Division 3 - General Evacuation Instructions	Power, as the occupier of a building in the circumstances set out in subsection 35(3), to give the general evacuation instructions for the building, as changed, to each person working in the building no later than 1 month after the change.	Delegation to the CEO
Section 36(1) and 37	Entity Power Given To: Occupier of a Building	Part 4 - Evacuation Planning, Instruction and Practice Division 6 - Fire and Evacuation Instructions - Other Buildings Sub-Division 4 - First - Response Evacuation Instructions	Power, as the occupier of a building, to give first-response evacuation instructions for the building to each person working in the building at intervals of not more than 2 years.	Delegation to the CEO
Section 36(2) and 37	Entity Power Given To: Occupier of a Building	Part 4 - Evacuation Planning, Instruction and Practice Division 6 - Fire and Evacuation Instructions - Other Buildings Sub-Division 4 - First - Response Evacuation Instructions	Power, as the occupier of a building, to give first-response evacuation instructions for the building to a person who starts working in the building no later than 1 month after the person starts working in the building.	Delegation to the CEO
Sections 36(4) and 37	Entity Power Given To: Occupier of a Building	Part 4 - Evacuation Planning, Instruction and Practice Division 6 - Fire and Evacuation Instructions - Other Buildings Sub-Division 4 - First - Response Evacuation Instructions	Power, as the occupier of a building in the circumstances set out in subsection 36(3), to give the first-response evacuation instructions for the building, as changed, to each person working in the building no later than 1 month after the change.	Delegation to the CEO
Section 38(1)	Entity Power Given To: Occupier of a Building	Part 4 - Evacuation Planning, Instruction and Practice Division 6 - Fire and Evacuation Instructions - Other Buildings Sub-Division 5 - Evacuation Coordination Instructions	Power, as the occupier of a building, to give the evacuation coordination instructions for the building to the responsible persons.	Delegation to the CEO
Section 38(4)	Entity Power Given To: Occupier of a Building	Part 4 - Evacuation Planning, Instruction and Practice Division 6 - Fire and Evacuation Instructions - Other Buildings Sub-Division 5 - Evacuation Coordination Instructions	Power, as the occupier of a building in the circumstances set out in subsection 38(3), to give the evacuation coordination instructions for the building, as changed, to the responsible persons no later than 1 month after the change.	Delegation to the CEO
Section 39(2)	Entity Power Given To: Occupier of a Building	Part 4 - Evacuation Planning, Instruction and Practice Division 6 - Fire and Evacuation Instructions - Other Buildings Sub-Division 5 - Evacuation Coordination Instructions	Power, as the occupier of a building in the circumstances set out in subsection 39(1), to give the evacuation coordination instructions to the person within 1 month before the person becomes responsible for carrying out the evacuation coordination procedure.	Delegation to the CEO
Section 40(2)	Entity Power Given To: Entity who start to Occupy a Building	Part 4 - Evacuation Planning, Instruction and Practice Division 6 - Fire and Evacuation Instructions - Other Buildings Sub-Division 5 - Evacuation Coordination Instructions	Power, as an entity who start to occupy a building, to give the evacuation coordination instructions for the building to the persons responsible for carrying out the evacuation coordination procedures under the building's fire and evacuation plan.	Delegation to the CEO

Section	Entity Power Given To	Title	Description	Recommendation
Section 43(2)	Entity Power Given To: Occupier of a Budget Accommodation Building	Part 4 - Evacuation Planning, Instruction and Practice Division 7 - Evacuation Practice	Power, as the occupier of a budget accommodation building, to ensure that an evacuation of the building is carried out in accordance with the building's fire and evacuation plan at intervals of not more than 1 year.	Delegation to the CEO
Section 44(2)	Entity Power Given To: Occupier of a Building other than a Budget Accommodation	Part 4 - Evacuation Planning, Instruction and Practice Division 7 - Evacuation Practice	Power, as the occupier of a building other than a budget accommodation, to ensure that an evacuation of the building is carried out in accordance with the requirements of the subsection.	Delegation to the CEO
Section 45(1)	Entity Power Given To: Occupier of a Building	Part 4 - Evacuation Planning, Instruction and Practice Division 8 - Records	Power, as the occupier of a building, to keep a fire and evacuation instruction record for each occasion fire and evacuation instructions for the building are given to a person.	Delegation to the CEO
Section 46(1)	Entity Power Given To: Occupier of a Building	Part 4 - Evacuation Planning, Instruction and Practice Division 8 - Records	Power, as the occupier of a building, to keep an evacuation practice record of each evacuation of the building carried out under section 43 or 44.	Delegation to the CEO
Sections 48(1) and (2)	Entity Power Given To: Owner of an Accommodation Unit in a Building	Part 4 - Evacuation Planning, Instruction and Practice Division 9 - Obligation of Owners of Accommodation Units	Power, as the owner of an accommodation unit in a building, to display in the unit a sign that complies with subsections 48(1) and (2).	Delegation to the CEO
Section 54(1)	Entity Power Given To: Occupier of a Building	Part 5 - Prescribed Fire Safety Installations Division 3 - Obligations of Occupiers	Power, as the occupier of a building, to ensure that maintenance of each prescribed fire safety installation for the building is carried out by an appropriately qualified person.	Delegation to the CEO
Section 54(2)	Entity Power Given To: Occupier of a Building	Part 5 - Prescribed Fire Safety Installations Division 3 - Obligations of Occupiers	Power, as the occupier of a building, to ensure that each prescribed fire safety installation for the building is inspected and tested at intervals in compliance with QDC, part MP6.1.	Delegation to the CEO
Section 54(4)	Entity Power Given To: Occupier of a Building	Part 5 - Prescribed Fire Safety Installations Division 3 - Obligations of Occupiers	Power, as the occupier of a building in the circumstances set out in subsection 54(3), to ensure that the repair is carried out or the corrective action is taken.	Delegation to the CEO
Section 55(1)	Entity Power Given To: Occupier of a Building	Part 5 - Prescribed Fire Safety Installations Division 3 - Obligations of Occupiers	Power, as the occupier of a building, to keep a record of maintenance, in compliance with subsections 55(2) and (3), for the maintenance of each prescribed fire safety installation for the building.	Delegation to the CEO
Section 55A	Entity Power Given To: Occupier of a Building	Part 5 - Prescribed Fire Safety Installations Division 3 - Obligations of Occupiers	Power, as the occupier of a building, to:- (a) prepare an occupier statement; (b) keep a copy of each occupier statement with the record of maintenance; and (c) give the commissioner a copy of the statement.	Delegation to the CEO
Section 55B(2)	Entity Power Given To: Occupier	Part 5 - Prescribed Fire Safety Installations Division 3 - Obligations of Occupiers	Power, as an occupier in the circumstances listed in subsection 55B(1), to keep with the fire safety management plan for the building:- (a) the record of maintenance for the building; and (b) the occupier statements prepared under section 55A for the building.	Delegation to the CEO
Section 57(4)	Entity Power Given To: Applicant of whom the Assessment Service has been provided	Part 6 - Fees for Assessment and Inspection of Required Special Fire Services Division 1 - Preliminary	Power, as the applicant for whom the assessment service has been provided, to pay the amount.	Delegation to the CEO
Section 59(2)	Entity Power Given To: The Applicant for the stated Building Work	Part 6 - Fees for Assessment and Inspection of Required Special Fire Services Division 2 - Assessment and Inspection of Special Fire Services - No Fire Engineering Brief	Power, as the applicant for the stated building work, to pay the base fee.	Delegation to the CEO
Section 60(2)	Entity Power Given To: Applicant for the stated Building Work	Part 6 - Fees for Assessment and Inspection of Required Special Fire Services Division 2 - Assessment and Inspection of Special Fire Services - No Fire Engineering Brief	Power, as the applicant for the stated building work other than stated building work mentioned in section 59, to pay the base fee and the special fire service fee.	Delegation to the CEO
Section 62(1)	Entity Power Given To: Applicant for the stated Building Work	Part 6 - Fees for Assessment and Inspection of Required Special Fire Services Division 3 - Assessment and Inspection of Special Fire Services - Fire Engineering Brief	Power, as the applicant for the stated building work, to pay the assessment and inspection fee, the research fee, the fire engineering brief consultation fee and the fire engineering brief meeting fee.	Delegation to the CEO
Section 63(2)	Entity Power Given To: Applicant for the stated Building Work	Part 6 - Fees for Assessment and Inspection of Required Special Fire Services Division 3 - Assessment and Inspection of Special Fire Services - Fire Engineering Brief	Power, as the applicant in the circumstances listed in subsection 63(1), to pay the research fee and the minor performance meeting fee.	Delegation to the CEO

Section	Entity Power Given To	Title	Description	Recommendation
Section 64(2)	Entity Power Given To: The Applicant for the stated Building Work	Part 6 - Fees for Assessment and Inspection of Required Special Fire Services Division 3 - Assessment and Inspection of Special Fire Services - Fire Engineering Brief	Power, as the applicant in the circumstances listed in subsection 64(1), to pay the service the reasonable travelling and accommodation costs of the representative attending the meeting.	Delegation to the CEO
Section 64A(2)	Entity Power Given To: Applicant for the stated Building Work	Part 6 - Fees for Assessment and Inspection of Required Special Fire Services Division 3A - Assessment and Inspection of Special Fire Services - Combustible Cladding Rectification Work	Power, as the applicant for stated building work that is combustible cladding rectification work only, to pay the pay the service a fee for assessing or inspecting a required special fire service for the stated building work	Delegation to the CEO
Section 65(2)	Entity Power Given To: Applicant for the stated Building Work	Part 6 - Fees for Assessment and Inspection of Required Special Fire Services Division 4 - Other Fees for Assessment and Inspection of Special Fire Services	Power, as the applicant in the circumstances listed in subsection 65(1), to pay the reassessment fee.	Delegation to the CEO
Section 66(2)	Entity Power Given To: Applicant for the stated Building Work	Part 6 - Fees for Assessment and Inspection of Required Special Fire Services Division 4 - Other Fees for Assessment and Inspection of Special Fire Services	Power, as the applicant in the circumstances listed in subsection 66(1), to pay the general inspection fee.	Delegation to the CEO
Section 67(2)	Entity Power Given To: Applicant	Part 6 - Fees for Assessment and Inspection of Required Special Fire Services Division 4 - Other Fees for Assessment and Inspection of Special Fire Services	Power, as the applicant in the circumstances listed in subsection 67(1), to pay the general inspection fee.	Delegation to the CEO
Section 68(2)	Entity Power Given To: Applicant	Part 6 - Fees for Assessment and Inspection of Required Special Fire Services Division 4 - Other Fees for Assessment and Inspection of Special Fire Services	Power, as the applicant in the circumstances listed in subsection 68(1), to pay the reinspection fee.	Delegation to the CEO
Section 69(2)	Entity Power Given To: Owner	Part 6 - Fees for Assessment and Inspection of Required Special Fire Services Division 4 - Other Fees for Assessment and Inspection of Special Fire Services	Power, as the owner of the building in the circumstances listed in subsection 69(1), to pay the general inspection fee.	Delegation to the CEO
Section 71(2)	Entity Power Given To: Owner	Part 7 - Miscellaneous Division 1 - Documents	Power, as the owner or occupier of the building in the circumstances listed in subsection 71(1), to keep a copy of the plan or document in the way required by the subsection.	Delegation to the CEO
Section 74(2)	Entity Power Given To: A Person who Proposes to make a Building Development Application	Part 7 - Miscellaneous Division 2 - Fees	Power, as a person who proposes to make a building development application in the circumstances listed in subsection 74(1), to pay the fees required by the subsection.	Delegation to the CEO
Section 75(2)	Entity Power Given To: A Person with an interest in a Building	Part 7 - Miscellaneous Division 2 - Fees	Power, as a person with an interest in a building who gives the service a written request for a fire safety report for the building, to pay the fee.	Delegation to the CEO

Schedule 2**Limitations to the Exercise of Power**

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

COUNCIL DELEGATIONS TO CHIEF EXECUTIVE OFFICER

Delegation Register – Justices Act 1886

Meeting Date: 13 June 2023

Attachment No: 10

Delegations Register – Justices Act 1886

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 42(1)	Entity Power Given To: Complainant	Part 4 - General Procedure Division 1 - Complaints	Power to commence a proceeding under the Justices Act 1886 by a complaint in writing.	Delegation to the CEO
Section 222(1)	Entity Power Given To: Person	Part 9 - Appeals from the Decisions of Justices Division 1 - Appeal to a District Court Judge	Power to appeal to the District Court an order made by justices or a justice in a summary way on a complaint for an offence or breach of duty.	Delegation to the CEO

Schedule 2

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

COUNCIL DELEGATIONS TO CHIEF EXECUTIVE OFFICER

Delegation Register – Summary Offences Regulation 2016 - Clean

Meeting Date: 13 June 2023

Attachment No: 11

Delegations Register – Summary Offences Regulation 2016

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 10(1)(a)	Entity Power Given To: Local Government	Part 2 – Driving of Motorbikes on Public Land	Power to consult with an entity that intends to make an application for an area of public land to be prescribed as motorbike control land about the proposal.	Delegation to the CEO
Section 14(3)	Entity Power Given To: Local Government	Part 2 – Driving of Motorbikes on Public Land	Power, as entity having a legitimate interest in the area, to consult with a government entity for the purposes of reviewing the number and location of prescribed areas of motorbike control land.	Delegation to the CEO

Schedule 2

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

COUNCIL DELEGATIONS TO CHIEF EXECUTIVE OFFICER

Delegation Register – Transport Infrastructure (Public Marine Facilities) Regulation 2011 - Clean

Meeting Date: 13 June 2023

Attachment No: 12

Delegations Register – Transport Infrastructure (Public Marine Facilities) Regulation 2011

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 5, 7, and Schedule 1	Entity Power Given To: Manager of a public marine facility	Part 2 – Public marine facilities management Division 1 – Management	Power to manage the public marine facilities listed in schedule 1.	Delegation to the CEO
Section 6(b)(i)	Entity Power Given To: Manager of a public marine facility	Part 2 – Public marine facilities management Division 1 – Management	Power, as a manager of a public marine facility, to give written approval for the use of the facility for a commercial purpose.	Delegation to the CEO
Section 79	Entity Power Given To: Manager of a non-State managed boat harbour	Part 6 – General Division 1 – Fees	Power, as a manager of a non-State managed boat harbour, to pay to the chief executive the fees stated in schedule 3 for each mooring in the boat harbour.	Not Relevant to Council
Section 81(2)	Entity Power Given To: Manager of a non-State managed boat harbour	Part 6 – General Division 1 – Fees	Power, as a manager of a non-State managed boat harbour, to ask the chief executive to enter into another arrangement for the payment of fees under section 79.	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.

COUNCIL DELEGATIONS TO CHIEF EXECUTIVE OFFICER

Delegation Register – Acquisition of Land Act 1967 - Clean

Meeting Date: 13 June 2023

Attachment No: 13

Delegations Register – Acquisition of Land Act 1967

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 4B(2)	Entity Power Given To: Entity	Part 1 – Preliminary	Power as an entity taking the resource interest to give the relevant Chief Executive for the resource interest written notice.	Delegation to the CEO
Section 7	Entity Power Given To: Constructing Authority	Part 2 – Taking Of Land Division 2 – Taking Other Than By Agreement	Power to prepare, serve and amend a notice of intention to resume, to discontinue a resumption and to give notice to the land registry.	Delegation to the CEO
Section 8	Entity Power Given To: Constructing Authority	Part 2 – Taking Of Land Division 2 – Taking Other Than By Agreement	Power to hear the objector, consider the grounds of objection to the taking of land and to amend the notice of intention to resume or discontinue the resumption.	Delegation to the CEO
Section 9	Entity Power Given To: Constructing Authority	Part 2 – Taking Of Land Division 2 – Taking Other Than By Agreement	Power to apply to the Minister that the land be taken and to respond to requests from the Minister for further particulars or information.	Delegation to the CEO
Section 12(2A)	Entity Power Given To: Constructing Authority	Part 2 – Taking Of Land Division 2 – Taking Other Than By Agreement	Power, where the estate or interest is such that provision is made by the Land Title Act 1994 for its registration, to apply to the Registrar of Titles for registration, to produce a gazette copy of the gazette resumption notice and pay the prescribed fee.	Delegation to the CEO
Section 12(3)	Entity Power Given To: Constructing Authority	Part 2 – Taking Of Land Division 2 – Taking Other Than By Agreement	Power, where the land taken is part of land subject to a building units plan registered under the Building Units and Group Titles Act 1980, to pay the prescribed fees to the Registrar of Titles.	Delegation to the CEO
Section 12(3A)	Entity Power Given To: Constructing Authority	Part 2 – Taking Of Land Division 2 – Taking Other Than By Agreement	Power, where the land taken is scheme land for a community titles scheme under the Body Corporate and Community Management Act 1997, to pay the prescribed fees to the Registrar of Titles.	Delegation to the CEO
Section 12(4B)	Entity Power Given To: Constructing Authority	Part 2 – Taking Of Land Division 2 – Taking Other Than By Agreement	Power to deal with land mentioned in subsection (4) for the purpose for which it is taken on and from the day it is taken, even though the land is yet to be dedicated, granted, leased or otherwise dealt with under subsection (4A).	Delegation to the CEO
Section 12(5A)	Entity Power Given To: Constructing Authority	Part 2 – Taking Of Land Division 2 – Taking Other Than By Agreement	Power to agree with a claimant on the amount of compensation payable.	Delegation to the CEO
Section 12(7)	Entity Power Given To: Constructing Authority	Part 2 – Taking Of Land Division 2 – Taking Other Than By Agreement	Power to serve the gazette resumption notice upon every person who is entitled, pursuant to section 18, to claim compensation or is a mortgagee of the land.	Delegation to the CEO
Section 12A	Entity Power Given To: Constructing Authority	Part 2 – Taking Of Land Division 2 – Taking Other Than By Agreement	Power to lodge with the registrar of titles a plan of survey showing a new boundary for a lot or common property.	Delegation to the CEO
Section 12B	Entity Power Given To: Constructing Authority	Part 2 – Taking Of Land Division 2 – Taking Other Than By Agreement	Power to dedicate land taken under the Act as a road.	Delegation to the CEO
Section 13(1) and (1A)	Entity Power Given To: Constructing Authority	Part 2 – Taking Of Land Division 2 – Taking Other Than By Agreement	Power to take additional land.	Delegation to the CEO
Sections 13(2) and (2A)	Entity Power Given To: Constructing Authority	Part 2 – Taking Of Land Division 2 – Taking Other Than By Agreement	Power to take additional land.	Delegation to the CEO
Section 13(3)	Entity Power Given To: Constructing Authority	Part 2 – Taking Of Land Division 2 – Taking Other Than By Agreement	Power to sell or otherwise deal with additional land taken.	Delegation to the CEO
Section 15B	Entity Power Given To: Constructing Authority	Part 2 – Taking Of Land Division 3 – Taking By Agreement Subdivision 2 – Process For Taking	Power to take land pursuant to a resumption agreement and to take all steps necessary to prepare and enter the resumption agreement.	Delegation to the CEO
Section 15C	Entity Power Given To: Constructing Authority	Part 2 – Taking Of Land Division 3 – Taking By Agreement Subdivision 2 – Process For Taking	Power to apply to the relevant Minister to take land pursuant to a resumption agreement and to respond to requests from the Minister for further particulars or information.	Delegation to the CEO
Section 15D	Entity Power Given To: Constructing Authority	Part 2 – Taking Of Land Division 3 – Taking By Agreement Subdivision 2 – Process For Taking	Power to declare by gazette notice that land taken pursuant to a resumption agreement is taken for the purpose stated in the notice.	Delegation to the CEO
Section 16(1)	Entity Power Given To: Constructing Authority	Part 3 – Discontinuance Of Taking Of Land	Power to serve a notice of discontinuance of a resumption.	Delegation to the CEO

Section	Entity Power Given To	Title	Description	Recommendation
Section 16(1B)	Entity Power Given To: Constructing Authority	Part 3 – Discontinuance Of Taking Of Land	Power to agree with the claimant about the amount of compensation payable under subsection (1A) or to refer the issue for determination by the Land Court.	Delegation to the CEO
Section 16(1C)	Entity Power Given To: Constructing Authority	Part 3 – Discontinuance Of Taking Of Land	Power to have the amount of compensation payable under subsection (1A) taxed by an officer of the Supreme Court.	Delegation to the CEO
Section 17(1)	Entity Power Given To: Gazetting Authority	Part 3 – Discontinuance Of Taking Of Land	Power as a gazetting authority to, by gazette notice, revoke a gazette resumption notice.	Delegation to the CEO
Section 17(1A)	Entity Power Given To: Gazetting Authority	Part 3 – Discontinuance Of Taking Of Land	Power to agree in writing with the person entitled as owner to compensation in respect of the taking of the land to the revesting of the land or part of it, to which a gazette resumption notice will relate.	Delegation to the CEO
Section 17(2)(c)	Entity Power Given To: Constructing Authority	Part 3 – Discontinuance Of Taking Of Land	Power to lodge a gazette copy of the revoking gazette notice with the land registry.	Delegation to the CEO
Section 17(5)	Entity Power Given To: Constructing Authority	Part 3 – Discontinuance Of Taking Of Land	Power to agree upon the amount of compensation to be paid under subsection (4) or to agree that the amount be determined by the Land Court.	Delegation to the CEO
Section 17(5)	Entity Power Given To: Constructing Authority	Part 3 – Discontinuance Of Taking Of Land	Power to refer the determination of the amount of compensation to be paid under subsection (4) to the Land Court.	Delegation to the CEO
Section 19	Entity Power Given To: Constructing Authority	Part 4 – Compensation	Power to accept and deal with a claim for compensation served by the claimant within 3 years after the day the land was taken.	Delegation to the CEO
Section 19(4) and (6)	Entity Power Given To: Constructing Authority	Part 4 – Compensation	Power to accept and deal with a claim for compensation served by the claimant more than 3 years after the day the land was taken.	Delegation to the CEO
Section 21(1)	Entity Power Given To: Constructing Authority	Part 4 – Compensation	Power to grant the claimant, in satisfaction wholly or partly of the claimant's claim for compensation, any easement, right of way, lease or other right of occupation, or any other right, privilege or concession in, upon, over or under the land taken or any other land the property of Council.	Delegation to the CEO
Section 21(1A)	Entity Power Given To: Constructing Authority	Part 4 – Compensation	Power to agree to transfer land held in fee simple by Council to the claimant in satisfaction wholly or partly of the Claimants claim for compensation.	Delegation to the CEO
Section 21(2)	Entity Power Given To: Constructing Authority	Part 4 – Compensation	Power to agree with the claimant that the extent to which the grant or transfer shall satisfy the claim for compensation be determined by the Land Court.	Delegation to the CEO
Section 23(2)	Entity Power Given To: Constructing Authority	Part 4 – Compensation	Power to make an advance on compensation to the Claimant.	Delegation to the CEO
Section 23(5)	Entity Power Given To: Constructing Authority	Part 4 – Compensation	Power to, before paying the advance, require the claimant to satisfy Council regarding taxes, rates and other moneys which, if unpaid, would be a charge upon the land, and to decide to reduce an advance by any such amount.	Delegation to the CEO
Section 23(6)	Entity Power Given To: Constructing Authority	Part 4 – Compensation	Power to reduce the advance by the sum due to the mortgagee.	Delegation to the CEO
Section 23(7)	Entity Power Given To: Constructing Authority	Part 4 – Compensation	Power to pay to Council, the Crown or a mortgagee any amount by which the advance has been reduced.	Delegation to the CEO
Section 24(1)	Entity Power Given To: Constructing Authority	Part 4 – Compensation	Power to refer a claim for compensation to the Land Court.	Delegation to the CEO
Section 24(4)	Entity Power Given To: Constructing Authority	Part 4 – Compensation	Power to apply to the Land Court for further or other particulars of a claim for compensation.	Delegation to the CEO
Section 25(1)	Entity Power Given To: Constructing Authority	Part 4 – Compensation	Power to apply to the Land Court for the Claimant to enter an appearance on the reference.	Delegation to the CEO
Section 29 and 30	Entity Power Given To: Constructing Authority	Part 4 – Compensation	Power to pay the amount of compensation agreed upon or determined into the Supreme Court.	Delegation to the CEO
Section 32	Entity Power Given To: Constructing Authority	Part 4 – Compensation	Power to pay to a mortgagee so much of the amount of compensation as does not exceed the sum due to the mortgagee.	Delegation to the CEO

Section	Entity Power Given To	Title	Description	Recommendation
Section 35	Entity Power Given To: Constructing Authority	Part 4 – Compensation	Power to deduct from an amount of compensation and pay to the Crown or to Council any amount of taxes, rates or other moneys charged upon the land taken in favour of the Crown or Council.	Delegation to the CEO
Section 36(1)	Entity Power Given To: Constructing Authority	Part 5 – General	Power to authorise a person to exercise the powers in section 36(1) on Council's behalf.	Delegation to the CEO
Section 36(3)	Entity Power Given To: Constructing Authority	Part 5 – General	Power to give 7 days notice in writing of the intention to enter land.	Delegation to the CEO
Section 37(1)	Entity Power Given To: Constructing Authority	Part 5 – General	Power to temporarily occupy and use any land for the purpose of constructing, maintaining or repairing any works and to exercise the powers prescribed in subsection (1).	Delegation to the CEO
Section 37(2)	Entity Power Given To: Constructing Authority	Part 5 – General	Power to give notice to the occupier or owner of the intention to temporarily occupy and use the land.	Delegation to the CEO
Section 37(5)	Entity Power Given To: Constructing Authority	Part 5 – General	Power to agree with the claimant upon the amount of compensation to be paid under section 37 or to agree that such amount be determined by the Land Court.	Delegation to the CEO
Section 38(1)	Entity Power Given To: Constructing Authority	Part 5 – General	Power to issue a warrant to the sheriff to deliver up possession of the land taken or occupied under the Act.	Delegation to the CEO
Section 41(1)	Entity Power Given To: Constructing Authority	Part 5 – General	Power to offer for sale land taken under the Act to the former owner of the land.	Delegation to the CEO

Schedule 2**Limitations to the Exercise of Power**

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

COUNCIL DELEGATIONS TO CHIEF EXECUTIVE OFFICER

Delegation Register – Local Government Act 2009 - Clean

Meeting Date: 13 June 2023

Attachment No: 14

Delegations Register – Local Government Act 2009

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 10	Entity Power Given To: Local Government	Chapter 2 – Local governments Part 1 – Local governments and their constitution, responsibilities and powers	Power to conduct a joint government activity.	To Remain with Council
Section 11(c)	Entity Power Given To: Local Government	Chapter 2 – Local governments Part 1 – Local governments and their constitution, responsibilities and powers	Power to start a legal proceeding in the name of Council.	Delegation to the CEO
Section 16	Entity Power Given To: Local Government	Chapter 2 – Local governments Part 2 – Divisions of local government areas	Power to: (a) review whether each division of its local government area has a reasonable proportion of electors for each councillor elected for the division; and (b) give the electoral commissioner and the Minister written notice of the results of the review no later than 1 March in the year before the quadrennial elections.	Delegation to the CEO
Section 19	Entity Power Given To: Local Government	Chapter 2 – Local governments Part 3 – Changing a local government area, name or representation Division 2 – The process for change	Power to make submissions to the change commission in response to a request for submissions in relation to a proposed local government change.	To Remain with Council
Section 29(1)	Entity Power Given To: Local Government	Chapter 3 – The business of local governments Part 1 – Local laws Division 2 – Making, recording and reviewing local laws	Power to decide the local government's process for making a local law consistent with Chapter 3, Part 1 of the <i>Local Government Act 2009</i> .	Delegation to the CEO
Section 29A(3)	Entity Power Given To: Local Government	Chapter 3 – The business of local governments Part 1 – Local laws Division 2 – Making, recording and reviewing local laws	Power to consult with relevant government entities about the overall State interest in a proposed local law.	Delegation to the CEO
Section 46(2)	Entity Power Given To: Local Government	Chapter 3 – The business of local governments Part 2 – Beneficial enterprises and business activities Division 2 – Business Reform, Including Competitive Neutrality	Power to conduct a public benefit assessment of a new significant business activity.	To Remain with Council
Section 46(5)	Entity Power Given To: Local Government	Chapter 3 – The business of local governments Part 2 – Beneficial enterprises and business activities Division 2 – Business Reform, Including Competitive Neutrality	Power to prepare a report on the public benefit assessment in accordance with section 46(5) of the <i>Local Government Act 2009</i> .	To Remain with Council
Section 47(9)	Entity Power Given To: Local Government	Chapter 3 – The business of local governments Part 2 – Beneficial enterprises and business activities Division 2 – Business Reform, Including Competitive Neutrality	Power to apply a code of competitive conduct to a business activity other than a business activity prescribed under a regulation.	To Remain with Council
Section 60	Entity Power Given To: Local Government	Chapter 3 – The Business Of Local Government Part 3 – Roads And Other Infrastructure Division 1 – Roads	Power to exercise control of all roads in the local government area including the ability to survey and resurvey roads, construct, maintain and improve roads, approve the naming and numbering of private roads, and name and number other roads.	Delegation to the CEO
Section 61	Entity Power Given To: Local Government	Chapter 3 – The Business Of Local Government Part 3 – Roads And Other Infrastructure Division 1 – Roads	Power to give the owner of land a notice of intention to acquire land.	Delegation to the CEO
Section 61(6)	Entity Power Given To: Local Government	Chapter 3 – The Business Of Local Government Part 3 – Roads And Other Infrastructure Division 1 – Roads	Power to lodge the copy of a notice of intention to acquire land with the Registrar of Titles for registration on the instrument of title to the land.	Delegation to the CEO
Section 62	Entity Power Given To: Local Government	Chapter 3 – The Business Of Local Government Part 3 – Roads And Other Infrastructure Division 1 – Roads	Power to decide a claim for compensation for a notice of intention to acquire land.	Delegation to the CEO
Section 64	Entity Power Given To: Local Government	Chapter 3 – The Business Of Local Government Part 3 – Roads And Other Infrastructure Division 1 – Roads	Power to acquire land after service of notice of intention to acquire instead of paying compensation for injurious affection.	Delegation to the CEO
Section 64	Entity Power Given To: Local Government	Chapter 3 – The Business Of Local Government Part 3 – Roads And Other Infrastructure Division 1 – Roads	Power to assess compensation for acquisition of land.	Delegation to the CEO

Section	Entity Power Given To	Title	Description	Recommendation
Section 65(3)	Entity Power Given To: Local Government	Chapter 3 – The Business Of Local Government Part 3 – Roads And Other Infrastructure Division 1 – Roads	Power to serve notice of decision not to proceed to acquire land the subject of a notice of intention to acquire.	Delegation to the CEO
Section 65(4)	Entity Power Given To: Local Government	Chapter 3 – The Business Of Local Government Part 3 – Roads And Other Infrastructure Division 1 – Roads	Power to withdraw notice of intention to acquire land.	Delegation to the CEO
Section 65(4)	Entity Power Given To: Local Government	Chapter 3 – The Business Of Local Government Part 3 – Roads And Other Infrastructure Division 1 – Roads	Power to lodge with the Registrar of Titles for registration a notice of a decision not to proceed with, or to withdraw, notice of intention of realignment of the road or part of the road.	Delegation to the CEO
Section 66	Entity Power Given To: Local Government	Chapter 3 – The Business Of Local Government Part 3 – Roads And Other Infrastructure Division 1 – Roads	Power to assess and pay the owner of land reasonable compensation for decrease in value of land because of decision not to proceed with realignment of a road or part of a road after giving a notice of intention to acquire land and structural improvements have been made on land that adjoins the road.	Delegation to the CEO
Section 67	Entity Power Given To: Local Government	Chapter 3 – The Business Of Local Government Part 3 – Roads And Other Infrastructure Division 1 – Roads	Power to acquire land that adjoins a road for use as a footpath.	Delegation to the CEO
Section 68	Entity Power Given To: Local Government	Chapter 3 – The Business Of Local Government Part 3 – Roads And Other Infrastructure Division 1 – Roads	Power to submit objection to application for opening or closing of road in local government area by someone other than the local government.	Delegation to the CEO
Section 69(1)	Entity Power Given To: Local Government	Chapter 3 – The Business Of Local Government Part 3 – Roads And Other Infrastructure Division 1 – Roads	Power to close a road (permanently or temporarily) to all traffic, or traffic of a particular class, if there is another road or route reasonably available for use by the traffic.	Delegation to the CEO
Section 69(2)	Entity Power Given To: Local Government	Chapter 3 – The Business Of Local Government Part 3 – Roads And Other Infrastructure Division 1 – Roads	Power to close a road to all traffic, or traffic of a particular class: (a) during a temporary obstruction to traffic; or (b) if it is in the interests of public safety; or (c) if it is necessary or desirable to close the road for a temporary purpose (including a fair, for example).	Delegation to the CEO
Section 69(3)	Entity Power Given To: Local Government	Chapter 3 – The Business Of Local Government Part 3 – Roads And Other Infrastructure Division 1 – Roads	Power to publish notice of closing of road.	Delegation to the CEO
Section 69(4)	Entity Power Given To: Local Government	Chapter 3 – The Business Of Local Government Part 3 – Roads And Other Infrastructure Division 1 – Roads	Power to do everything necessary to stop traffic using the road after it is closed.	Delegation to the CEO
Section 69(5)	Entity Power Given To: Local Government	Chapter 3 – The Business Of Local Government Part 3 – Roads And Other Infrastructure Division 1 – Roads	Power to permit the use of any part of a road after it is closed to traffic for a temporary purpose subject to appropriate conditions.	Delegation to the CEO
Section 70(2)	Entity Power Given To: Local Government	Chapter 3 – The Business Of Local Government Part 3 – Roads And Other Infrastructure Division 1 – Roads	Power to make a temporary road through land adjoining the road to be used while the road is being remade or repaired.	Delegation to the CEO
Section 70(3) and (4)	Entity Power Given To: Local Government Employee Or Contractor	Chapter 3 – The Business Of Local Government Part 3 – Roads And Other Infrastructure Division 1 – Roads	Power to agree with the owner or occupier of the land regarding local government entry and the giving of written or oral notice as specified in section 70(3) and (4) of the <i>Local Government Act 2009</i> .	Delegation to the CEO
Section 70(7) and (8)	Entity Power Given To: Local Government	Chapter 3 – The Business Of Local Government Part 3 – Roads And Other Infrastructure Division 1 – Roads	Power to agree with the owner of land the amount of compensation for physical damage caused by local government entering, occupying or using land under section 70 of the <i>Local Government Act 2009</i> .	Delegation to the CEO
Section 71(1) and (3)	Entity Power Given To: Local Government	Chapter 3 – The Business Of Local Government Part 3 – Roads And Other Infrastructure Division 1 – Roads	Power to fix and advise the owner or occupier or change the permanent level of a road under section 71 of the <i>Local Government Act 2009</i> .	Delegation to the CEO
Section 71(4)	Entity Power Given To: Local Government	Chapter 3 – The Business Of Local Government Part 3 – Roads And Other Infrastructure Division 1 – Roads	Power to agree the amount of compensation payable under section 71 of the <i>Local Government Act 2009</i> .	Delegation to the CEO
Section 72(2)	Entity Power Given To: Local Government	Chapter 3 – The Business Of Local Government Part 3 – Roads And Other Infrastructure Division 1 – Roads	Power, in the circumstances set out in subsection 72(1), to require the entity that is conducting the activity to provide information, that will enable the local government to assess the impact of the activity on the road.	Delegation to the CEO

Section	Entity Power Given To	Title	Description	Recommendation
Section 72(3)	Entity Power Given To: Local Government	Chapter 3 – The Business Of Local Government Part 3 – Roads And Other Infrastructure Division 1 – Roads	Power, in the circumstances set out in subsection 72(1), to assess impact of the activity on the road.	Delegation to the CEO
Section 72(3)(a) and (b)	Entity Power Given To: Local Government	Chapter 3 – The Business Of Local Government Part 3 – Roads And Other Infrastructure Division 1 – Roads	Power to give the entity conducting an activity a direction about the use of the road to lessen the impact or to require the entity to carry out works to lessen the impact or to pay an amount as compensation for the impact.	Delegation to the CEO
Section 72(5)	Entity Power Given To: Local Government	Chapter 3 – The Business Of Local Government Part 3 – Roads And Other Infrastructure Division 1 – Roads	Power to recover an amount of compensation payable under subsection 72(3)(b)(ii) in a court.	Delegation to the CEO
Section 73	Entity Power Given To: Local Government	Chapter 3 – The Business Of Local Government Part 3 – Roads And Other Infrastructure Division 1 – Roads	Power to categorise the roads in the local government area according to the surface of the road.	Delegation to the CEO
Section 74(1)	Entity Power Given To: Local Government	Chapter 3 – The Business Of Local Government Part 3 – Roads And Other Infrastructure Division 1 – Roads	Power to prepare and keep up to date a map of every road including private roads in the local government area and a register of roads showing the category of every road, the level of every road that has a fixed level and other particulars prescribed under a regulation.	Delegation to the CEO
Section 75	Entity Power Given To: Local Government	Chapter 3 – The Business Of Local Government Part 3 – Roads And Other Infrastructure Division 1 – Roads	Power to approve the carrying out of works on a road or interference with a road or its operation subject to conditions.	Delegation to the CEO
Section 77	Entity Power Given To: Local Government	Chapter 3 – The Business Of Local Government Part 3 – Roads And Other Infrastructure Division 2 – Stormwater Drains	Power to, by written notice, require the owner of a property to connect a stormwater installation for the property to the local government's stormwater drain in the way, under the conditions and within the time stated in the notice.	Delegation to the CEO
Section 77	Entity Power Given To: Local Government	Chapter 3 – The Business Of Local Government Part 3 – Roads And Other Infrastructure Division 2 – Stormwater Drains	Power to give approval for the connection of a stormwater installation to a local government's stormwater drain (including the imposition of conditions) in accordance with section 77 of the <i>Local Government Act 2009</i> .	Delegation to the CEO
Section 78	Entity Power Given To: Local Government	Chapter 3 – The Business Of Local Government Part 3 – Roads And Other Infrastructure Division 2 – Stormwater Drains	Power to give a notice, requiring the owner of a property to perform sewerage installation works.	Delegation to the CEO
Section 79	Entity Power Given To: Local Government	Chapter 3 – The Business Of Local Government Part 3 – Roads And Other Infrastructure Division 2 – Stormwater Drains	Power to perform work to fix damage and recover reasonable costs for the work from a person who puts a prohibited substance in the stormwater drain.	Delegation to the CEO
Section 80B	Entity Power Given To: Local Government	Chapter 3 – The Business Of Local Government Part 3 – Roads And Other Infrastructure Division 3 – Other Matters	Power to provide a ferry service across a water course under section 80B of the <i>Local Government Act 2009</i> including the leasing of the right to provide the ferry service.	To Remain with Council
Section 90B	Entity Power Given To: Local Government	Chapter 3 – The Business Of Local Government Part 5 – Caretaker Period Arrangements	Power to apply to the Minister for approval to make a major policy decision during the caretaker period for an election for the local government.	To Remain with Council
Section 95	Entity Power Given To: Local Government	Chapter 4 – Finances And Accountability Part 1 – Rates And Charges	Power to register a charge over the land for overdue rates and charges under section 95 of the <i>Local Government Act 2009</i> .	Delegation to the CEO
Section 95	Entity Power Given To: Local Government	Chapter 4 – Finances And Accountability Part 1 – Rates And Charges	Power to lodge documents with the Registrar of Titles for release of the charge if overdue rates and charges are paid.	Delegation to the CEO
Section 104(1)	Entity Power Given To: Local Government	Chapter 4 – Finances And Accountability Part 3 – Financial Planning and Accountability	Power to establish a system of financial management, except those parts of the system that must be adopted by resolution (e.g. corporate plan, budget and operational plan).	Delegation to the CEO
Section 104(6)	Entity Power Given To: Local Government	Chapter 4 – Finances And Accountability Part 3 – Financial Planning and Accountability	Power to regularly review and update the financial policies of Council.	To Remain with Council
Section 104(7)	Entity Power Given To: Local Government	Chapter 4 – Finances And Accountability Part 3 – Financial Planning and Accountability	Power to carry out a review of the implementation of the annual operational plan annually.	Delegation to the CEO
Section 105(1)	Entity Power Given To: Local Government	Chapter 4 – Finances And Accountability Part 3 – Financial Planning and Accountability	Power to establish an efficient and effective internal audit function.	Delegation to the CEO
Section 105(2)	Entity Power Given To: Local Government	Chapter 4 – Finances And Accountability Part 3 – Financial Planning and Accountability	Power, as a large local government, to establish an audit committee.	To Remain with Council
Section 107(1)	Entity Power Given To: Local Government	Chapter 4 – Finances And Accountability Part 3 – Financial Planning and Accountability	Power to maintain public liability insurance and professional indemnity insurance.	Delegation to the CEO

Section	Entity Power Given To	Title	Description	Recommendation
Section 107(3)	Entity Power Given To: Local Government	Chapter 4 – Finances And Accountability Part 3 – Financial Planning and Accountability	Power to enter into a contract of insurance with WorkCover Queensland or another insurer to cover its Councillors.	Delegation to the CEO
Section 110	Entity Power Given To: Local Government	Chapter 4 – Finances And Accountability Part 4 – Councillor's Financial Accountability	Power to give the public notice of the disbursement of funds not provided for in the local government's budget.	Delegation to the CEO
Section 120(3)(d)	Entity Power Given To: Local Government	Chapter 5 – Monitoring And Enforcing The Local Government Acts Part 1 – Local Governments Division 3 – Action By The Minister	Power to make submissions to the Minister about the Minister's proposed exercise of the power.	To Remain with Council
Section 133	Entity Power Given To: Local Government	Chapter 5 – Monitoring And Enforcing The Local Government Acts Part 2 – The Public Division 1 – Power Of Authorised Persons	Power to give, or attempt to give, the occupier of the property a written notice that informs the occupier of the local government's intention to enter the property.	Delegation to the CEO
Section 137	Entity Power Given To: Local Government	Chapter 5 – Monitoring And Enforcing The Local Government Acts Part 2 – The Public Division 1 – Power Of Authorised Persons	Power to assess, agree and pay compensation for damage or loss incurred by a person because of the exercise, or purported exercise, of a power under division 1 part 2 chapter 5 of the <i>Local Government Act 2009</i> .	Delegation to the CEO
Section 138(5)	Entity Power Given To: Local Government	Chapter 5 – Monitoring And Enforcing The Local Government Acts Part 2 – The Public Division 2 – Powers Of Other Persons	Power to authorise an employee or agent of the local government to act as a local government worker.	Delegation to the CEO
Section 138A(1)	Entity Power Given To: Local Government	Chapter 5 – Monitoring And Enforcing The Local Government Acts Part 2 – The Public Division 2 – Powers Of Other Persons	Power to give each local government worker an identity card.	Delegation to the CEO
Section 142(2)	Entity Power Given To: Local Government	Chapter 5 – Monitoring And Enforcing The Local Government Acts Part 2 – The Public Division 2 – Powers Of Other Persons	Power to give a reasonable entry notice, as defined by section 138AA(4), to the occupier of a property that a local government worker may enter the property and take action required under a remedial notice.	Delegation to the CEO
Section 142(4)	Entity Power Given To: Local Government	Chapter 5 – Monitoring And Enforcing The Local Government Acts Part 2 – The Public Division 2 – Powers Of Other Persons	Power to recover as a debt the amount that the local government properly and reasonably incurs in taking the action from the person who failed to take the action.	Delegation to the CEO
Section 142(8)	Entity Power Given To: Local Government	Chapter 5 – Monitoring And Enforcing The Local Government Acts Part 2 – The Public Division 2 – Powers Of Other Persons	Power to recover a debt payable under section 142 of the <i>Local Government Act 2009</i> as if the debt were an overdue rate.	Delegation to the CEO
Section 143	Entity Power Given To: Local Government	Chapter 5 – Monitoring And Enforcing The Local Government Acts Part 2 – The Public Division 2 – Powers Of Other Persons	Power to give reasonable entry notice, as defined by section 138AA(4), to the owner and the occupier of rateable land of entry by a local government worker to search for and remove materials.	Delegation to the CEO
Section 147	Entity Power Given To: Local Government	Chapter 5 – Monitoring And Enforcing The Local Government Acts Part 2 – The Public Division 2 – Powers Of Other Persons	Power to agree and to pay the amount of compensation payable to a person who incurs damage or loss during the course of the exercise or purported exercise of a power under division 2, part 2, chapter 5 of the <i>Local Government Act 2009</i> .	Delegation to the CEO
Section 150P(2)	Entity Power Given To: Government Entity	Chapter 5A – Councillor Conduct Part 3 – Dealing with Inappropriate Conduct, Misconduct and Corrupt Conduct Division 2 – Complaints about Councillor Conduct	Power, as a government entity, to refer a complaint about the conduct of a councillor to the assessor and give the assessor all information held by the entity that relates to the complaint.	Delegation to the CEO
Section 150S(2)	Entity Power Given To: Local Government	Chapter 5A – Councillor Conduct Part 3 – Dealing with Inappropriate Conduct, Misconduct and Corrupt Conduct Division 3 – Local Government Duties to Notify Assessor About Particular Conduct	Power, in either of the circumstances listed in subsection (1), to give the assessor a notice about the councillor's conduct and all information held by Council that relates to the conduct.	Delegation to the CEO
Section 150AE(4)	Entity Power Given To: Local Government	Chapter 5A – Councillor Conduct Part 3 – Dealing with Inappropriate Conduct, Misconduct and Corrupt Conduct Division 5 – Referral of Conduct to Local Government	Power to publish Council's investigation policy on Council's website.	Delegation to the CEO
Section 150AF(1)	Entity Power Given To: Local Government	Chapter 5A – Councillor Conduct Part 3 – Dealing with Inappropriate Conduct, Misconduct and Corrupt Conduct Division 5 – Referral of Conduct to Local Government	Power to investigate the Councillor's conduct.	Delegation to the CEO
Section 150AF(4)	Entity Power Given To: Local Government	Chapter 5A – Councillor Conduct Part 3 – Dealing with Inappropriate Conduct, Misconduct and Corrupt Conduct Division 5 – Referral of Conduct to Local Government	Power, where the Council obtains information indicating that a councillor may have engaged in misconduct, to give the information to the assessor for further investigation under division 4.	Delegation to the CEO

Section	Entity Power Given To	Title	Description	Recommendation
Section 150B(1) and (2)	Entity Power Given To: Occupier of a Place	Chapter 5A – Councillor Conduct Part 4 – Investigation and Enforcement Powers Division 2 – Entry of Places by Investigators Subdivision 1 – Power to Enter	Power, as an occupier of a place, to consent to the entry of the investigator and to impose conditions on the entry.	Delegation to the CEO
Section 150CN	Entity Power Given To: Person	Chapter 5A – Councillor Conduct Part 4 – Investigation and Enforcement Powers Division 6 – Miscellaneous Provisions Relating to Investigators	Power to claim compensation from the State if the Council incurs loss because of the exercise, of a power by or for an investigator, including a loss arising from compliance with a requirement made of Council under division 3, 4 or 5.	Delegation to the CEO
Section 150CR	Entity Power Given To: Applicant	Chapter 5A – Councillor Conduct Part 4 – Investigation and Enforcement Powers Division 7 – Review Subdivision 2 – External Review	Power, as an applicant dissatisfied with a review decision made by the assessor, to apply to QCAT for a review of the decision.	Delegation to the CEO
Section 150DL	Entity Power Given To: Local Government	Chapter 5A – Councillor Conduct Part 5 – Administration Division 2 – Councillor Conduct Tribunal	Power to request the conduct tribunal to:– (a) investigate the suspected inappropriate conduct of a councillor referred to the local government, by the assessor, to be dealt with by the local government; (b) make recommendations to the local government about dealing with the conduct.	To Remain with Council
Section 150DX	Entity Power Given To: Local Government	Chapter 5A – Councillor Conduct Part 6 – Miscellaneous Division 1 – Councillor Conduct Register	Power to keep an up-to-date councillor conduct register, publish the register on Council's website and make the register available for inspection and purchase by the public.	Delegation to the CEO
Section 166A(4)(b)	Entity Power Given To: Local Government	Chapter 6 – Administration Part 2 – Councillors Division 3 – Vacancies in Councillor's Office	Power, where the runner-up consents to the appointment on or before the deadline for the runner-up, to fill the vacant office by appointing the runner-up.	To Remain with Council
Section 166B(6)	Entity Power Given To: CEO	Chapter 6 – Administration Part 2 – Councillors Division 3 – Vacancies in Councillor's Office	Power, where the chief executive officer receives any nominations from qualified persons or candidates, to fill the vacant office by appointing 1 of those persons or candidates.	To Remain with Council
Section 195	Entity Power Given To: Local Government	Chapter 6 – Administration Part 5 – Local Government Employees Division 1 – Chief Executive Officer	Power to appoint an acting Chief Executive Officer during period when the Chief Executive Officer or the Deputy Chief Executive Officer is absent from duty or cannot, for another reason perform the Chief Executive Officer's responsibilities, limited to a maximum of four weeks.	Delegation to the CEO
Section 196(2)	Entity Power Given To: Local Government	Chapter 6 – Administration Part 5 – Local Government Employees Division 2 – Other Local Government Employees	Power to: (a) employ local government employees; (b) agree to the terms and conditions of an employee's employment (including any variation to those terms); and (c) terminate a local government employee's employment. *See Footnotes	Delegation to the CEO
Section 197A(3) and 197A(4)	Entity Power Given To: Local Government	Chapter 6 – Administration Part 5 – Local Government Employees Division 2A – Councillor Advisors	Power to enter into a written contract of employment with a councillor advisor (including agreeing to any variation to a written contract of employment) NB this power only applies to those local government's that have been prescribed under section 197D(1)(a).	Delegation to the CEO
Section 198	Entity Power Given To: Local Government	Chapter 6 – Administration Part 5 – Local Government Employees Division 3 – Common Provisions	Power to agree with other local governments about the joint employment of a local government employee.	Delegation to the CEO
Section 219(1)	Entity Power Given To: Prescribed Employee's Employer	Chapter 7 – Other Provisions Part 2 – Superannuation Division 2 – LGIASuper	Power, as a prescribed employee's employer, to pay superannuation contributions payable for the employee into LGIASuper.	Delegation to the CEO
Section 219(2)	Entity Power Given To: Prescribed Employee's Employer	Chapter 7 – Other Provisions Part 2 – Superannuation Division 2 – LGIASuper	Power, as a prescribed employee's employer, to pay superannuation contributions payable for the employee into another fund directed by the employee.	Delegation to the CEO
Section 219A	Entity Power Given To: Local Government	Chapter 7 – Other Provisions Part 2 – Superannuation Division 2 – LGIASuper	Power, as a local government other than the Brisbane City Council, to comply with a notice giving by the LGIASuper Trustee under subsection 219A(1).	Delegation to the CEO
Section 220	Entity Power Given To: Employer	Chapter 7 – Other Provisions Part 2 – Superannuation Division 3 – Superannuation Contributions for Particular Employees	Power to pay a yearly superannuation contribution in the circumstances prescribed in section 220.	Delegation to the CEO
Section 220A(4)	Entity Power Given To: Local Government	Chapter 7 – Other Provisions Part 2 – Superannuation Division 3 – Superannuation Contributions for Particular Employees	Power, as a local government, to deduct all or part of the employee's contributions from the employee's salary or any money that the employee owes to Council.	Delegation to the CEO
Section 220B(2)	Entity Power Given To: Employer	Chapter 7 – Other Provisions Part 2 – Superannuation Division 3 – Superannuation Contributions for Particular Employees	Power, in the circumstances set out in subsection 220B(1), to agree in writing with an employee: (a) to reduce the pre-agreement contributions to the amount equal to the employee's concessional contributions cap for the financial year; and (b) if a yearly contribution made under section 220A(3) is part of the pre-agreement contributions – on the extent, if any to which a contribution mentioned in 220B(1)(a) of (b) will be reduced to achieve the reduction.	Delegation to the CEO

Section	Entity Power Given To	Title	Description	Recommendation
Section 220B(3)	Entity Power Given To: Employer	Chapter 7 – Other Provisions Part 2 – Superannuation Division 3 – Superannuation Contributions for Particular Employees	Power, where the pre-agreement contributions are reduced under subsection 220B(2), to pay the amount of the reduction to the employee as salary.	Delegation to the CEO
Section 221(2)	Entity Power Given To: Local Government	Chapter 7 – Other Provisions Part 2 – Superannuation Division 3 – Superannuation Contributions for Particular Employees	Power, as an employer, to agree in writing with an employee: (a) that the employee is exempt, on the grounds of the employee's financial hardship, from paying all or a stated part of the contributions payable under section 220A(2) by the employee; and (b) on the period, of not more than 1 year, of the exemption.	Delegation to the CEO
Section 221(4)	Entity Power Given To: Employer	Chapter 7 – Other Provisions Part 2 – Superannuation Division 3 – Superannuation Contributions for Particular Employees	Power, as an employer, to give a copy of the agreement made under subsection 220(2) to the relevant trustee.	Delegation to the CEO
Section 222(3)	Entity Power Given To: Employer	Chapter 7 – Other Provisions Part 2 – Superannuation Division 3 – Superannuation Contributions for Particular Employees	Power, as an employer who has received a notice from the employee under subsection 222(2), to calculate the yearly contributions payable for the employee based on the employee's salary before it was decreased.	Delegation to the CEO
Section 224(2)	Entity Power Given To: Local Government	Chapter 7 – Other Provisions Part 2 – Superannuation Division 3 – Superannuation Contributions for Particular Employees	Power, in the circumstances set out in subsection 224(1), to pay interest on the amount of the contribution to the relevant fund for the employee.	Delegation to the CEO
Section 226(1)	Entity Power Given To: Local Government	Chapter 7 – Other Provisions Part 2 – Superannuation Division 3 – Superannuation Contributions for Particular Employees	Power, as a local government (other than the Brisbane City Council), to, for its Councillors: (a) establish and amend a superannuation scheme; or (b) take part in a superannuation scheme.	Delegation to the CEO
Section 226(2)	Entity Power Given To: Local Government	Chapter 7 – Other Provisions Part 2 – Superannuation Division 3 – Superannuation Contributions for Particular Employees	Power, as a local government who has exercised its power under subsection 226(1), to pay an amount from its operating fund to the superannuation scheme as a contribution for its Councillors.	Delegation to the CEO
Section 226(4)	Entity Power Given To: Local Government	Chapter 7 – Other Provisions Part 2 – Superannuation Division 3 – Superannuation Contributions for Particular Employees	Power to enter into an arrangement with a Councillor under which: (a) the Councillor agrees to forgo a percentage or amount of the remuneration that the councillor is entitled to as a councillor; and (b) the local government agrees to contribute the percentage or amount to the superannuation scheme for the Councillor.	To Remain with Council
Section 228(4)	Entity Power Given To: Local Governing Body	Chapter 7 – Other Provisions Part 3 – Allocating Commonwealth Funding to Local Governments Division 1 – Allocating Commonwealth Funding	Power to make a submission as a local governing body within the meaning of the <i>Local Government (Financial Assistance) Act</i> to assist the Local Government Grants Commission to make a decision about funding under the <i>Local Government (Financial Assistance) Act</i> .	Delegation to the CEO
Section 236	Entity Power Given To: Local Government	Chapter 7 – Other Provisions Part 4 – Offences and Legal Provisions Division 2 – Legal Matters	The power to sign a document on behalf of a local government as a delegate of the local government. <i>*See Limitations to the Exercise of Power</i>	Delegation to the CEO
Section 239	Entity Power Given To: Local Government	Chapter 7 – Other Provisions Part 4 – Offences and Legal Provisions Division 2 – Legal Matters	Power to effect substituted service.	Delegation to the CEO
Section 240(1)	Entity Power Given To: Local Government	Chapter 7 – Other Provisions Part 4 – Offences and Legal Provisions Division 2 – Legal Matters	Power to authorise an employee, in any legal proceedings: (a) to give instructions and act as the authorised agent for the local government; and (b) sign all documents for the local government.	Delegation to the CEO
Section 250(1)(b)	Entity Power Given To: Local Government	Chapter 7 – Other Provisions Part 4 – Offences and Legal Provisions Division 2 – Legal Matters	Power to authorise an employee, other than the chief executive officer, to: (a) verify a copy of a local government document.	Delegation to the CEO
Section 262	Entity Power Given To: Local Government	Chapter 7 – Other Provisions Part 6 – Other Provisions	Power to do anything that is necessary or convenient for performing the responsibilities of the local government under a Local Government Act.	Delegation to the CEO

Schedule 2

Limitations to the Exercise of Power	
1	Where Council in its budget or by resolution allocates an amount for the expenditure of Council funds in relation to a particular matter, the delegate in exercising delegated power in relation to that matter, will only commit the Council to reasonably foreseeable expenditure up to the amount allocated.
2	The delegate will not exercise any delegated power in relation to a matter which, to the delegate's knowledge adversely affects, or is likely to adversely affect, the Council's relations with the public at large.
3	The delegate will not exercise any delegated power in relation to a matter which has already been the subject of a resolution or other decision of the Council (including a policy decision relating to the matter).
4	The delegate will not exercise any delegated power in a manner, or which has the foreseeable affect, of being contrary to an adopted Council policy or procedure.
5	The delegate will only exercise a delegated power under this resolution in a manner which complies with the requirements of Council's Planning Scheme and any exercise of power which involves a departure from or variation of those requirements will only be undertaken by Council.
6	The delegate will not exercise any power which cannot lawfully be the subject of delegation by Council.
7	The delegate will not exercise the delegated power specified under section 236(1) for the purpose of executing a contract for the sale of land.

Section	Entity Power Given To	Title	Description	Recommendation
Footnotes				
Section 196(2)	This power does not include the power to appoint employees which is separately dealt with under sections 196(3) of the Act.			

COUNCIL DELEGATIONS TO CHIEF EXECUTIVE OFFICER

Delegation Register – Mineral Resources Act 1989 - Clean

Meeting Date: 13 June 2023

Attachment No: 15

Delegations Register – Mineral Resources Act 1989

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 4B(3)	Entity Power Given To: Local Government	Chapter 1 – Preliminary Part 3 – Relationship with the Planning Act	Power to make a note on each relevant map in Council's planning scheme.	Delegation to the CEO
Section 10AAA(9)	Entity Power Given To: Entity Taking Land	Chapter 1 – Preliminary Part 5 – General Provisions for Minerals and Mining Tenements	Power to give the chief executive a written notice for the taking of land for which mining interests are extinguished.	Delegation to the CEO
Section 10AAC(1)	Entity Power Given To: Entity That Took Land	Chapter 1 – Preliminary Part 5 – General Provisions for Minerals and Mining Tenements	Power to consult with the decision-maker about the granting of a new mining tenement for an area that includes acquired land.	Delegation to the CEO
Section 19(1) and 20	Entity Power Given To: Owner of a Reserve	Chapter 2 – Prospecting Permits Part 1 – Prospecting Permit Categories And Entitlements	Power to give written consent, with or without conditions, to a parcel prospecting permit holder entering the surface of the reserve.	Delegation to the CEO
Section 19(2) and 20	Entity Power Given To: Owner of Occupied Land	Chapter 2 – Prospecting Permits Part 1 – Prospecting Permit Categories And Entitlements	Power to give written consent, with or without conditions, to a district prospecting permit holder entering the surface of the land.	Delegation to the CEO
Section 19(3) and 20	Entity Power Given To: Owner of Occupied Land	Chapter 2 – Prospecting Permits Part 1 – Prospecting Permit Categories And Entitlements	Power to give written consent, with or without conditions, to a prospecting permit holder entering the land for hand mining.	Delegation to the CEO
Section 26(3)	Entity Power Given To: Owner of any Land	Chapter 2 – Prospecting Permits Part 2 – Other Provisions About Prospecting Permits	Power to apply to the chief executive to rectify damage referred to in subsection (1) that has been caused by an activity allegedly authorised under a prospecting permit in respect of the land.	Delegation to the CEO
Section 26(9)	Entity Power Given To: Owner of Land	Chapter 2 – Prospecting Permits Part 2 – Other Provisions About Prospecting Permits	Power to give written approval to the chief executive for the refund of security for a parcel prospecting permit.	Delegation to the CEO
Section 34(1)	Entity Power Given To: Owner of Land	Chapter 2 – Prospecting Permits Part 2 – Other Provisions About Prospecting Permits	Power, as the owner of land where a person purports to enter the land under authority of a prospecting permit, to report to the chief executive that a person is not authorised to enter or be upon the land or is not complying with any condition of the prospecting permit or of any provision of the Act.	Delegation to the CEO
Section 46(1)	Entity Power Given To: Owner of Land	Chapter 2 – Prospecting Permits Part 2 – Other Provisions About Prospecting Permits	Power, as the owner of land where a person purports to enter or be on the land under authority of a prospecting permit, to ask the person for proof of the person's authority to enter or be on the land.	Delegation to the CEO
Section 47(1) and (5)	Entity Power Given To: Owner of Occupied Land	Chapter 2 – Prospecting Permits Part 2 – Other Provisions About Prospecting Permits	Power to give written consent, including conditions on the consent, to a person, entitled to enter the land under a parcel prospecting permit to enter the land at night.	Delegation to the CEO
Section 51(2)	Entity Power Given To: Relevant Owner of Restricted Land	Chapter 3 – Mining Claims	Power to give written consent to an application for a mining claim on the land.	Delegation to the CEO
Section 54(a)	Entity Power Given To: Owner of Reserve	Chapter 3 – Mining Claims	Power to consent to the granting of a mining claim over the land.	Delegation to the CEO
Section 65(1)(a)	Entity Power Given To: Owner of Land	Chapter 3 – Mining Claims	Power, as the owner of land that is affected by an application for a mining claim, to make a written request to the chief executive for a conference.	Delegation to the CEO
Sections 66 and 69	Entity Power Given To: Owner of Land	Chapter 3 – Mining Claims	Power to attend a section 65 conference and to reach agreement about something discussed at the conference.	Delegation to the CEO
Section 71	Entity Power Given To: Relevant Local Government and/or Owner of Relevant Land	Chapter 3 – Mining Claims	Power to lodge a written objection in the approved form to an application for a mining claim and to serve a copy of the objection on the applicant.	Delegation to the CEO
Section 71A	Entity Power Given To: Objector	Chapter 3 – Mining Claims	Power to withdraw an objection to a mining claim by giving a written notice to the entities specified in subsection (1).	Delegation to the CEO
Section 85(1)(a) and (3)	Entity Power Given To: Interested Party	Chapter 3 – Mining Claims	Power to agree with the applicant for a mining claim about the amount of compensation to be paid to Council and to sign the agreement.	Delegation to the CEO
Section 85(4)	Entity Power Given To: Interested Party	Chapter 3 – Mining Claims	Power at any time before compensation is determined by agreement, to apply in writing to the Land Court to have the Land Court determine the amount of compensation.	Delegation to the CEO
Section 86	Entity Power Given To: Party Aggrieved	Chapter 3 – Mining Claims	Power to appeal to the Land Appeal Court against the Land Court's decision.	Delegation to the CEO

Section	Entity Power Given To	Title	Description	Recommendation
Section 86A(5)	Entity Power Given To: Appellant	Chapter 3 – Mining Claims	Power to lodge the security in the decided form and amount.	Delegation to the CEO
Section 124(2)	Entity Power Given To: Owner of Land that is a Reserve	Chapter 3 – Mining Claims	Power to give the Minister the land owner's views about further prospecting or exploration on the land.	Delegation to the CEO
Section 125(10)	Entity Power Given To: Owner of Land	Chapter 3 – Mining Claims	Power to agree an amount of compensation payable in respect of the proposed use of the land as access in respect of the mining claim as a result of a variation under section 125, sign the agreement and file the agreement.	Delegation to the CEO
Section 167(1)	Entity Power Given To: Owner of Land	Chapter 4 – Exploration Permits Part 4 – Other Provisions About Exploration Permit	Power, where a person purports to enter or be on the land under authority of an exploration permit, to ask the person for proof of the person's authority to enter or be on the land.	Delegation to the CEO
Section 190(8)(a)	Entity Power Given To: Owner of Land	Chapter 5 – Mineral Development Licences Part 1 – Mineral Development Licences Generally	Power, as the owner of land in the area of a mineral development licence, to certify that there is no actual damage to the land that should be rectified.	Delegation to the CEO
Section 216(1)	Entity Power Given To: Owner of Land	Chapter 5 – Mineral Development Licences Part 1 – Mineral Development Licences Generally	Power, as the owner of land where a person purports to enter or be on the land under authority of a mineral development licence, to ask the person for proof of the person's authority to enter or be on the land.	Delegation to the CEO
Section 237(2)(d)(i)	Entity Power Given To: Owner of Land	Chapter 6 – Mining Leases Part 1 – Mining Leases Generally	Power to consent to a mining lease holder making an application to conduct drilling and other activities on land not included in the surface area covered under the lease.	Delegation to the CEO
Section 238(1)(a)	Entity Power Given To: Owner of Restricted Land	Chapter 6 – Mining Leases Part 1 – Mining Leases Generally	Power to consent to the making of an application for a mining lease over the land.	Delegation to the CEO
Section 260(1) and (2)	Entity Power Given To: Affected Person	Chapter 6 – Mining Leases Part 1 – Mining Leases Generally	Power to lodge an objection to an application for grant of a mining lease.	Delegation to the CEO
Section 260(4)	Entity Power Given To: Objector	Chapter 6 – Mining Leases Part 1 – Mining Leases Generally	Power to serve a copy of the objection lodged against an application for grant of a mining lease on the applicant.	Delegation to the CEO
Section 261(1)	Entity Power Given To: Owner of Land	Chapter 6 – Mining Leases Part 1 – Mining Leases Generally	Power to withdraw an objection lodged against an application for grant of a mining lease.	Delegation to the CEO
Section 271A(2)(a)	Entity Power Given To: Owner of Land that is a Reserve	Chapter 6 – Mining Leases Part 1 – Mining Leases Generally	Power to give written consent to the grant of a mining lease over the surface area of the reserve.	Delegation to the CEO
Section 275A(2)(a)	Entity Power Given To: Owner of Restricted Land	Chapter 6 – Mining Leases Part 1 – Mining Leases Generally	Power to give written consent to the application for the surface of restricted land for the mining lease to be included in the mining lease.	Delegation to the CEO
Section 275A(2)(c)	Entity Power Given To: Owner of Restricted Land	Chapter 6 – Mining Leases Part 1 – Mining Leases Generally	Power to agree with the applicant about the compensation payable to Council for the inclusion of the surface of the land in the mining lease.	Delegation to the CEO
Section 279(1)(a) and (3)	Entity Power Given To: Owner of Land	Chapter 6 – Mining Leases Part 1 – Mining Leases Generally	Power, as an owner of land the subject of an application to grant, renew or include the surface of restricted in a mining lease, to agree with the applicant for the lease about the amount of compensation to be paid to Council and to sign the agreement.	Delegation to the CEO
Section 280	Entity Power Given To: Owner of Land	Chapter 6 – Mining Leases Part 1 – Mining Leases Generally	Power, as an owner of land the subject of a mining lease where no part of the surface area of that land is included in the lease, to agree with the holder of the lease about the amount of compensation to be paid as compensation for any damage caused to the surface of the land and to sign the agreement.	Delegation to the CEO
Section 281(1)	Entity Power Given To: Party to an Agreement	Chapter 6 – Mining Leases Part 1 – Mining Leases Generally	Power, as a person who could be a party to an agreement under sections 279 or 280, to apply in writing to the Land Court to determine the amount of compensation.	Delegation to the CEO
Section 282(1)	Entity Power Given To: Party Aggrieved	Chapter 6 – Mining Leases Part 1 – Mining Leases Generally	Power, as a party aggrieved by a determination of the Land Court made under section 281, to appeal to the Land Appeal Court against the decision.	Delegation to the CEO
Section 282A(5)	Entity Power Given To: Appellant	Chapter 6 – Mining Leases Part 1 – Mining Leases Generally	Power, as an appellant pursuant to section 282, to lodge the security in the decided form and amount.	Delegation to the CEO
Section 283A(2)	Entity Power Given To: Owner of Land	Chapter 6 – Mining Leases Part 1 – Mining Leases Generally	Power, as an owner of land in relation to a lease mentioned in section 279(1)(a) or 280(1), to agree in writing to amend the original compensation.	Delegation to the CEO
Section 283B(2)	Entity Power Given To: Owner of Land	Chapter 6 – Mining Leases Part 1 – Mining Leases Generally	Power, as an owner of land in relation to a lease mentioned in section 279(1)(a) or 280(1), to apply, in the circumstances identified in subsection (1), to the Land Court to review the original compensation.	Delegation to the CEO
Section 317(10)	Entity Power Given To: Owner of Land	Chapter 6 – Mining Leases Part 1 – Mining Leases Generally	Power to agree with the applicant about the compensation payable to Council for the proposed use of the land as access in respect of a mining lease as a result of a variation under section 317 and to sign the agreement.	Delegation to the CEO

Section	Entity Power Given To	Title	Description	Recommendation
Section 334ZZO	Entity Power Given To: Owner of Land	Chapter 12A – Provisions About Water for Mineral Development Licences and Mining Leases Part 4 – Water Monitoring Bores Division 1 – Transfer of Water Monitoring Bores	Power, as a landowner to whom a water monitoring bore is being transferred, to consent to the transfer.	Delegation to the CEO
Section 344G	Entity Power Given To: Owner of Affected Land	Chapter 13 – Administration and Judicial Functions Part 4 – Remediation of Abandoned Mine Sites and Rehabilitation of Final Rehabilitation Sites Division 2 – Authorisation to Carry Out Remediation Activities or Rehabilitation Activities	Power to:- (a) give consent to the entry of the land; (b) impose reasonable conditions on the entry of the land; (c) withdraw consent for entry of the land; and (d) sign an acknowledgement of the consent.	Delegation to the CEO
Section 345(2)	Entity Power Given To: Owner of Land	Chapter 13 – Administration and Judicial Functions Part 4 – Remediation of Abandoned Mine Sites and Rehabilitation of Final Rehabilitation Sites Division 3 – Compensation	Power to enter a compensation agreement, to sign the agreement and to file it.	Delegation to the CEO
Section 345(3)	Entity Power Given To: Party to a Compensation Agreement	Chapter 13 – Administration and Judicial Functions Part 4 – Remediation of Abandoned Mine Sites and Rehabilitation of Final Rehabilitation Sites Division 3 – Compensation	Power, as a person who could be a party to a compensation agreement, to apply in writing to the chief executive to have the Land Court decide the amount of compensation and the terms, conditions and times of its payment	Delegation to the CEO
Section 2(1)	Entity Power Given To: Owner or Occupier of Restricted Land	Schedule 1 – Conditions Of Carrying Out Activity For Boundary Definition Purposes	Power to consent, with or without conditions, to the entry of land under section 386V.	Delegation to the CEO
Section 3(1)	Entity Power Given To: Owner of Occupied Land	Schedule 1 – Conditions Of Carrying Out Activity For Boundary Definition Purposes	Power to consent, with or without conditions, to the entry of the land under section 386V at night.	Delegation to the CEO
Section 4	Entity Power Given To: Owner of Reserve	Schedule 1 – Conditions Of Carrying Out Activity For Boundary Definition Purposes	Power to impose conditions on the entry of the surface of the reserve under section 386V.	Delegation to the CEO

Schedule 2

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

COUNCIL DELEGATIONS TO CHIEF EXECUTIVE OFFICER

Delegation Register – Mineral and Energy Resources (Common Provisions) Act 2014 - Clean

Meeting Date: 13 June 2023

Attachment No: 16

Delegations Register – Mineral and Energy Resources (Common Provisions) Act 2014

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 57(3)	Entity Power Given To: Public Land Authority	Chapter 3 – Land Access Part 3 – Public Land Division 1 – Entry To Public Lands and Particular Uses Of Public Roads	Power, as a public land authority, to agree in writing to a longer entry period.	Delegation to the CEO
Section 59(2)	Entity Power Given To: Public Land Authority	Chapter 3 – Land Access Part 3 – Public Land Division 1 – Entry To Public Lands and Particular Uses Of Public Roads	Power, as a public land authority, to impose reasonable and relevant conditions on the resource authority holder about entry to the public land or carrying out of the authorised activity.	Delegation to the CEO
Section 59(7)	Entity Power Given To: Public Land Authority	Chapter 3 – Land Access Part 3 – Public Land Division 1 – Entry To Public Lands and Particular Uses Of Public Roads	Power, as a public land authority, to vary any condition it imposes.	Delegation to the CEO
Section 59(8)	Entity Power Given To: Public Land Authority	Chapter 3 – Land Access Part 3 – Public Land Division 1 – Entry To Public Lands and Particular Uses Of Public Roads	Power, as a public land authority, to give the holder an information notice about the imposition of a condition or the varying of a condition.	Delegation to the CEO
Section 60(1)	Entity Power Given To: Public Land Authority	Chapter 3 – Land Access Part 3 – Public Land Division 1 – Entry To Public Lands and Particular Uses Of Public Roads	Power, as a public land authority for land, to give a waiver of entry notice.	Delegation to the CEO
Section 63(1)(b)(i)	Entity Power Given To: Public Road Authority	Chapter 3 – Land Access Part 3 – Public Land Division 2 – Notifiable Road Use	Power, as a public land authority, to sign a compensation agreement for the use of a public road for a notifiable road use.	Delegation to the CEO
Section 63(1)(b)(ii)	Entity Power Given To: Public Road Authority	Chapter 3 – Land Access Part 3 – Public Land Division 2 – Notifiable Road Use	Power, as a public land authority, to give written consent to the carrying out of a notifiable road use on a public road.	Delegation to the CEO
Section 64(1)	Entity Power Given To: Public Road Authority	Chapter 3 – Land Access Part 3 – Public Land Division 2 – Notifiable Road Use	Power, as a public land authority for a public road, to give a road use direction).	Delegation to the CEO
Section 64(4)(b)	Entity Power Given To: Public Road Authority	Chapter 3 – Land Access Part 3 – Public Land Division 2 – Notifiable Road Use	Power, as a public road authority for a public road to give an information notice about the decision to give a road use direction.	Delegation to the CEO
Section 70	Entity Power Given To: Owner of Restricted Land	Chapter 3 – Land Access Part 4 – Restricted Land Division 2 – Entry For Particular Authorised Activities Requires Consent	Power, as an owner of restricted land, to give written consent to a resource authority holder carrying out the activity and to impose conditions on the consent.	Delegation to the CEO
Section 72(1)	Entity Power Given To: Owner or Occupier of Land	Chapter 3 – Land Access Part 4 – Restricted Land Division 2 – Land Court Declarations	Power, as an owner or occupier of land, to apply to the Land Court for an Order declaring the following: (a) whether particular land is restricted land for a resource authority or the Mineral Resources Act, Schedule 1, section 2; and (b) whether a particular activity is a prescribed activity for a resource authority.	Delegation to the CEO
Section 83(1)	Entity Power Given To: Eligible Claimant	Chapter 3 – Land Access Part 7 – Compensation and Negotiated Access Division 2 – Conduct and Compensation Agreements Subdivision 2 – Making of Conduct and Compensation Agreement	Power, as an eligible claimant, to enter into a conduct and compensation agreement with the resource authority holder.	Delegation to the CEO
Section 83A(2)	Entity Power Given To: Eligible Claimant	Chapter 3 – Land Access Part 7 – Compensation and Negotiated Access Division 2 – Conduct and Compensation Agreements Subdivision 2A – Conferences with an Authorised Officer	Power, as an eligible claimant, to give a conference election notice to the resource authority holder.	Delegation to the CEO

Section	Entity Power Given To	Title	Description	Recommendation
Section 83B(4)	Entity Power Given To: Party to a Conference	Chapter 3 – Land Access Part 7 – Compensation and Negotiated Access Division 2 – Conduct and Compensation Agreements Subdivision 2A – Conferences with an Authorised Officer	Power, as a party to a conference with an authorised officer, to ask the other party for a longer period within which to hold the conference.	Delegation to the CEO
Section 85(1)	Entity Power Given To: Eligible Claimant	Chapter 3 – Land Access Part 7 – Compensation and Negotiated Access Division 2 – Conduct and Compensation Agreements Subdivision 3 – Negotiation and ADR	Power, as an eligible claimant, to use all reasonable endeavours to negotiate a conduct and compensation agreement or a deferral agreement.	Delegation to the CEO
Section 85(2)(b)	Entity Power Given To: Eligible Claimant	Chapter 3 – Land Access Part 7 – Compensation and Negotiated Access Division 2 – Conduct and Compensation Agreements Subdivision 3 – Negotiation and ADR	Power, as an eligible claimant, to agree to a longer negotiation period.	Delegation to the CEO
Section 85(4)	Entity Power Given To: Eligible Claimant	Chapter 3 – Land Access Part 7 – Compensation and Negotiated Access Division 2 – Conduct and Compensation Agreements Subdivision 3 – Negotiation and ADR	Power, as an eligible claimant, to enter an opt-out agreement.	Delegation to the CEO
Section 87(2)	Entity Power Given To: A party to a Conduct and Compensation Agreement	Chapter 3 – Land Access Part 7 – Compensation and Negotiated Access Division 2 – Conduct and Compensation Agreements Subdivision 3 – Negotiation and ADR	Power, as a party to a conduct and compensation agreement or a deferral agreement, to terminate the agreement by giving notice to the other party during the cooling off period.	Delegation to the CEO
Section 88(2)	Entity Power Given To: As an Eligible Claimant	Chapter 3 – Land Access Part 7 – Compensation and Negotiated Access Division 2 – Conduct and Compensation Agreements Subdivision 3 – Negotiation and ADR	Power, as an eligible claimant, to give an ADR election notice.	Delegation to the CEO
Section 88(5)	Entity Power Given To: A Party Given an ADR Election Notice	Chapter 3 – Land Access Part 7 – Compensation and Negotiated Access Division 2 – Conduct and Compensation Agreements Subdivision 3 – Negotiation and ADR	Power, upon receipt of an ADR election notice pursuant to section 88(2), to accept or refuse the type of ADR and the ADR facilitator proposed in the notice.	Delegation to the CEO
Section 88(6)	Entity Power Given To: A Party Given an ADR Election Notice	Chapter 3 – Land Access Part 7 – Compensation and Negotiated Access Division 2 – Conduct and Compensation Agreements Subdivision 3 – Negotiation and ADR	Power, as the party giving the ADR election notice and where the other party does not accept the type of ADR or ADR facilitator proposed in the notice, to obtain a decision from the Land Court or a prescribed ADR institute about the matter not accepted.	Delegation to the CEO
Section 88(7)	Entity Power Given To: A Party Given an ADR Election Notice	Chapter 3 – Land Access Part 7 – Compensation and Negotiated Access Division 2 – Conduct and Compensation Agreements Subdivision 3 – Negotiation and ADR	Power, as the party giving the ADR election notice and where a decision has been obtained from the Land Court or a prescribed ADR institute about the matter not accepted in the notice, to give the other party notice of the decision.	Delegation to the CEO
Section 89(2)	Entity Power Given To: A Party Given or Giving an ADR Election Notice	Chapter 3 – Land Access Part 7 – Compensation and Negotiated Access Division 2 – Conduct and Compensation Agreements Subdivision 3 – Negotiation and ADR	Power, as a party given or giving an ADR election notice, to participate in the conference and enter a conduct and compensation agreement.	Delegation to the CEO
Section 89(3)	Entity Power Given To: A Party Given or Giving an ADR Election Notice	Chapter 3 – Land Access Part 7 – Compensation and Negotiated Access Division 2 – Conduct and Compensation Agreements Subdivision 3 – Negotiation and ADR	Power, as a party given or giving an ADR election notice, to ask the other party for, or agree to, a longer period to enter a conduct and compensation agreement.	Delegation to the CEO

Section	Entity Power Given To	Title	Description	Recommendation
Section 90	Entity Power Given To: A Party to an ADR	Chapter 3 – Land Access Part 7 – Compensation and Negotiated Access Division 2 – Conduct and Compensation Agreements Subdivision 3 – Negotiation and ADR	Power, as a party who attended the ADR and where the other party did not attend the ADR, to apply to the Land Court for an order requiring the non-attending party to pay the attending party's reasonable costs of attending.	Delegation to the CEO
Section 91A(2)	Entity Power Given To: A Party Given or Giving an ADR Election Notice	Chapter 3 – Land Access Part 7 – Compensation and Negotiated Access Division 2 – Conduct and Compensation Agreements Subdivision 3A – Arbitration	Power in the circumstances set out in subsection 91A(1), to give an arbitration election notice requesting the other party participate in an arbitration to decide the dispute.	Delegation to the CEO
Section 91A(4)	Entity Power Given To: A Party Given an Arbitration Election Notice	Chapter 3 – Land Access Part 7 – Compensation and Negotiated Access Division 2 – Conduct and Compensation Agreements Subdivision 3A – Arbitration	Power, as a party given an arbitration election notice, to accept or refuse the request for arbitration.	Delegation to the CEO
Section 91A(5)	Entity Power Given To: A Party to an arbitration	Chapter 3 – Land Access Part 7 – Compensation and Negotiated Access Division 2 – Conduct and Compensation Agreements Subdivision 3A – Arbitration	Power, as a party to an arbitration, to jointly appoint the arbitrator proposed in the arbitration election notice or another arbitrator.	Delegation to the CEO
Section 91A(6)	Entity Power Given To: The Party Giving an Arbitration Election Notice	Chapter 3 – Land Access Part 7 – Compensation and Negotiated Access Division 2 – Conduct and Compensation Agreements Subdivision 3A – Arbitration	Power, as the party giving an arbitration election notice, to require a prescribed arbitration institute to appoint an arbitrator.	Delegation to the CEO
Section 91E(2)	Entity Power Given To: A Party to an Arbitration	Chapter 3 – Land Access Part 7 – Compensation and Negotiated Access Division 2 – Conduct and Compensation Agreements Subdivision 3A – Arbitration	Power, as a party to an arbitration and where the circumstances of section 91E(2) apply, to agree with the other party about the payment of the fees and expenses of the arbitrator.	Delegation to the CEO
Section 91E(3)	Entity Power Given To: A Party to an Arbitration	Chapter 3 – Land Access Part 7 – Compensation and Negotiated Access Division 2 – Conduct and Compensation Agreements Subdivision 3A – Arbitration	Power, as a party to an arbitration, to agree with the other party about the payment of each party's costs.	Delegation to the CEO
Section 94(1)	Entity Power Given To: Public Road Authority	Chapter 3 – Land Access Part 7 – Compensation and Negotiated Access Division 3 – Compensation For Notifiable Road Uses	Power, as a public road authority for a public road, to enter a road compensation agreement.	Delegation to the CEO
Section 96(2)	Entity Power Given To: Eligible Party	Chapter 3 – Land Access Part 7 – Compensation and Negotiated Access Division 4 – Land Court Jurisdiction Subdivision 1 – Conduct and Compensation	Power, as a party given or giving an ADR election notice, and where a conduct and compensation agreement has not been entered and an arbitration election notice has not been given or has been given and not accepted, to apply to the Land Court to decide the dispute.	Delegation to the CEO
Section 96B(1)(a)	Entity Power Given To: A party	Chapter 3 – Land Access Part 7 – Compensation and Negotiated Access Division 4 – Land Court Jurisdiction Subdivision 1 – Conduct and Compensation	Power to apply to the Land Court for a declaration that all or part of the stated costs are payable under section 91.	Delegation to the CEO
Section 96B(1)(b)	Entity Power Given To: Eligible Claimant	Chapter 3 – Land Access Part 7 – Compensation and Negotiated Access Division 4 – Land Court Jurisdiction Subdivision 1 – Conduct and Compensation	Power, as an eligible claimant, to apply to the Land Court for an order requiring payment of negotiation and preparation costs under section 91.	Delegation to the CEO

Section	Entity Power Given To	Title	Description	Recommendation
Section 99A(2)	Entity Power Given To: A Party to a Compensation Agreement	Chapter 3 – Land Access Part 7 – Compensation and Negotiated Access Division 4 – Land Court Jurisdiction Subdivision 2 – Additional Jurisdiction	Power, as a party to a compensation agreement, to apply to the Land Court for an order about the alleged breach.	Delegation to the CEO
Section 100(1)	Entity Power Given To: Public Road Authority	Chapter 3 – Land Access Part 7 – Compensation and Negotiated Access Division 4 – Land Court Jurisdiction Subdivision 3 – Compensation For Notifiable Road Use	Power, as a public road authority, to apply to the Land Court for the Court to decide a resource authority holder's compensation liability.	Delegation to the CEO
Section 101(2)	Entity Power Given To: Public Road Authority / Eligible Claimant	Chapter 3 – Land Access Part 7 – Compensation and Negotiated Access Division 4 – Land Court Jurisdiction C73 Subdivision 4 – Later Review Of Compensation By Land Court	Power, as a public road authority or an eligible claimant, to apply to the Land Court for a review of the original compensation.	Delegation to the CEO
Section 101D(1)	Entity Power Given To: An Owner or Occupier of Land	Chapter 3 – Land Access Part 8 – Conferences Held by Authorised Officer	Power, as an owner or occupier of land that may be affected by a resource authority, to give notice to an authorised officer of concerns relating to the resource authority.	Delegation to the CEO
Sections 101E(2) and 101F(3)	Entity Power Given To: An Owner or Occupier of Land or Another Person Interested	Chapter 3 – Land Access Part 8 – Conferences Held by Authorised Officer	Power, as an owner or occupier of land or another person interested in the concern, to participate in a conference conducted by the authorised officer, including agreeing to a settlement of the concern the subject of the conference.	Delegation to the CEO
Section 101F(4)(b)	Entity Power Given To: A party who Attends a Conference	Chapter 3 – Land Access Part 8 – Conferences Held by Authorised Officer	Power, as a party who attends a conference, to apply to the Land Court for an order requiring a party who did not attend the conference to pay the attending party's reasonable costs of attending.	Delegation to the CEO
Section 205(1)	Entity Power Given To: A Relevant Entity	Chapter 8 - Miscellaneous Part 2 - Other Provisions	Power, as a relevant entity, to give the chief executive a copy of a notice or consent given by or to Council under chapter 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.

COUNCIL DELEGATIONS TO CHIEF EXECUTIVE OFFICER

Delegation Register – Residential Tenancies and Rooming Accommodation Act 2008 - Clean

Meeting Date: 13 June 2023

Attachment No: 17

Delegations Register – Residential Tenancies & Rooming Accommodation Act 2008

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 58(1)	Entity Power Given To: Prospective Tenant	Chapter 2 – Residential Tenancy Agreements And Rooming Accommodation Agreements Part 1 – Agreements Division 1 – Residential Tenancy Agreements Subdivision 1 – General Principles	Powers to give a prospective tenant for a residential tenancy the documents prepared for section 61 (the written residential tenancy agreement).	Delegation to the CEO
Section 61	Entity Power Given To: Lessor	Chapter 2 – Residential Tenancy Agreements And Rooming Accommodation Agreements Part 1 – Agreements Division 1 – Residential Tenancy Agreements Subdivision 1 – General Principles	Power to prepare a residential tenancy agreement in the way required by section 61.	Delegation to the CEO
Section 62(1)	Entity Power Given To: Lessor	Chapter 2 – Residential Tenancy Agreements And Rooming Accommodation Agreements Part 1 – Agreements Division 1 – Residential Tenancy Agreements Subdivision 1 – General Principles	Power to give to the tenant a residential tenancy agreement prepared for section 61 for signing.	Delegation to the CEO
Section 62(3)	Entity Power Given To: Lessor	Chapter 2 – Residential Tenancy Agreements And Rooming Accommodation Agreements Part 1 – Agreements Division 1 – Residential Tenancy Agreements Subdivision 1 – General Principles	Power to sign a residential tenancy agreement signed by the tenant and to return a copy signed by both parties to the tenant.	Delegation to the CEO
Section 64(3)	Entity Power Given To: Lessor	Chapter 2 – Residential Tenancy Agreements And Rooming Accommodation Agreements Part 1 – Agreements Division 1 – Residential Tenancy Agreements Subdivision 1 – General Principles	Power to apply to a tribunal if the Council as lessor reasonably believes the tenant has contravened section 62(2).	Delegation to the CEO
Section 65(2)	Entity Power Given To: Lessor	Chapter 2 – Residential Tenancy Agreements And Rooming Accommodation Agreements Part 1 – Agreements Division 1 – Residential Tenancy Agreements Subdivision 2 – Associated Documents	Power to prepare, in the approved form, a condition report for premises and any inclusions, to sign the report, and to give a copy of the report to the tenant.	Delegation to the CEO
Section 66(2)	Entity Power Given To: Lessor	Chapter 2 – Residential Tenancy Agreements And Rooming Accommodation Agreements Part 1 – Agreements Division 1 – Residential Tenancy Agreements Subdivision 2 – Associated Documents	Power to sign the copy of a condition report received from the tenant at the end of the tenancy or, if not agree with the report, to show the parts of the report that are disagreed with by marking the copy in an appropriate way, and to make a copy of the report and return it to the tenant at the tenant's given forwarding address.	Delegation to the CEO
Section 67	Entity Power Given To: Lessor	Chapter 2 – Residential Tenancy Agreements And Rooming Accommodation Agreements Part 1 – Agreements Division 1 – Residential Tenancy Agreements Subdivision 2 – Associated Documents	Power to give a tenant an information statement in the approved form containing information for the benefit of the tenant, by the period specified in section 67.	Delegation to the CEO
Section 68(2)	Entity Power Given To: Lessor	Chapter 2 – Residential Tenancy Agreements And Rooming Accommodation Agreements Part 1 – Agreements Division 1 – Residential Tenancy Agreements Subdivision 2 – Associated Documents	Power to give the tenant a copy of park rules in a moveable dwelling park and a copy of the rules as changed.	Delegation to the CEO

Section	Entity Power Given To	Title	Description	Recommendation
Section 69	Entity Power Given To: Lessor	Chapter 2 – Residential Tenancy Agreements And Rooming Accommodation Agreements Part 1 – Agreements Division 1 – Residential Tenancy Agreements Subdivision 2 – Associated Documents	Power to give the tenant a copy of body corporate by-laws when giving the written agreement to the tenant for signing.	Delegation to the CEO
Section 77	Entity Power Given To: Provider	Chapter 2 – Residential Tenancy Agreements And Rooming Accommodation Agreements Part 1 – Agreements Division 2 – Rooming Accommodation Agreements Subdivision 1 – General Provisions	Power to prepare a rooming accommodation agreement in the way required by section 77.	Delegation to the CEO
Section 78(1)	Entity Power Given To: Provider	Chapter 2 – Residential Tenancy Agreements And Rooming Accommodation Agreements Part 1 – Agreements Division 2 – Rooming Accommodation Agreements Subdivision 1 – General Provisions	Power to give a document prepared for section 77 to the resident for signing.	Delegation to the CEO
Section 78(2)	Entity Power Given To: Provider	Chapter 2 – Residential Tenancy Agreements And Rooming Accommodation Agreements Part 1 – Agreements Division 2 – Rooming Accommodation Agreements Subdivision 1 – General Provisions	Power to sign a rooming accommodation agreement signed by the resident and to return a copy signed by both parties to the resident.	Delegation to the CEO
Section 81(1)	Entity Power Given To: Provider	Chapter 2 – Residential Tenancy Agreements And Rooming Accommodation Agreements Part 1 – Agreements Division 2 – Rooming Accommodation Agreements Subdivision 2 – Associated Documents	Power to prepare, in the approved form, a condition report for the room and the facilities in the room, to sign the report and to give a copy of the report to the resident.	Delegation to the CEO
Section 83(3)	Entity Power Given To: Provider	Chapter 2 – Residential Tenancy Agreements And Rooming Accommodation Agreements Part 2 - Rent Division 1 - Residential Tenancy Agreement	Power to give the tenant a written notice stating an approved way, or a different approved way, as the way in which rent is required, or is proposed, to be paid.	Delegation to the CEO
Section 83(3)	Entity Power Given To: Lessor	Chapter 2 – Residential Tenancy Agreements And Rooming Accommodation Agreements Part 2 - Rent Division 1 - Residential Tenancy Agreement	Power to agree in writing to payments of rent being made in the way stated in a written notice received from the tenant.	Delegation to the CEO
Section 84(2)	Entity Power Given To: Lessor	Chapter 2 – Residential Tenancy Agreements And Rooming Accommodation Agreements Part 2 - Rent Division 1 - Residential Tenancy Agreement	Power to give the tenant a written notice that gives the tenant a choice of at least 2 approved ways for payment of rent under section 83(4)(a) to (f) and advises about costs associated with the approved way.	Delegation to the CEO
Section 85(2)	Entity Power Given To: Lessor	Chapter 2 – Residential Tenancy Agreements And Rooming Accommodation Agreements Part 2 - Rent Division 1 - Residential Tenancy Agreement	Power to give a written notice stating a place, or a different place, as the place at which rent is required to be paid.	Delegation to the CEO
Section 88	Entity Power Given To: Lessor	Chapter 2 – Residential Tenancy Agreements And Rooming Accommodation Agreements Part 2 – Rent Division 1 – Residential Tenancy Agreements	Power to give and sign a receipt for payment of rent.	Delegation to the CEO
Section 88(5)	Entity Power Given To: Lessor	Chapter 2 – Residential Tenancy Agreements And Rooming Accommodation Agreements Part 2 – Rent Division 1 – Residential Tenancy Agreements	Power to make a written record of payment of rent.	Delegation to the CEO

Section	Entity Power Given To	Title	Description	Recommendation
Section 91(2)	Entity Power Given To: Lessor	Chapter 2 – Residential Tenancy Agreements And Rooming Accommodation Agreements Part 2 – Rent Division 1 – Residential Tenancy Agreements	Power to give a written notice of proposal to increase rent for a periodic agreement or a fixed term agreement during the term of the agreement.	Delegation to the CEO
Section 98(3)	Entity Power Given To: Provider	Chapter 2 – Residential Tenancy Agreements And Rooming Accommodation Agreements Part 2 – Rent Division 2 – Rooming Accommodation Agreements	Power to give a written notice stating an approved way, or a different approved way, to pay rent under a rooming accommodation agreement.	Delegation to the CEO
Section 98(3)	Entity Power Given To: Provider	Chapter 2 – Residential Tenancy Agreements And Rooming Accommodation Agreements Part 2 – Rent Division 2 – Rooming Accommodation Agreements	Power to agree in writing to payments of rent under a rooming accommodation agreement being made in the way stated in a written notice given by a resident.	Delegation to the CEO
Section 99(2)	Entity Power Given To: Provider	Chapter 2 – Residential Tenancy Agreements And Rooming Accommodation Agreements Part 2 – Rent Division 2 – Rooming Accommodation Agreements	Power to give a resident a written notice for the payment of rent that gives the resident a choice of at least 2 approved ways and advises about costs associated with the approved ways.	Delegation to the CEO
Section 100(2)	Entity Power Given To: Provider	Chapter 2 – Residential Tenancy Agreements And Rooming Accommodation Agreements Part 2 – Rent Division 2 – Rooming Accommodation Agreements	Power to give a written notice stating a place, or a different place, as the place where rent is required to be paid.	Delegation to the CEO
Section 102	Entity Power Given To: Provider	Chapter 2 – Residential Tenancy Agreements And Rooming Accommodation Agreements Part 2 – Rent Division 2 – Rooming Accommodation Agreements	Power to give a receipt for the payment of rent.	Delegation to the CEO
Section 102(5)	Entity Power Given To: Provider	Chapter 2 – Residential Tenancy Agreements And Rooming Accommodation Agreements Part 2 – Rent Division 2 – Rooming Accommodation Agreements	Power to make a written record of the payment of rent paid.	Delegation to the CEO
Section 105(3)	Entity Power Given To: Provider	Chapter 2 – Residential Tenancy Agreements And Rooming Accommodation Agreements Part 2 – Rent Division 2 – Rooming Accommodation Agreements	Power to give a written notice stating the amount of increased rent under a rooming accommodation agreement and the day from which the increased rent is payable.	Delegation to the CEO
Section 106	Entity Power Given To: Provider	Chapter 2 – Residential Tenancy Agreements And Rooming Accommodation Agreements Part 2 – Rent Division 2 – Rooming Accommodation Agreements	Power to agree on the amount and time for the decrease of rent for matters including loss of amenity or service.	Delegation to the CEO
Section 107	Entity Power Given To: Provider	Chapter 2 – Residential Tenancy Agreements And Rooming Accommodation Agreements Part 2 – Rent Division 2 – Rooming Accommodation Agreements	Power to agree to a reduction in rent because of the resident's absence.	Delegation to the CEO
Section 116(1)	Entity Power Given To: Person	Chapter 2 – Residential Tenancy Agreements And Rooming Accommodation Agreements Part 3 – Rental Bonds Division 2 – Payments To Authority	Power to pay a rental bond to the authority and to give the authority a notice, in the approved form, about the rental bond.	Delegation to the CEO
Section 117	Entity Power Given To: Lessor	Chapter 2 – Residential Tenancy Agreements And Rooming Accommodation Agreements Part 3 – Rental Bonds Division 2 – Payments To Authority	If rental bond instalments are payable under a residential tenancy agreement, power to pay the rental bond to the Residential Tenancies Authority once all rental bond instalments have been received and to give the Authority a notice, in the approved form, about instalments.	Delegation to the CEO

Section	Entity Power Given To	Title	Description	Recommendation
Section 118(2)	Entity Power Given To: Provider	Chapter 2 – Residential Tenancy Agreements And Rooming Accommodation Agreements Part 3 – Rental Bonds Division 2 – Payments To Authority	Power as a provider who has received the last rental bond instalment, to pay the instalments to the authority and to give the authority a notice, in the approved form about the instalments.	Delegation to the CEO
Section 118(3)	Entity Power Given To: Provider	Chapter 2 – Residential Tenancy Agreements And Rooming Accommodation Agreements Part 3 – Rental Bonds Division 2 – Payments To Authority	Power as a provider where the agreement is ended before the provider receives all the rental bond instalments, to pay the instalments received by the provider to the authority and to give the authority a notice, in the approved form, about the instalments.	Delegation to the CEO
Section 118(4)	Entity Power Given To: Provider	Chapter 2 – Residential Tenancy Agreements And Rooming Accommodation Agreements Part 3 – Rental Bonds Division 2 – Payments To Authority	Power as a provider in the circumstances set out in subsection 118(4), to pay the instalments received by the provider to the authority and to give the authority a notice, in the approved form, about the instalments.	Delegation to the CEO
Section 119(2)	Entity Power Given To: Lessor	Chapter 2 – Residential Tenancy Agreements And Rooming Accommodation Agreements Part 3 – Rental Bonds Division 2 – Payments To Authority	Power, as a lessor under a residential tenancy agreement in the circumstances set out in subsection 119(1), to pay to the authority an amount equal to the maximum rental bond for the agreement or the difference between the maximum rental bond and the amount of rental bond actually paid.	Delegation to the CEO
Section 125	Entity Power Given To: Provider	Chapter 2 – Residential Tenancy Agreements And Rooming Accommodation Agreements Part 3 – Rental Bonds Division 3 – Payments by Authority Subdivision 1 - Preliminary	Power to apply to the authority for payment of a rental bond.	Delegation to the CEO
Section 136A	Entity Power Given To: Interested Person	Chapter 2 – Residential Tenancy Agreements And Rooming Accommodation Agreements Part 3 – Rental Bonds Division 3 – Payments by Authority Subdivision 4 - General Process for Payment of Rental Bond if Interested Persons for the Payment	Power to make a dispute resolution request to the authority about an application for payment of a rental bond.	Delegation to the CEO
Section 136B(2)	Entity Power Given To: Interested Person	Chapter 2 – Residential Tenancy Agreements And Rooming Accommodation Agreements Part 3 – Rental Bonds Division 3 - Payments by Authority Subdivision 4 - General Process for Payment of Rental Bond if Interested Persons for the Payment	Power to make an application to the tribunal for an order about the payment of a rental bond.	Delegation to the CEO
Section 136B(4)	Entity Power Given To: Interested Person	Chapter 2 – Residential Tenancy Agreements And Rooming Accommodation Agreements Part 3 – Rental Bonds Division 3 - Payments by Authority Subdivision 4 - General Process for Payment of Rental Bond if Interested Persons for the Payment	Power, where an application has been made to the tribunal, to give the authority written notice of the application.	Delegation to the CEO
Section 136C(2)	Entity Power Given To: Interested Person	Chapter 2 – Residential Tenancy Agreements And Rooming Accommodation Agreements Part 3 – Rental Bonds Division 3 - Payments by Authority Subdivision 4 - General Process for Payment of Rental Bond if Interested Persons for the Payment	Power, as an interested person, to make a written request to the authority for an extension of the claim period.	Delegation to the CEO
Sections 136(3)(c)(i)(A) or 136(4)(c)(iv)(A)	Entity Power Given To: Interested Person	Chapter 2 – Residential Tenancy Agreements And Rooming Accommodation Agreements Part 3 – Rental Bonds Division 3 - Payments by Authority Subdivision 4 - General Process for Payment of Rental Bond if Interested Persons for the Payment	Power to apply to a tribunal for an order about the payment of a rental bond and give the residential tenancy authority a written notice informing it of the application.	Delegation to the CEO

Section	Entity Power Given To	Title	Description	Recommendation
Section 136(5)	Entity Power Given To: Interested Person	Chapter 2 – Residential Tenancy Agreements And Rooming Accommodation Agreements Part 3 – Rental Bonds Division 3 – Payments by Authority Subdivision 4 - General Process for Payment of Rental Bond if Interested Persons for the Payment	Power to give the Residential Tenancies Authority a written application requesting it to extend the 7 day period by not more than 3 days.	Delegation to the CEO
Section 140	Entity Power Given To: Applicant	Chapter 2 – Residential Tenancy Agreements And Rooming Accommodation Agreements Part 3 – Rental Bonds Division 3 – Payments by Authority Subdivision 4 - General Process for Payment of Rental Bond if Interested Persons for the Payment	Power to withdraw an application to the Residential Tenancies Authority for the payment of a rental bond.	Delegation to the CEO
Section 145	Entity Power Given To: Person	Chapter 2 – Residential Tenancy Agreements And Rooming Accommodation Agreements Part 3 – Rental Bonds Division 4 – Enforcement Provisions	Power to sign and give a receipt for a rental bond.	Delegation to the CEO
Section 145(4)	Entity Power Given To: Person	Chapter 2 – Residential Tenancy Agreements And Rooming Accommodation Agreements Part 3 – Rental Bonds Division 4 – Enforcement Provisions	Power to keep a copy of the receipt for a rental bond.	Delegation to the CEO
Section 154	Entity Power Given To: Lessor	Chapter 2 – Residential Tenancy Agreements And Rooming Accommodation Agreements Part 3 – Rental Bonds Division 6 – Miscellaneous	Power to give a written notice to the tenant or resident to increase the rental bond if the rent payable under the agreement increases.	Delegation to the CEO
Section 155(3)	Entity Power Given To: Lessor	Chapter 2 – Residential Tenancy Agreements And Rooming Accommodation Agreements Part 3 – Rental Bonds Division 6 – Miscellaneous	Power to apply to a tribunal disputing the amount being treated as a rental bond.	Delegation to the CEO
Section 156	Entity Power Given To: Person	Chapter 2 – Residential Tenancy Agreements And Rooming Accommodation Agreements Part 4- Key and Holding Deposits for Residential Tenancies Division 1 - Key Deposits	Power to require a prospective tenant to pay a key deposit.	Delegation to the CEO
Section 157	Entity Power Given To: Person	Chapter 2 – Residential Tenancy Agreements And Rooming Accommodation Agreements Part 4- Key and Holding Deposits for Residential Tenancies Division 1 - Key Deposits	Power to give a receipt for a key deposit that was paid by a prospective tenant.	Delegation to the CEO
Section 158	Entity Power Given To: Person	Chapter 2 – Residential Tenancy Agreements And Rooming Accommodation Agreements Part 4- Key and Holding Deposits for Residential Tenancies Division 1 - Key Deposits	Power to refund a key deposit in full when the key is returned.	Delegation to the CEO
Section 159	Entity Power Given To: Person	Chapter 2 – Residential Tenancy Agreements And Rooming Accommodation Agreements Part 4- Key and Holding Deposits for Residential Tenancies Division 2 - Holding Deposits	Power to require a prospective tenant to pay a holding deposit for a tenancy of premises.	Delegation to the CEO
Section 160(4)	Entity Power Given To: Person	Chapter 2 – Residential Tenancy Agreements And Rooming Accommodation Agreements Part 4 – Key And Holding Deposits For Residential Tenancies Division 2 – Holding Deposits	Power to give a receipt for a holding deposit.	Delegation to the CEO

Section	Entity Power Given To	Title	Description	Recommendation
Section 161(2)	Entity Power Given To: Lessor	Chapter 2 – Residential Tenancy Agreements And Rooming Accommodation Agreements Part 4 – Key And Holding Deposits For Residential Tenancies Division 2 – Holding Deposits	Power to refund the holding deposit to the prospective tenant within 3 days after notification that the prospective tenant intends not to exercise the option.	Delegation to the CEO
Section 168(3)	Entity Power Given To: Lessor	Chapter 2 – Residential Tenancy Agreements And Rooming Accommodation Agreements Part 5 – Outgoings Of Lessor Or Provider Division 1 – Residential Tenancy Agreements Subdivision 2 – Service Charges	Power to agree a reduced rent amount attributable to the service or facility becoming unavailable for use by the tenant.	Delegation to the CEO
Section 168(4)	Entity Power Given To: Lessor	Chapter 2 – Residential Tenancy Agreements And Rooming Accommodation Agreements Part 5 – Outgoings Of Lessor Or Provider Division 1 – Residential Tenancy Agreements Subdivision 2 – Service Charges	Power to give a written statement to the tenant showing each service or facility for which an amount of rent is attributable and the amount attributed to the service or facility.	Delegation to the CEO
Section 169(2)	Entity Power Given To: Lessor and Lessee	Chapter 2 – Residential Tenancy Agreements And Rooming Accommodation Agreements Part 5 – Outgoings Of Lessor Or Provider Division 1 – Residential Tenancy Agreements Subdivision 2 – Service Charges	Power to apply to a tribunal for a decision about: (a)the amount of the lessor's outgoings for a service charge payable by the tenant; or (b)the amount of the reduced rent payable under the agreement because a service or facility ceases to be available for use by the tenant.	Delegation to the CEO
Section 192, 193, 194, 195, 196, 197, 198, 199	Entity Power Given To: Lessor	Chapter 3 – Rights And Obligations Of Parties For Residential Tenancies Part 3 – Lessors' Right Of Entry	Power to enter premises on a ground specified in section 192(1), to take all steps necessary to allow for the entry, and to exercise all the powers of Council upon making the entry.	Delegation to the CEO
Section 201	Entity Power Given To: Lessor or Tenant	Chapter 3 – Rights And Obligations Of Parties For Residential Tenancies Part 3 – Lessors' Right Of Entry	Power to apply to a tribunal to enter the premises under order of the tribunal, and to comply with the rules of entry as changed by the tribunal.	Delegation to the CEO
Section 205(1)	Entity Power Given To: Lessor	Chapter 3 – Rights And Obligations Of Parties For Residential Tenancies Part 4 - Personal Details of the Parties and Agents	Power to ask the tenant the tenant's name or place of employment.	Delegation to the CEO
Section 205(3)(a)	Entity Power Given To: Lessor	Chapter 3 – Rights And Obligations Of Parties For Residential Tenancies Part 4 - Personal Details of the Parties and Agents	Power to ask the tenant in writing to state the new address.	Delegation to the CEO
Section 205(2)	Entity Power Given To: Lessor	Chapter 3 – Rights And Obligations Of Parties For Residential Tenancies Part 4 - Personal Details of the Parties and Agents	Power to ask the tenant in writing to state the tenant's new residential address.	Delegation to the CEO
Section 206	Entity Power Given To: Lessor	Chapter 3 – Rights And Obligations Of Parties For Residential Tenancies Part 4 - Personal Details of the Parties and Agents	Power to give a written notice to the tenant stating the lessor's and/or the lessor's agent's name and address for service including any change of such details.	Delegation to the CEO
Sections 207 and 208	Entity Power Given To: Lessor	Chapter 3 – Rights And Obligations Of Parties For Residential Tenancies Part 5 - The Dwelling Division 1 - Fixtures and Structural Changes	Power to agree to the tenant attaching a fixture or making a structural change to the premises including the power to set the terms upon which the agreement is given.	Delegation to the CEO
Section 209	Entity Power Given To: Lessor	Chapter 3 – Rights And Obligations Of Parties For Residential Tenancies Part 5 - The Dwelling Division 1 - Fixtures and Structural Changes	Power to waive the breach by a tenant attaching a fixture or making a structural change to the premises without the lessor's agreement and to treat the fixture or change as an improvement to the premises for the lessor's benefit.	Delegation to the CEO
Section 210	Entity Power Given To: Lessor	Chapter 3 – Rights And Obligations Of Parties For Residential Tenancies Part 5 - The Dwelling Division 2 - Locks and Keys	Power to supply and maintain the locks and keys that are necessary to ensure the premises are reasonably secure.	Delegation to the CEO
Section 211	Entity Power Given To: Lessor	Chapter 3 – Rights And Obligations Of Parties For Residential Tenancies Part 5 - The Dwelling Division 2 - Locks and Keys	Power to change a lock to the premises or to agree to the other party to the residential tenancy agreement changing a lock to the premises and to give a copy of the key to the other party.	Delegation to the CEO

Section	Entity Power Given To	Title	Description	Recommendation
Section 211(1)	Entity Power Given To: Lessor	Chapter 3 – Rights And Obligations Of Parties For Residential Tenancies Part 5 – The Dwelling Division 2 – Locks And Keys	Power to agree to not being given a key for a lock to the premises changed by the tenant.	Delegation to the CEO
Section 213(1)	Entity Power Given To: Lessor or Tenant	Chapter 3 – Rights And Obligations Of Parties For Residential Tenancies Part 5 – The Dwelling Division 2 – Locks and Keys	Power to apply to a tribunal about a lock or key for the premises.	Delegation to the CEO
Section 216	Entity Power Given To: Lessor	Chapter 3 – Rights And Obligations Of Parties For Residential Tenancies Part 5 – The Dwelling Division 3 – Damage And Repairs	Power to nominate a nominated repairer and to provide written notice to the tenant stating the nominated repairer and to give written notice to the tenant of any change in a nominated repairer.	Delegation to the CEO
Section 220(2)	Entity Power Given To: Lessor	Chapter 3 – Rights And Obligations Of Parties For Residential Tenancies Part 5 – The Dwelling Division 3 – Damage And Repairs	Power to apply to a tribunal for an order about the reimbursement or payment of an amount for emergency repairs to the tenant.	Delegation to the CEO
Section 223	Entity Power Given To: Lessor	Chapter 3 – Rights And Obligations Of Parties For Residential Tenancies Part 6 – Additional Provisions For Moveable Dwelling Premises Division 2 – Relocation	Power to give a notice to relocate to another site in the moveable dwelling park to the tenant.	Delegation to the CEO
Section 227	Entity Power Given To: Lessor or Tenant	Chapter 3 – Rights And Obligations Of Parties For Residential Tenancies Part 6 – Additional Provisions For Moveable Dwelling Premises Division 2 – Relocation	Power to apply to a tribunal for an order about the relocation of a tenant to another site in the moveable dwelling park.	Delegation to the CEO
Section 228	Entity Power Given To: Lessor	Chapter 3 – Rights And Obligations Of Parties For Residential Tenancies Part 6 – Additional Provisions For Moveable Dwelling Premises Division 3 – Park Rules	Power to make rules about the use, enjoyment, control and management of a moveable dwelling park owned by Council.	Delegation to the CEO
Section 229	Entity Power Given To: Park Owner	Chapter 3 – Rights And Obligations Of Parties For Residential Tenancies Part 6 – Additional Provisions For Moveable Dwelling Premises Division 3 – Park Rules	Power to give a notice proposing a change to a park rule to residents of the park.	Delegation to the CEO
Section 231	Entity Power Given To: Lessor	Chapter 3 – Rights And Obligations Of Parties For Residential Tenancies Part 6 – Additional Provisions For Moveable Dwelling Premises Division 3 – Park Rules	Power as an owner of a moveable dwelling park to set up a park liaisons committee to consider objections received to the proposal to change a park rule.	Delegation to the CEO
Section 231(3)(b)	Entity Power Given To: Park Owner or Nominee	Chapter 3 – Rights And Obligations Of Parties For Residential Tenancies Part 6 – Additional Provisions For Moveable Dwelling Premises Division 3 – Park Rules	Power to be Council's nominee on the park liaison committee.	Delegation to the CEO
Section 231(6)	Entity Power Given To: Park Owner or Nominee	Chapter 3 – Rights And Obligations Of Parties For Residential Tenancies Part 6 – Additional Provisions For Moveable Dwelling Premises Division 3 – Park Rules	Power to give a non resolution notice to each of the objectors objecting to a change of a park rule.	Delegation to the CEO
Section 233(2)	Entity Power Given To: Park Owner or Objector	Chapter 3 – Rights And Obligations Of Parties For Residential Tenancies Part 6 – Additional Provisions For Moveable Dwelling Premises Division 3 – Park Rules	Power to apply to a tribunal for an order declaring the proposal to change a park rule to be reasonable or unreasonable.	Delegation to the CEO
Section 237(2)	Entity Power Given To: Lessor	Chapter 3 – Rights And Obligations Of Parties For Residential Tenancies Part 7 – Change Of Lessor Or Tenant Division 1 – Transfer Or Subletting By Tenant	Power to agree in writing, to the transfer or subletting of the tenant's interest under an agreement.	Delegation to the CEO
Section 238(2)(a)	Entity Power Given To: Lessor	Chapter 3 – Rights And Obligations Of Parties For Residential Tenancies Part 7 – Change Of Lessor Or Tenant Division 1 – Transfer Or Subletting By Tenant	Power to agree in writing to the transfer or subletting of all or a part of the tenant's interests under the agreement.	Delegation to the CEO
Section 240	Entity Power Given To: Lessor	Chapter 3 – Rights And Obligations Of Parties For Residential Tenancies Part 7 – Change Of Lessor Or Tenant Division 1 – Transfer Or Subletting By Tenant	Power to require the tenant to pay an amount equivalent to the reasonable expenses incurred by the lessor in agreeing to the transfer or subletting.	Delegation to the CEO

Section	Entity Power Given To	Title	Description	Recommendation
Section 241(2)	Entity Power Given To: Lessor	Chapter 3 – Rights And Obligations Of Parties For Residential Tenancies Part 7 – Change Of Lessor Or Tenant Division 1 – Transfer Or Subletting By Tenant	Power to require a tenant to pay a fee for the sale or attempted sale of a caravan on the premises.	Delegation to the CEO
Section 242(1)(a)	Entity Power Given To: Lessor	Chapter 3 – Rights And Obligations Of Parties For Residential Tenancies Part 7 – Change Of Lessor Or Tenant Division 2 – Transfer By Lessor	Power to give a written notice of a tenancy to a buyer to whom Council proposes to transfer the Council's interests in the premises.	Delegation to the CEO
Section 242(1)(b)	Entity Power Given To: Lessor	Chapter 3 – Rights And Obligations Of Parties For Residential Tenancies Part 7 – Change Of Lessor Or Tenant Division 2 – Transfer By Lessor	Power to give a written notice of the transfer (the attornment notice) to the tenant if the lessor's interest is transferred.	Delegation to the CEO
Section 243(7)	Entity Power Given To: Person	Chapter 3 – Rights And Obligations Of Parties For Residential Tenancies Part 7 – Change Of Lessor Or Tenant Division 3 – Replacement of Tenant	Power to be heard on an application by a person occupying the premises to be recognised as a tenant under an agreement.	Delegation to the CEO
Section 245(8)	Entity Power Given To: Person	Chapter 3 – Rights And Obligations Of Parties For Residential Tenancies Part 7 – Change Of Lessor Or Tenant Division 3 – Replacement of Tenant	Power to be heard before a tribunal on an application by a person to be recognised as the tenant or a co tenant under an agreement instead of the person's domestic associate.	Delegation to the CEO
Section 246(6)	Entity Power Given To: An Occupant - not a tenant	Chapter 3 – Rights And Obligations Of Parties For Residential Tenancies Part 7 – Change Of Lessor Or Tenant Division 3 – Replacement of Tenant	Power to be heard before a tribunal on the application of an occupant for an order to be recognised as the tenant, or a co tenant under an agreement instead of the tenant or co tenant.	Delegation to the CEO
Section 247(2)	Entity Power Given To: Provider	Chapter 4 – Rights And Obligations Of Parties For Rooming Accommodation Part 1 – Rights And Obligations Generally	Power to agree about cleaning common areas for a common area used by the resident and a minority of other residents of the provider.	Delegation to the CEO
Section 248(1)	Entity Power Given To: Provider	Chapter 4 – Rights And Obligations Of Parties For Rooming Accommodation Part 1 – Rights And Obligations Generally	Power to give a written notice to the resident stating the provider's name and address for service or the provider's agent's name and address for service and a notice detailing any changes to those details.	Delegation to the CEO
Section 250(1)	Entity Power Given To: Provider	Chapter 4 – Rights And Obligations Of Parties For Rooming Accommodation Part 1 – Rights And Obligations Generally	Power to supply and maintain the locks that are necessary to ensure the resident's room is reasonably secure.	Delegation to the CEO
Section 251	Entity Power Given To: Provider	Chapter 4 – Rights And Obligations Of Parties For Rooming Accommodation Part 1 – Rights And Obligations Generally	Power to agree to change or repair a lock at the request of a resident.	Delegation to the CEO
Section 252	Entity Power Given To: Provider or Resident	Chapter 4 – Rights And Obligations Of Parties For Rooming Accommodation Part 1 – Rights And Obligations Generally	Power to apply to a tribunal for an order relating to a lock or key mentioned in section 250.	Delegation to the CEO
Section 254 & 255	Entity Power Given To: Provider	Chapter 4 – Rights And Obligations Of Parties For Rooming Accommodation Part 1 – Rights And Obligations Generally	Power to agree to the resident attaching a fixture, or making a structural change to rental premises including setting the terms of the agreement.	Delegation to the CEO
Section 256(1)	Entity Power Given To: Provider	Chapter 4 – Rights And Obligations Of Parties For Rooming Accommodation Part 1 – Rights And Obligations Generally	Power to waive a breach by a resident who attaches a fixture or makes a structural change to rental premises without the provider's agreement, or to treat the fixture or change as an improvement to the rental premises for the provider's benefit.	Delegation to the CEO
Section 257(1)	Entity Power Given To: Provider	Chapter 4 – Rights And Obligations Of Parties For Rooming Accommodation Part 2 – Entry To Residents' Rooms	Power to agree with the resident for the provider to enter the resident's room for any reason if the resident agrees.	Delegation to the CEO
Section 258(1)	Entity Power Given To: Provider	Chapter 4 – Rights And Obligations Of Parties For Rooming Accommodation Part 2 – Entry To Residents' Rooms	Power to enter a resident's room, at a reasonable time, to inspect the room and to give notice of the entry.	Delegation to the CEO
Section 259	Entity Power Given To: Provider	Chapter 4 – Rights And Obligations Of Parties For Rooming Accommodation Part 2 – Entry To Residents' Rooms	Power to give at least 24 hours prior a written notice of proposed entry to a resident's room for a purpose mentioned in the section.	Delegation to the CEO
Section 260	Entity Power Given To: Provider	Chapter 4 – Rights And Obligations Of Parties For Rooming Accommodation Part 2 – Entry To Residents' Rooms	Power to enter a resident's room without notice for one of the reasons set out in section 260.	Delegation to the CEO
Section 264	Entity Power Given To: Provider or Resident	Chapter 4 – Rights And Obligations Of Parties For Rooming Accommodation Part 2 – Entry To Residents' Rooms	Power to make an application to a tribunal for an order to enter the resident's room, which entry may be subject to rules of entry as changed by the tribunal.	Delegation to the CEO
Section 268(1)	Entity Power Given To: Provider	Chapter 4 – Rights And Obligations Of Parties For Rooming Accommodation Part 3 – House Rules Division 1 - General	Power to make house rules for rental purposes for any of the matters specified in section 268(1).	Delegation to the CEO

Section	Entity Power Given To	Title	Description	Recommendation
Section 270(1)	Entity Power Given To: Provider	Chapter 4 – Rights And Obligations Of Parties For Rooming Accommodation Part 3 – House Rules Division 2 – Rule Changes	Power to give a written notice of proposed rule change for rental premises.	Delegation to the CEO
Section 271	Entity Power Given To: Provider	Chapter 4 – Rights And Obligations Of Parties For Rooming Accommodation Part 3 – House Rules Division 2 – Rule Changes	Power to give a written notice withdrawing the proposed rule change.	Delegation to the CEO
Section 272(4)(b)	Entity Power Given To: Provider	Chapter 4 – Rights And Obligations Of Parties For Rooming Accommodation Part 3 – House Rules Division 2 – Rule Changes	Power to give a written notice to residents stating that at least the prescribed number of residents have objected to the rule change and that the proposed change will not take effect on the proposed commencement date.	Delegation to the CEO
Section 273(2)	Entity Power Given To: Provider	Chapter 4 – Rights And Obligations Of Parties For Rooming Accommodation Part 3 – House Rules Division 2 – Rule Changes	Power to apply to a tribunal for an order declaring the proposed rule change to be reasonable.	Delegation to the CEO
Section 273(7)	Entity Power Given To: Provider	Chapter 4 – Rights And Obligations Of Parties For Rooming Accommodation Part 3 – House Rules Division 2 – Rule Changes	Power to give a written notice of the tribunal's decision regarding an application under section 273 to each resident of the rental premises.	Delegation to the CEO
Section 274(7)	Entity Power Given To: Provider	Chapter 4 – Rights And Obligations Of Parties For Rooming Accommodation Part 3 – House Rules Division 2 – Rule Changes	Power to give a written notice of the tribunal's decision on an application by a resident for an order declaring an existing house rule to be unreasonable to each resident of the rental premises.	Delegation to the CEO
Section 275	Entity Power Given To: Provider Or Provider's Agent	Chapter 4 – Rights And Obligations Of Parties For Rooming Accommodation Part 3 – House Rules Division 3 – Publication of House Rules	Power to give a person a copy of the house rules for the premises.	Delegation to the CEO
Section 276	Entity Power Given To: Provider Or Provider's Agent	Chapter 4 – Rights And Obligations Of Parties For Rooming Accommodation Part 3 – House Rules Division 3 – Publication of House Rules	Power to display a copy of the house rules at a place in the rental premises where it is likely to be seen by the residents.	Delegation to the CEO
Section 277(2)	Entity Power Given To: Lessor	Chapter 5 – Ending Of Agreements Part 1 – Ending Of Residential Tenancy Agreements Division 1 – General	Power to end a residential tenancy agreement by written agreement with the tenant.	Delegation to the CEO
Section 277(3)	Entity Power Given To: Lessor	Chapter 5 – Ending Of Agreements Part 1 – Ending Of Residential Tenancy Agreements Division 1 – General	Power to give a notice to leave the premises to the tenant.	Delegation to the CEO
Section 277(7)(c)	Entity Power Given To: Lessor	Chapter 5 – Ending Of Agreements Part 1 – Ending Of Residential Tenancy Agreements Division 1 – General	Power to agree with the tenant's personal representative or relative on a day for the residential tenancy agreement to end.	Delegation to the CEO
Section 280	Entity Power Given To: Lessor	Chapter 5 – Ending Of Agreements Part 1 – Ending Of Residential Tenancy Agreements Division 2 – Action By Lessor Subdivision 1 – Notices To Remedy Breach Given By Lessor	Power to give a tenant a notice to remedy breach.	Delegation to the CEO
Section 281(1), 282(1), 283(2), 284(1), 285(2), 286(1), 287(2), 288(1), 289(2), 290(2), 290A(1) and 291(1)	Entity Power Given To: Lessor	Chapter 5 – Ending Of Agreements Part 1 – Ending Of Residential Tenancy Agreements Division 2 – Action By Lessor Subdivision 1 – Notices To Remedy Breach Given By Lessor	Power to give a notice to leave the premises to a tenant because of any of the reasons set out in sections 281 to 291 (inclusive).	Delegation to the CEO
Sections 293, 294, 295, 296, 296A, 297, 297A, 298 and 299	Entity Power Given To: Lessor	Chapter 5 – Ending Of Agreements Part 1 – Ending Of Residential Tenancy Agreements Division 2 – Action By Lessor Subdivision 3 – Applications For Termination By Lessor	Power to apply to a tribunal for a termination order because of any of the reasons set out in sections 293 to 297A (inclusive).	Delegation to the CEO
Section 300	Entity Power Given To: Lessor	Chapter 5 – Ending Of Agreements Part 1 – Ending Of Residential Tenancy Agreements Division 2 – Action By Lessor Subdivision 3 – Applications For Termination By Lessor	Power to apply to a tribunal for an interim order to restrain tenant from causing further damage or injury.	Delegation to the CEO

Section	Entity Power Given To	Title	Description	Recommendation
Section 303	Entity Power Given To: Tenant	Chapter 5 – Ending Of Agreements Part 1 – Ending Of Residential Tenancy Agreements Division 3 - Action by Tenant Subdivision 2 - Notices of Intention to Leave Premises Given by Tenant	Power to remedy a lessor's breach following receipt of a notice to remedy breach from the tenant.	Delegation to the CEO
Section 308C(2)	Entity Power Given To: Tenant	Chapter 5 – Ending Of Agreements Part 1 – Ending Of Residential Tenancy Agreements Division 3 - Action by Tenant Subdivision 2A - Domestic Violence	Power, after receiving the notice ending tenancy interest, to inform the vacating tenant whether the lessor proposes to apply to the tribunal under section 308H to have the notice set aside.	Delegation to the CEO
Section 308C(3)	Entity Power Given To: Tenant	Chapter 5 – Ending Of Agreements Part 1 – Ending Of Residential Tenancy Agreements Division 3 - Action by Tenant Subdivision 2A - Domestic Violence	Power, if there are other tenants for the residential tenancy agreement, to inform the vacating tenant of the matters set out in subsection 308C(3).	Delegation to the CEO
Section 308E(3)	Entity Power Given To: Tenant	Chapter 5 – Ending Of Agreements Part 1 – Ending Of Residential Tenancy Agreements Division 3 - Action by Tenant Subdivision 2A - Domestic Violence	Power, in the circumstances set out in subsection 308E(1), to give each remaining tenant for the agreement a continuing interest notice.	Delegation to the CEO
Section 308H(2)	Entity Power Given To: Tenant	Chapter 5 – Ending Of Agreements Part 1 – Ending Of Residential Tenancy Agreements Division 3 - Action by Tenant Subdivision 2A - Domestic Violence	Power to apply to the tribunal for an order setting aside the notice because it does not comply with section 308B.	Delegation to the CEO
Section 324A(1)	Entity Power Given To: Lessor	Chapter 5 – Ending Of Agreements Part 1 – Ending Of Residential Tenancy Agreements Division 4A - Death of Sole Tenant	Power, as lessor, to:- (a) give the tenant's personal representative or relative written notice that the agreement ends because of the tenant's death; (b) agree with the tenant's personal representative or relative on a day for the tenancy to end; (c) apply to the tribunal to decide the day for the tenancy to end.	Delegation to the CEO
Section 333(1)	Entity Power Given To: Lessor	Chapter 5 – Ending Of Agreements Part 1 – Ending Of Residential Tenancy Agreements Division 5 – Procedural Requirements For Action Taken By Lessor Or Tenant	Power to withdraw a notice to leave for unremedied breach.	Delegation to the CEO
Section 334(2)	Entity Power Given To: Lessor	Chapter 5 – Ending Of Agreements Part 1 – Ending Of Residential Tenancy Agreements Division 5 – Procedural Requirements For Action Taken By Lessor Or Tenant	Power to agree to the tenant withdrawing a notice of intention to leave the premises.	Delegation to the CEO
Section 335(1)	Entity Power Given To: Lessor	Chapter 5 – Ending Of Agreements Part 1 – Ending Of Residential Tenancy Agreements Division 5 – Procedural Requirements For Action Taken By Lessor Or Tenant	Power to apply to the tribunal for a termination order without giving a notice to leave the premises to the tenant.	Delegation to the CEO
Section 355(1)	Entity Power Given To: Lessor	Chapter 5 – Ending Of Agreements Part 1 – Ending Of Residential Tenancy Agreements Division 8 – Abandonment	Power to give an abandonment termination notice to the tenant terminating the agreement.	Delegation to the CEO
Section 357(1)	Entity Power Given To: Lessor	Chapter 5 – Ending Of Agreements Part 1 – Ending Of Residential Tenancy Agreements Division 8 – Abandonment	Power to apply to a tribunal for an order about the abandonment by the tenant of the premises.	Delegation to the CEO
Section 358	Entity Power Given To: Lessor	Chapter 5 – Ending Of Agreements Part 1 – Ending Of Residential Tenancy Agreements Division 9 - Compensation	Power to apply to a tribunal for an order requiring the tenant to pay compensation for the tenant remaining in possession and an occupation fee.	Delegation to the CEO
Section 359	Entity Power Given To: Lessor	Chapter 5 – Ending Of Agreements Part 1 – Ending Of Residential Tenancy Agreements Division 8 – Abandonment	Power to apply to a tribunal for an order for compensation following the giving of an abandonment termination notice.	Delegation to the CEO
Section 362	Entity Power Given To: Lessor	Chapter 5 – Ending Of Agreements Part 1 – Ending Of Residential Tenancy Agreements Division 8 – Abandonment	Power to take all reasonable steps to mitigate loss or expense incurred because of the matters set out in section 362(1).	Delegation to the CEO
Section 363(2) & 363(4)	Entity Power Given To: Former Lessor	Chapter 5 – Ending Of Agreements Part 1 – Ending Of Residential Tenancy Agreements Division 10 – Goods And Documents Left Behind On Premises	Power to sell tenant's goods left on premises or dispose of them in another way.	Delegation to the CEO

Section	Entity Power Given To	Title	Description	Recommendation
Section 363(8)	Entity Power Given To: Former Lessor	Chapter 5 – Ending Of Agreements Part 1 – Ending Of Residential Tenancy Agreements Division 10 – Goods And Documents Left Behind On Premises	Power to pay any balance from the sale of goods of a former tenant to the public trustee.	Delegation to the CEO
Section 363(10)	Entity Power Given To: Former Lessor	Chapter 5 – Ending Of Agreements Part 1 – Ending Of Residential Tenancy Agreements Division 10 – Goods And Documents Left Behind On Premises	Power to apply to a tribunal for an order for an entitlement to receive an amount in the fund kept under the <i>Public Trustee Act 1978</i> .	Delegation to the CEO
Section 364	Entity Power Given To: Former Lessor	Chapter 5 – Ending Of Agreements Part 1 – Ending Of Residential Tenancy Agreements Division 10 – Goods And Documents Left Behind On Premises	Power to give documents left on the premises in the ways prescribed under section 364.	Delegation to the CEO
Section 366(a)	Entity Power Given To: Provider	Chapter 5 – Ending Of Agreements Part 2 – Ending Of Rooming Accommodation Agreements Division 1 – General	Power to agree with a resident, by written agreement, to end a rooming accommodation agreement.	Delegation to the CEO
Section 366(b)	Entity Power Given To: Provider	Chapter 5 – Ending Of Agreements Part 2 – Ending Of Rooming Accommodation Agreements Division 1 – General	Power to end a rooming accommodation agreement by giving a notice under Part 2.	Delegation to the CEO
Section 368(2)	Entity Power Given To: Provider	Chapter 5 – Ending Of Agreements Part 2 – Ending Of Rooming Accommodation Agreements Division 2 – Action By Provider Subdivision 1 – Notices To Remedy Breach Given By Provider	Power to give a resident notice requiring the resident to remedy a breach of a rooming accommodation agreement.	Delegation to the CEO
Section 369(1)	Entity Power Given To: Provider	Chapter 5 – Ending Of Agreements Part 2 – Ending Of Rooming Accommodation Agreements Division 2 – Action By Provider Subdivision 2 – Notices To Leave Given By Provider	Power to give a resident a notice requiring the resident to leave the rental premises because of failure to remedy breach.	Delegation to the CEO
Section 369(5)	Entity Power Given To: Provider	Chapter 5 – Ending Of Agreements Part 2 – Ending Of Rooming Accommodation Agreements Division 2 – Action By Provider Subdivision 2 – Notices To Leave Given By Provider	Power to withdraw a notice requiring the resident to leave the rental premises because of failure to remedy breach.	Delegation to the CEO
Section 370(1)	Entity Power Given To: Provider	Chapter 5 – Ending Of Agreements Part 2 – Ending Of Rooming Accommodation Agreements Division 2 – Action By Provider Subdivision 2 – Notices To Leave Given By Provider	Power to give a written notice requiring the resident to leave the rental premises immediately because of a serious breach.	Delegation to the CEO
Section 371	Entity Power Given To: Provider	Chapter 5 – Ending Of Agreements Part 2 – Ending Of Rooming Accommodation Agreements Division 2 – Action By Provider Subdivision 2 – Notices To Leave Given By Provider	Power to give a resident a notice requiring the resident to leave the rental premises if premises destroyed etc.	Delegation to the CEO
Section 372	Entity Power Given To: Provider	Chapter 5 – Ending Of Agreements Part 2 – Ending Of Rooming Accommodation Agreements Division 2 – Action By Provider Subdivision 2 – Notices To Leave Given By Provider	Power to give a notice terminating a periodic or fixed term agreement without ground.	Delegation to the CEO
Section 374(1)	Entity Power Given To: Provider	Chapter 5 – Ending Of Agreements Part 2 – Ending Of Rooming Accommodation Agreements Division 2 – Action By Provider Subdivision 2 – Notices To Leave Given By Provider	Power to give a resident a notice requiring the resident to leave the premises if resident's employment ends or entitlement to occupy under employment ends.	Delegation to the CEO
Section 375(2)	Entity Power Given To: Provider	Chapter 5 – Ending Of Agreements Part 2 – Ending Of Rooming Accommodation Agreements Division 2 – Action By Provider Subdivision 2 – Notices To Leave Given By Provider	Power to use necessary and reasonable force to remove a resident and the resident's property from rental premises if the resident refuses to leave the premises and the circumstances specified in section 375(1) apply.	Delegation to the CEO

Section	Entity Power Given To	Title	Description	Recommendation
Section 376(2)	Entity Power Given To: Provider	Chapter 5 – Ending Of Agreements Part 2 – Ending Of Rooming Accommodation Agreements Division 2 – Action By Provider Subdivision 3 - Applications for Termination by Provider	Power to apply to a tribunal for a termination order for repeated breaches by resident.	Delegation to the CEO
Section 377(1)	Entity Power Given To: Provider	Chapter 5 – Ending Of Agreements Part 2 – Ending Of Rooming Accommodation Agreements Division 2 – Action By Provider Subdivision 3 - Applications for Termination by Provider	Power to apply to a tribunal for an order terminating a fixed term agreement because of excessive hardship.	Delegation to the CEO
Section 378	Entity Power Given To: Resident	Chapter 5 – Ending Of Agreements Part 2 – Ending Of Rooming Accommodation Agreements Division 3 – Action By Resident Subdivision 1 - Notices to Remedy Breach Given by Resident	Power to remedy a provider's breach following receipt of a notice requiring remedy of breach from the resident.	Delegation to the CEO
Section 381C(2)	Entity Power Given To: Resident	Chapter 5 – Ending Of Agreements Part 2 – Ending Of Rooming Accommodation Agreements Division 3 – Action By Resident Subdivision 2A - Domestic Violence	Power, after receiving the notice ending residency interest, to inform the vacating resident whether the provider proposes to apply to the tribunal under section 381H to have the notice set aside.	Delegation to the CEO
Section 381C(3)	Entity Power Given To: Resident	Chapter 5 – Ending Of Agreements Part 2 – Ending Of Rooming Accommodation Agreements Division 3 – Action By Resident Subdivision 2A - Domestic Violence	Power, if there are other residents for the rooming accommodation agreement, to inform the vacating resident of the matters set out in subsection 381C(3).	Delegation to the CEO
Section 381E(3)	Entity Power Given To: Resident	Chapter 5 – Ending Of Agreements Part 2 – Ending Of Rooming Accommodation Agreements Division 3 – Action By Resident Subdivision 2A - Domestic Violence	Power, in the circumstances set out in subsection 381E(1), to give each remaining resident for the agreement a continuing interest notice.	Delegation to the CEO
Section 381H(2)	Entity Power Given To: Resident	Chapter 5 – Ending Of Agreements Part 2 – Ending Of Rooming Accommodation Agreements Division 3 – Action By Resident Subdivision 2A - Domestic Violence	Power to apply to the tribunal for an order setting aside the notice because it does not comply with section 381B.	Delegation to the CEO
Section 387A(1)	Entity Power Given To: Provider	Chapter 5 – Ending Of Agreements Part 2 – Ending Of Rooming Accommodation Agreements Division 3 – Action By Resident Subdivision 4A - Death of Sole Resident	Power, as a provider, to: (a) give the resident's personal representative or relative written notice that the agreement ends because of the resident's death; (b) agree with the resident's personal representative or relative on a day for the agreement to end; (c) apply to the tribunal to decide the day for the agreement to end.	Delegation to the CEO
Section 388(1)	Entity Power Given To: Provider	Chapter 5 – Ending Of Agreements Part 2 – Ending Of Rooming Accommodation Agreements Division 5 – Procedural Requirements And Orders Of Tribunal	Power to apply to the tribunal for a termination order without giving a notice to leave the rental premises to the resident.	Delegation to the CEO
Section 392	Entity Power Given To: Provider	Chapter 5 – Ending Of Agreements Part 2 – Ending Of Rooming Accommodation Agreements Division 6 - Goods or Money Left Behind in Premises	Power to deal a with personal document or money in the ways stated in the section.	Delegation to the CEO
Section 392(2)	Entity Power Given To: Provider	Chapter 5 – Ending Of Agreements Part 2 – Ending Of Rooming Accommodation Agreements Division 6 - Goods or Money Left Behind in Premises	Power to make reasonable efforts to contact a former resident about property left at the rental premises.	Delegation to the CEO
Section 393(2), 393(4) and 393(5)	Entity Power Given To: Provider	Chapter 5 – Ending Of Agreements Part 2 – Ending Of Rooming Accommodation Agreements Division 6 - Goods or Money Left Behind in Premises	Power to sell property left at the rental premises that is not a personal document or money, or to dispose of it in another way.	Delegation to the CEO
Section 393(7)	Entity Power Given To: Provider	Chapter 5 – Ending Of Agreements Part 2 – Ending Of Rooming Accommodation Agreements Division 6 - Goods or Money Left Behind in Premises	Power to apply the proceeds from the sale of property under section 393 in the ways stated in the section.	Delegation to the CEO

Section	Entity Power Given To	Title	Description	Recommendation
Section 395(4)	Entity Power Given To: Provider	Chapter 5 – Ending Of Agreements Part 2 – Ending Of Rooming Accommodation Agreements Division 6 - Goods or Money Left Behind in Premises	Power to apply to a tribunal to make an order conferring an entitlement to receive funds paid to the public trustee under section 392 or section 393.	Delegation to the CEO
Section 402, 404, 405, 406, 408 and 410	Entity Power Given To: Lessor	Chapter 6 – Dispute Resolution Part 1 – Conciliation Process For Residential Tenancy Disputes And Rooming Accommodation Disputes Division 3 – Starting The Conciliation Process	Power to make a dispute resolution request to the Residential Tenancies Authority and to take all steps necessary to participate in the conciliation, withdraw from a conciliation and agree to the terms of a conciliation agreement.	Delegation to the CEO
Section 418	Entity Power Given To: Person	Chapter 6 – Dispute Resolution Part 2 – Application To Tribunals Division 3 – General Powers Of Tribunals	Power to make an application to the tribunal for an order declaring that a stated agreement is, or is not, a residential tenancy agreement or a rooming accommodation agreement to which the Act applies.	Delegation to the CEO
Section 419(2)	Entity Power Given To: Lessor	Chapter 6 – Dispute Resolution Part 2 – Application To Tribunals Division 3 – General Powers Of Tribunals	Power to apply to a tribunal for an order about a breach of a term of a residential tenancy agreement or a rooming accommodation agreement.	Delegation to the CEO
Section 424(1)	Entity Power Given To: Lessor	Chapter 6 – Dispute Resolution Part 2 – Application To Tribunals Division 3 – General Powers Of Tribunals	Power to apply to a tribunal for an order about a disputed ground stated in a notice to remedy breach or notice of intention to leave premises given to Council as the lessor by the tenant (other than a notice of intention to leave without ground).	Delegation to the CEO
Section 425(2)	Entity Power Given To: Resident	Chapter 6 – Dispute Resolution Part 2 – Application To Tribunals Division 3 – General Powers Of Tribunals	Power to apply to a tribunal for an order about a disputed ground stated in a notice to remedy breach or a notice of intention to leave premises (other than a notice of intention to leave without ground).	Delegation to the CEO
Section 429(1)	Entity Power Given To: Lessor / Provider	Chapter 6 – Dispute Resolution Part 2 – Application To Tribunals Division 3 – General Powers Of Tribunals	Power to apply to the tribunal for an order about a general dispute between parties to a residential tenancy agreement or rooming accommodation agreement.	Delegation to the CEO
Section 430(2)	Entity Power Given To: Lessor / Provider	Chapter 6 – Dispute Resolution Part 2 – Application To Tribunals Division 3 – General Powers Of Tribunals	Power to be heard before the tribunal on an application regarding a dispute between cotenants or residents about a rental bond for an agreement.	Delegation to the CEO
Section 449	Entity Power Given To: Person	Chapter 7 - Enforcement Part 3 - Other Enforcement Matters	Power to claim compensation for a loss or expense incurred because of the exercise or purported exercise of a power under Chapter 7, Part 2.	Delegation to the CEO
Section 455(1)	Entity Power Given To: Owner of a Moveable Dwelling Park	Chapter 8 – Causing Nuisance In Moveable Dwelling Parks	Power to apply to a tribunal for an order excluding a person from a moveable dwelling park because of the person's behaviour in the park.	Delegation to the CEO
Section 458A(2)	Entity Power Given To: Lessor or Agent	Chapter 9 - Tenancy Database	Power to give an applicant a written notice.	Delegation to the CEO
Section 458B(2)	Entity Power Given To: Person	Chapter 9 - Tenancy Database	Power to give an applicant a written notice.	Delegation to the CEO
Section 459	Entity Power Given To: Person	Chapter 9 - Tenancy Database	Power to list personal information about a person in a tenancy database after complying with the requirements of section 459(2).	Delegation to the CEO
Section 459(2)	Entity Power Given To: Person	Chapter 9 - Tenancy Database	Power to give the other person a copy of the personal information and consider any submissions made by the other person.	Delegation to the CEO
Section 459A(2)	Entity Power Given To: Lessor or Lessor's Agent	Chapter 9 - Tenancy Database	Power, in the circumstances listed in subsection (1), to give a database operator written notice.	Delegation to the CEO
Section 459A(4)	Entity Power Given To: Lessor or Lessor's Agent	Chapter 9 - Tenancy Database	Power to keep a copy of a written notice given under this section.	Delegation to the CEO
Section 459C(2)	Entity Power Given To: Lessor or Lessor's Agent	Chapter 9 - Tenancy Database	Power to give a copy of a person's personal information listed about the person.	Delegation to the CEO
Section 527D	Entity Power Given To: Lessor / Community Housing Provider	Chapter 13A – Matters Relating To Particular Leases By The State And Community Housing Providers	Where Council is a community housing provider as defined by section 527B, power to give written notice to the tenant to give an acceptable behaviour agreement undertaking.	Delegation to the CEO

Section	Entity Power Given To	Title	Description	Recommendation
Section 527E	Entity Power Given To: Lessor / Community Housing Provider	Chapter 13A – Matters Relating To Particular Leases By The State And Community Housing Providers	Where Council is a community housing provider, power to apply to the tribunal for a termination order relating to either a failure to enter into acceptable behaviour agreement or a serious or persistent breach of acceptable behaviour agreement.	Delegation to the CEO

Schedule 2

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

COUNCIL DELEGATIONS TO CHIEF EXECUTIVE OFFICER

Delegation Register – Queensland Heritage Act 1992 - Clean

Meeting Date: 13 June 2023

Attachment No: 18

Delegations Register – Queensland Heritage Act 1992

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
Sections 36, 36A, 43, 46, 48	Entity Power Given To: Person or Other Entity, Applicant, Owner, Local Government	Part 4 - Matters About Registration of State Heritage Places in Queensland Heritage Register Division 2 - Applications for Entry of Places in, or Removal of Places From, Register Division 3 - Submissions and Representations About Applications Division 4 - Heritage Recommendations Division 5 - Council to Decide About Entry of Place in, or Removal of Place from Register Subdivision 1 - Preliminary	Power to apply to the Chief Executive to have a place entered or removed from the Queensland Heritage Register including all powers authorised or required by Part 4 of the Act for the purpose of making the application and having the place entered in or removed from the Register.	Delegation to the CEO
Sections 41 and 42	Entity Power Given To: Person or Other Entity	Part 4 - Matters About Registration of State Heritage Places in Queensland Heritage Register Division 3 - Submissions and Representations About Applications	Power to make a heritage submission (including power to agree to a later day for making the submission).	Delegation to the CEO
Section 43	Entity Power Given To: Person or Other Entity	Part 4 - Matters About Registration of State Heritage Places in Queensland Heritage Register Division 3 - Submissions and Representations About Applications	Power to make written representations to the chief executive about the place the subject of an application under Part 4 of the Act.	Delegation to the CEO
Section 46(2)(a)	Entity Power Given To: Person or Other Entity	Part 4 - Matters About Registration of State Heritage Places in Queensland Heritage Register Division 4 - Heritage Recommendations	Power to make oral representations to the Heritage Council about the recommendation.	Delegation to the CEO
Section 46(2)(b)	Entity Power Given To: Owner	Part 4 - Matters About Registration of State Heritage Places in Queensland Heritage Register Division 4 - Heritage Recommendations	Power, as the owner, to make a written response to the Heritage Council about the recommendation.	Delegation to the CEO
Section 46A(1)(c)	Entity Power Given To: Owner	Part 4 - Matters About Registration of State Heritage Places in Queensland Heritage Register Division 4A - Destroyed Place Recommendations	Power, as the owner, to consult with the chief executive about a proposed destroyed place recommendation.	Delegation to the CEO
Section 48	Entity Power Given To: Person or Other Entity	Part 4 - Matters About Registration of State Heritage Places in Queensland Heritage Register Division 5 - Council to Decide About Entry of Place in, or Removal of Place from Register Subdivision 1 - Preliminary	Power to make written representations to the Heritage Council about the place the subject of an application under Part 4 of the Act.	Delegation to the CEO
Sections 49 and 50	Entity Power Given To: Person or Other Entity	Part 4 - Matters About Registration of State Heritage Places in Queensland Heritage Register Division 5 - Council to Decide About Entry of Place in, or Removal of Place from Register Subdivision 2 - Oral Representations About Heritage Recommendations	Power to request and make oral representations to the Heritage Council about the recommendation.	Delegation to the CEO
Section 50A	Entity Power Given To: Owner	Part 4 - Matters About Registration of State Heritage Places in Queensland Heritage Register Division 5 - Council to Decide About Entry of Place in, or Removal of Place from Register Subdivision 2A - Heritage Responses to Heritage Recommendations	Power, as the owner, to give the Heritage Council a heritage response to the heritage recommendation.	Delegation to the CEO
Section 50B(3)	Entity Power Given To: Owner	Part 4 - Matters About Registration of State Heritage Places in Queensland Heritage Register Division 5 - Council to Decide About Entry of Place in, or Removal of Place from Register Subdivision 2A - Heritage Responses to Heritage Recommendations	Power, as the owner, to agree in writing with the Heritage Council on a later day by which the heritage response must be given.	Delegation to the CEO

Section	Entity Power Given To	Title	Description	Recommendation
Section 52	Entity Power Given To: Owner	Part 4 - Matters About Registration of State Heritage Places in Queensland Heritage Register Division 5 - Council to Decide About Entry of Place in, or Removal of Place from Register Subdivision 3 - Decisions on Heritage Recommendations	Power, as the owner of a place the subject of a heritage recommendation to agree to extend the day for making the decision.	Delegation to the CEO
Section 56B	Entity Power Given To: Owner	Part 4 - Matters About Registration of State Heritage Places in Queensland Heritage Register Division 5A - Excluded Places	Power, as the owner of a place, to apply to the chief executive to have the place excluded from entry into the Queensland heritage register as a State heritage place including all powers authorised or required by Part 4 of the Act for the purpose of making the application and having the place excluded.	Delegation to the CEO
Section 58	Entity Power Given To: Owner	Part 4 - Matters About Registration of State Heritage Places in Queensland Heritage Register Division 6 - Other Matters	Power, as the owner of a place referred to in subsection (1), to give notice to the chief executive before a prescribed application is made for the place.	Delegation to the CEO
Section 59	Entity Power Given To: Owner	Part 4 - Matters About Registration of State Heritage Places in Queensland Heritage Register Division 6 - Other Matters	Power, as the owner of a place in the circumstances referred to in subsections (1) or (3), to advise the chief executive of a development approval and within the relevant period advise the chief executive of the relevant application.	Delegation to the CEO
Section 71	Entity Power Given To: Person or Other Entity	Part 6 - Development in Queensland Heritage Places and Local Heritage Places Division 1 - Development on Queensland Heritage Place by State	Power to make a submission about development the State proposes to carry out on a Queensland heritage place.	Delegation to the CEO
Section 72 and 73	Entity Power Given To: Relevant Person for a Queensland Heritage Place	Part 6 - Development in Queensland Heritage Places and Local Heritage Places Division 2 - Exemption Certificates	Power, as a relevant person for a Queensland heritage place, to apply to the chief executive for an exemption certificate to carry out development mentioned in subsection (3) on the place including all powers authorised or required by Part 6, Division 2 to obtain the exemption.	Delegation to the CEO
Section 80	Entity Power Given To: Owner or Another Person or Entity	Part 7 - Heritage Agreements and Local Heritage Agreements	Power to enter into a heritage agreement for a Queensland heritage place and to agree to the changing or ending of a heritage agreement.	Delegation to the CEO
Sections 80(1)(b) and 80(2)(b)	Entity Power Given To: Owner	Part 7 - Heritage Agreements and Local Heritage Agreements	Power, as owner, to consent to the entering of a heritage agreement for a Queensland heritage place and to agree to the changing or ending of a heritage agreement.	Delegation to the CEO
Section 82	Entity Power Given To: Party to a Agreement	Part 7 - Heritage Agreements and Local Heritage Agreements	Power, as a party to a heritage agreement, to apply to the Planning and Environment Court for thean orders required to secure compliance with the agreement.	Delegation to the CEO
Section 84(6)	Entity Power Given To: Owner	Part 8 - Notices About Essential Repair and Maintenance of State Heritage Places and Local Heritage Places	Power, as the owner of a Queensland heritage place, to comply with a repair and maintenance notice.	Not Relevant to Council
Section 89	Entity Power Given To: Person Who Discovers a Thing	Part 9 - Discovery and Protection of Archaeological Artefacts and Underwater Cultural Heritage Artefacts Division 1 - Offences Relating to Archaeological Artefacts and Underwater Cultural Heritage Artefacts	Power to give the chief executive notice of the discovery of an archaeological artefact or underwater cultural heritage artefact.	Delegation to the CEO
Sections 94 and 95	Entity Power Given To: Person Who Suffers Loss	Part 9 - Discovery and Protection of Archaeological Artefacts and Underwater Cultural Heritage Artefacts Division 2 - Provisions About Ownership of Particular Artefacts	Power to apply to the chief executive for compensation for a loss suffered because of the exercise of a power under section 92 including all powers authorised or required by Part 9, Division 2 to obtain compensation.	Delegation to the CEO
Section 98	Entity Power Given To: Applicant for the Payment of Compensation	Part 9 - Discovery and Protection of Archaeological Artefacts and Underwater Cultural Heritage Artefacts Division 2 - Provisions About Ownership of Particular Artefacts Subdivision 4 - External Reviews by QCAT	Power to apply to QCAT for an external review of a compensation decision.	Delegation to the CEO
Sections 105 and 106	Entity Power Given To: Person	Part 10 - Protected Areas Division 1 - Declaration of, and Entry to, Protected Areas	Power to apply to the chief executive for a permit to enter a protected area including all powers authorised or required by Part 10, Division 1 to obtain the permit.	Delegation to the CEO
Section 110	Entity Power Given To: Permit Holder	Part 10 - Protected Areas Division 1 - Declaration of, and Entry to, Protected Areas	Power to respond to a show cause notice in relation to a proposal to cancel a permit to enter a protected area.	Delegation to the CEO

Section	Entity Power Given To	Title	Description	Recommendation
Section 111	Entity Power Given To: Person	Part 10 - Protected Areas Division 2 - Appeals	Power to appeal to the Planning & Environment Court in relation to those matters listed in subsection (1).	Delegation to the CEO
Sections 112, 112B, 113, 114, 116, 117, 118, 120, 122	Entity Power Given To: Local Government	Part 10 - Protected Areas Division 1 - Identifying Places of Local Cultural Heritage Significance Division 1A - Chief Executive's Recommendation About a Place Division 2 - Local Heritage Registers Division 3 - Entry of Places In, and Removal of Places From, Local Heritage Registers Division 4 - Assessing Development Under Planning Act	Power as a local government to keep a local heritage register for its area including all powers authorised or required by Part 11, Divisions 1, 1A, 2, 3 and 5, other than section 119, to keep the register.	Delegation to the CEO
Section 161	Entity Power Given To: Person Identified in Subsection (1)	Part 13 - Appeals to Planning and Environment Court Against Particular Decisions	Power, as a person identified in subsection (1), to appeal to the Planning & Environment Court against the decision.	Delegation to the CEO
Section 165	Entity Power Given To: Local Government	Part 14 - Miscellaneous	Power, as a local government, to provide any information or assistance that the Minister or chief executive reasonably requires for the purposes of the Act.	Delegation to the CEO

Schedule 2

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

COUNCIL DELEGATIONS TO CHIEF EXECUTIVE OFFICER

Delegation Register – Summary Offences Regulation 2016 - Tracked

Meeting Date: 13 June 2023

Attachment No: 19

Delegations Register – Summary Offences Regulation 2016

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 10(1)(a)	Entity Power Given To: Local Government	Part 2 – Driving of Motorbikes on Public Land	Power to consult with an entity that intends to make an application for an area of public land to be prescribed as motorbike control land about the proposal.	Delegation to the CEO
Section 14(3)	Entity Power Given To: Local Government	Part 2 – Driving of Motorbikes on Public Land	Power, as entity having a legitimate interest in the area, to consult with a government entity for the purposes of reviewing the number and location of prescribed areas of motorbike control land.	Delegation to the CEO

Schedule 2

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

COUNCIL DELEGATIONS TO CHIEF EXECUTIVE OFFICER

Delegation Register – Transport Infrastructure (Public Marine Facilities) Regulation 2011 - Tracked

Meeting Date: 13 June 2023

Attachment No: 20

Delegations Register – Transport Infrastructure (Public Marine Facilities) Regulation 2011

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 5, 7, and Schedule 1	Entity Power Given To: Manager of a public marine facility	Part 2 – Public marine facilities management Division 1 – Management	Power to manage the public marine facilities listed in schedule 1.	Delegation to the CEO
Section 6(b)(i)	Entity Power Given To: Manager of a public marine facility	Part 2 – Public marine facilities management Division 1 – Management	Power, as a manager of a public marine facility, to give written approval for the use of the facility for a commercial purpose.	Delegation to the CEO
Section 79	Entity Power Given To: Manager of a non-State managed boat harbour	Part 6 – General Division 1 – Fees	Power, as a manager of a non-State managed boat harbour, to pay to the chief executive the fees stated in schedule 3 for each mooring in the boat harbour.	Not Relevant to Council
Section 81(2)	Entity Power Given To: Manager of a non-State managed boat harbour	Part 6 – General Division 1 – Fees	Power, as a manager of a non-State managed boat harbour, to ask the chief executive to enter into another arrangement for the payment of fees under section 79.	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.

COUNCIL DELEGATIONS TO CHIEF EXECUTIVE OFFICER

Delegation Register – Acquisition of Land Act 1967 - Tracked

Meeting Date: 13 June 2023

Attachment No: 21

Delegations Register – Acquisition of Land Act 1967

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 4B(2)	Entity Power Given To: Entity	Part 1 – Preliminary	Power as an entity taking the resource interest to give the relevant Chief Executive for the resource interest written notice.	Delegation to the CEO
Section 7	Entity Power Given To: Constructing Authority	Part 2 – Taking Of Land Division 2 – Taking Other Than By Agreement	Power to prepare, serve and amend a notice of intention to resume, to discontinue a resumption and to give notice to the land registry.	Delegation to the CEO
Section 8	Entity Power Given To: Constructing Authority	Part 2 – Taking Of Land Division 2 – Taking Other Than By Agreement	Power to hear the objector, consider the grounds of objection to the taking of land and to amend the notice of intention to resume or discontinue the resumption.	Delegation to the CEO
Section 9	Entity Power Given To: Constructing Authority	Part 2 – Taking Of Land Division 2 – Taking Other Than By Agreement	Power to apply to the Minister that the land be taken and to respond to requests from the Minister for further particulars or information.	Delegation to the CEO
Section 12(2A)	Entity Power Given To: Constructing Authority	Part 2 – Taking Of Land Division 2 – Taking Other Than By Agreement	Power, where the estate or interest is such that provision is made by the Land Title Act 1994 for its registration, to apply to the Registrar of Titles for registration, to produce a gazette copy of the gazette resumption notice and pay the prescribed fee.	Delegation to the CEO
Section 12(3)	Entity Power Given To: Constructing Authority	Part 2 – Taking Of Land Division 2 – Taking Other Than By Agreement	Power, where the land taken is part of land subject to a building units plan registered under the Building Units and Group Titles Act 1980, to pay the prescribed fees to the Registrar of Titles.	Delegation to the CEO
Section 12(3A)	Entity Power Given To: Constructing Authority	Part 2 – Taking Of Land Division 2 – Taking Other Than By Agreement	Power, where the land taken is scheme land for a community titles scheme under the Body Corporate and Community Management Act 1997, to pay the prescribed fees to the Registrar of Titles.	Delegation to the CEO
Section 12(4B)	Entity Power Given To: Constructing Authority	Part 2 – Taking Of Land Division 2 – Taking Other Than By Agreement	Power to deal with land mentioned in subsection (4) for the purpose for which it is taken on and from the day it is taken, even though the land is yet to be dedicated, granted, leased or otherwise dealt with under subsection (4A).	Delegation to the CEO
Section 12(5A)	Entity Power Given To: Constructing Authority	Part 2 – Taking Of Land Division 2 – Taking Other Than By Agreement	Power to agree with a claimant on the amount of compensation payable.	Delegation to the CEO
Section 12(7)	Entity Power Given To: Constructing Authority	Part 2 – Taking Of Land Division 2 – Taking Other Than By Agreement	Power to serve the gazette resumption notice upon every person who is entitled, pursuant to section 18, to claim compensation or is a mortgagee of the land.	Delegation to the CEO
Section 12A	Entity Power Given To: Constructing Authority	Part 2 – Taking Of Land Division 2 – Taking Other Than By Agreement	Power to lodge with the registrar of titles a plan of survey showing a new boundary for a lot or common property.	Delegation to the CEO
Section 12B	Entity Power Given To: Constructing Authority	Part 2 – Taking Of Land Division 2 – Taking Other Than By Agreement	Power to dedicate land taken under the Act as a road.	Delegation to the CEO
Section 13(1) and (1A)	Entity Power Given To: Constructing Authority	Part 2 – Taking Of Land Division 2 – Taking Other Than By Agreement	Power to take additional land.	Delegation to the CEO
Sections 13(2) and (2A)	Entity Power Given To: Constructing Authority	Part 2 – Taking Of Land Division 2 – Taking Other Than By Agreement	Power to take additional land.	Delegation to the CEO
Section 13(3)	Entity Power Given To: Constructing Authority	Part 2 – Taking Of Land Division 2 – Taking Other Than By Agreement	Power to sell or otherwise deal with additional land taken.	Delegation to the CEO
Section 15B	Entity Power Given To: Constructing Authority	Part 2 – Taking Of Land Division 3 – Taking By Agreement Subdivision 2 – Process For Taking	Power to take land pursuant to a resumption agreement and to take all steps necessary to prepare and enter the resumption agreement.	Delegation to the CEO
Section 15C	Entity Power Given To: Constructing Authority	Part 2 – Taking Of Land Division 3 – Taking By Agreement Subdivision 2 – Process For Taking	Power to apply to the relevant Minister to take land pursuant to a resumption agreement and to respond to requests from the Minister for further particulars or information.	Delegation to the CEO
Section 15D	Entity Power Given To: Constructing Authority	Part 2 – Taking Of Land Division 3 – Taking By Agreement Subdivision 2 – Process For Taking	Power to declare by gazette notice that land taken pursuant to a resumption agreement is taken for the purpose stated in the notice.	Delegation to the CEO
Section 16(1)	Entity Power Given To: Constructing Authority	Part 3 – Discontinuance Of Taking Of Land	Power to serve a notice of discontinuance of a resumption.	Delegation to the CEO

Section	Entity Power Given To	Title	Description	Recommendation
Section 16(1B)	Entity Power Given To: Constructing Authority	Part 3 – Discontinuance Of Taking Of Land	Power to agree with the claimant about the amount of compensation payable under subsection (1A) or to refer the issue for determination by the Land Court.	Delegation to the CEO
Section 16(1C)	Entity Power Given To: Constructing Authority	Part 3 – Discontinuance Of Taking Of Land	Power to have the amount of compensation payable under subsection (1A) taxed by an officer of the Supreme Court.	Delegation to the CEO
Section 17(1)	Entity Power Given To: Gazetting Authority	Part 3 – Discontinuance Of Taking Of Land	Power as a gazetting authority to, by gazette notice, revoke a gazette resumption notice.	Delegation to the CEO
Section 17(1A)	Entity Power Given To: Gazetting Authority	Part 3 – Discontinuance Of Taking Of Land	Power to agree in writing with the person entitled as owner to compensation in respect of the taking of the land to the revesting of the land or part of it, to which a gazette resumption notice will relate.	Delegation to the CEO
Section 17(2)(c)	Entity Power Given To: Constructing Authority	Part 3 – Discontinuance Of Taking Of Land	Power to lodge a gazette copy of the revoking gazette notice with the land registry.	Delegation to the CEO
Section 17(5)	Entity Power Given To: Constructing Authority	Part 3 – Discontinuance Of Taking Of Land	Power to agree upon the amount of compensation to be paid under subsection (4) or to agree that the amount be determined by the Land Court.	Delegation to the CEO
Section 17(5)	Entity Power Given To: Constructing Authority	Part 3 – Discontinuance Of Taking Of Land	Power to refer the determination of the amount of compensation to be paid under subsection (4) to the Land Court.	Delegation to the CEO
Section 19	Entity Power Given To: Constructing Authority	Part 4 – Compensation	Power to accept and deal with a claim for compensation served by the claimant within 3 years after the day the land was taken.	Delegation to the CEO
Section 19(4) and (6)	Entity Power Given To: Constructing Authority	Part 4 – Compensation	Power to accept and deal with a claim for compensation served by the claimant more than 3 years after the day the land was taken.	Delegation to the CEO
Section 21(1)	Entity Power Given To: Constructing Authority	Part 4 – Compensation	Power to grant the claimant, in satisfaction wholly or partly of the claimant's claim for compensation, any easement, right of way, lease or other right of occupation, or any other right, privilege or concession in, upon, over or under the land taken or any other land the property of Council.	Delegation to the CEO
Section 21(1A)	Entity Power Given To: Constructing Authority	Part 4 – Compensation	Power to agree to transfer land held in fee simple by Council to the claimant in satisfaction wholly or partly of the Claimants claim for compensation.	Delegation to the CEO
Section 21(2)	Entity Power Given To: Constructing Authority	Part 4 – Compensation	Power to agree with the claimant that the extent to which the grant or transfer shall satisfy the claim for compensation be determined by the Land Court.	Delegation to the CEO
Section 23(2)	Entity Power Given To: Constructing Authority	Part 4 – Compensation	Power to make an advance on compensation to the Claimant.	Delegation to the CEO
Section 23(5)	Entity Power Given To: Constructing Authority	Part 4 – Compensation	Power to, before paying the advance, require the claimant to satisfy Council regarding taxes, rates and other moneys which, if unpaid, would be a charge upon the land, and to decide to reduce an advance by any such amount.	Delegation to the CEO
Section 23(6)	Entity Power Given To: Constructing Authority	Part 4 – Compensation	Power to reduce the advance by the sum due to the mortgagee.	Delegation to the CEO
Section 23(7)	Entity Power Given To: Constructing Authority	Part 4 – Compensation	Power to pay to Council, the Crown or a mortgagee any amount by which the advance has been reduced.	Delegation to the CEO
Section 24(1)	Entity Power Given To: Constructing Authority	Part 4 – Compensation	Power to refer a claim for compensation to the Land Court.	Delegation to the CEO
Section 24(4)	Entity Power Given To: Constructing Authority	Part 4 – Compensation	Power to apply to the Land Court for further or other particulars of a claim for compensation.	Delegation to the CEO
Section 25(1)	Entity Power Given To: Constructing Authority	Part 4 – Compensation	Power to apply to the Land Court for the Claimant to enter an appearance on the reference.	Delegation to the CEO
Section 29 and 30	Entity Power Given To: Constructing Authority	Part 4 – Compensation	Power to pay the amount of compensation agreed upon or determined into the Supreme Court.	Delegation to the CEO
Section 32	Entity Power Given To: Constructing Authority	Part 4 – Compensation	Power to pay to a mortgagee so much of the amount of compensation as does not exceed the sum due to the mortgagee.	Delegation to the CEO

Section	Entity Power Given To	Title	Description	Recommendation
Section 35	Entity Power Given To: Constructing Authority	Part 4 – Compensation	Power to deduct from an amount of compensation and pay to the Crown or to Council any amount of taxes, rates or other moneys charged upon the land taken in favour of the Crown or Council.	Delegation to the CEO
Section 36(1)	Entity Power Given To: Constructing Authority	Part 5 – General	Power to authorise a person to exercise the powers in section 36(1) on Council's behalf.	Delegation to the CEO
Section 36(3)	Entity Power Given To: Constructing Authority	Part 5 – General	Power to give 7 days notice in writing of the intention to enter land.	Delegation to the CEO
Section 37(1)	Entity Power Given To: Constructing Authority	Part 5 – General	Power to temporarily occupy and use any land for the purpose of constructing, maintaining or repairing any works and to exercise the powers prescribed in subsection (1).	Delegation to the CEO
Section 37(2)	Entity Power Given To: Constructing Authority	Part 5 – General	Power to give notice to the occupier or owner of the intention to temporarily occupy and use the land.	Delegation to the CEO
Section 37(5)	Entity Power Given To: Constructing Authority	Part 5 – General	Power to agree with the claimant upon the amount of compensation to be paid under section 37 or to agree that such amount be determined by the Land Court.	Delegation to the CEO
Section 38(1)	Entity Power Given To: Constructing Authority	Part 5 – General	Power to issue a warrant to the sheriff to deliver up possession of the land taken or occupied under the Act.	Delegation to the CEO
Section 41(1)	Entity Power Given To: Constructing Authority	Part 5 – General	Power to offer for sale land taken under the Act to the former owner of the land.	Delegation to the CEO

Schedule 2**Limitations to the Exercise of Power**

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

COUNCIL DELEGATIONS TO CHIEF EXECUTIVE OFFICER

Delegation Register – Local Government Act 2009 - Tracked

Meeting Date: 13 June 2023

Attachment No: 22

Delegations Register – Local Government Act 2009

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 10	Entity Power Given To: Local Government	Chapter 2 – Local governments Part 1 – Local governments and their constitution, responsibilities and powers	Power to conduct a joint government activity.	To Remain with Council
Section 11(c)	Entity Power Given To: Local Government	Chapter 2 – Local governments Part 1 – Local governments and their constitution, responsibilities and powers	Power to start a legal proceeding in the name of Council.	Delegation to the CEO
Section 16	Entity Power Given To: Local Government	Chapter 2 – Local governments Part 2 – Divisions of local government areas	Power to: (a) review whether each division of its local government area has a reasonable proportion of electors for each councillor elected for the division; and (b) give the electoral commissioner and the Minister written notice of the results of the review no later than 1 March in the year before the quadrennial elections.	Delegation to the CEO
Section 19	Entity Power Given To: Local Government	Chapter 2 – Local governments Part 3 – Changing a local government area, name or representation Division 2 – The process for change	Power to make submissions to the change commission in response to a request for submissions in relation to a proposed local government change.	To Remain with Council
Section 29(1)	Entity Power Given To: Local Government	Chapter 3 – The business of local governments Part 1 – Local laws Division 2 – Making, recording and reviewing local laws	Power to decide the local government's process for making a local law to the extent that the process is consistent with Chapter 3, Part 1 of the <i>Local Government Act 2009</i> .	Delegation to the CEO
Section 29A(3)	Entity Power Given To: Local Government	Chapter 3 – The business of local governments Part 1 – Local laws Division 2 – Making, recording and reviewing local laws	Power to consult with relevant government entities about the overall State interest in a proposed local law.	Delegation to the CEO
Section 46(2)	Entity Power Given To: Local Government	Chapter 3 – The business of local governments Part 2 – Beneficial enterprises and business activities Division 2 – Business Reform, Including Competitive Neutrality	Power to conduct a public benefit assessment of a new significant business activity.	To Remain with Council
Section 46(5)	Entity Power Given To: Local Government	Chapter 3 – The business of local governments Part 2 – Beneficial enterprises and business activities Division 2 – Business Reform, Including Competitive Neutrality	Power to prepare a report on the public benefit assessment in accordance with section 46(5) of the <i>Local Government Act 2009</i> .	To Remain with Council
Section 47(9)	Entity Power Given To: Local Government	Chapter 3 – The business of local governments Part 2 – Beneficial enterprises and business activities Division 2 – Business Reform, Including Competitive Neutrality	Power to apply a code of competitive conduct to a business activity other than a business activity prescribed under a regulation.	To Remain with Council
Section 60	Entity Power Given To: Local Government	Chapter 3 – The Business Of Local Government Part 3 – Roads And Other Infrastructure Division 1 – Roads	Power to exercise control of all roads in the local government area including the ability to survey and resurvey roads, construct, maintain and improve roads, approve the naming and numbering of private roads, and name and number other roads.	Delegation to the CEO
Section 61	Entity Power Given To: Local Government	Chapter 3 – The Business Of Local Government Part 3 – Roads And Other Infrastructure Division 1 – Roads	Power to give the owner of land a notice of intention to acquire land.	Delegation to the CEO
Section 61(6)	Entity Power Given To: Local Government	Chapter 3 – The Business Of Local Government Part 3 – Roads And Other Infrastructure Division 1 – Roads	Power to lodge the copy of a notice of intention to acquire land with the Registrar of Titles for registration on the instrument of title to the land.	Delegation to the CEO
Section 62	Entity Power Given To: Local Government	Chapter 3 – The Business Of Local Government Part 3 – Roads And Other Infrastructure Division 1 – Roads	Power to decide a claim for compensation for a notice of intention to acquire land.	Delegation to the CEO
Section 64	Entity Power Given To: Local Government	Chapter 3 – The Business Of Local Government Part 3 – Roads And Other Infrastructure Division 1 – Roads	Power to acquire land after service of notice of intention to acquire instead of paying compensation for injurious affection.	Delegation to the CEO
Section 64	Entity Power Given To: Local Government	Chapter 3 – The Business Of Local Government Part 3 – Roads And Other Infrastructure Division 1 – Roads	Power to assess compensation for acquisition of land.	Delegation to the CEO

Section	Entity Power Given To	Title	Description	Recommendation
Section 65(3)	Entity Power Given To: Local Government	Chapter 3 – The Business Of Local Government Part 3 – Roads And Other Infrastructure Division 1 – Roads	Power to serve notice of decision not to proceed to acquire land the subject of a notice of intention to acquire.	Delegation to the CEO
Section 65(4)	Entity Power Given To: Local Government	Chapter 3 – The Business Of Local Government Part 3 – Roads And Other Infrastructure Division 1 – Roads	Power to withdraw notice of intention to acquire land.	Delegation to the CEO
Section 65(4)	Entity Power Given To: Local Government	Chapter 3 – The Business Of Local Government Part 3 – Roads And Other Infrastructure Division 1 – Roads	Power to lodge with the Registrar of Titles for registration a notice of a decision not to proceed with, or to withdraw, notice of intention of realignment of the road or part of the road.	Delegation to the CEO
Section 66	Entity Power Given To: Local Government	Chapter 3 – The Business Of Local Government Part 3 – Roads And Other Infrastructure Division 1 – Roads	Power to assess and pay the owner of land reasonable compensation for decrease in value of land because of decision not to proceed with realignment of a road or part of a road after giving a notice of intention to acquire land and structural improvements have been made on land that adjoins the road.	Delegation to the CEO
Section 67	Entity Power Given To: Local Government	Chapter 3 – The Business Of Local Government Part 3 – Roads And Other Infrastructure Division 1 – Roads	Power to acquire land that adjoins a road for use as a footpath.	Delegation to the CEO
Section 68	Entity Power Given To: Local Government	Chapter 3 – The Business Of Local Government Part 3 – Roads And Other Infrastructure Division 1 – Roads	Power to submit objection to application for opening or closing of road in local government area by someone other than the local government.	Delegation to the CEO
Section 69(1)	Entity Power Given To: Local Government	Chapter 3 – The Business Of Local Government Part 3 – Roads And Other Infrastructure Division 1 – Roads	Power to close a road (permanently or temporarily) to all traffic, or traffic of a particular class, if there is another road or route reasonably available for use by the traffic.	Delegation to the CEO
Section 69(2)	Entity Power Given To: Local Government	Chapter 3 – The Business Of Local Government Part 3 – Roads And Other Infrastructure Division 1 – Roads	Power to close a road to all traffic, or traffic of a particular class: (a) during a temporary obstruction to traffic; or (b) if it is in the interests of public safety; or (c) if it is necessary or desirable to close the road for a temporary purpose (including a fair, for example).	Delegation to the CEO
Section 69(3)	Entity Power Given To: Local Government	Chapter 3 – The Business Of Local Government Part 3 – Roads And Other Infrastructure Division 1 – Roads	Power to publish notice of closing of road.	Delegation to the CEO
Section 69(4)	Entity Power Given To: Local Government	Chapter 3 – The Business Of Local Government Part 3 – Roads And Other Infrastructure Division 1 – Roads	Power to do everything necessary to stop traffic using the road after it is closed.	Delegation to the CEO
Section 69(5)	Entity Power Given To: Local Government	Chapter 3 – The Business Of Local Government Part 3 – Roads And Other Infrastructure Division 1 – Roads	Power to permit the use of any part of a road after it is closed to traffic for a temporary purpose subject to appropriate conditions.	Delegation to the CEO
Section 70(2)	Entity Power Given To: Local Government	Chapter 3 – The Business Of Local Government Part 3 – Roads And Other Infrastructure Division 1 – Roads	Power to make a temporary road through land adjoining the road to be used while the road is being remade or repaired.	Delegation to the CEO
Section 70(3) and (4)	Entity Power Given To: Local Government Employee Or Contractor	Chapter 3 – The Business Of Local Government Part 3 – Roads And Other Infrastructure Division 1 – Roads	Power to agree with the owner or occupier of the land regarding local government entry and the giving of written or oral notice as specified in section 70(3) and (4) of the <i>Local Government Act 2009</i> .	Delegation to the CEO
Section 70(7) and (8)	Entity Power Given To: Local Government	Chapter 3 – The Business Of Local Government Part 3 – Roads And Other Infrastructure Division 1 – Roads	Power to agree with the owner of land the amount of compensation for physical damage caused by local government entering, occupying or using land under section 70 of the <i>Local Government Act 2009</i> .	Delegation to the CEO
Section 71(1) and (3)	Entity Power Given To: Local Government	Chapter 3 – The Business Of Local Government Part 3 – Roads And Other Infrastructure Division 1 – Roads	Power to fix and advise the owner or occupier or change the permanent level of a road under section 71 of the <i>Local Government Act 2009</i> .	Delegation to the CEO
Section 71(4)	Entity Power Given To: Local Government	Chapter 3 – The Business Of Local Government Part 3 – Roads And Other Infrastructure Division 1 – Roads	Power to agree the amount of compensation payable under section 71 of the <i>Local Government Act 2009</i> .	Delegation to the CEO
Section 72(2)	Entity Power Given To: Local Government	Chapter 3 – The Business Of Local Government Part 3 – Roads And Other Infrastructure Division 1 – Roads	Power, in the circumstances set out in subsection 72(1), to require the entity that is conducting the activity to provide information, that will enable the local government to assess the impact of the activity on the road.	Delegation to the CEO

Section	Entity Power Given To	Title	Description	Recommendation
Section 72(3)	Entity Power Given To: Local Government	Chapter 3 – The Business Of Local Government Part 3 – Roads And Other Infrastructure Division 1 – Roads	Power, in the circumstances set out in subsection 72(1), to assess impact of the activity on the road.	Delegation to the CEO
Section 72(3)(a) and (b)	Entity Power Given To: Local Government	Chapter 3 – The Business Of Local Government Part 3 – Roads And Other Infrastructure Division 1 – Roads	Power to give the entity conducting an activity a direction about the use of the road to lessen the impact or to require the entity to carry out works to lessen the impact or to pay an amount as compensation for the impact.	Delegation to the CEO
Section 72(5)	Entity Power Given To: Local Government	Chapter 3 – The Business Of Local Government Part 3 – Roads And Other Infrastructure Division 1 – Roads	Power to recover an amount of compensation payable under subsection 72(3)(b)(ii) in a court.	Delegation to the CEO
Section 73	Entity Power Given To: Local Government	Chapter 3 – The Business Of Local Government Part 3 – Roads And Other Infrastructure Division 1 – Roads	Power to categorise the roads in the local government area according to the surface of the road.	Delegation to the CEO
Section 74(1)	Entity Power Given To: Local Government	Chapter 3 – The Business Of Local Government Part 3 – Roads And Other Infrastructure Division 1 – Roads	Power to prepare and keep up to date a map of every road including private roads in the local government area and a register of roads showing the category of every road, the level of every road that has a fixed level and other particulars prescribed under a regulation.	Delegation to the CEO
Section 75	Entity Power Given To: Local Government	Chapter 3 – The Business Of Local Government Part 3 – Roads And Other Infrastructure Division 1 – Roads	Power to approve the carrying out of works on a road or interference with a road or its operation subject to conditions.	Delegation to the CEO
Section 77	Entity Power Given To: Local Government	Chapter 3 – The Business Of Local Government Part 3 – Roads And Other Infrastructure Division 2 – Stormwater Drains	Power to, by written notice, require the owner of a property to connect a stormwater installation for the property to the local government's stormwater drain in the way, under the conditions and within the time stated in the notice.	Delegation to the CEO
Section 77	Entity Power Given To: Local Government	Chapter 3 – The Business Of Local Government Part 3 – Roads And Other Infrastructure Division 2 – Stormwater Drains	Power to give approval for the connection of a stormwater installation to a local government's stormwater drain (including the imposition of conditions) in accordance with section 77 of the <i>Local Government Act 2009</i> .	Delegation to the CEO
Section 78	Entity Power Given To: Local Government	Chapter 3 – The Business Of Local Government Part 3 – Roads And Other Infrastructure Division 2 – Stormwater Drains	Power to give a notice, requiring the owner of a property to perform sewerage installation works.	Delegation to the CEO
Section 79	Entity Power Given To: Local Government	Chapter 3 – The Business Of Local Government Part 3 – Roads And Other Infrastructure Division 2 – Stormwater Drains	Power to perform work to fix damage and recover reasonable costs for the work from a person who puts a prohibited substance in the stormwater drain.	Delegation to the CEO
Section 80B	Entity Power Given To: Local Government	Chapter 3 – The Business Of Local Government Part 3 – Roads And Other Infrastructure Division 3 – Other Matters	Power to provide a ferry service across a water course under section 80B of the <i>Local Government Act 2009</i> including the leasing of the right to provide the ferry service.	To Remain with Council
Section 90B	Entity Power Given To: Local Government	Chapter 3 – The Business Of Local Government Part 5 – Caretaker Period Arrangements	Power to apply to the Minister for approval to make a major policy decision during the caretaker period for an election for the local government.	To Remain with Council
Section 95	Entity Power Given To: Local Government	Chapter 4 – Finances And Accountability Part 1 – Rates And Charges	Power to register a charge over the land for overdue rates and charges under section 95 of the <i>Local Government Act 2009</i> .	Delegation to the CEO
Section 95	Entity Power Given To: Local Government	Chapter 4 – Finances And Accountability Part 1 – Rates And Charges	Power to lodge documents with the Registrar of Titles for release of the charge if overdue rates and charges are paid.	Delegation to the CEO
Section 104(1)	Entity Power Given To: Local Government	Chapter 4 – Finances And Accountability Part 3 – Financial Planning and Accountability	Power to establish a system of financial management, except those parts of the system that must be adopted by resolution (e.g. corporate plan, budget and operational plan).	Delegation to the CEO
Section 104(6)	Entity Power Given To: Local Government	Chapter 4 – Finances And Accountability Part 3 – Financial Planning and Accountability	Power to regularly review and update the financial policies of Council.	To Remain with Council
Section 104(7)	Entity Power Given To: Local Government	Chapter 4 – Finances And Accountability Part 3 – Financial Planning and Accountability	Power to carry out a review of the implementation of the annual operational plan annually.	Delegation to the CEO
Section 105(1)	Entity Power Given To: Local Government	Chapter 4 – Finances And Accountability Part 3 – Financial Planning and Accountability	Power to establish an efficient and effective internal audit function.	Delegation to the CEO
Section 105(2)	Entity Power Given To: Local Government	Chapter 4 – Finances And Accountability Part 3 – Financial Planning and Accountability	Power, as a large local government, to establish an audit committee.	To Remain with Council
Section 107(1)	Entity Power Given To: Local Government	Chapter 4 – Finances And Accountability Part 3 – Financial Planning and Accountability	Power to maintain public liability insurance and professional indemnity insurance.	Delegation to the CEO

Section	Entity Power Given To	Title	Description	Recommendation
Section 107(3)	Entity Power Given To: Local Government	Chapter 4 – Finances And Accountability Part 3 – Financial Planning and Accountability	Power to enter into a contract of insurance with WorkCover Queensland or another insurer to cover its Councillors.	Delegation to the CEO
Section 110	Entity Power Given To: Local Government	Chapter 4 – Finances And Accountability Part 4 – Councillor's Financial Accountability	Power to give the public notice of the disbursement of funds not provided for in the local government's budget.	Delegation to the CEO
Section 120(3)(d)	Entity Power Given To: Local Government	Chapter 5 – Monitoring And Enforcing The Local Government Acts Part 1 – Local Governments Division 3 – Action By The Minister	Power to make submissions to the Minister about the Minister's proposed exercise of the power.	To Remain with Council
Section 133	Entity Power Given To: Local Government	Chapter 5 – Monitoring And Enforcing The Local Government Acts Part 2 – The Public Division 1 – Power Of Authorised Persons	Power to give, or attempt to give, the occupier of the property a written notice that informs the occupier of the local government's intention to enter the property.	Delegation to the CEO
Section 137	Entity Power Given To: Local Government	Chapter 5 – Monitoring And Enforcing The Local Government Acts Part 2 – The Public Division 1 – Power Of Authorised Persons	Power to assess, agree and pay compensation for damage or loss incurred by a person because of the exercise, or purported exercise, of a power under division 1 part 2 chapter 5 of the <i>Local Government Act 2009</i> .	Delegation to the CEO
Section 138(5)	Entity Power Given To: Local Government	Chapter 5 – Monitoring And Enforcing The Local Government Acts Part 2 – The Public Division 2 – Powers Of Other Persons	Power to authorise an employee or agent of the local government to act as a local government worker.	Delegation to the CEO
Section 138A(1)	Entity Power Given To: Local Government	Chapter 5 – Monitoring And Enforcing The Local Government Acts Part 2 – The Public Division 2 – Powers Of Other Persons	Power to give each local government worker an identity card.	Delegation to the CEO
Section 142(2)	Entity Power Given To: Local Government	Chapter 5 – Monitoring And Enforcing The Local Government Acts Part 2 – The Public Division 2 – Powers Of Other Persons	Power to give a reasonable entry notice, as defined by section 138AA(4), to the occupier of a property that a local government worker may enter the property and take action required under a remedial notice.	Delegation to the CEO
Section 142(4)	Entity Power Given To: Local Government	Chapter 5 – Monitoring And Enforcing The Local Government Acts Part 2 – The Public Division 2 – Powers Of Other Persons	Power to recover as a debt the amount that the local government properly and reasonably incurs in taking the action from the person who failed to take the action.	Delegation to the CEO
Section 142(8)	Entity Power Given To: Local Government	Chapter 5 – Monitoring And Enforcing The Local Government Acts Part 2 – The Public Division 2 – Powers Of Other Persons	Power to recover a debt payable under section 142 of the <i>Local Government Act 2009</i> as if the debt were an overdue rate.	Delegation to the CEO
Section 143	Entity Power Given To: Local Government	Chapter 5 – Monitoring And Enforcing The Local Government Acts Part 2 – The Public Division 2 – Powers Of Other Persons	Power to give reasonable entry notice, as defined by section 138AA(4), to the owner and the occupier of rateable land of entry by a local government worker to search for and remove materials.	Delegation to the CEO
Section 147	Entity Power Given To: Local Government	Chapter 5 – Monitoring And Enforcing The Local Government Acts Part 2 – The Public Division 2 – Powers Of Other Persons	Power to agree and to pay the amount of compensation payable to a person who incurs damage or loss during the course of the exercise or purported exercise of a power under division 2, part 2, chapter 5 of the <i>Local Government Act 2009</i> .	Delegation to the CEO
Section 150P(2)	Entity Power Given To: Government Entity	Chapter 5A – Councillor Conduct Part 3 – Dealing with Inappropriate Conduct, Misconduct and Corrupt Conduct Division 2 – Complaints about Councillor Conduct	Power, as a government entity, to refer a complaint about the conduct of a councillor to the assessor and give the assessor all information held by the entity that relates to the complaint.	Delegation to the CEO
Section 150S(2)	Entity Power Given To: Local Government	Chapter 5A – Councillor Conduct Part 3 – Dealing with Inappropriate Conduct, Misconduct and Corrupt Conduct Division 3 – Local Government Duties to Notify Assessor About Particular Conduct	Power, in either of the circumstances listed in subsection (1), to give the assessor a notice about the councillor's conduct and all information held by Council that relates to the conduct.	Delegation to the CEO
Section 150AE(4)	Entity Power Given To: Local Government	Chapter 5A – Councillor Conduct Part 3 – Dealing with Inappropriate Conduct, Misconduct and Corrupt Conduct Division 5 – Referral of Conduct to Local Government	Power to publish Council's investigation policy on Council's website.	Delegation to the CEO
Section 150AF(1)	Entity Power Given To: Local Government	Chapter 5A – Councillor Conduct Part 3 – Dealing with Inappropriate Conduct, Misconduct and Corrupt Conduct Division 5 – Referral of Conduct to Local Government	Power to investigate the Councillor's conduct.	Delegation to the CEO
Section 150AF(4)	Entity Power Given To: Local Government	Chapter 5A – Councillor Conduct Part 3 – Dealing with Inappropriate Conduct, Misconduct and Corrupt Conduct Division 5 – Referral of Conduct to Local Government	Power, where the Council obtains information indicating that a councillor may have engaged in misconduct, to give the information to the assessor for further investigation under division 4.	Delegation to the CEO

Section	Entity Power Given To	Title	Description	Recommendation
Section 150B(1) and (2)	Entity Power Given To: Occupier of a Place	Chapter 5A – Councillor Conduct Part 4 – Investigation and Enforcement Powers Division 2 – Entry of Places by Investigators Subdivision 1 – Power to Enter	Power, as an occupier of a place, to consent to the entry of the investigator and to impose conditions on the entry.	Delegation to the CEO
Section 150CN	Entity Power Given To: Person	Chapter 5A – Councillor Conduct Part 4 – Investigation and Enforcement Powers Division 6 – Miscellaneous Provisions Relating to Investigators	Power to claim compensation from the State if the Council incurs loss because of the exercise, of a power by or for an investigator, including a loss arising from compliance with a requirement made of Council under division 3, 4 or 5.	Delegation to the CEO
Section 150CR	Entity Power Given To: Applicant	Chapter 5A – Councillor Conduct Part 4 – Investigation and Enforcement Powers Division 7 – Review Subdivision 2 – External Review	Power, as an applicant dissatisfied with a review decision made by the assessor, to apply to QCAT for a review of the decision.	Delegation to the CEO
Section 150DL	Entity Power Given To: Local Government	Chapter 5A – Councillor Conduct Part 5 – Administration Division 2 – Councillor Conduct Tribunal	Power to request the conduct tribunal to:– (a) investigate the suspected inappropriate conduct of a councillor referred to the local government, by the assessor, to be dealt with by the local government; (b) make recommendations to the local government about dealing with the conduct.	To Remain with Council
Section 150DX	Entity Power Given To: Local Government	Chapter 5A – Councillor Conduct Part 6 – Miscellaneous Division 1 – Councillor Conduct Register	Power to keep an up-to-date councillor conduct register, publish the register on Council's website and make the register available for inspection and purchase by the public.	Delegation to the CEO
Section 166A(4)(b)	Entity Power Given To: Local Government	Chapter 6 – Administration Part 2 – Councillors Division 3 – Vacancies in Councillor's Office	Power, where the runner-up consents to the appointment on or before the deadline for the runner-up, to fill the vacant office by appointing the runner-up.	To Remain with Council
Section 166B(6)	Entity Power Given To: CEO	Chapter 6 – Administration Part 2 – Councillors Division 3 – Vacancies in Councillor's Office	Power, where the chief executive officer receives any nominations from qualified persons or candidates, to fill the vacant office by appointing 1 of those persons or candidates.	To Remain with Council
Section 195	Entity Power Given To: Local Government	Chapter 6 – Administration Part 5 – Local Government Employees Division 1 – Chief Executive Officer	Power to appoint an acting Chief Executive Officer during period when the Chief Executive Officer or the Deputy Chief Executive Officer is absent from duty or cannot, for another reason perform the Chief Executive Officer's responsibilities, limited to a maximum of four weeks.	Delegation to the CEO
Section 196(2)	Entity Power Given To: Local Government	Chapter 6 – Administration Part 5 – Local Government Employees Division 2 – Other Local Government Employees	Power to: (a) employ local government employees; (b) agree to the terms and conditions of an employee's employment (including any variation to those terms); and (c) terminate a local government employee's employment. *See Footnotes	Delegation to the CEO
Section 197A(3) and 197A(4)	Entity Power Given To: Local Government	Chapter 6 – Administration Part 5 – Local Government Employees Division 2A – Councillor Advisors	Power to enter into a written contract of employment with a councillor advisor (including agreeing to any variation to a written contract of employment) NB this power only applies to those local government's that have been prescribed under section 197D(1)(a).	Delegation to the CEO
Section 198	Entity Power Given To: Local Government	Chapter 6 – Administration Part 5 – Local Government Employees Division 3 – Common Provisions	Power to agree with other local governments about the joint employment of a local government employee.	Delegation to the CEO
Section 219(1)	Entity Power Given To: Prescribed Employee's Employer	Chapter 7 – Other Provisions Part 2 – Superannuation Division 2 – LGIASuper	Power, as a prescribed employee's employer, to pay superannuation contributions payable for the employee into LGIASuper.	Delegation to the CEO
Section 219(2)	Entity Power Given To: Prescribed Employee's Employer	Chapter 7 – Other Provisions Part 2 – Superannuation Division 2 – LGIASuper	Power, as a prescribed employee's employer, to pay superannuation contributions payable for the employee into another fund directed by the employee.	Delegation to the CEO
Section 219A	Entity Power Given To: Local Government	Chapter 7 – Other Provisions Part 2 – Superannuation Division 2 – LGIASuper	Power, as a local government other than the Brisbane City Council, to comply with a notice giving by the LGIASuper Trustee under subsection 219A(1).	Delegation to the CEO
Section 220	Entity Power Given To: Employer	Chapter 7 – Other Provisions Part 2 – Superannuation Division 3 – Superannuation Contributions for Particular Employees	Power to pay a yearly superannuation contribution in the circumstances prescribed in section 220.	Delegation to the CEO
Section 220A(4)	Entity Power Given To: Local Government	Chapter 7 – Other Provisions Part 2 – Superannuation Division 3 – Superannuation Contributions for Particular Employees	Power, as a local government, to deduct all or part of the employee's contributions from the employee's salary or any money that the employee owes to Council.	Delegation to the CEO
Section 220B(2)	Entity Power Given To: Employer	Chapter 7 – Other Provisions Part 2 – Superannuation Division 3 – Superannuation Contributions for Particular Employees	Power, in the circumstances set out in subsection 220B(1), to agree in writing with an employee: (a) to reduce the pre-agreement contributions to the amount equal to the employee's concessional contributions cap for the financial year; and (b) if a yearly contribution made under section 220A(3) is part of the pre-agreement contributions – on the extent, if any to which a contribution mentioned in 220B(1)(a) of (b) will be reduced to achieve the reduction.	Delegation to the CEO

Section	Entity Power Given To	Title	Description	Recommendation
Section 220B(3)	Entity Power Given To: Employer	Chapter 7 – Other Provisions Part 2 – Superannuation Division 3 – Superannuation Contributions for Particular Employees	Power, where the pre-agreement contributions are reduced under subsection 220B(2), to pay the amount of the reduction to the employee as salary.	Delegation to the CEO
Section 221(2)	Entity Power Given To: Local Government	Chapter 7 – Other Provisions Part 2 – Superannuation Division 3 – Superannuation Contributions for Particular Employees	Power, as an employer, to agree in writing with an employee: (a) that the employee is exempt, on the grounds of the employee's financial hardship, from paying all or a stated part of the contributions payable under section 220A(2) by the employee; and (b) on the period, of not more than 1 year, of the exemption.	Delegation to the CEO
Section 221(4)	Entity Power Given To: Employer	Chapter 7 – Other Provisions Part 2 – Superannuation Division 3 – Superannuation Contributions for Particular Employees	Power, as an employer, to give a copy of the agreement made under subsection 220(2) to the relevant trustee.	Delegation to the CEO
Section 222(3)	Entity Power Given To: Employer	Chapter 7 – Other Provisions Part 2 – Superannuation Division 3 – Superannuation Contributions for Particular Employees	Power, as an employer who has received a notice from the employee under subsection 222(2), to calculate the yearly contributions payable for the employee based on the employee's salary before it was decreased.	Delegation to the CEO
Section 224(2)	Entity Power Given To: Local Government	Chapter 7 – Other Provisions Part 2 – Superannuation Division 3 – Superannuation Contributions for Particular Employees	Power, in the circumstances set out in subsection 224(1), to pay interest on the amount of the contribution to the relevant fund for the employee.	Delegation to the CEO
Section 226(1)	Entity Power Given To: Local Government	Chapter 7 – Other Provisions Part 2 – Superannuation Division 3 – Superannuation Contributions for Particular Employees	Power, as a local government (other than the Brisbane City Council), to, for its Councillors: (a) establish and amend a superannuation scheme; or (b) take part in a superannuation scheme.	Delegation to the CEO
Section 226(2)	Entity Power Given To: Local Government	Chapter 7 – Other Provisions Part 2 – Superannuation Division 3 – Superannuation Contributions for Particular Employees	Power, as a local government who has exercised its power under subsection 226(1), to pay an amount from its operating fund to the superannuation scheme as a contribution for its Councillors.	Delegation to the CEO
Section 226(4)	Entity Power Given To: Local Government	Chapter 7 – Other Provisions Part 2 – Superannuation Division 3 – Superannuation Contributions for Particular Employees	Power to enter into an arrangement with a Councillor under which: (a) the Councillor agrees to forgo a percentage or amount of the remuneration that the councillor is entitled to as a councillor; and (b) the local government agrees to contribute the percentage or amount to the superannuation scheme for the Councillor.	To Remain with Council
Section 228(4)	Entity Power Given To: Local Governing Body	Chapter 7 – Other Provisions Part 3 – Allocating Commonwealth Funding to Local Governments Division 1 – Allocating Commonwealth Funding	Power to make a submission as a local governing body within the meaning of the <i>Local Government (Financial Assistance) Act</i> to assist the Local Government Grants Commission to make a decision about funding under the <i>Local Government (Financial Assistance) Act</i> .	Delegation to the CEO
Section 236	Entity Power Given To: Local Government	Chapter 7 – Other Provisions Part 4 – Offences and Legal Provisions Division 2 – Legal Matters	The power to sign a document on behalf of a local government as a delegate of the local government. <i>*See Limitations to the Exercise of Power</i>	Delegation to the CEO
Section 237	Entity Power Given To: Local Government	Chapter 7 – Other Provisions Part 4 – Offences and Legal Provisions Division 2 – Legal Matters	Power to start a proceeding: (1) in the name of Council; (2) under the Justices Act 1886 in the name of a local government employee who is a public officer within the name of that Act.	Removed from the Register
Section 239	Entity Power Given To: Local Government	Chapter 7 – Other Provisions Part 4 – Offences and Legal Provisions Division 2 – Legal Matters	Power to effect substituted service.	Delegation to the CEO
Section 240(1)	Entity Power Given To: Local Government	Chapter 7 – Other Provisions Part 4 – Offences and Legal Provisions Division 2 – Legal Matters	Power to authorise an employee, in any legal proceedings: (a) to give instructions and act as the authorised agent for the local government; and (b) sign all documents for the local government.	Delegation to the CEO
Section 250(1)(b)	Entity Power Given To: Local Government	Chapter 7 – Other Provisions Part 4 – Offences and Legal Provisions Division 2 – Legal Matters	Power to authorise an employee, other than the chief executive officer, to: (a) verify a copy of a local government document.	Delegation to the CEO
Section 262	Entity Power Given To: Local Government	Chapter 7 – Other Provisions Part 6 – Other Provisions	Power to do anything that is necessary or convenient for performing the responsibilities of the local government under a Local Government Act.	Delegation to the CEO

Schedule 2

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

5	The delegate will only exercise a delegated power under this resolution in a manner which complies with the requirements of Council's Planning Scheme and any exercise of power which involves a departure from or variation of those requirements will only be undertaken by Council.
6	The delegate will not exercise any power which cannot lawfully be the subject of delegation by Council.
7	The delegate will not exercise the delegated power specified under section 236(1) for the purpose of executing a contract for the sale of land.
Footnotes	
Section 196(2)	This power does not include the power to appoint employees which is separately dealt with under sections 196(3) of the Act.

COUNCIL DELEGATIONS TO CHIEF EXECUTIVE OFFICER

Delegation Register – Mineral Resources Act 1989 - Tracked

Meeting Date: 13 June 2023

Attachment No: 23

Delegations Register – Mineral Resources Act 1989

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 4B(3)	Entity Power Given To: Local Government	Chapter 1 – Preliminary Part 3 – Relationship with the Planning Act	Power to make a note on each relevant map in Council's planning scheme.	Delegation to the CEO
Section 10AAA(9)	Entity Power Given To: Entity Taking Land	Chapter 1 – Preliminary Part 5 – General Provisions for Minerals and Mining Tenements	Power to give the chief executive a written notice for the taking of land for which mining interests are extinguished.	Delegation to the CEO
Section 10AAC(1)	Entity Power Given To: Entity That Took Land	Chapter 1 – Preliminary Part 5 – General Provisions for Minerals and Mining Tenements	Power to consult with the decision-maker about the granting of a new mining tenement for an area that includes acquired land.	Delegation to the CEO
Section 19(1) and 20	Entity Power Given To: Owner of a Reserve	Chapter 2 – Prospecting Permits Part 1 – Prospecting Permit Categories And Entitlements	In the specified circumstances, the Power to give written consent, with or without conditions, to a parcel prospecting permit holder entering the surface of the reserve for prospecting purposes.	Delegation to the CEO
Section 19(2) and 20	Entity Power Given To: Owner of Occupied Land	Chapter 2 – Prospecting Permits Part 1 – Prospecting Permit Categories And Entitlements	In the specified circumstances, the Power to give written consent, with or without conditions, to a district prospecting permit holder entering the surface of the occupied land.	Delegation to the CEO
Section 19(3) and 20	Entity Power Given To: Owner of Occupied Land	Chapter 2 – Prospecting Permits Part 1 – Prospecting Permit Categories And Entitlements	In the specified circumstances, the Power to give written consent, with or without conditions, to a prospecting permit holder entering the occupied land for hand mining only.	Delegation to the CEO
Section 20(3)	Entity Power Given To: Occupier of Land	Chapter 2 – Prospecting Permits Part 1 – Prospecting Permit Categories And Entitlements	In the specified circumstances, the power to give a prospecting permit holder consent to enter land.	Removed from the Register
Section 20(6)	Entity Power Given To: Owner or Occupier of Land	Chapter 2 – Prospecting Permits Part 1 – Prospecting Permit Categories And Entitlements	In the specified circumstances, the power to, by written notice given to a prospecting permit holder and the mining registrar, amend or withdraw a consent given for land.	Removed from the Register
Section 26(3)	Entity Power Given To: Owner of any Land	Chapter 2 – Prospecting Permits Part 2 – Other Provisions About Prospecting Permits	Power to apply in writing to the chief executive mining registrar to rectify damage referred to in subsection (1) of the Mineral Resources Act 1989 that has been caused by an activity allegedly authorised under a prospecting permit in respect of the land.	Delegation to the CEO
Section 26(9)(a)(i)	Entity Power Given To: Owner of Occupied Land	Chapter 2 – Prospecting Permits Part 2 – Other Provisions About Prospecting Permits	In the specified circumstances, the Power to give written approval to the mining registrar chief executive for the refund of security for a parcel prospecting permit.	Delegation to the CEO
Section 32(2)	Entity Power Given To: Owner of Land	Chapter 2 – Prospecting Permits Part 2 – Other Provisions About Prospecting Permits	Power to accept a shorter time period within which notice must be given by a parcel prospecting permit holder before entry to the land.	Removed from the Register
Section 34(1)	Entity Power Given To: Owner of Land	Chapter 2 – Prospecting Permits Part 2 – Other Provisions About Prospecting Permits	In the specified circumstances, the Power, as the owner of land where a person purports to enter the land under authority of a prospecting permit, to report to the chief executive that a person is not authorised to enter or be upon the land or is not complying with any condition of the prospecting permit or of any provision of the Act.	Delegation to the CEO
Section 46(1)	Entity Power Given To: Owner of Land	Chapter 2 – Prospecting Permits Part 2 – Other Provisions About Prospecting Permits	In the specified circumstances, the Power, as the owner of land where a person purports to enter or be on the land under authority of a prospecting permit, to demand ask the person purporting to be upon land under the authority of a prospecting permit produce or cause to be produced, for proof of the person's authority to enter or for being on the land.	Delegation to the CEO
Section 47(1) and (5)	Entity Power Given To: Owner of Occupied Land	Chapter 2 – Prospecting Permits Part 2 – Other Provisions About Prospecting Permits	In the specified circumstances, the Power to give written consent, including conditions on the consent, to a person, entitled to enter occupied the land under a district parcel prospecting permit to entering the land at night.	Delegation to the CEO
Section 47(2)	Entity Power Given To: Owner of Occupied Land	Chapter 2 – Prospecting Permits Part 2 – Other Provisions About Prospecting Permits	In the specified circumstances, the power to give written consent to a person, entitled to enter occupied land under a parcel prospecting permit, entering the land at night.	Removed from the Register
Section 47(4)	Entity Power Given To: Occupier of Land	Chapter 2 – Prospecting Permits Part 2 – Other Provisions About Prospecting Permits	In the specified circumstances, the power to give consent.	Removed from the Register
Section 51(2)(a)	Entity Power Given To: Relevant Owner of Restricted Land	Chapter 3 – Mining Claims	In the specified circumstances, the Power to give written consent to an application for a mining claim over on the surface of restricted land being lodged.	Delegation to the CEO
Section 54(a)	Entity Power Given To: Owner of Reserve	Chapter 3 – Mining Claims	In the specified circumstances, the Power to give consent to the granting of a mining claim over a reserve the land.	Delegation to the CEO

Section	Entity Power Given To	Title	Description	Recommendation
Section 65(1)(a)	Entity Power Given To: Owner of Land	Chapter 3 – Mining Claims	In the specified circumstances, the Power, as the owner of land that is affected by an application for a mining claim, to give make a written request to the chief executive for a conference.	Delegation to the CEO
Sections 66 and 69	Entity Power Given To: Owner of Land	Chapter 3 – Mining Claims	Power to attend a section 65 conference and to reach agreement about something discussed at the conference.	Delegation to the CEO
Section 71(4)	Entity Power Given To: Relevant Local Government and/or Owner of Relevant Land	Chapter 3 – Mining Claims	Power to lodge a written objection in the approved form to an application for a mining claim and to serve a copy of the objection on the applicant.	Delegation to the CEO
Section 74(2)	Entity Power Given To: Owner of Land	Chapter 3 – Mining Claims	In the specified circumstances and within the specified time periods, the power to lodge an objection to an application for a mining claim.	Removed from the Register
Section 71A(4)	Entity Power Given To: Objector	Chapter 3 – Mining Claims	Power to withdraw an objection to an application for a mining claim by giving a written notice of the withdrawal to the entities specified in subsection (1).	Delegation to the CEO
Section 85(1)(a) and (3)	Entity Power Given To: Owner of Land-Interested Party	Chapter 3 – Mining Claims	In the specified circumstances, the Power to agree with the applicant for a mining claim about the amount of compensation to be paid to Council and to sign the agreement.	Delegation to the CEO
Section 85(4)	Entity Power Given To: Interested Party	Chapter 3 – Mining Claims	Power at any time before compensation is determined by agreement, to apply in writing to the Land Court to have the Land Court determine the amount of compensation.	Delegation to the CEO
Section 86	Entity Power Given To: Party Aggrieved	Chapter 3 – Mining Claims	Power to appeal to the Land Appeal Court against the Land Court's decision.	Delegation to the CEO
Section 86A(5)	Entity Power Given To: Appellant	Chapter 3 – Mining Claims	Power to lodge the security in the decided form and amount.	Delegation to the CEO
Section 124(2)	Entity Power Given To: Owner of Land that is a Reserve	Chapter 3 – Mining Claims	Power to give the Minister the land owner's views about further prospecting or exploration on the land.	Delegation to the CEO
Section 125(9)(a)(f)	Entity Power Given To: Owner of Land	Chapter 3 – Mining Claims	In the specified circumstances, the power to give written consent to an application under section 125 of the Mineral Resources Act 1989 being lodged.	Removed from the Register
Section 125(10)	Entity Power Given To: Owner of Land	Chapter 3 – Mining Claims	In the specified circumstances, the Power to agree with a mining claim holder on an amount of compensation payable in respect of the proposed use of the land as access in respect of the mining claim as a result of a variation under section 125, sign the agreement and file the agreement.	Delegation to the CEO
Section 129(3)(a)	Entity Power Given To: Owner of Restricted Land	Chapter 4 – Exploration Permits Part 1 – Preliminary	In the specified circumstances, the power to give written consent to a person entering the surface of the restricted land.	Removed from the Register
Section 129(6)	Entity Power Given To: Owner of Reserve	Chapter 4 – Exploration Permits Part 1 – Preliminary	In the specified circumstances, the power to withdraw consent given under section 129(1)(a)(ii) of the Mineral Resources Act 1989 by giving written notice to the chief executive.	Removed from the Register
Section 167(1)	Entity Power Given To: Owner of Land	Chapter 4 – Exploration Permits Part 4 – Other Provisions About Exploration Permit	In the specified circumstances, the Power, where a person purports to enter or be on the land under authority of an exploration permit, to demand that ask the person purporting to be upon land under the authority of an exploration permit produce, or cause to be produced, for proof of the person's authority for being to enter or be on the land.	Delegation to the CEO
Section 184(8)(a)	Entity Power Given To: Owner of Restricted Land	Chapter 5 – Mineral Development Licences Part 1 – Mineral Development Licences Generally	In the specified circumstances, the power to give consent to a person entering the surface of land that was restricted land when the application for a mineral development licence was lodged.	Removed from the Register
Section 190(7)	Entity Power Given To: Owner of Land	Chapter 5 – Mineral Development Licences Part 1 – Mineral Development Licences Generally	In the specified circumstances, the power to lodge a claim for rectification of actual damage to land caused under the authority, or purported authority, of a mineral development licence.	Removed from the Register
Section 190(8)(a)	Entity Power Given To: Owner of Land	Chapter 5 – Mineral Development Licences Part 1 – Mineral Development Licences Generally	In the specified circumstances, the Power, as the owner of land in the area of a mineral development licence, to certify that there is no actual damage to the land that should be rectified.	Delegation to the CEO
Section 216(1)	Entity Power Given To: Owner of Land	Chapter 5 – Mineral Development Licences Part 1 – Mineral Development Licences Generally	In the specified circumstances, the Power, as the owner of land where a person purports to enter or be on the land under authority of a mineral development licence, to demand ask that a the person purporting to be upon land under the authority of a mineral development licence produce, or cause to be produced, for proof of the person's authority for being to enter or be on the land.	Delegation to the CEO
Section 237(2)(d)(i)	Entity Power Given To: Owner of Land	Chapter 6 – Mining Leases Part 1 – Mining Leases Generally	In the specified circumstances, the Power to consent to a mining lease holder making an application to conduct drilling and other activities on land not included in the surface area covered under the mining lease.	Delegation to the CEO
Section 237(2)(d)(ii)	Entity Power Given To: Owner of Land	Chapter 6 – Mining Leases Part 1 – Mining Leases Generally	In the specified circumstances, the power to agree with the mining lease holder about the compensation payable for the activities.	Removed from the Register

Section	Entity Power Given To	Title	Description	Recommendation
Section 238(1)(a)	Entity Power Given To: Owner of Restricted Land	Chapter 6 – Mining Leases Part 1 – Mining Leases Generally	Power to give written consent to the making of an application for a mining lease application over the land.	Delegation to the CEO
Section 260(1) and (2)	Entity Power Given To: Affected Person	Chapter 6 – Mining Leases Part 1 – Mining Leases Generally	Power to lodge an objection in writing in an approved form before the objection date for the to an application for grant of a mining lease.	Delegation to the CEO
Section 260(4)	Entity Power Given To: Objector	Chapter 6 – Mining Leases Part 1 – Mining Leases Generally	Power to serve a copy of the objection lodged by the objector in respect of against an application for grant of a mining lease on the applicant.	Delegation to the CEO
Section 261(1)	Entity Power Given To: Owner of Land	Chapter 6 – Mining Leases Part 1 – Mining Leases Generally	In specified circumstances, the Power to withdraw an objection lodged against to an application for grant of a mining lease.	Delegation to the CEO
Section 271A(2)(a)	Entity Power Given To: Owner of Land that is a Reserve	Chapter 6 – Mining Leases Part 1 – Mining Leases Generally	Power to give written consent to the grant of a mining lease over the surface area of the reserve.	Delegation to the CEO
Section 275A(2)(a)	Entity Power Given To: Owner of Restricted Land	Chapter 6 – Mining Leases Part 1 – Mining Leases Generally	Power to give written consent to the application for the surface of restricted land for the mining lease to be included in the mining lease.	Delegation to the CEO
Section 275A(2)(c)	Entity Power Given To: Owner of Restricted Land	Chapter 6 – Mining Leases Part 1 – Mining Leases Generally	Power to agree with the applicant about the compensation payable to Council for the inclusion of the surface of the land in the mining lease.	Delegation to the CEO
Section 279(1)(a) and (3)	Entity Power Given To: Owner of Land	Chapter 6 – Mining Leases Part 1 – Mining Leases Generally	In the specified circumstances, the Power, as an owner of land the subject of an application to grant, renew or include the surface of restricted in a mining lease, to agree with a mining lease holder the applicant for the lease about the amount of en compensation to be paid to Council and to sign the agreement.	Delegation to the CEO
Section 280(4)	Entity Power Given To: Owner of Land	Chapter 6 – Mining Leases Part 1 – Mining Leases Generally	In the specified circumstances, the Power, as an owner of land the subject of a mining lease where no part of the surface area of that land is included in the lease, to agree with the holder of the mining lease as to about the amount of compensation to be paid as compensation for any damage caused to the surface of the land and to sign the agreement.	Delegation to the CEO
Section 281(1)	Entity Power Given To: Party to an Agreement	Chapter 6 – Mining Leases Part 1 – Mining Leases Generally	Power, as a person who could be a party to an agreement under sections 279 or 280, to apply in writing to the Land Court to determine the amount of compensation.	Delegation to the CEO
Section 282(1)	Entity Power Given To: Party Aggrieved	Chapter 6 – Mining Leases Part 1 – Mining Leases Generally	Power, as a party aggrieved by a determination of the Land Court made under section 281, to appeal to the Land Appeal Court against the decision.	Delegation to the CEO
Section 282A(5)	Entity Power Given To: Appellant	Chapter 6 – Mining Leases Part 1 – Mining Leases Generally	Power, as an appellant pursuant to section 282, to lodge the security in the decided form and amount.	Delegation to the CEO
Section 283A(2)	Entity Power Given To: Owner of Land	Chapter 6 – Mining Leases Part 1 – Mining Leases Generally	In the specified circumstances, the Power, as an owner of land in relation to a lease mentioned in section 279(1)(a) or 280(1), to agree in writing to amend the original compensation (the amended agreement).	Delegation to the CEO
Section 283B(2)	Entity Power Given To: Owner of Land	Chapter 6 – Mining Leases Part 1 – Mining Leases Generally	Power, as an owner of land in relation to a lease mentioned in section 279(1)(a) or 280(1), to apply, in the circumstances identified in subsection (1), to the Land Court to review the original compensation.	Delegation to the CEO
Section 317(10)	Entity Power Given To: Owner of Land	Chapter 6 – Mining Leases Part 1 – Mining Leases Generally	In the specified circumstances, the Power to agree with the holder of a mining lease an applicant about the compensation payable in respect of to Council for the proposed use of the land as access in respect of a mining lease as a result of a variation under section 317 and to sign the agreement.	Delegation to the CEO
Section 334ZZO	Entity Power Given To: Owner of Land	Chapter 12A – Provisions About Water for Mineral Development Licences and Mining Leases Part 4 – Water Monitoring Bores Division 1 – Transfer of Water Monitoring Bores	Power, as a landowner to whom a water monitoring bore is being transferred, to consent to the transfer.	Delegation to the CEO
Section 344G	Entity Power Given To: Owner of Affected Land	Chapter 13 – Administration and Judicial Functions Part 4 – Remediation of Abandoned Mine Sites and Rehabilitation of Final Rehabilitation Sites Division 2 – Authorisation to Carry Out Remediation Activities or Rehabilitation Activities	Power to:- (a) give consent to the entry of the land; (b) impose reasonable conditions on the entry of the land; (c) withdraw consent for entry of the land; and (d) sign an acknowledgement of the consent.	Delegation to the CEO
Section 345(2)	Entity Power Given To: Owner of Land	Chapter 13 – Administration and Judicial Functions Part 4 – Remediation of Abandoned Mine Sites and Rehabilitation of Final Rehabilitation Sites Division 3 – Compensation	Power to enter a compensation agreement, to sign the agreement and to file it.	Delegation to the CEO
Section 345(3)	Entity Power Given To: Party to a Compensation Agreement	Chapter 13 – Administration and Judicial Functions Part 4 – Remediation of Abandoned Mine Sites and Rehabilitation of Final Rehabilitation Sites Division 3 – Compensation	Power, as a person who could be a party to a compensation agreement, to apply in writing to the chief executive to have the Land Court decide the amount of compensation and the terms, conditions and times of its payment	Delegation to the CEO

Section	Entity Power Given To	Title	Description	Recommendation
Section 335F(1)	Entity Power Given To: Eligible Claimant	Chapter 13 – Administration And Judicial Functions Part 2 – Conferences With Eligible Claimants Or Owners And Occupiers Division 1 – Preliminary	Power to give an election notice asking for a conference.	Removed from the Register
Section 335F(2)(a)	Entity Power Given To: Owner / Occupier of Land	Chapter 13 – Administration And Judicial Functions Part 2 – Conferences With Eligible Claimants Or Owners And Occupiers Division 1 – Preliminary	Power to give a notice of the following concerns— (i) that someone claiming to act under a mining tenement, or to have entered land on the tenement holder's instructions: —(A) is not authorised to be on the land; or —(B) is not complying with a provision of this Act or a condition of —the mining tenement; (ii) activities being, or proposed to be, carried out on land apparently under a mining tenement (including when the activities are being, or are to be, carried out); (iii) the conduct on the land of someone apparently acting under a mining tenement.	Removed from the Register
Section 335G(1)	Entity Power Given To: Eligible Claimant	Chapter 13 – Administration And Judicial Functions Part 2 – Conferences With Eligible Claimants Or Owners And Occupiers Division 2 – Calling Conference And Attendance	Power to attend a conference.	Removed from the Register
Section 335G(2)	Entity Power Given To: Owner / Occupier of Land or Other Person with an Interest	Chapter 13 – Administration And Judicial Functions Part 2 – Conferences With Eligible Claimants Or Owners And Occupiers Division 2 – Calling Conference And Attendance	Power to attend a conference.	Removed from the Register
Section 335H(1)	Entity Power Given To: Recipients of Notice	Chapter 13 – Administration And Judicial Functions Part 2 – Conferences With Eligible Claimants Or Owners And Occupiers Division 2 – Calling Conference And Attendance	Power to attend and take part in a conference.	Removed from the Register
Section 335L(1)	Entity Power Given To: Owner / Occupier of Land or Other Person with an Interest	Chapter 13 – Administration And Judicial Functions Part 2 – Conferences With Eligible Claimants Or Owners And Occupiers Division 3 – Conduct Of Conference	Power to enter into an agreement.	Removed from the Register
Section 403(1)(e)	Entity Power Given To: Owner of Land	Chapter 14 – Miscellaneous	In the specified circumstances, the power to authorise a person to enter, be upon, use, occupy, or erect any building or structure on or make any other improvement to land.	Removed from the Register
Section 2(1)(a)	Entity Power Given To: Owner or Occupier of Restricted Land	Schedule 1 – Conditions Of Carrying Out Activity For Boundary Definition Purposes	Power to give written consent, with or without conditions, to the entry of restricted land under section 386V.	Delegation to the CEO
Section 3(1)(a)	Entity Power Given To: Owner of Occupied Land	Schedule 1 – Conditions Of Carrying Out Activity For Boundary Definition Purposes	Power to give written consent, with or without conditions, for a person to the entry of the occupied land under section 386V at night.	Delegation to the CEO
Section 3(3)	Entity Power Given To: Occupier of Occupied Land	Schedule 1 – Conditions Of Carrying Out Activity For Boundary Definition Purposes	In certain circumstances, power to give consent to a person to enter occupied land.	Removed from the Register
Section 4	Entity Power Given To: Owner of Reserve	Schedule 1 – Conditions Of Carrying Out Activity For Boundary Definition Purposes	Power to give written consent to a person to impose conditions on the entry of the surface of the reserve under section 386V.	Delegation to the CEO

Schedule 2

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

COUNCIL DELEGATIONS TO CHIEF EXECUTIVE OFFICER

Delegation Register- Mineral and Energy Resources (Common Provisions) Act 2014 - Tracked

Meeting Date: 13 June 2023

Attachment No: 24

Delegations Register – Mineral and Energy Resources (Common Provisions) Act 2014

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 39(3)(b)	Entity Power Given To: Owner or Occupier of Land	Chapter 3 – Land Access Part 2 – Private Land Division 2 – Entries For Authorised Activities and Access Requires Entry Notice	Power to agree to a shorter period.	Removed from the Register
Section 42(4)	Entity Power Given To: Owner or Occupier of Land	Chapter 3 – Land Access Part 2 – Private Land Division 2 – Entries For Authorised Activities and Access Requires Entry Notice	Power to give a waiver of entry notice.	Removed from the Register
Section 44(4)	Entity Power Given To: Owner or Occupier of Land	Chapter 3 – Land Access Part 2 – Private Land Division 3 – Entries For Advance Activity Requires Agreement	Power to enter into an agreement (a deferral agreement) with a resource authority holder that a conduct and compensation agreement can be entered into after the entry to the land.	Removed from the Register
Section 45(4)	Entity Power Given To: Owner or Occupier of Land	Chapter 3 – Land Access Part 2 – Private Land Division 3 – Entries For Advance Activity Requires Agreement	Power to enter into an opt-out agreement with a resource authority holder.	Removed from the Register
Section 48(2)	Entity Power Given To: Owner or Occupier of Land	Chapter 3 – Land Access Part 2 – Private Land Division 3 – Entries For Advance Activity Requires Agreement	Power to elect to opt out of a conduct and compensation agreement in certain circumstances.	Removed from the Register
Section 45(3)	Entity Power Given To: Party to an Opt-Out Agreement	Chapter 3 – Land Access Part 2 – Private Land Division 3 – Entries For Advance Activity Requires Agreement	Power to give notice unilaterally terminating the agreement.	Removed from the Register
Section 47(1)(a)(i)	Entity Power Given To: Owner or Occupier of Land	Chapter 3 – Land Access Part 2 – Private Land Division 4 – Access To Private Land Outside Authorised Area Subdivision 2 – Access Rights and Access Agreements	Power to agree orally or in writing to the resource authority holder exercising an access right over the access land.	Removed from the Register
Section 47(1)(a)(ii)	Entity Power Given To: Owner or Occupier of Land	Chapter 3 – Land Access Part 2 – Private Land Division 4 – Access To Private Land Outside Authorised Area Subdivision 2 – Access Rights and Access Agreements	Power to agree orally or in writing to the resource authority holder exercising an access right over the access land.	Removed from the Register
Section 48(2)	Entity Power Given To: Owner or Occupier of Land	Chapter 3 – Land Access Part 2 – Private Land Division 4 – Access To Private Land Outside Authorised Area Subdivision 2 – Access Rights and Access Agreements	Power to ask for agreement to be subject to reasonable and relevant conditions offered by the owner or the occupier.	Removed from the Register
Section 52(4)	Entity Power Given To: Owner or Occupier of Land	Chapter 3 – Land Access Part 2 – Private Land Division 4 – Access To Private Land Outside Authorised Area Subdivision 3 – Land Court Resolution	Power to apply to the Land Court for it to decide a matter mentioned in Section 49(1) of the Mineral and Energy Resources (Common Provisions) Act 2014 .	Removed from the Register
Section 53(4)	Entity Power Given To: Owner or Occupier of Land	Chapter 3 – Land Access Part 2 – Private Land Division 4 – Access To Private Land Outside Authorised Area Subdivision 3 – Land Court Resolution	Power to apply to the Land Court to vary an access agreement between a resource authority holder and an owner or occupier to land.	Removed from the Register
Section 53(4)	Entity Power Given To: Owner or Occupier of Land	Chapter 3 – Land Access Part 2 – Private Land Division 4 – Access To Private Land Outside Authorised Area Subdivision 3 – Land Court Resolution	Power to agree to vary access agreement.	Removed from the Register
Section 57(3)	Entity Power Given To: Public Land Authority	Chapter 3 – Land Access Part 3 – Public Land Division 1 – Entry To Public Lands and Particular Uses Of Public Roads	Power, as a public land authority, to agree in writing to a longer entry period.	Delegation to the CEO

Section	Entity Power Given To	Title	Description	Recommendation
Section 59(2)	Entity Power Given To: Public Land Authority	Chapter 3 – Land Access Part 3 – Public Land Division 1 – Entry To Public Lands and Particular Uses Of Public Roads	Power, as a public land authority, to impose reasonable and relevant conditions on the resource authority holder about entry to the public land or carrying out of the authorised activity.	Delegation to the CEO
Section 59(4)(b)	Entity Power Given To: Public Land Authority	Chapter 3 – Land Access Part 3 – Public Land Division 1 – Entry To Public Lands and Particular Uses Of Public Roads	Power to agree to a longer or shorter period for giving the notice.	Removed from the Register
Section 59(7)	Entity Power Given To: Public Land Authority	Chapter 3 – Land Access Part 3 – Public Land Division 1 – Entry To Public Lands and Particular Uses Of Public Roads	Power, as a public land authority, to vary any condition it imposes in certain circumstances .	Delegation to the CEO
Section 59(8)	Entity Power Given To: Public Land Authority	Chapter 3 – Land Access Part 3 – Public Land Division 1 – Entry To Public Lands and Particular Uses Of Public Roads	Power, as a public land authority, to give the holder an information notice about the imposition of a condition or the varying of a condition.	Delegation to the CEO
Section 60(1)	Entity Power Given To: Public Land Authority	Chapter 3 – Land Access Part 3 – Public Land Division 1 – Entry To Public Lands and Particular Uses Of Public Roads	Power, as a public land authority for land , to give a waiver of entry notice for an entry made to the land .	Delegation to the CEO
Section 63(1)(b)(i)	Entity Power Given To: Public Road Authority	Chapter 3 – Land Access Part 3 – Public Land Division 2 – Notifiable Road Use	Power, as a public land authority, to sign a compensation agreement for the use of a public road for a notifiable road use .	Delegation to the CEO
Section 63(1)(b)(ii)	Entity Power Given To: Public Road Authority	Chapter 3 – Land Access Part 3 – Public Land Division 2 – Notifiable Road Use	Power, as a public land authority, to give written consent to the carrying out of the a notifiable road use on a public road .	Delegation to the CEO
Section 64(1)	Entity Power Given To: Public Road Authority	Chapter 3 – Land Access Part 3 – Public Land Division 2 – Notifiable Road Use	Power, as a public land authority for a public road , to give a reasonable direction (a road use direction) to the resource authority holder about the way the holder may use the road for the notifiable road use .	Delegation to the CEO
Section 64(4)(b)	Entity Power Given To: Public Road Authority	Chapter 3 – Land Access Part 3 – Public Land Division 2 – Notifiable Road Use	Power, as a public road authority for a public road to give an information notice about the decision to give a road use direction.	Delegation to the CEO
Section 67(b)(iv)(A)	Entity Power Given To: Owner or Occupier of Land	Chapter 3 – Land Access Part 4 – Restricted Land Division 1 – Preliminary Subdivision 2 – Interpretation	Power to agree in writing to the resource authority holder crossing the land.	Removed from the Register
Section 70(4)	Entity Power Given To: Owner or Occupier of Restricted Land	Chapter 3 – Land Access Part 4 – Restricted Land Division 2 – Entry For Particular Authorised Activities Requires Consent	Power, as an owner or occupier of land, to give written consent to a resource authority holder to enter restricted land for a resource authority and carrying out an the prescribed activity and to impose conditions on the consent for the resource authority .	Delegation to the CEO
Section 72(1)	Entity Power Given To: Prescribed Person Owner or Occupier of Land	Chapter 3 – Land Access Part 4 – Restricted Land Division 2 – Entry For Particular Authorised Activities Requires Consent Land Court Declarations	Power, as an owner or occupier of land, to apply to the Land Court for an Order declaring the following: about the matters set out in Section 72(1)(a) or (b) of the Mineral and Energy Resources (Common Provisions) Act 2014 . (a) whether particular land is restricted land for a resource authority or the Mineral Resources Act, Schedule 1, section 2; and (b) whether a particular activity is a prescribed activity for a resource authority.	Delegation to the CEO
Section 83(1)	Entity Power Given To: Eligible Claimant	Chapter 3 – Land Access Part 7 – Compensation and Negotiated Access Division 2 – Provisions For Conduct and Compensation Agreements Subdivision 2 – Making of Conduct and Compensation Agreement	Power, as an eligible claimant, to enter into a conduct and compensation agreement with the resource authority holder .	Delegation to the CEO
Section 83A(2)	Entity Power Given To: Eligible Claimant	Chapter 3 – Land Access Part 7 – Compensation and Negotiated Access Division 2 – Conduct and Compensation Agreements Subdivision 2A – Conferences with an Authorised Officer	Power, as an eligible claimant, to give a conference election notice to the resource authority holder.	Delegation to the CEO
Section 83B(4)	Entity Power Given To: Party to a Conference	Chapter 3 – Land Access Part 7 – Compensation and Negotiated Access Division 2 – Conduct and Compensation Agreements Subdivision 2A – Conferences with an Authorised Officer	Power, as a party to a conference with an authorised officer, to ask the other party for a longer period within which to hold the conference.	Delegation to the CEO

Section	Entity Power Given To	Title	Description	Recommendation
Section 85(1)	Entity Power Given To: Eligible Claimant	Chapter 3 – Land Access Part 7 – Compensation and Negotiated Access Division 2 – Provisions For Conduct and Compensation Agreements Subdivision 3 – Negotiation and ADR Process	Power, as an eligible claimant, to use all reasonable endeavours to negotiate a conduct and compensation agreement or a deferral agreement.	Delegation to the CEO
Section 85(2)(b)	Entity Power Given To: Eligible Claimant	Chapter 3 – Land Access Part 7 – Compensation and Negotiated Access Division 2 – Conduct and Compensation Agreements Subdivision 3 – Negotiation and ADR	Power, as an eligible claimant, to agree to a longer negotiation period.	Delegation to the CEO
Section 85(4)	Entity Power Given To: Eligible Claimant	Chapter 3 – Land Access Part 7 – Compensation and Negotiated Access Division 2 – Conduct and Compensation Agreements Subdivision 3 – Negotiation and ADR	Power, as an eligible claimant, to enter an opt-out agreement.	Delegation to the CEO
Section 87(2)	Entity Power Given To: A party to a Conduct and Compensation Agreement	Chapter 3 – Land Access Part 7 – Compensation and Negotiated Access Division 2 – Provisions For Conduct and Compensation Agreements Subdivision 3 – Negotiation and ADR Process	Power, as a party to a conduct and compensation agreement or a deferral agreement, to give notice terminating the agreement by giving notice to the other party during the cooling off period.	Delegation to the CEO
Section 88(2)(a)	Entity Power Given To: A party to a conduct and compensation agreement. As an Eligible Claimant	Chapter 3 – Land Access Part 7 – Compensation and Negotiated Access Division 2 – Provisions For Conduct and Compensation Agreements Subdivision 3 – Negotiation and ADR Process	Power, as an eligible claimant, to give an ADR election notice to the other party and an authorised officer asking for an authorised officer to call a conference to negotiate a conduct and compensation agreement.	Delegation to the CEO
Section 88(2)(b)	Entity Power Given To: A Party to a Conduct and Compensation Agreement.	Chapter 3 – Land Access Part 7 – Compensation and Negotiated Access Division 2 – Provisions For Conduct and Compensation Agreements Subdivision 3 – Negotiation and ADR Process	Power to give an election notice to the other party to call upon the other party to agree to an alternative dispute resolution process to negotiate a conduct and compensation agreement.	Removed from the Register
Section 88(5)	Entity Power Given To: A Party Given an ADR Election Notice	Chapter 3 – Land Access Part 7 – Compensation and Negotiated Access Division 2 – Conduct and Compensation Agreements Subdivision 3 – Negotiation and ADR	Power, upon receipt of an ADR election notice pursuant to section 88(2), to accept or refuse the type of ADR and the ADR facilitator proposed in the notice.	Delegation to the CEO
Section 88(6)	Entity Power Given To: A Party Given an ADR Election Notice	Chapter 3 – Land Access Part 7 – Compensation and Negotiated Access Division 2 – Conduct and Compensation Agreements Subdivision 3 – Negotiation and ADR	Power, as the party giving the ADR election notice and where the other party does not accept the type of ADR or ADR facilitator proposed in the notice, to obtain a decision from the Land Court or a prescribed ADR institute about the matter not accepted.	Delegation to the CEO
Section 88(7)	Entity Power Given To: A Party Given an ADR Election Notice	Chapter 3 – Land Access Part 7 – Compensation and Negotiated Access Division 2 – Conduct and Compensation Agreements Subdivision 3 – Negotiation and ADR	Power, as the party giving the ADR election notice and where a decision has been obtained from the Land Court or a prescribed ADR institute about the matter not accepted in the notice, to give the other party notice of the decision.	Delegation to the CEO
Section 89(2)	Entity Power Given To: A Party Given or Giving an ADR Election Notice	Chapter 3 – Land Access Part 7 – Compensation and Negotiated Access Division 2 – Conduct and Compensation Agreements Subdivision 3 – Negotiation and ADR	Power, as a party given or giving an ADR election notice, to participate in the conference and enter a conduct and compensation agreement.	Delegation to the CEO
Section 89(3)	Entity Power Given To: A Party Given or Giving an ADR Election Notice	Chapter 3 – Land Access Part 7 – Compensation and Negotiated Access Division 2 – Conduct and Compensation Agreements Subdivision 3 – Negotiation and ADR	Power, as a party given or giving an ADR election notice, to ask the other party for, or agree to, a longer period to enter a conduct and compensation agreement.	Delegation to the CEO
Section 89(4)	Entity Power Given To: A Party to a Conference	Chapter 3 – Land Access Part 7 – Compensation and Negotiated Access Division 2 – Provisions For Conduct and Compensation Agreements Subdivision 3 – Negotiation Process	Power to agree (or to ask the other party to agree) to a longer period to finish the conference.	Removed from the Register

Section	Entity Power Given To	Title	Description	Recommendation
Section 89(7)	Entity Power Given To: A Party to a Conference	Chapter 3 – Land Access Part 7 – Compensation and Negotiated Access Division 2 – Provisions For Conduct and Compensation Agreements Subdivision 3 – Negotiation Process	Power to make and sign an agreement.	Removed from the Register
Section 90(4)	Entity Power Given To: A Party to an ADR	Chapter 3 – Land Access Part 7 – Compensation and Negotiated Access Division 2 – Provisions For Conduct and Compensation Agreements Subdivision 3 – Negotiation and ADR Process	Power to agree (or to ask the other party to agree) to a longer period to finish the ADR. Power, as a party who attended the ADR and where the other party did not attend the ADR, to apply to the Land Court for an order requiring the non-attending party to pay the attending party's reasonable costs of attending.	Delegation to the CEO
Section 90(7)	Entity Power Given To: A Party to an ADR	Chapter 3 – Land Access Part 7 – Compensation and Negotiated Access Division 2 – Provisions For Conduct and Compensation Agreements Subdivision 3 – Negotiation Process	Power to make and sign an Agreement.	Removed from the Register
Section 91(2)	Entity Power Given To: A Party to a Conference or ADR	Chapter 3 – Land Access Part 7 – Compensation and Negotiated Access Division 2 – Provisions For Conduct and Compensation Agreements Subdivision 3 – Negotiation Process	Power to apply to the Land Court for an order requiring the non-attending party to pay the attending party's reasonable costs of attending.	Removed from the Register
Section 91A(2)	Entity Power Given To: A Party Given or Giving an ADR Election Notice	Chapter 3 – Land Access Part 7 – Compensation and Negotiated Access Division 2 – Conduct and Compensation Agreements Subdivision 3A – Arbitration	Power in the circumstances set out in subsection 91A(1), to give an arbitration election notice requesting the other party participate in an arbitration to decide the dispute.	Delegation to the CEO
Section 91A(4)	Entity Power Given To: A Party Given an Arbitration Election Notice	Chapter 3 – Land Access Part 7 – Compensation and Negotiated Access Division 2 – Conduct and Compensation Agreements Subdivision 3A – Arbitration	Power, as a party given an arbitration election notice, to accept or refuse the request for arbitration.	Delegation to the CEO
Section 91A(5)	Entity Power Given To: A party to an arbitration	Chapter 3 – Land Access Part 7 – Compensation and Negotiated Access Division 2 – Conduct and Compensation Agreements Subdivision 3A – Arbitration	Power, as a party to an arbitration, to jointly appoint the arbitrator proposed in the arbitration election notice or another arbitrator.	Delegation to the CEO
Section 91A(6)	Entity Power Given To: The Party Giving an Arbitration Election Notice	Chapter 3 – Land Access Part 7 – Compensation and Negotiated Access Division 2 – Conduct and Compensation Agreements Subdivision 3A – Arbitration	Power, as the party giving an arbitration election notice, to require a prescribed arbitration institute to appoint an arbitrator.	Delegation to the CEO
Section 91E(2)	Entity Power Given To: A Party to an Arbitration	Chapter 3 – Land Access Part 7 – Compensation and Negotiated Access Division 2 – Conduct and Compensation Agreements Subdivision 3A – Arbitration	Power, as a party to an arbitration and where the circumstances of section 91E(2) apply, to agree with the other party about the payment of the fees and expenses of the arbitrator.	Delegation to the CEO
Section 91E(3)	Entity Power Given To: A Party to an Arbitration	Chapter 3 – Land Access Part 7 – Compensation and Negotiated Access Division 2 – Conduct and Compensation Agreements Subdivision 3A – Arbitration	Power, as a party to an arbitration, to agree with the other party about the payment of each party's costs.	Delegation to the CEO
Section 94(1)	Entity Power Given To: Public Road Authority	Chapter 3 – Land Access Part 7 – Compensation and Negotiated Access Division 3 – Compensation For Notifiable Road Uses	Power, as a public road authority for a public road, to enter into an agreement (a road compensation agreement) about the holder's compensation liability to the public road authority.	Delegation to the CEO
Section 96(2)	Entity Power Given To: Eligible Party	Chapter 3 – Land Access Part 7 – Compensation and Negotiated Access Division 4.5 – Land Court Jurisdiction For Compensation and Conduct Subdivision 1 – Conduct and Compensation Negotiation Process	Power, as a party given or giving an ADR election notice, and where a conduct and compensation agreement has not been entered and an arbitration election notice has not been given or has been given and not accepted, to apply to the Land Court for it to decide the dispute one of the matters set out in Section 96(2)(a) to (e) of the Mineral and Energy Resources (Common Provisions) Act 2014 .	Delegation to the CEO

Section	Entity Power Given To	Title	Description	Recommendation
Section 96B(1)(a)	Entity Power Given To: A party	Chapter 3 – Land Access Part 7 – Compensation and Negotiated Access Division 4 – Land Court Jurisdiction Subdivision 1 – Conduct and Compensation	Power to apply to the Land Court for a declaration that all or part of the stated costs are payable under section 91.	Delegation to the CEO
Section 96B(1)(b)	Entity Power Given To: Eligible Claimant	Chapter 3 – Land Access Part 7 – Compensation and Negotiated Access Division 4 – Land Court Jurisdiction Subdivision 1 – Conduct and Compensation	Power, as an eligible claimant, to apply to the Land Court for an order requiring payment of negotiation and preparation costs under section 91.	Delegation to the CEO
Section 99A(2)	Entity Power Given To: A Party to a Compensation Agreement	Chapter 3 – Land Access Part 7 – Compensation and Negotiated Access Division 4 – Land Court Jurisdiction Subdivision 2 – Additional Jurisdiction	Power, as a party to a compensation agreement, to apply to the Land Court for an order about the alleged breach.	Delegation to the CEO
Section 100(1)	Entity Power Given To: Public Road Authority	Chapter 3 – Land Access Part 7 – Compensation and Negotiated Access Division 4.5 – Land Court Jurisdiction For Compensation and Conduct Subdivision 3 – Compensation For Notifiable Road Use	Power, as a public road authority, to apply to the Land Court for the Court to decide a resource authority holder's compensation liability to a public road authority.	Delegation to the CEO
Section 101(2)	Entity Power Given To: Public Road Authority / Eligible Claimant	Chapter 3 – Land Access Part 7 – Compensation and Negotiated Access Division 4.5 – Land Court Jurisdiction For Compensation and Conduct Subdivision 4 – Later Review Of Compensation By Land Court	Power, as a public road authority or an eligible claimant, to apply to the Land Court for a review of the original compensation.	Delegation to the CEO
Section 101D(1)	Entity Power Given To: An Owner or Occupier of Land	Chapter 3 – Land Access Part 8 – Conferences Held by Authorised Officer	Power, as an owner or occupier of land that may be affected by a resource authority, to give notice to an authorised officer of concerns relating to the resource authority.	Delegation to the CEO
Sections 101E(2) and 101F(3)	Entity Power Given To: An Owner or Occupier of Land or Another Person Interested	Chapter 3 – Land Access Part 8 – Conferences Held by Authorised Officer	Power, as an owner or occupier of land or another person interested in the concern, to participate in a conference conducted by the authorised officer, including agreeing to a settlement of the concern the subject of the conference.	Delegation to the CEO
Section 101F(4)(b)	Entity Power Given To: A party who Attends a Conference	Chapter 3 – Land Access Part 8 – Conferences Held by Authorised Officer	Power, as a party who attends a conference, to apply to the Land Court for an order requiring a party who did not attend the conference to pay the attending party's reasonable costs of attending.	Delegation to the CEO
Section 205(1)	Entity Power Given To: A Relevant Entity	Chapter 8 - Miscellaneous Part 2 - Other Provisions	Power, as a relevant entity, to give the chief executive a copy of a notice or consent given by or to Council under chapter 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.

COUNCIL DELEGATIONS TO CHIEF EXECUTIVE OFFICER

Delegation Register – Residential Tenancies and Rooming Accommodation Act 2008 - Tracked

Meeting Date: 13 June 2023

Attachment No: 25

Delegations Register – Residential Tenancies & Rooming Accommodation Act 2008

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 58(1)	Entity Power Given To: Prospective Tenant	Chapter 2 – Residential Tenancy Agreements And Rooming Accommodation Agreements Part 1 – Agreements Division 1 – Residential Tenancy Agreements Subdivision 1 – General Principles	Powers to give a prospective tenant for a residential tenancy the documents prepared for section 61 (the written residential tenancy agreement).	Delegation to the CEO
Section 61	Entity Power Given To: Lessor	Chapter 2 – Residential Tenancy Agreements And Rooming Accommodation Agreements Part 1 – Agreements Division 1 – Residential Tenancy Agreements Subdivision 1 – General Principles	Power to prepare a residential tenancy agreement in the way required by section 61.	Delegation to the CEO
Section 62(1)	Entity Power Given To: Lessor	Chapter 2 – Residential Tenancy Agreements And Rooming Accommodation Agreements Part 1 – Agreements Division 1 – Residential Tenancy Agreements Subdivision 1 – General Principles	Power to give a document prepared for section 64 to the tenant a residential tenancy agreement prepared for section 61 for signing, for signing on or before the day the tenant occupies the premises under the agreement. See Footnotes	Delegation to the CEO
Section 62(3)	Entity Power Given To: Lessor	Chapter 2 – Residential Tenancy Agreements And Rooming Accommodation Agreements Part 1 – Agreements Division 1 – Residential Tenancy Agreements Subdivision 1 – General Principles	Power to sign a residential tenancy agreement signed by the tenant and to return a copy signed by both parties to the tenant the document referred to in section 64.	Delegation to the CEO
Section 64(3)	Entity Power Given To: Lessor	Chapter 2 – Residential Tenancy Agreements And Rooming Accommodation Agreements Part 1 – Agreements Division 1 – Residential Tenancy Agreements Subdivision 1 – General Principles	Power to form the reasonable belief that a tenant has contravened section 62(2) and in that case, to apply to a tribunal if the Council as lessor reasonably believes the tenant has contravened section 62(2) for an order requiring the tenant to sign the relevant document and return it.	Delegation to the CEO
Section 65(2)	Entity Power Given To: Lessor	Chapter 2 – Residential Tenancy Agreements And Rooming Accommodation Agreements Part 1 – Agreements Division 1 – Residential Tenancy Agreements Subdivision 2 – Associated Documents	Power to prepare, in the approved form, a condition report for premises and any inclusions, to sign the a condition report, and to give a copy of the report to the tenant at the start of tenancy.	Delegation to the CEO
Section 66(2)	Entity Power Given To: Lessor	Chapter 2 – Residential Tenancy Agreements And Rooming Accommodation Agreements Part 1 – Agreements Division 1 – Residential Tenancy Agreements Subdivision 2 – Associated Documents	Power to sign the copy of a condition report received from the tenant at the end of the tenancy or, if not agree with the report, to show the parts of the report that are disagreed with by marking the copy in an appropriate way, and to make a copy of the report and return it to the tenant at the tenant's given forwarding address.	Delegation to the CEO
Section 67	Entity Power Given To: Lessor	Chapter 2 – Residential Tenancy Agreements And Rooming Accommodation Agreements Part 1 – Agreements Division 1 – Residential Tenancy Agreements Subdivision 2 – Associated Documents	Power to give a tenant an information statement in the approved form containing information for the benefit of the tenant, by the period specified in section 67.	Delegation to the CEO
Section 68(2)	Entity Power Given To: Lessor	Chapter 2 – Residential Tenancy Agreements And Rooming Accommodation Agreements Part 1 – Agreements Division 1 – Residential Tenancy Agreements Subdivision 2 – Associated Documents	Power to give the tenant a copy of park rules in a moveable dwelling park and a copy of the rules as changed.	Delegation to the CEO

Section	Entity Power Given To	Title	Description	Recommendation
Section 69	Entity Power Given To: Lessor	Chapter 2 – Residential Tenancy Agreements And Rooming Accommodation Agreements Part 1 – Agreements Division 1 – Residential Tenancy Agreements Subdivision 2 – Associated Documents	Power to give the tenant a copy of relevant body corporate by-laws when giving the written agreement to the tenant for signing.	Delegation to the CEO
Section 77(4)(b)	Entity Power Given To: Provider	Chapter 2 – Residential Tenancy Agreements And Rooming Accommodation Agreements Part 1 – Agreements Division 2 – Rooming Accommodation Agreements Subdivision 1 – General Provisions	Power to prepare sign a rooming accommodation agreement on behalf of the provider in the way required by section 77. *See Footnotes	Delegation to the CEO
Section 78(1)	Entity Power Given To: Provider	Chapter 2 – Residential Tenancy Agreements And Rooming Accommodation Agreements Part 1 – Agreements Division 2 – Rooming Accommodation Agreements Subdivision 1 – General Provisions	Power to give a document prepared for section 77 to the resident on or before the day the resident occupies the room for signing.	Delegation to the CEO
Section 78(2)	Entity Power Given To: Provider	Chapter 2 – Residential Tenancy Agreements And Rooming Accommodation Agreements Part 1 – Agreements Division 2 – Rooming Accommodation Agreements Subdivision 1 – General Provisions	Power to sign a rooming accommodation agreement signed by the resident and to return a copy signed by both parties to the resident.	Delegation to the CEO
Section 81(1)(b)	Entity Power Given To: Provider	Chapter 2 – Residential Tenancy Agreements And Rooming Accommodation Agreements Part 1 – Agreements Division 2 – Rooming Accommodation Agreements Subdivision 2 – Associated Documents	Power to sign a condition report at the start of rooming accommodation prepare, in the approved form, a condition report for the room and the facilities in the room, to sign the report and to give a copy of the report to the resident. *See Footnotes	Delegation to the CEO
Section 83(3)	Entity Power Given To: Provider	Chapter 2 – Residential Tenancy Agreements And Rooming Accommodation Agreements Part 2 - Rent Division 1 - Residential Tenancy Agreement	Power to give the tenant a written notice stating an approved way, or a different approved way, as the way in which rent is required, or is proposed, to be paid.	Delegation to the CEO
Section 83(3)	Entity Power Given To: Lessor	Chapter 2 – Residential Tenancy Agreements And Rooming Accommodation Agreements Part 2 - Rent Division 1 - Residential Tenancy Agreement	Power to agree in writing to payments of rent being made in the way stated in a written notice received from the tenant.	Delegation to the CEO
Section 84(2)	Entity Power Given To: Lessor	Chapter 2 – Residential Tenancy Agreements And Rooming Accommodation Agreements Part 2 - Rent Division 1 - Residential Tenancy Agreement	Power to give the tenant a written notice that gives the tenant a choice of at least 2 approved ways for payment of rent under section 83(4)(a) to (f) and advises about costs associated with the approved way.	Delegation to the CEO
Section 85(2)	Entity Power Given To: Lessor	Chapter 2 – Residential Tenancy Agreements And Rooming Accommodation Agreements Part 2 - Rent Division 1 - Residential Tenancy Agreement	Power to give a written notice stating a place, or a different place, as the place at which rent is required to be paid.	Delegation to the CEO
Section 88(3)	Entity Power Given To: Lessor	Chapter 2 – Residential Tenancy Agreements And Rooming Accommodation Agreements Part 2 – Rent Division 1 – Residential Tenancy Agreements	Power to give and sign a receipt for payment of rent.	Delegation to the CEO
Section 88(5)	Entity Power Given To: Lessor	Chapter 2 – Residential Tenancy Agreements And Rooming Accommodation Agreements Part 2 – Rent Division 1 – Residential Tenancy Agreements	Power to make a written record of payment and to give a copy of the record to the tenant of rent.	Delegation to the CEO

Section	Entity Power Given To	Title	Description	Recommendation
Section 91(2)	Entity Power Given To: Lessor	Chapter 2 – Residential Tenancy Agreements And Rooming Accommodation Agreements Part 2 – Rent Division 1 – Residential Tenancy Agreements	Power to give a written notice of proposal to increase rent to the tenant for a periodic agreement or a fixed term agreement during the term of the agreement.	Delegation to the CEO
Section 97(3)	Entity Power Given To: Lessor	Chapter 2 – Residential Tenancy Agreements And Rooming Accommodation Agreements Part 2 – Rent Division 1 – Residential Tenancy Agreements	Power to apply to a tribunal to make an order about the payment of an amount by or to a tenant.	Removed from the Register
Section 98(3)(a)	Entity Power Given To: Provider	Chapter 2 – Residential Tenancy Agreements And Rooming Accommodation Agreements Part 2 – Rent Division 2 – Rooming Accommodation Agreements	Power to give a written notice stating an approved way, or a different approved to the resident about the way, to pay rent under a rooming accommodation agreement.	Delegation to the CEO
Section 98(3)(b)	Entity Power Given To: Provider	Chapter 2 – Residential Tenancy Agreements And Rooming Accommodation Agreements Part 2 – Rent Division 2 – Rooming Accommodation Agreements	Power to agree in writing with the resident (the Rent Agreement) to payments of rent under a rooming accommodation agreement being made in the way stated in a written notice given by a resident.	Delegation to the CEO
Section 99(2)(a)	Entity Power Given To: Provider	Chapter 2 – Residential Tenancy Agreements And Rooming Accommodation Agreements Part 2 – Rent Division 2 – Rooming Accommodation Agreements	Power to – give a resident a written notice for the payment of rent that gives the resident a choice of at least 2 approved ways and advises about costs associated with the approved ways. (a) give a written notice to the resident that gives the resident a choice of at least two other approved ways for payment of rent under section 98(4)(a) to (f); and (b) advises the resident of the costs associated with the approved way.	Delegation to the CEO
Section 100(2)	Entity Power Given To: Provider	Chapter 2 – Residential Tenancy Agreements And Rooming Accommodation Agreements Part 2 – Rent Division 2 – Rooming Accommodation Agreements	Power to give a written notice stating a place, or a different place, as the place where rent is required to be paid.	Delegation to the CEO
Section 102(3)	Entity Power Given To: Provider	Chapter 2 – Residential Tenancy Agreements And Rooming Accommodation Agreements Part 2 – Rent Division 2 – Rooming Accommodation Agreements	Power to give sign a receipt of payment for the payment of rent.	Delegation to the CEO
Section 102(5)	Entity Power Given To: Provider	Chapter 2 – Residential Tenancy Agreements And Rooming Accommodation Agreements Part 2 – Rent Division 2 – Rooming Accommodation Agreements	Power to make a written record of the payment of rent paid.	Delegation to the CEO
Section 105(3)	Entity Power Given To: Provider	Chapter 2 – Residential Tenancy Agreements And Rooming Accommodation Agreements Part 2 – Rent Division 2 – Rooming Accommodation Agreements	Power to give a resident a written notice stating the amount of increased rent under a rooming accommodation agreement and the day by from which the increased rent is payable.	Delegation to the CEO
Section 106(2)	Entity Power Given To: Provider	Chapter 2 – Residential Tenancy Agreements And Rooming Accommodation Agreements Part 2 – Rent Division 2 – Rooming Accommodation Agreements	Power to agree on the amount and time for the decrease of rent for matters including loss of amenity or service with the resident, the rent payable under the agreement decreases by the amount and from the time agreed.	Delegation to the CEO
Section 106(3)	Entity Power Given To: Provider	Chapter 2 – Residential Tenancy Agreements And Rooming Accommodation Agreements Part 2 – Rent Division 2 – Rooming Accommodation Agreements	Power to apply to a tribunal for an order decreasing the rent.	Removed from the Register
Section 107(2)	Entity Power Given To: Provider	Chapter 2 – Residential Tenancy Agreements And Rooming Accommodation Agreements Part 2 – Rent Division 2 – Rooming Accommodation Agreements	Power to agree with the resident to a reduction in rent because of for the period of the resident's absence.	Delegation to the CEO

Section	Entity Power Given To	Title	Description	Recommendation
Section 109(3)	Entity Power Given To: Provider	Chapter 2 – Residential Tenancy Agreements And Rooming Accommodation Agreements Part 2 – Rent Division 2 – Rooming Accommodation Agreements	Power to apply to a tribunal to make an order about the payment of an amount by or to the resident.	Removed from the Register
Section 116(1)(b)	Entity Power Given To: Person	Chapter 2 – Residential Tenancy Agreements And Rooming Accommodation Agreements Part 3 – Rental Bonds Division 2 – Payments To Authority	Power to give the authority a notice, in an approved form, about a pay a rental bond to the authority and to give the authority a notice, in the approved form, about the rental bond.	Delegation to the CEO
Section 117(2)(b)	Entity Power Given To: Lessor	Chapter 2 – Residential Tenancy Agreements And Rooming Accommodation Agreements Part 3 – Rental Bonds Division 2 – Payments To Authority	If rental bond instalments are payable under a residential tenancy agreement, power to pay the rental bond to the Residential Tenancies Authority once all rental bond instalments have been received and to give the Authority a notice, in the approved form, about instalments.	Delegation to the CEO
Section 117(3)(b)	Entity Power Given To: Lessor	Chapter 2 – Residential Tenancy Agreements And Rooming Accommodation Agreements Part 3 – Rental Bonds Division 2 – Payments To Authority	Power to give the authority a notice, in the approved form, about instalments.	Removed from the Register
Section 118(2)(b)	Entity Power Given To: Provider	Chapter 2 – Residential Tenancy Agreements And Rooming Accommodation Agreements Part 3 – Rental Bonds Division 2 – Payments To Authority	Power to give the authority a notice, in the approved form, about instalments as a provider who has received the last rental bond instalment, to pay the instalments to the authority and to give the authority a notice, in the approved form about the instalments.	Delegation to the CEO
Section 118(3)(b)	Entity Power Given To: Provider	Chapter 2 – Residential Tenancy Agreements And Rooming Accommodation Agreements Part 3 – Rental Bonds Division 2 – Payments To Authority	Power to give the authority a notice, as a provider where the agreement is ended before the provider receives all the rental bond instalments, to pay the instalments received by the provider to the authority and to give the authority a notice, in the approved form, about the instalments.	Delegation to the CEO
Section 118(4)(a)(ii)	Entity Power Given To: Provider	Chapter 2 – Residential Tenancy Agreements And Rooming Accommodation Agreements Part 3 – Rental Bonds Division 2 – Payments To Authority	Power to give the authority a notice, as a provider in the circumstances set out in subsection 118(4), to pay the instalments received by the provider to the authority and to give the authority a notice, in the approved form, about the instalments.	Delegation to the CEO
Section 118(4)(b)(ii)	Entity Power Given To: Provider	Chapter 2 – Residential Tenancy Agreements And Rooming Accommodation Agreements Part 3 – Rental Bonds Division 2 – Payments To Authority	Power to give the authority a notice, in the approved form, about instalments.	Removed from the Register
Section 119(2)	Entity Power Given To: Lessor	Chapter 2 – Residential Tenancy Agreements And Rooming Accommodation Agreements Part 3 – Rental Bonds Division 2 – Payments To Authority	Power, as a lessor under a residential tenancy agreement in the circumstances set out in subsection 119(1), to pay to the authority an amount equal to the maximum rental bond for the agreement or the difference between the maximum rental bond and the amount of rental bond actually paid.	Delegation to the CEO
Section 125	Entity Power Given To: Provider	Chapter 2 – Residential Tenancy Agreements And Rooming Accommodation Agreements Part 3 – Rental Bonds Division 3 - Payments by Authority Subdivision 1 - Preliminary	Power to apply to the authority for payment of a rental bond.	Delegation to the CEO
Section 136A	Entity Power Given To: Interested Person	Chapter 2 – Residential Tenancy Agreements And Rooming Accommodation Agreements Part 3 – Rental Bonds Division 3 - Payments by Authority Subdivision 4 - General Process for Payment of Rental Bond if Interested Persons for the Payment	Power to make a dispute resolution request to the authority about an application for payment of a rental bond.	Delegation to the CEO
Section 136B(2)	Entity Power Given To: Interested Person	Chapter 2 – Residential Tenancy Agreements And Rooming Accommodation Agreements Part 3 – Rental Bonds Division 3 - Payments by Authority Subdivision 4 - General Process for Payment of Rental Bond if Interested Persons for the Payment	Power to make an application to the tribunal for an order about the payment of a rental bond.	Delegation to the CEO
Section 136B(4)	Entity Power Given To: Interested Person	Chapter 2 – Residential Tenancy Agreements And Rooming Accommodation Agreements Part 3 – Rental Bonds Division 3 - Payments by Authority Subdivision 4 - General Process for Payment of Rental Bond if Interested Persons for the Payment	Power, where an application has been made to the tribunal, to give the authority written notice of the application.	Delegation to the CEO

Section	Entity Power Given To	Title	Description	Recommendation
Section 136C(2)	Entity Power Given To: Interested Person	Chapter 2 – Residential Tenancy Agreements And Rooming Accommodation Agreements Part 3 – Rental Bonds Division 3 - Payments by Authority Subdivision 4 - General Process for Payment of Rental Bond if Interested Persons for the Payment	Power, as an interested person, to make a written request to the authority for an extension of the claim period.	Delegation to the CEO
Sections 136(3)(c)(v)(A) or 136(4)(c)(iv)(A)	Entity Power Given To: Interested Person	Chapter 2 – Residential Tenancy Agreements And Rooming Accommodation Agreements Part 3 – Rental Bonds Division 3 - Payments by Authority Subdivision 4 - General Process for Payment of Rental Bond if Interested Persons for the Payment	Power to apply to a tribunal for an order about the payment of a rental bond and give the residential tenancy authority a written notice informing it of the application.	Delegation to the CEO
Section 136(5)	Entity Power Given To: Interested Person	Chapter 2 – Residential Tenancy Agreements And Rooming Accommodation Agreements Part 3 – Rental Bonds Division 3 - Payments by Authority Subdivision 4 - General Process for Payment of Rental Bond if Interested Persons for the Payment	Power to give the Residential Tenancies Authority a written application requesting it to extend the 7 day period by not more than 3 days.	Delegation to the CEO
Section 140	Entity Power Given To: Applicant	Chapter 2 – Residential Tenancy Agreements And Rooming Accommodation Agreements Part 3 – Rental Bonds Division 3 - Payments by Authority Subdivision 4 - General Process for Payment of Rental Bond if Interested Persons for the Payment	Power to withdraw an application to the Residential Tenancies Authority for the payment of a rental bond.	Delegation to the CEO
Section 145(4)	Entity Power Given To: Person	Chapter 2 – Residential Tenancy Agreements And Rooming Accommodation Agreements Part 3 – Rental Bonds Division 4 – Enforcement Provisions	Power to sign and give a receipt for a rental bond.	Delegation to the CEO
Section 145(4)(b)(4)	Entity Power Given To: Person	Chapter 2 – Residential Tenancy Agreements And Rooming Accommodation Agreements Part 3 – Rental Bonds Division 4 – Enforcement Provisions	Power to sign a receipt for a rental bond keep a copy of the receipt for a rental bond.	Delegation to the CEO
Section 154(b)	Entity Power Given To: Lessor	Chapter 2 – Residential Tenancy Agreements And Rooming Accommodation Agreements Part 3 – Rental Bonds Division 6 – Miscellaneous	Power to give a written notice to the tenant or resident to increase the rental bond if the rent payable under the agreement increases.	Delegation to the CEO
Section 155(3)	Entity Power Given To: Lessor	Chapter 2 – Residential Tenancy Agreements And Rooming Accommodation Agreements Part 3 – Rental Bonds Division 6 – Miscellaneous	Power to apply to a tribunal to make an order declaring an amount is or is not a rental bond disputing the amount being treated as a rental bond.	Delegation to the CEO
Section 156	Entity Power Given To: Person	Chapter 2 – Residential Tenancy Agreements And Rooming Accommodation Agreements Part 4 - Key and Holding Deposits for Residential Tenancies Division 1 - Key Deposits	Power to require a prospective tenant to pay a key deposit.	Delegation to the CEO
Section 157	Entity Power Given To: Person	Chapter 2 – Residential Tenancy Agreements And Rooming Accommodation Agreements Part 4 - Key and Holding Deposits for Residential Tenancies Division 1 - Key Deposits	Power to give a receipt for a key deposit that was paid by a prospective tenant.	Delegation to the CEO
Section 158	Entity Power Given To: Person	Chapter 2 – Residential Tenancy Agreements And Rooming Accommodation Agreements Part 4 - Key and Holding Deposits for Residential Tenancies Division 1 - Key Deposits	Power to refund a key deposit in full when the key is returned.	Delegation to the CEO
Section 159	Entity Power Given To: Person	Chapter 2 – Residential Tenancy Agreements And Rooming Accommodation Agreements Part 4 - Key and Holding Deposits for Residential Tenancies Division 2 - Holding Deposits	Power to require a prospective tenant to pay a holding deposit for a tenancy of premises.	Delegation to the CEO

Section	Entity Power Given To	Title	Description	Recommendation
Section 160(f)	Entity Power Given To: Person	Chapter 2 – Residential Tenancy Agreements And Rooming Accommodation Agreements Part 4 – Key And Holding Deposits For Residential Tenancies Division 2 – Holding Deposits	Power to give a receipt for a holding deposit.	Delegation to the CEO
Section 161(2)	Entity Power Given To: Lessor	Chapter 2 – Residential Tenancy Agreements And Rooming Accommodation Agreements Part 4 – Key And Holding Deposits For Residential Tenancies Division 2 – Holding Deposits	Power to refund the holding deposit to the prospective tenant within 3 days after notification that the prospective tenant intends not to exercise the option.	Delegation to the CEO
Section 168(3)(a)	Entity Power Given To: Lessor	Chapter 2 – Residential Tenancy Agreements And Rooming Accommodation Agreements Part 5 – Outgoings Of Lessor Or Provider Division 1 – Residential Tenancy Agreements Subdivision 2 – Service Charges	Power to agree a reduced rent with the tenant on an amount as reflecting the amount of rent attributable to the service or facility becoming unavailable for use by the tenant.	Delegation to the CEO
Section 168(4)	Entity Power Given To: Lessor	Chapter 2 – Residential Tenancy Agreements And Rooming Accommodation Agreements Part 5 – Outgoings Of Lessor Or Provider Division 1 – Residential Tenancy Agreements Subdivision 2 – Service Charges	Power to give a written statement to the tenant showing each service or facility for which an amount of rent is attributable and the amount attributed to the service or facility.	Delegation to the CEO
Section 169(2)	Entity Power Given To: Lessor and Lessee	Chapter 2 – Residential Tenancy Agreements And Rooming Accommodation Agreements Part 5 – Outgoings Of Lessor Or Provider Division 1 – Residential Tenancy Agreements Subdivision 2 – Service Charges	Power to apply to a tribunal for a decision about: (a) the amount of the lessor's outgoings for a service charge payable by the tenant; or (b) the amount of the reduced rent payable under the agreement because a service or facility ceases to be available for use by the tenant.	Delegation to the CEO
Section 192(1)(h), 193, 194, 195, 196, 197, 198, 199	Entity Power Given To: Lessor	Chapter 3 – Rights And Obligations Of Parties For Residential Tenancies Part 3 – Lessors' Right Of Entry	Power to form a belief, on reasonable grounds, that premises have been abandoned enter premises on a ground specified in section 192(1), to take all steps necessary to allow for the entry, and to exercise all the powers of Council upon making the entry.	Delegation to the CEO
Section 192(i)	Entity Power Given To: Lessor	Chapter 3 – Rights And Obligations Of Parties For Residential Tenancies Part 3 – Lessors' Right Of Entry	Power to give the tenant a notice to remedy a breach of the agreement that is a significant breach.	Removed from the Register
Section 192(j)	Entity Power Given To: Lessor	Chapter 3 – Rights And Obligations Of Parties For Residential Tenancies Part 3 – Lessors' Right Of Entry	Power to agree with a tenant that the lessor or lessor's agent may enter premises.	Removed from the Register
Section 192(1)(l)	Entity Power Given To: Lessor	Chapter 3 – Rights And Obligations Of Parties For Residential Tenancies Part 3 – Lessors' Right Of Entry	Power to form a belief, on reasonable grounds, that the entry is necessary to protect the premises or inclusions from imminent or further damage.	Removed from the Register
Section 193(1)(a)	Entity Power Given To: Lessor	Chapter 3 – Rights And Obligations Of Parties For Residential Tenancies Part 3 – Lessors' Right Of Entry	Power to give a notice of proposed entry (the entry notice) to the tenant.	Removed from the Register
Section 195(1)(b)	Entity Power Given To: Lessor	Chapter 3 – Rights And Obligations Of Parties For Residential Tenancies Part 3 – Lessors' Right Of Entry	Power to make an agreement with the tenant that the lessor may enter premises on a Sunday or public holiday or on another day after 6.00 pm or before 8.00 am.	Removed from the Register
Section 195(5)	Entity Power Given To: Lessor	Chapter 3 – Rights And Obligations Of Parties For Residential Tenancies Part 3 – Lessors' Right Of Entry	Power to agree a time for entry of premises under section 192(1)(j) with the tenant.	Removed from the Register
Section 197(1)(a)	Entity Power Given To: Lessor	Chapter 3 – Rights And Obligations Of Parties For Residential Tenancies Part 3 – Lessors' Right Of Entry	Power to give a notice to leave the premises to the tenant.	Removed from the Register
Section 198(1)(a)	Entity Power Given To: Lessor	Chapter 3 – Rights And Obligations Of Parties For Residential Tenancies Part 3 – Lessors' Right Of Entry	Power to give a tenant a notice of the lessors' intention to sell the premises.	Removed from the Register
Section 201	Entity Power Given To: Lessor or Tenant	Chapter 3 – Rights And Obligations Of Parties For Residential Tenancies Part 3 – Lessors' Right Of Entry	Power to apply to a tribunal to enter the premises under order of the tribunal, and to comply with the rules of entry as changed by the tribunal.	Delegation to the CEO

Section	Entity Power Given To	Title	Description	Recommendation
Section 203	Entity Power Given To: Lessor	Chapter 3 – Rights And Obligations Of Parties For Residential Tenancies Part 3 – Lessors’ Right Of Entry	Power to obtain the tenants written consent to use a photo or other image of something belonging to the tenant in an advertisement for the premises—	Removed from the Register
Section 205(1)	Entity Power Given To: Lessor	Chapter 3 – Rights And Obligations Of Parties For Residential Tenancies Part 4 - Personal Details of the Parties and Agents	Power to ask the tenant the tenant’s name or place of employment.	Delegation to the CEO
Section 205(3)(a)	Entity Power Given To: Lessor	Chapter 3 – Rights And Obligations Of Parties For Residential Tenancies Part 4 - Personal Details of the Parties and Agents	Power to ask the tenant in writing to state the new address.	Delegation to the CEO
Section 205(2)	Entity Power Given To: Lessor	Chapter 3 – Rights And Obligations Of Parties For Residential Tenancies Part 4 - Personal Details of the Parties and Agents	Power to ask the tenant in writing to state the tenant’s new residential address.	Delegation to the CEO
Section 206	Entity Power Given To: Lessor	Chapter 3 – Rights And Obligations Of Parties For Residential Tenancies Part 4 - Personal Details of the Parties and Agents	Power to give a written notice to the tenant stating the lessor’s and/or the lessor’s agent’s name and address for service including any change of such details.	Delegation to the CEO
Sections 207 and 208	Entity Power Given To: Lessor	Chapter 3 – Rights And Obligations Of Parties For Residential Tenancies Part 5 - The Dwelling Division 1 - Fixtures and Structural Changes	Power to agree to the tenant attaching a fixture or making a structural change to the premises including the power to set the terms upon which the agreement is given.	Delegation to the CEO
Section 209	Entity Power Given To: Lessor	Chapter 3 – Rights And Obligations Of Parties For Residential Tenancies Part 5 - The Dwelling Division 1 - Fixtures and Structural Changes	Power to waive the breach by a tenant attaching a fixture or making a structural change to the premises without the lessor’s agreement and to treat the fixture or change as an improvement to the premises for the lessor’s benefit.	Delegation to the CEO
Section 210	Entity Power Given To: Lessor	Chapter 3 – Rights And Obligations Of Parties For Residential Tenancies Part 5 - The Dwelling Division 2 - Locks and Keys	Power to supply and maintain the locks and keys that are necessary to ensure the premises are reasonably secure.	Delegation to the CEO
Section 211	Entity Power Given To: Lessor	Chapter 3 – Rights And Obligations Of Parties For Residential Tenancies Part 5 - The Dwelling Division 2 - Locks and Keys	Power to change a lock to the premises or to agree to the other party to the residential tenancy agreement changing a lock to the premises and to give a copy of the key to the other party.	Delegation to the CEO
Section 211(1)(a)	Entity Power Given To: Lessor	Chapter 3 – Rights And Obligations Of Parties For Residential Tenancies Part 5 – The Dwelling Division 2 – Locks And Keys	Power to enter into an agreement with the tenant under which the tenant agrees to not being given a key agree to not being given a key for a lock to the premises changed by the tenant.	Delegation to the CEO
Section 211(2)(b)	Entity Power Given To: Lessor	Chapter 3 – Rights And Obligations Of Parties For Residential Tenancies Part 5 – The Dwelling Division 2 – Locks And Keys	Power to enter into an agreement with the tenant to change a lock—	Removed from the Register
Section 213(1)	Entity Power Given To: Lessor or Tenant	Chapter 3 – Rights And Obligations Of Parties For Residential Tenancies Part 5 - The Dwelling Division 2 - Locks and Keys	Power to apply to a tribunal about a lock or key for the premises.	Delegation to the CEO
Section 216(2)	Entity Power Given To: Lessor	Chapter 3 – Rights And Obligations Of Parties For Residential Tenancies Part 5 – The Dwelling Division 3 – Damage And Repairs	Power to nominate a nominated repairer and to provide written notice to the tenant stating the nominated repairer and to give a written notice to the tenant of any change in a nominated repairer.	Delegation to the CEO
Section 220(2)	Entity Power Given To: Lessor	Chapter 3 – Rights And Obligations Of Parties For Residential Tenancies Part 5 – The Dwelling Division 3 – Damage And Repairs	Power to apply to a tribunal for an order about the reimbursement or payment of an amount for emergency repairs to the tenant.	Delegation to the CEO
Section 223	Entity Power Given To: Lessor	Chapter 3 – Rights And Obligations Of Parties For Residential Tenancies Part 6 – Additional Provisions For Moveable Dwelling Premises Division 2 – Relocation	Power to give a notice to relocate to the tenant requiring the tenant to relocate to another site in the moveable dwelling park within a stated period to the tenant.	Delegation to the CEO
Section 227	Entity Power Given To: Lessor or Tenant	Chapter 3 – Rights And Obligations Of Parties For Residential Tenancies Part 6 – Additional Provisions For Moveable Dwelling Premises Division 2 – Relocation	Power to apply to a tribunal for an order about the relocation of a tenant to another site in the moveable dwelling park.	Delegation to the CEO
Section 228	Entity Power Given To: Lessor	Chapter 3 – Rights And Obligations Of Parties For Residential Tenancies Part 6 – Additional Provisions For Moveable Dwelling Premises Division 3 - Park Rules	Power to make rules about the use, enjoyment, control and management of a moveable dwelling park owned by Council.	Delegation to the CEO

Section	Entity Power Given To	Title	Description	Recommendation
Section 229(1)(b)	Entity Power Given To: Park Owner	Chapter 3 – Rights And Obligations Of Parties For Residential Tenancies Part 6 – Additional Provisions For Moveable Dwelling Premises Division 3 – Park Rules	Power to give a notice of proposing to each resident and any person who becomes a resident before the objection closing day of a proposed change to of a park rule to residents of the park.	Delegation to the CEO
Section 231	Entity Power Given To: Lessor	Chapter 3 – Rights And Obligations Of Parties For Residential Tenancies Part 6 – Additional Provisions For Moveable Dwelling Premises Division 3 - Park Rules	Power as an owner of a moveable dwelling park to set up a park liaisons committee to consider objections received to the proposal to change a park rule.	Delegation to the CEO
Section 231(3)(b)	Entity Power Given To: Park Owner or Nominee	Chapter 3 – Rights And Obligations Of Parties For Residential Tenancies Part 6 – Additional Provisions For Moveable Dwelling Premises Division 3 - Park Rules	Power to be Council's nominee on the park liaison committee.	Delegation to the CEO
Section 231(6)	Entity Power Given To: Park Owner or Nominee	Chapter 3 – Rights And Obligations Of Parties For Residential Tenancies Part 6 – Additional Provisions For Moveable Dwelling Premises Division 3 - Park Rules	Power to give a non-resolution notice to each of the objectors objecting to a change of a park rule.	Delegation to the CEO
Section 233(2)	Entity Power Given To: Park Owner or Objector	Chapter 3 – Rights And Obligations Of Parties For Residential Tenancies Part 6 – Additional Provisions For Moveable Dwelling Premises Division 3 - Park Rules	Power to apply to a tribunal for an order declaring the proposal about a to change a park rule to be reasonable or unreasonable.	Delegation to the CEO
Section 237(2)	Entity Power Given To: Lessor	Chapter 3 – Rights And Obligations Of Parties For Residential Tenancies Part 7 – Change Of Lessor Or Tenant Division 1 – Transfer Or Subletting By Tenant	Power to agree with the tenant, in writing, of to the transfer or subletting of the a tenant's interests under an agreement.	Delegation to the CEO
Section 238(2)(a)	Entity Power Given To: Lessor	Chapter 3 – Rights And Obligations Of Parties For Residential Tenancies Part 7 – Change Of Lessor Or Tenant Division 1 – Transfer Or Subletting By Tenant	Power to agree in writing to the transfer or subletting of all or a part of the a tenant's interests under an agreement.	Delegation to the CEO
Section 240	Entity Power Given To: Lessor	Chapter 3 – Rights And Obligations Of Parties For Residential Tenancies Part 7 – Change Of Lessor Or Tenant Division 1 – Transfer Or Subletting By Tenant	Power to require the tenant to pay an amount equivalent to the reasonable expenses incurred by the lessor in agreeing to the transfer or subletting.	Delegation to the CEO
Section 241(2)	Entity Power Given To: Lessor	Chapter 3 – Rights And Obligations Of Parties For Residential Tenancies Part 7 – Change Of Lessor Or Tenant Division 1 – Transfer Or Subletting By Tenant	Power to require a tenant to pay a fee for the sale or attempted sale of a caravan on the premises.	Delegation to the CEO
Section 242(1)(a)	Entity Power Given To: Lessor	Chapter 3 – Rights And Obligations Of Parties For Residential Tenancies Part 7 – Change Of Lessor Or Tenant Division 2 – Transfer By Lessor	Power to give a written notice of a tenancy to a buyer to whom Council proposes to transfer the Council's interests in the premises.	Delegation to the CEO
Section 242(1)(b)	Entity Power Given To: Lessor	Chapter 3 – Rights And Obligations Of Parties For Residential Tenancies Part 7 – Change Of Lessor Or Tenant Division 2 – Transfer By Lessor	Power to give a written notice of the transfer (the attornment notice) to the tenant if the lessor's interest is transferred.	Delegation to the CEO
Section 243(7)	Entity Power Given To: Person	Chapter 3 – Rights And Obligations Of Parties For Residential Tenancies Part 7 – Change Of Lessor Or Tenant Division 3 - Replacement of Tenant	Power to be heard on an application by a person occupying the premises to be recognised as a tenant under an agreement.	Delegation to the CEO
Section 245(8)	Entity Power Given To: Person	Chapter 3 – Rights And Obligations Of Parties For Residential Tenancies Part 7 – Change Of Lessor Or Tenant Division 3 - Replacement of Tenant	Power to be heard before a tribunal on an application by a person to be recognised as the tenant or a co-tenant under an agreement instead of the person's domestic associate.	Delegation to the CEO
Section 246(6)	Entity Power Given To: An Occupant - not a tenant	Chapter 3 – Rights And Obligations Of Parties For Residential Tenancies Part 7 – Change Of Lessor Or Tenant Division 3 - Replacement of Tenant	Power to be heard before a tribunal on the application of an occupant for an order to be recognised as the tenant, or a co-tenant under an agreement instead of the tenant or co-tenant.	Delegation to the CEO
Section 247(2)	Entity Power Given To: Provider	Chapter 4 – Rights And Obligations Of Parties For Rooming Accommodation Part 1 – Rights And Obligations Generally	Power to agree about cleaning common areas for a common area used by the resident and a minority of other residents of the provider.	Delegation to the CEO
Section 248(1)	Entity Power Given To: Provider	Chapter 4 – Rights And Obligations Of Parties For Rooming Accommodation Part 1 – Rights And Obligations Generally	Power to give a written notice to the resident of address for service stating the provider's name and address for service or the provider's agent's name and address for service and a notice detailing any changes to those details.	Delegation to the CEO
Section 248(2)	Entity Power Given To: Provider	Chapter 4 – Rights And Obligations Of Parties For Rooming Accommodation Part 1 – Rights And Obligations Generally	Power to give a written notice of change to the resident.	Removed from the Register

Section	Entity Power Given To	Title	Description	Recommendation
Section 250(1)	Entity Power Given To: Provider	Chapter 4 – Rights And Obligations Of Parties For Rooming Accommodation Part 1 – Rights And Obligations Generally	Power to supply and maintain the locks that are necessary to ensure the resident's room is reasonably secure.	Delegation to the CEO
Section 251	Entity Power Given To: Provider	Chapter 4 – Rights And Obligations Of Parties For Rooming Accommodation Part 1 – Rights And Obligations Generally	Power to agree to change or repair a lock at the request of a resident.	Delegation to the CEO
Section 252	Entity Power Given To: Provider or Resident	Chapter 4 – Rights And Obligations Of Parties For Rooming Accommodation Part 1 – Rights And Obligations Generally	Power to apply to a tribunal for an order relating to a lock or key mentioned in section 250.	Delegation to the CEO
Section 254 & 255(4)	Entity Power Given To: Provider	Chapter 4 – Rights And Obligations Of Parties For Rooming Accommodation Part 1 – Rights And Obligations Generally	Power to give an agreement to the resident attaching of a fixture, or making of a structural change to rental premises including setting the terms of the agreement.	Delegation to the CEO
Section 256(1)	Entity Power Given To: Provider	Chapter 4 – Rights And Obligations Of Parties For Rooming Accommodation Part 1 – Rights And Obligations Generally	Power to waive a breach by a resident who attaches a fixture or makes a structural change to rental premises without the provider's agreement, or to treat the fixture or change as an improvement to the rental premises for the provider's benefit.	Delegation to the CEO
Section 257(1)	Entity Power Given To: Provider	Chapter 4 – Rights And Obligations Of Parties For Rooming Accommodation Part 2 – Entry To Residents' Rooms	Power to agree with the resident for the provider to enter the a resident's room for any reason if the resident agrees.	Delegation to the CEO
Section 258(1)	Entity Power Given To: Provider	Chapter 4 – Rights And Obligations Of Parties For Rooming Accommodation Part 2 – Entry To Residents' Rooms	Power to enter a resident's room, at a reasonable time, to inspect the room and to give notice of the entry.	Delegation to the CEO
Section 259(2)	Entity Power Given To: Provider	Chapter 4 – Rights And Obligations Of Parties For Rooming Accommodation Part 2 – Entry To Residents' Rooms	Power to give at least 24 hours prior a written notice of proposed entry to a resident's room for a purpose mentioned in the section.	Delegation to the CEO
Section 259(4)	Entity Power Given To: Provider	Chapter 4 – Rights And Obligations Of Parties For Rooming Accommodation Part 2 – Entry To Residents' Rooms	Power to give a written notice of proposed entry to the agent to whom the resident's normally pays rent.	Removed from the Register
Section 260	Entity Power Given To: Provider	Chapter 4 – Rights And Obligations Of Parties For Rooming Accommodation Part 2 – Entry To Residents' Rooms	Power to enter a resident's room without notice for one of the reasons set out in section 260.	Delegation to the CEO
Section 264	Entity Power Given To: Provider or Resident	Chapter 4 – Rights And Obligations Of Parties For Rooming Accommodation Part 2 – Entry To Residents' Rooms	Power to make an application to a tribunal for an order to enter the resident's room, which entry may be subject to rules of entry as changed by the tribunal.	Delegation to the CEO
Section 268(1)	Entity Power Given To: Provider	Chapter 4 – Rights And Obligations Of Parties For Rooming Accommodation Part 3 – House Rules Division 1 - General	Power to make house rules for rental purposes for any of the matters specified in section 268(1).	Delegation to the CEO
Section 270(1)	Entity Power Given To: Provider	Chapter 4 – Rights And Obligations Of Parties For Rooming Accommodation Part 3 – House Rules Division 2 – Rule Changes	Power to give a written notice to each resident of proposed rule change for rental premises.	Delegation to the CEO
Section 271	Entity Power Given To: Provider	Chapter 4 – Rights And Obligations Of Parties For Rooming Accommodation Part 3 – House Rules Division 2 – Rule Changes	Power to give a written notice to a resident of a withdrawing of a the proposed rule change.	Delegation to the CEO
Section 272(4)(b)	Entity Power Given To: Provider	Chapter 4 – Rights And Obligations Of Parties For Rooming Accommodation Part 3 – House Rules Division 2 – Rule Changes	Power to give a written notice to each residents if the provider receives objections to the proposed rule change stating that at least the prescribed number of residents have objected to the rule change and that the proposed change will not take effect on the proposed commencement date.	Delegation to the CEO
Section 273(2)	Entity Power Given To: Provider	Chapter 4 – Rights And Obligations Of Parties For Rooming Accommodation Part 3 – House Rules Division 2 – Rule Changes	Power to apply to a tribunal for an order declaring a the proposed rule change to be reasonable.	Delegation to the CEO
Section 273(7)	Entity Power Given To: Provider	Chapter 4 – Rights And Obligations Of Parties For Rooming Accommodation Part 3 – House Rules Division 2 – Rule Changes	Power to give a written notice of the decision of the tribunal's about a proposed rule change decision regarding an application under section 273 to each resident of the rental premises.	Delegation to the CEO
Section 274(7)	Entity Power Given To: Provider	Chapter 4 – Rights And Obligations Of Parties For Rooming Accommodation Part 3 – House Rules Division 2 – Rule Changes	Power to give a written notice of the tribunal's decision of a tribunal to each resident of the rental premises about an existing rule on an application by a resident for an order declaring an existing house rule to be unreasonable to each resident of the rental premises.	Delegation to the CEO
Section 275	Entity Power Given To: Provider Or Provider's Agent	Chapter 4 – Rights And Obligations Of Parties For Rooming Accommodation Part 3 – House Rules Division 3 - Publication of House Rules	Power to give a person a copy of the house rules for the premises.	Delegation to the CEO
Section 276	Entity Power Given To: Provider Or Provider's Agent	Chapter 4 – Rights And Obligations Of Parties For Rooming Accommodation Part 3 – House Rules Division 3 - Publication of House Rules	Power to display a copy of the house rules at a place in the rental premises where it is likely to be seen by the residents.	Delegation to the CEO

Section	Entity Power Given To	Title	Description	Recommendation
Section 277(2)	Entity Power Given To: Lessor	Chapter 5 – Ending Of Agreements Part 1 – Ending Of Residential Tenancy Agreements Division 1 – General	Power to end a residential tenancy agreement by written entering into an agreement with the tenant.	Delegation to the CEO
Section 277(3)	Entity Power Given To: Lessor	Chapter 5 – Ending Of Agreements Part 1 – Ending Of Residential Tenancy Agreements Division 1 – General	Power to give a notice to leave the premises to the tenant if a residential tenancy agreement ends.	Delegation to the CEO
Section 277(7)(b)	Entity Power Given To: Lessor	Chapter 5 – Ending Of Agreements Part 1 – Ending Of Residential Tenancy Agreements Division 1 – General	Power to give a tenant's personal representative or relative a written notice that an agreement ends because of a tenant's death.	Removed from the Register
Section 277(7)(c)	Entity Power Given To: Lessor	Chapter 5 – Ending Of Agreements Part 1 – Ending Of Residential Tenancy Agreements Division 1 – General	Power to agree a day with the tenant's personal representative or relative on a day for the of when a residential tenancy agreement to ends.	Delegation to the CEO
Section 280(4)	Entity Power Given To: Lessor	Chapter 5 – Ending Of Agreements Part 1 – Ending Of Residential Tenancy Agreements Division 2 – Action By Lessor Subdivision 1 – Notices To Remedy Breach Given By Lessor	Power to give a tenant a notice to remedy breach form a belief on reasonable grounds that: (a) the rent payable under an agreement has remained unpaid; (b) the tenant has breached another term of the agreement and the breach has not been remedied.	Delegation to the CEO
Section 281(2)(1), 282(1), 283(2), 284(1), 285(2), 286(1), 287(2), 288(1), 289(2), 290(2), 290A(1) and 291(1)	Entity Power Given To: Lessor	Chapter 5 – Ending Of Agreements Part 1 – Ending Of Residential Tenancy Agreements Division 2 – Action By Lessor Subdivision 1 – Notices To Remedy Breach Given By Lessor	Power to give a notice to the tenant requiring the tenant remedy the breach within the allowed remedy period leave the premises to a tenant because of any of the reasons set out in sections 281 to 291 (inclusive).	Delegation to the CEO
Section 281(1)	Entity Power Given To: Lessor	Chapter 5 – Ending Of Agreements Part 1 – Ending Of Residential Tenancy Agreements Division 2 – Action By Lessor Subdivision 2 – Notices To Leave Premises Given By Lessor	Power to give a notice to leave the premises because the tenant has failed to comply with a notice to remedy breach.	Removed from the Register
Section 282(1)	Entity Power Given To: Lessor	Chapter 5 – Ending Of Agreements Part 1 – Ending Of Residential Tenancy Agreements Division 2 – Action By Lessor Subdivision 2 – Notices To Leave Premises Given By Lessor	Power to give a notice to leave the premises to the tenant because the tenant has failed to comply with an order of a tribunal.	Removed from the Register
Section 283(2)	Entity Power Given To: Lessor	Chapter 5 – Ending Of Agreements Part 1 – Ending Of Residential Tenancy Agreements Division 2 – Action By Lessor Subdivision 2 – Notices To Leave Premises Given By Lessor	Power to give a notice to leave to the tenant because the tenant has failed to comply with a notice to relocate.	Removed from the Register
Section 284(1)	Entity Power Given To: Lessor	Chapter 5 – Ending Of Agreements Part 1 – Ending Of Residential Tenancy Agreements Division 2 – Action By Lessor Subdivision 2 – Notices To Leave Premises Given By Lessor	Power to give a notice to leave to the tenant because the premises have been destroyed or otherwise in the circumstances set out in that section.	Removed from the Register
Section 285(2)	Entity Power Given To: Lessor	Chapter 5 – Ending Of Agreements Part 1 – Ending Of Residential Tenancy Agreements Division 2 – Action By Lessor Subdivision 2 – Notices To Leave Premises Given By Lessor	Power to give a notice to leave to the tenant because the park has become an unfit place in which to live in a moveable dwelling.	Removed from the Register
Section 286(1)	Entity Power Given To: Lessor	Chapter 5 – Ending Of Agreements Part 1 – Ending Of Residential Tenancy Agreements Division 2 – Action By Lessor Subdivision 2 – Notices To Leave Premises Given By Lessor	Power to give a notice to a tenant under a periodic agreement because the lessor has entered into a contract to sell the premises.	Removed from the Register
Section 287(2)	Entity Power Given To: Lessor	Chapter 5 – Ending Of Agreements Part 1 – Ending Of Residential Tenancy Agreements Division 2 – Action By Lessor Subdivision 2 – Notices To Leave Premises Given By Lessor	Power to give a notice to leave the premises to the tenant because the park premises is to change use or otherwise the park is to be closed.	Removed from the Register

Section	Entity Power Given To	Title	Description	Recommendation
Section 288(1)	Entity Power Given To: Lessor	Chapter 5 – Ending Of Agreements Part 1 – Ending Of Residential Tenancy Agreements Division 2 – Action By Lessor Subdivision 2 – Notices To Leave Premises Given By Lessor	Power to give a notice to a tenant if the tenant's employment ends or entitlement to occupy under employment ends.	Removed from the Register
Section 289(2)	Entity Power Given To: Lessor	Chapter 5 – Ending Of Agreements Part 1 – Ending Of Residential Tenancy Agreements Division 2 – Action By Lessor Subdivision 2 – Notices To Leave Premises Given By Lessor	Power to give a notice to leave to the premises if the tenant's entitlement to supported accommodation ends.	Removed from the Register
Section 290A	Entity Power Given To: Lessor / Community Housing Provider	Chapter 5 – Ending Of Agreements Part 1 – Ending Of Residential Tenancy Agreements Division 2 – Action By Lessor Subdivision 2 – Notices To Leave Premises Given By Lessor	Power to give a notice to leave the premises to the tenant because of a serious breach and otherwise in the circumstances set out in that section.	Removed from the Register
Section 291	Entity Power Given To: Lessor	Chapter 5 – Ending Of Agreements Part 1 – Ending Of Residential Tenancy Agreements Division 2 – Action By Lessor Subdivision 2 – Notices To Leave Premises Given By Lessor	Power to give a notice to leave the premises to the tenant without stating a ground for the notice.	Removed from the Register
Sections 293, 294, 295, 296, 296A, 297, 297A, 298 and 299	Entity Power Given To: Lessor	Chapter 5 – Ending Of Agreements Part 1 – Ending Of Residential Tenancy Agreements Division 2 – Action By Lessor Subdivision 3 – Applications For Termination By Lessor	Power to apply to a tribunal for a termination order because of any of the reasons set out in sections 293 to 297A (inclusive).	Delegation to the CEO
Section 294(1)	Entity Power Given To: Lessor	Chapter 5 – Ending Of Agreements Part 1 – Ending Of Residential Tenancy Agreements Division 2 – Action By Lessor Subdivision 3 – Applications For Termination By Lessor	Power to apply to a tribunal for a termination order in the circumstances of that subsection.	Removed from the Register
Section 295(1)	Entity Power Given To: Lessor	Chapter 5 – Ending Of Agreements Part 1 – Ending Of Residential Tenancy Agreements Division 2 – Action By Lessor Subdivision 3 – Applications For Termination By Lessor	Power to apply to a tribunal for a termination order because the lessor would suffer excessive hardship.	Removed from the Register
Section 296(1)	Entity Power Given To: Lessor (but does not include a Community Housing Provider)	Chapter 5 – Ending Of Agreements Part 1 – Ending Of Residential Tenancy Agreements Division 2 – Action By Lessor Subdivision 3 – Applications For Termination By Lessor	Power to apply to a tribunal for a termination order because the tenant has intentionally or recklessly caused damage or injury.	Removed from the Register
Section 296A(1)	Entity Power Given To: Lessor / Community Housing Provider	Chapter 5 – Ending Of Agreements Part 1 – Ending Of Residential Tenancy Agreements Division 2 – Action By Lessor Subdivision 3 – Applications For Termination By Lessor	Power to apply to a tribunal for termination for damage or injury in public or community housing in the circumstances of that subsection.	Removed from the Register
Section 297(1)	Entity Power Given To: Lessor (but does not include a Community Housing Provider)	Chapter 5 – Ending Of Agreements Part 1 – Ending Of Residential Tenancy Agreements Division 2 – Action By Lessor Subdivision 3 – Applications For Termination By Lessor	Power to apply to a tribunal for a termination order for tenant's objectionable behaviour.	Removed from the Register
Section 297A	Entity Power Given To: Lessor / Community Housing Provider	Chapter 5 – Ending Of Agreements Part 1 – Ending Of Residential Tenancy Agreements Division 2 – Action By Lessor Subdivision 3 – Applications For Termination By Lessor	Power to apply to a tribunal for a termination order for objectionable behaviour in public or community housing.	Removed from the Register
Section 298(2)	Entity Power Given To: Lessor	Chapter 5 – Ending Of Agreements Part 1 – Ending Of Residential Tenancy Agreements Division 2 – Action By Lessor Subdivision 3 – Applications For Termination By Lessor	Power to apply to a tribunal for a termination order because the lessor and tenant are incompatible in a way that makes it desirable in the interests of both parties for the agreement to end.	Removed from the Register

Section	Entity Power Given To	Title	Description	Recommendation
Section 299(2)	Entity Power Given To: Lessor	Chapter 5 – Ending Of Agreements Part 1 – Ending Of Residential Tenancy Agreements Division 2 – Action By Lessor Subdivision 3 – Applications For Termination By Lessor	Power to apply to a tribunal for a termination order for repeated breaches by the tenant.	Removed from the Register
Section 300(1)(b)	Entity Power Given To: Lessor	Chapter 5 – Ending Of Agreements Part 1 – Ending Of Residential Tenancy Agreements Division 2 – Action By Lessor Subdivision 3 – Applications For Termination By Lessor	Power to form a belief on reasonable grounds that a tenant is likely to cause apply to a tribunal for an interim order to restrain tenant from causing further damage or injury.	Delegation to the CEO
Section 300(2)	Entity Power Given To: Lessor	Chapter 5 – Ending Of Agreements Part 1 – Ending Of Residential Tenancy Agreements Division 2 – Action By Lessor Subdivision 3 – Applications For Termination By Lessor	Power to apply to a tribunal for an order to restrain a tenant from causing further damage or injury.	Removed from the Register
Section 303	Entity Power Given To: Tenant	Chapter 5 – Ending Of Agreements Part 1 – Ending Of Residential Tenancy Agreements Division 3 - Action by Tenant Subdivision 2 - Notices of Intention to Leave Premises Given by Tenant	Power to remedy a lessor’s breach following receipt of a notice to remedy breach from the tenant.	Delegation to the CEO
Section 308C(2)	Entity Power Given To: Tenant	Chapter 5 – Ending Of Agreements Part 1 – Ending Of Residential Tenancy Agreements Division 3 - Action by Tenant Subdivision 2A - Domestic Violence	Power, after receiving the notice ending tenancy interest, to inform the vacating tenant whether the lessor proposes to apply to the tribunal under section 308H to have the notice set aside.	Delegation to the CEO
Section 308C(3)	Entity Power Given To: Tenant	Chapter 5 – Ending Of Agreements Part 1 – Ending Of Residential Tenancy Agreements Division 3 - Action by Tenant Subdivision 2A - Domestic Violence	Power, if there are other tenants for the residential tenancy agreement, to inform the vacating tenant of the matters set out in subsection 308C(3).	Delegation to the CEO
Section 308E(3)	Entity Power Given To: Tenant	Chapter 5 – Ending Of Agreements Part 1 – Ending Of Residential Tenancy Agreements Division 3 - Action by Tenant Subdivision 2A - Domestic Violence	Power, in the circumstances set out in subsection 308E(1), to give each remaining tenant for the agreement a continuing interest notice.	Delegation to the CEO
Section 308H(2)	Entity Power Given To: Tenant	Chapter 5 – Ending Of Agreements Part 1 – Ending Of Residential Tenancy Agreements Division 3 - Action by Tenant Subdivision 2A - Domestic Violence	Power to apply to the tribunal for an order setting aside the notice because it does not comply with section 308B.	Delegation to the CEO
Section 324A(1)	Entity Power Given To: Lessor	Chapter 5 – Ending Of Agreements Part 1 – Ending Of Residential Tenancy Agreements Division 4A - Death of Sole Tenant	Power, as lessor, to:- (a) give the tenant’s personal representative or relative written notice that the agreement ends because of the tenant’s death; (b) agree with the tenant’s personal representative or relative on a day for the tenancy to end; (c) apply to the tribunal to decide the day for the tenancy to end.	Delegation to the CEO
Section 325(2)(a)	Entity Power Given To: Lessor	Chapter 5 – Ending Of Agreements Part 1 – Ending Of Residential Tenancy Agreements Division 5 – Procedural Requirements For Action Taken By Lessor Or Tenant	Power to sign a notice to remedy breach.	Removed from the Register
Section 326(1)(b)	Entity Power Given To: Lessor	Chapter 5 – Ending Of Agreements Part 1 – Ending Of Residential Tenancy Agreements Division 5 – Procedural Requirements For Action Taken By Lessor Or Tenant	Power to sign a notice to leave premises.	Removed from the Register
Section 333(1)	Entity Power Given To: Lessor	Chapter 5 – Ending Of Agreements Part 1 – Ending Of Residential Tenancy Agreements Division 5 – Procedural Requirements For Action Taken By Lessor Or Tenant	Power to withdraw a notice to leave for unremedied breach.	Delegation to the CEO
Section 333(2)(b)	Entity Power Given To: Lessor	Chapter 5 – Ending Of Agreements Part 1 – Ending Of Residential Tenancy Agreements Division 5 – Procedural Requirements For Action Taken By Lessor Or Tenant	Power to give a written notice of withdrawal to the tenant.	Removed from the Register
Section 334(2)	Entity Power Given To: Lessor	Chapter 5 – Ending Of Agreements Part 1 – Ending Of Residential Tenancy Agreements Division 5 – Procedural Requirements For Action Taken By Lessor Or Tenant	Power to agree to the tenant withdrawing a notice of intention to leave the premises.	Delegation to the CEO

Section	Entity Power Given To	Title	Description	Recommendation
Section 335(1)	Entity Power Given To: Lessor	Chapter 5 – Ending Of Agreements Part 1 – Ending Of Residential Tenancy Agreements Division 5 – Procedural Requirements For Action Taken By Lessor Or Tenant	Power to apply-make an application to the tribunal for a termination order in the circumstances prescribed-without giving a notice to leave the premises to the tenant.	Delegation to the CEO
Section 355(1)	Entity Power Given To: Lessor	Chapter 5 – Ending Of Agreements Part 1 – Ending Of Residential Tenancy Agreements Division 8 – Abandonment	Power to form a belief on reasonable grounds that a tenant has abandoned premises and to give an abandonment termination notice to the tenant terminating the agreement.	Delegation to the CEO
Section 357(1)	Entity Power Given To: Lessor	Chapter 5 – Ending Of Agreements Part 1 – Ending Of Residential Tenancy Agreements Division 8 – Abandonment	Power to form a belief on reasonable grounds that the tenant has abandoned premises and to apply to a tribunal for an order under this section about the abandonment by the tenant of the premises.	Delegation to the CEO
Section 358	Entity Power Given To: Lessor	Chapter 5 – Ending Of Agreements Part 1 – Ending Of Residential Tenancy Agreements Division 9 - Compensation	Power to apply to a tribunal for an order requiring the tenant to pay compensation for the tenant remaining in possession and an occupation fee.	Delegation to the CEO
Section 359(4)	Entity Power Given To: Lessor	Chapter 5 – Ending Of Agreements Part 1 – Ending Of Residential Tenancy Agreements Division 8 – Abandonment	Power to apply to a tribunal for an order for compensation following the giving of an abandonment termination notice.	Delegation to the CEO
Section 362	Entity Power Given To: Lessor	Chapter 5 – Ending Of Agreements Part 1 – Ending Of Residential Tenancy Agreements Division 8 – Abandonment	Power to take all reasonable steps to mitigate loss or expense incurred because of the matters set out in section 362(1).	Delegation to the CEO
Section 363(2) & 363(4)	Entity Power Given To: Former Lessor	Chapter 5 – Ending Of Agreements Part 1 – Ending Of Residential Tenancy Agreements Division 10 – Goods And Documents Left Behind On Premises	Power to sell tenant's goods left on premises or to dispose of them and to form a reasonable belief on the grounds set out in that section in another way.	Delegation to the CEO
Section 363(4)(8)	Entity Power Given To: Former Lessor	Chapter 5 – Ending Of Agreements Part 1 – Ending Of Residential Tenancy Agreements Division 10 – Goods And Documents Left Behind On Premises	Power to sell goods that are not reclaimed in the circumstances in that subsection pay any balance from the sale of goods of a former tenant to the public trustee.	Delegation to the CEO
Section 363(10)	Entity Power Given To: Former Lessor	Chapter 5 – Ending Of Agreements Part 1 – Ending Of Residential Tenancy Agreements Division 10 – Goods And Documents Left Behind On Premises	Power to apply to a tribunal for an order for an entitlement to receive an amount in the fund kept under the <i>Public Trustee Act 1978</i> .	Delegation to the CEO
Section 364	Entity Power Given To: Former Lessor	Chapter 5 – Ending Of Agreements Part 1 – Ending Of Residential Tenancy Agreements Division 10 – Goods And Documents Left Behind On Premises	Power to give documents left on the premises in the ways prescribed under section 364.	Delegation to the CEO
Section 366(2a)	Entity Power Given To: Provider	Chapter 5 – Ending Of Agreements Part 2 – Ending Of Rooming Accommodation Agreements Division 1 – General	Power to agree with a resident, by written agreement, enter into an agreement with the resident to end a rooming accommodation agreement.	Delegation to the CEO
Section 366(7)(b)	Entity Power Given To: Provider	Chapter 5 – Ending Of Agreements Part 2 – Ending Of Rooming Accommodation Agreements Division 1 – General	Power to give a written notice that an agreement ends because of the resident's death to the resident's personal representative or relative end a rooming accommodation agreement by giving a notice under Part 2.	Delegation to the CEO
Section 366(7)(c)	Entity Power Given To: Provider	Chapter 5 – Ending Of Agreements Part 2 – Ending Of Rooming Accommodation Agreements Division 1 – General	Power to agree the day on which the agreement ends with the resident's personal representative or relative.	Removed from the Register
Section 368(1)	Entity Power Given To: Provider	Chapter 5 – Ending Of Agreements Part 2 – Ending Of Rooming Accommodation Agreements Division 2 – Action By Provider Subdivision 1 – Notices To Remedy Breach Given By Provider	Power to form a reasonable belief that a resident has breached a rooming accommodation agreement and that the breach has not been remedied.	Removed from the Register
Section 368(2)	Entity Power Given To: Provider	Chapter 5 – Ending Of Agreements Part 2 – Ending Of Rooming Accommodation Agreements Division 2 – Action By Provider Subdivision 1 – Notices To Remedy Breach Given By Provider	Power to give a resident a notice requiring a the resident to remedy a breach of a rooming accommodation agreement.	Delegation to the CEO
Section 368(3)(d)	Entity Power Given To: Provider	Chapter 5 – Ending Of Agreements Part 2 – Ending Of Rooming Accommodation Agreements Division 2 – Action By Provider Subdivision 1 – Notices To Remedy Breach Given By Provider	Power to sign a notice.	Removed from the Register

Section	Entity Power Given To	Title	Description	Recommendation
Section 368(4)	Entity Power Given To: Provider	Chapter 5 – Ending Of Agreements Part 2 – Ending Of Rooming- Accommodation Agreements Division 2 – Action By Provider Subdivision 1 – Notices To Remedy- Breach Given By Provider	Power to form a reasonable belief of the steps necessary to remedy a breach or to avoid a further breach of a rooming accommodation agreement.	Removed from the Register
Section 369(1)	Entity Power Given To: Provider	Chapter 5 – Ending Of Agreements Part 2 – Ending Of Rooming Accommodation Agreements Division 2 – Action By Provider Subdivision 2 – Notices To Leave Given By Provider	Power to give a resident a notice requiring the resident to leave the rental premises in the circumstances of that subsection because of failure to remedy breach.	Delegation to the CEO
Section 369(2)(d)	Entity Power Given To: Provider	Chapter 5 – Ending Of Agreements Part 2 – Ending Of Rooming- Accommodation Agreements Division 2 – Action By Provider Subdivision 2 – Notices To Leave Given By Provider	Power to sign a notice.	Removed from the Register
Section 369(5)	Entity Power Given To: Provider	Chapter 5 – Ending Of Agreements Part 2 – Ending Of Rooming Accommodation Agreements Division 2 – Action By Provider Subdivision 2 – Notices To Leave Given By Provider	Power to withdraw a notice requiring the resident to leave the rental premises because of failure to remedy breach.	Delegation to the CEO
Section 370(1)	Entity Power Given To: Provider	Chapter 5 – Ending Of Agreements Part 2 – Ending Of Rooming Accommodation Agreements Division 2 – Action By Provider Subdivision 2 – Notices To Leave Given By Provider	Power to give a resident a written notice requiring the resident to leave the rental premises if the provider reasonably believes the circumstances of that subsection exist immediately because of a serious breach.	Delegation to the CEO
Section 370(2)(b)	Entity Power Given To: Provider	Chapter 5 – Ending Of Agreements Part 2 – Ending Of Rooming- Accommodation Agreements Division 2 – Action By Provider Subdivision 2 – Notices To Leave Given By Provider	Power to sign a notice.	Removed from the Register
Section 371	Entity Power Given To: Provider	Chapter 5 – Ending Of Agreements Part 2 – Ending Of Rooming Accommodation Agreements Division 2 – Action By Provider Subdivision 2 – Notices To Leave Given By Provider	Power to give a resident a notice requiring the resident to leave the rental premises in the circumstances prescribed in that subsection if premises destroyed etc.	Delegation to the CEO
Section 371(3)(d)	Entity Power Given To: Provider	Chapter 5 – Ending Of Agreements Part 2 – Ending Of Rooming- Accommodation Agreements Division 2 – Action By Provider Subdivision 2 – Notices To Leave Given By Provider	Power to sign the notice.	Removed from the Register
Section 372(4)	Entity Power Given To: Provider	Chapter 5 – Ending Of Agreements Part 2 – Ending Of Rooming Accommodation Agreements Division 2 – Action By Provider Subdivision 2 – Notices To Leave Given By Provider	Power to give a notice terminating a periodic or fixed term agreement by giving a written notice to the resident without ground.	Delegation to the CEO
Section 372(2)	Entity Power Given To: Provider	Chapter 5 – Ending Of Agreements Part 2 – Ending Of Rooming- Accommodation Agreements Division 2 – Action By Provider Subdivision 2 – Notices To Leave Given By Provider	Power to terminate a fixed term agreement by giving a notice to a resident.	Removed from the Register
Section 374(1)	Entity Power Given To: Provider	Chapter 5 – Ending Of Agreements Part 2 – Ending Of Rooming Accommodation Agreements Division 2 – Action By Provider Subdivision 2 – Notices To Leave Given By Provider	Power to give a resident a notice requiring the resident to leave the rental premises in the circumstances in the subsection if resident's employment ends or entitlement to occupy under employment ends.	Delegation to the CEO
Section 374(2)(d)	Entity Power Given To: Provider	Chapter 5 – Ending Of Agreements Part 2 – Ending Of Rooming- Accommodation Agreements Division 2 – Action By Provider Subdivision 2 – Notices To Leave Given By Provider	Power to sign the notice.	Removed from the Register

Section	Entity Power Given To	Title	Description	Recommendation
Section 375(2)	Entity Power Given To: Provider	Chapter 5 – Ending Of Agreements Part 2 – Ending Of Rooming Accommodation Agreements Division 2 – Action By Provider Subdivision 2 – Notices To Leave Given By Provider	Power to use necessary and reasonable force to remove a resident and the resident's property from rental premises if the resident refuses to leave the premises and the circumstances specified in section 375(1) apply.	Delegation to the CEO
Section 375(4)	Entity Power Given To: Provider	Chapter 5 – Ending Of Agreements Part 2 – Ending Of Rooming Accommodation Agreements Division 2 – Action By Provider Subdivision 2 – Notices To Leave Given By Provider	Power, for the purpose of exercising a power under subsection (2), to enter a resident's room.	Removed from the Register
Section 376(2)	Entity Power Given To: Provider	Chapter 5 – Ending Of Agreements Part 2 – Ending Of Rooming Accommodation Agreements Division 3 – Action By Resident Division 2 – Action By Provider Subdivision 3 - Applications for Termination by Provider	Power to apply to a tribunal for a termination order for repeated breaches by resident.	Delegation to the CEO
Section 377(1)	Entity Power Given To: Provider	Chapter 5 – Ending Of Agreements Part 2 – Ending Of Rooming Accommodation Agreements Division 3 – Action By Resident Division 2 – Action By Provider Subdivision 3 - Applications for Termination by Provider	Power to apply to a tribunal for an order terminating a fixed term agreement on the grounds because of excessive hardship.	Delegation to the CEO
Section 378	Entity Power Given To: Resident	Chapter 5 – Ending Of Agreements Part 2 – Ending Of Rooming Accommodation Agreements Division 3 – Action By Resident Subdivision 1 - Notices to Remedy Breach Given by Resident	Power to remedy a provider's breach following receipt of a notice requiring remedy of breach from the resident.	Delegation to the CEO
Section 381C(2)	Entity Power Given To: Resident	Chapter 5 – Ending Of Agreements Part 2 – Ending Of Rooming Accommodation Agreements Division 3 – Action By Resident Subdivision 2A - Domestic Violence	Power, after receiving the notice ending residency interest, to inform the vacating resident whether the provider proposes to apply to the tribunal under section 381H to have the notice set aside.	Delegation to the CEO
Section 381C(3)	Entity Power Given To: Resident	Chapter 5 – Ending Of Agreements Part 2 – Ending Of Rooming Accommodation Agreements Division 3 – Action By Resident Subdivision 2A - Domestic Violence	Power, if there are other residents for the rooming accommodation agreement, to inform the vacating resident of the matters set out in subsection 381C(3).	Delegation to the CEO
Section 381E(3)	Entity Power Given To: Resident	Chapter 5 – Ending Of Agreements Part 2 – Ending Of Rooming Accommodation Agreements Division 3 – Action By Resident Subdivision 2A - Domestic Violence	Power, in the circumstances set out in subsection 381E(1), to give each remaining resident for the agreement a continuing interest notice.	Delegation to the CEO
Section 381H(2)	Entity Power Given To: Resident	Chapter 5 – Ending Of Agreements Part 2 – Ending Of Rooming Accommodation Agreements Division 3 – Action By Resident Subdivision 2A - Domestic Violence	Power to apply to the tribunal for an order setting aside the notice because it does not comply with section 381B.	Delegation to the CEO
Section 387A(1)	Entity Power Given To: Provider	Chapter 5 – Ending Of Agreements Part 2 – Ending Of Rooming Accommodation Agreements Division 3 – Action By Resident Subdivision 4A - Death of Sole Resident	(a) give the resident's personal representative or relative written notice that the agreement ends because of the resident's death; (b) agree with the resident's personal representative or relative on a day for the agreement to end; (c) apply to the tribunal to decide the day for the agreement to end.	Delegation to the CEO
Section 388(1)	Entity Power Given To: Provider	Chapter 5 – Ending Of Agreements Part 2 – Ending Of Rooming Accommodation Agreements Division 5 – Procedural Requirements And Orders Of Tribunal	Power to apply to the tribunal for a termination order in the circumstances prescribed in that subsection without giving a notice to leave the rental premises to the resident.	Delegation to the CEO
Section 392	Entity Power Given To: Provider	Chapter 5 – Ending Of Agreements Part 2 – Ending Of Rooming Accommodation Agreements Division 6 - Goods or Money Left Behind in Premises	Power to deal a with personal document or money in the ways stated in the section.	Delegation to the CEO
Section 392(2)	Entity Power Given To: Provider	Chapter 5 – Ending Of Agreements Part 2 – Ending Of Rooming Accommodation Agreements Division 6 - Goods or Money Left Behind in Premises	Power to make reasonable efforts to contact a former resident about property left at the rental premises.	Delegation to the CEO

Section	Entity Power Given To	Title	Description	Recommendation
Section 393(2), 393(4) and 393(5)	Entity Power Given To: Provider	Chapter 5 – Ending Of Agreements Part 2 – Ending Of Rooming Accommodation Agreements Division 5 – Procedural Requirements And Orders Of Tribunal Division 6 - Goods or Money Left Behind in Premises	Power to form a reasonable belief that property is perishable or of market value less than the amount prescribed under regulation, or, the storage of goods would be unhealthy or unsafe sell property left at the rental premises that is not a personal document or money, or to dispose of it in another way.	Delegation to the CEO
Section 393(5)(7)	Entity Power Given To: Provider	Chapter 5 – Ending Of Agreements Part 2 – Ending Of Rooming Accommodation Agreements Division 5 – Procedural Requirements And Orders Of Tribunal Division 6 - Goods or Money Left Behind in Premises	Power to form a reasonable belief that the market value of property is less than the amount prescribed under a regulation apply the proceeds from the sale of property under section 393 in the ways stated in the section.	Delegation to the CEO
Section 395(3)(4)	Entity Power Given To: Provider	Chapter 5 – Ending Of Agreements Part 2 – Ending Of Rooming Accommodation Agreements Division 5 – Procedural Requirements And Orders Of Tribunal Division 6 - Goods or Money Left Behind in Premises	Power to make an application to the public trustee to pay an amount to the provider from the unclaimed monies fund kept under the Public Trustee Act 1978 apply to a tribunal to make an order conferring an entitlement to receive funds paid to the public trustee under section 392 or section 393.	Delegation to the CEO
Section 402(1), 404, 405, 406, 408 and 410	Entity Power Given To: Lessor	Chapter 6 – Dispute Resolution Part 1 – Conciliation Process For Residential Tenancy Disputes And Rooming Accommodation Disputes Division 3 – Starting The Conciliation Process	Power to make a request to the authority to try to resolve a tenancy dispute resolution request to the Residential Tenancies Authority and to take all steps necessary to participate in the conciliation, withdraw from a conciliation and agree to the terms of a conciliation agreement.	Delegation to the CEO
Section 402(2)	Entity Power Given To: Lessor	Chapter 6 – Dispute Resolution Part 1 – Conciliation Process For Residential Tenancy Disputes And Rooming Accommodation Disputes Division 3 – Starting The Conciliation Process	Power to make a request to the authority to try to resolve a rooming accommodation dispute.	Removed from the Register
Section 405(1)	Entity Power Given To: Parties to Dispute	Chapter 6 – Dispute Resolution Part 1 – Conciliation Process For Residential Tenancy Disputes And Rooming Accommodation Disputes Division 4 – Conduct Of Conciliation Process	Power to conduct the local government's case on its behalf.	Removed from the Register
Section 405(2)	Entity Power Given To: Parties to Dispute	Chapter 6 – Dispute Resolution Part 1 – Conciliation Process For Residential Tenancy Disputes And Rooming Accommodation Disputes Division 4 – Conduct Of Conciliation Process	Power to represent the local government in the conciliation process.	Removed from the Register
Section 408(2)	Entity Power Given To: Parties to Dispute	Chapter 6 – Dispute Resolution Part 1 – Conciliation Process For Residential Tenancy Disputes And Rooming Accommodation Disputes Division 4 – Conduct Of Conciliation Process	Power to agree with another party in dispute to resolve the dispute.	Removed from the Register
Section 410(1)	Entity Power Given To: Party in Dispute	Chapter 6 – Dispute Resolution Part 1 – Conciliation Process For Residential Tenancy Disputes And Rooming Accommodation Disputes Division 5 – Withdrawal Of Disputes	Power to give a written notice to an authority withdrawing a dispute resolution request.	Removed from the Register
Section 418(1)	Entity Power Given To: Person	Chapter 6 – Dispute Resolution Part 2 – Application To Tribunals Division 3 – General Powers Of Tribunals	Power to apply to a tribunal for an order in the circumstances of that subsection make an application to the tribunal for an order declaring that a stated agreement is, or is not, a residential tenancy agreement or a rooming accommodation agreement to which the Act applies.	Delegation to the CEO
Section 419(1)	Entity Power Given To: Lessor / Provider	Chapter 6 – Dispute Resolution Part 2 – Application To Tribunals Division 3 – General Powers Of Tribunals	Power to apply to a tribunal for an order it considers appropriate to resolve general disputes between lessors and tenants or providers and residents.	Removed from the Register
Section 419(2)	Entity Power Given To: Lessor	Chapter 6 – Dispute Resolution Part 2 – Application To Tribunals Division 3 – General Powers Of Tribunals	Power to apply to a tribunal for an order about a breach of a term of a residential tenancy agreement or a rooming accommodation agreement.	Delegation to the CEO
Section 424(1)	Entity Power Given To: Lessor	Chapter 6 – Dispute Resolution Part 2 – Application To Tribunals Division 3 – General Powers Of Tribunals	Power to apply to a tribunal for an order about tenants' notices a disputed ground stated in a notice to remedy breach or notice of intention to leave premises given to Council as the lessor by the tenant (other than a notice of intention to leave without ground).	Delegation to the CEO
Section 425(2)	Entity Power Given To: Resident	Chapter 6 – Dispute Resolution Part 2 – Application To Tribunals Division 3 – General Powers Of Tribunals	Power to apply to a tribunal for an order about a disputed ground stated in a notice to remedy breach or a notice of intention to leave premises (other than a notice of intention to leave without ground).	Delegation to the CEO

Section	Entity Power Given To	Title	Description	Recommendation
Section 429(1)	Entity Power Given To: Lessor / Provider	Chapter 6 – Dispute Resolution Part 2 – Application To Tribunals Division 3 – General Powers Of Tribunals	Power to apply to the tribunal for an order to resolve a dispute about a general dispute between parties to a residential tenancy agreement or rooming accommodation agreement.	Delegation to the CEO
Section 430(2)	Entity Power Given To: Lessor / Provider	Chapter 6 – Dispute Resolution Part 2 – Application To Tribunals Division 3 – General Powers Of Tribunals	Power to be heard before the tribunal on an application regarding a dispute between cotenants or coresidents about a rental bond for an agreement.	Delegation to the CEO
Section 449	Entity Power Given To: Person	Chapter 7 - Enforcement Part 3 - Other Enforcement Matters	Power to claim compensation for a loss or expense incurred because of the exercise or purported exercise of a power under Chapter 7, Part 2.	Delegation to the CEO
Section 455(1)	Entity Power Given To: Owner of a Moveable Dwelling Park	Chapter 8 – Causing Nuisance In Moveable Dwelling Parks	Power to apply to a tribunal for an order excluding a person from a moveable dwelling park because of the person's behaviour in the park.	Delegation to the CEO
Section 458A(2)	Entity Power Given To: Lessor or Agent	Chapter 9 - Tenancy Database	Power to give an applicant a written notice.	Delegation to the CEO
Section 458B(2)	Entity Power Given To: Person	Chapter 9 - Tenancy Database	Power to give an applicant a written notice.	Delegation to the CEO
Section 459	Entity Power Given To: Person	Chapter 9 - Tenancy Database	Power to list personal information about a person in a tenancy database after complying with the requirements of section 459(2).	Delegation to the CEO
Section 459(2)	Entity Power Given To: Person	Chapter 9 - Tenancy Database	Power to give the other person a copy of the personal information and consider any submissions made by the other person.	Delegation to the CEO
Section 459A(2)	Entity Power Given To: Lessor or Lessor's Agent	Chapter 9 - Tenancy Database	Power, in the circumstances listed in subsection (1), to give a database operator written notice.	Delegation to the CEO
Section 459A(4)	Entity Power Given To: Lessor or Lessor's Agent	Chapter 9 - Tenancy Database	Power to keep a copy of a written notice given under this section.	Delegation to the CEO
Section 459C(2)	Entity Power Given To: Lessor or Lessor's Agent	Chapter 9 - Tenancy Database	Power to give a copy of a person's personal information listed about the person.	Delegation to the CEO
Section 455(3)	Entity Power Given To: Owner of a Moveable Dwelling Park	Chapter 8 – Causing Nuisance In Moveable Dwelling Parks	Power to give a written notice of application to a person-	Removed from the Register
Section 527D(4)	Entity Power Given To: Lessor / Community Housing Provider	Chapter 13A – Matters Relating To Particular Leases By The State And Community Housing Providers	Power to give a written notice to a tenant to require the tenant to give a written undertaking (and Acceptable Behaviour Agreement)- Where Council is a community housing provider as defined by section 527B, power to give written notice to the tenant to give an acceptable behaviour agreement undertaking.	Delegation to the CEO
Section 527D(4)	Entity Power Given To: Lessor / Community Housing Provider	Chapter 13A – Matters Relating To Particular Leases By The State And Community Housing Providers	Power to enter into an acceptable behaviour agreement with a tenant-	Removed from the Register
Section 527E(4)	Entity Power Given To: Lessor / Community Housing Provider	Chapter 13A – Matters Relating To Particular Leases By The State And Community Housing Providers	Power to apply to the tribunal for a termination order in the circumstances of that subsection- Where Council is a community housing provider, power to apply to the tribunal for a termination order relating to either a failure to enter into acceptable behaviour agreement or a serious or persistent breach of acceptable behaviour agreement.	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.

Footnotes

- Section 62(4)** A lessor is the person who gives the right to occupy residential premises under a residential tenancy agreement: section 8(1) of the Residential Tenancies and Rooming Accommodation Act 2008 (RTRA).
- Section 77(4)(h)** A provider is a provider under a rooming accommodation agreement.
- Section 81(4)(b)** A provider is a provider under a rooming accommodation agreement.

COUNCIL DELEGATIONS TO CHIEF EXECUTIVE OFFICER

Delegation Register – Queensland Heritage Act 1992 - Tracked

Meeting Date: 13 June 2023

Attachment No: 26

Delegations Register – Queensland Heritage Act 1992

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
Sections 36, 36A, 43, 46, 48	Entity Power Given To: Person or Other Entity, Applicant, Owner, Local Government	Part 4 - Matters About Registration of State Heritage Places in Queensland Heritage Register Division 2 - Applications for Entry of Places in, or Removal of Places From, Register Division 3 - Submissions and Representations About Applications Division 4 - Heritage Recommendations Division 5 - Council to Decide About Entry of Place in, or Removal of Place from Register Subdivision 1 - Preliminary	Power to apply to the Chief Executive to have a place entered or removed from the Queensland Heritage Register including all powers authorised or required by Part 4 of the Act for the purpose of making the application and having the place entered in or removed from the Register.	Delegation to the CEO
Sections 41 and 42	Entity Power Given To: Person or Other Entity	Part 4 - Matters About Registration of State Heritage Places in Queensland Heritage Register Division 3 - Submissions and Representations About Applications	Power to make a heritage submission (including power to agree to a later day for making the submission).	Delegation to the CEO
Section 43	Entity Power Given To: Person or Other Entity	Part 4 - Matters About Registration of State Heritage Places in Queensland Heritage Register Division 3 - Submissions and Representations About Applications	Power to make written representations to the chief executive about the place the subject of an application under Part 4 of the Act.	Delegation to the CEO
Section 46(2)(a)	Entity Power Given To: Person or Other Entity	Part 4 - Matters About Registration of State Heritage Places in Queensland Heritage Register Division 4 - Heritage Recommendations	Power to make oral representations to the Heritage Council about the recommendation.	Delegation to the CEO
Section 46(2)(b)	Entity Power Given To: Owner	Part 4 - Matters About Registration of State Heritage Places in Queensland Heritage Register Division 4 - Heritage Recommendations	Power, as the owner, to make a written response to the Heritage Council about the recommendation.	Delegation to the CEO
Section 46A(1)(c)	Entity Power Given To: Owner	Part 4 - Matters About Registration of State Heritage Places in Queensland Heritage Register Division 4A - Destroyed Place Recommendations	Power, as the owner, to consult with the chief executive about a proposed destroyed place recommendation.	Delegation to the CEO
Section 48	Entity Power Given To: Person or Other Entity	Part 4 - Matters About Registration of State Heritage Places in Queensland Heritage Register Division 5 - Council to Decide About Entry of Place in, or Removal of Place from Register Subdivision 1 - Preliminary	Power to make written representations to the Heritage Council about the place the subject of an application under Part 4 of the Act.	Delegation to the CEO
Sections 49 and 50	Entity Power Given To: Person or Other Entity	Part 4 - Matters About Registration of State Heritage Places in Queensland Heritage Register Division 5 - Council to Decide About Entry of Place in, or Removal of Place from Register Subdivision 2 - Oral Representations About Heritage Recommendations	Power to request and make oral representations to the Heritage Council about the recommendation.	Delegation to the CEO
Section 50A	Entity Power Given To: Owner	Part 4 - Matters About Registration of State Heritage Places in Queensland Heritage Register Division 5 - Council to Decide About Entry of Place in, or Removal of Place from Register Subdivision 2A - Heritage Responses to Heritage Recommendations	Power, as the owner, to give the Heritage Council a heritage response to the heritage recommendation.	Delegation to the CEO
Section 50B(3)	Entity Power Given To: Owner	Part 4 - Matters About Registration of State Heritage Places in Queensland Heritage Register Division 5 - Council to Decide About Entry of Place in, or Removal of Place from Register Subdivision 2A - Heritage Responses to Heritage Recommendations	Power, as the owner, to agree in writing with the Heritage Council on a later day by which the heritage response must be given.	Delegation to the CEO

Section	Entity Power Given To	Title	Description	Recommendation
Section 52	Entity Power Given To: Owner	Part 4 - Matters About Registration of State Heritage Places in Queensland Heritage Register Division 5 - Council to Decide About Entry of Place in, or Removal of Place from Register Subdivision 3 - Decisions on Heritage Recommendations	Power, as the owner of a place the subject of a heritage recommendation to agree to extend the day for making the decision.	Delegation to the CEO
Section 56B	Entity Power Given To: Owner	Part 4 - Matters About Registration of State Heritage Places in Queensland Heritage Register Division 5A - Excluded Places	Power, as the owner of a place, to apply to the chief executive to have the place excluded from entry into the Queensland heritage register as a State heritage place including all powers authorised or required by Part 4 of the Act for the purpose of making the application and having the place excluded.	Delegation to the CEO
Section 58	Entity Power Given To: Owner	Part 4 - Matters About Registration of State Heritage Places in Queensland Heritage Register Division 6 - Other Matters	Power, as the owner of a place referred to in subsection (1), to give notice to the chief executive before a prescribed application is made for the place.	Delegation to the CEO
Section 59	Entity Power Given To: Owner	Part 4 - Matters About Registration of State Heritage Places in Queensland Heritage Register Division 6 - Other Matters	Power, as the owner of a place in the circumstances referred to in subsections (1) or (3), to advise the chief executive of a development approval and within the relevant period advise the chief executive of the relevant application.	Delegation to the CEO
Section 71	Entity Power Given To: Person or Other Entity	Part 6 - Development in Queensland Heritage Places and Local Heritage Places Division 1 - Development on Queensland Heritage Place by State	Power to make a submission about development the State proposes to carry out on a Queensland heritage place.	Delegation to the CEO
Section 72(4) and 73	Entity Power Given To: Decision-maker (Chief Executive Officer) Relevant Person for a Queensland Heritage Place	Part 6 – Development in Queensland Heritage Places and Local Heritage Places Division 2 – Exemption Certificates	Power, as a relevant person for a Queensland heritage place, to apply consider to the chief executive an application for an exemption certificate to carry out development mentioned in subsection (3) on the place including all powers authorised or required by Part 6, Division 2 to obtain the exemption.	Delegation to the CEO
Section 72(2)(b)(i)	Entity Power Given To: Decision-maker (Chief Executive Officer)	Part 6 – Development in Queensland Heritage Places and Local Heritage Places Division 2 – Exemption Certificates	Power to assess and decide the impact of a proposed development on the cultural heritage significance of a place.	Removed from the Register
Section 72(3)(b)	Entity Power Given To: Decision-maker (Chief Executive Officer)	Part 6 – Development in Queensland Heritage Places and Local Heritage Places Division 2 – Exemption Certificates	Power to decide if a development will not have a detrimental impact, or will only have a minimal impact on the cultural heritage significance of the place.	Removed from the Register
Section 74(3)	Entity Power Given To: Decision-maker (Chief Executive Officer)	Part 6 – Development in Queensland Heritage Places and Local Heritage Places Division 2 – Exemption Certificates	Power to refuse the application or approve the application with conditions	Removed from the Register
Section 80	Entity Power Given To: Owner or Another Person or Entity	Part 7 – Heritage Agreements and Local Heritage Agreements	Power to enter into a heritage agreement for a Queensland heritage place and to agree to the changing or ending of a heritage agreement.	Delegation to the CEO
Sections 80(1)(b) and 80(2)(b)	Entity Power Given To: Owner	Part 7 – Heritage Agreements and Local Heritage Agreements	Power, as owner, to consent to the entering of a heritage agreement for a Queensland heritage place and to agree to the changing or ending of a heritage agreement.	Delegation to the CEO
Section 82(1)(b)	Entity Power Given To: The power is stated to be given to a party to the agreement. The Local Government will be the party.	Part 7 – Heritage Agreements and Local Heritage Agreements	Power to form reasonable belief that the other party to the agreement may fail to comply with the agreement.	Removed from the Register
Section 82(4)	Entity Power Given To: The power is stated to be given to a party to a Agreement. The Local Government will be the party.	Part 7 – Heritage Agreements and Local Heritage Agreements	Power, as a party to a heritage agreement, to make an application to the Planning and Environment Court for thean orders required to secure compliance with the agreement under this section .	Delegation to the CEO
Section 84(1)(a) and (b)	Entity Power Given To: Decision-maker (Chief Executive Officer)	Part 8 – Notices About Essential Repair and Maintenance of State Heritage Places and Local Heritage Places	Power to form reasonable belief that it is necessary to carry out essential repair or maintenance work on the place and that the work is required to be carried out to protect the place from damage or deterioration caused by weather, fire, vandalism, or insects. *See Footnotes	Removed from the Register
Section 84(3)	Entity Power Given To: Decision-maker (Chief Executive Officer)	Part 8 – Notices About Essential Repair and Maintenance of State Heritage Places and Local Heritage Places	Power to consult with the owner of the place about the essential repair or maintenance work the decision-maker believes necessary to carry out. *See Footnotes	Removed from the Register

Section	Entity Power Given To	Title	Description	Recommendation
Section 84(6)	Entity Power Given To: Owner	Part 8 – Notices About Essential Repair and Maintenance of State Heritage Places and Local Heritage Places	Power, as the owner of a Queensland heritage place, to comply with a repair and maintenance notice.	Not Relevant to Council
Section 89	Entity Power Given To: Person Who Discovers a Thing	Part 9 - Discovery and Protection of Archaeological Artefacts and Underwater Cultural Heritage Artefacts Division 1 - Offences Relating to Archaeological Artefacts and Underwater Cultural Heritage Artefacts	Power to give the chief executive notice of the discovery of an archaeological artefact or underwater cultural heritage artefact.	Delegation to the CEO
Sections 94 and 95	Entity Power Given To: Person Who Suffers Loss	Part 9 - Discovery and Protection of Archaeological Artefacts and Underwater Cultural Heritage Artefacts Division 2 - Provisions About Ownership of Particular Artefacts	Power to apply to the chief executive for compensation for a loss suffered because of the exercise of a power under section 92 including all powers authorised or required by Part 9, Division 2 to obtain compensation.	Delegation to the CEO
Section 98	Entity Power Given To: Applicant for the Payment of Compensation	Part 9 - Discovery and Protection of Archaeological Artefacts and Underwater Cultural Heritage Artefacts Division 2 - Provisions About Ownership of Particular Artefacts Subdivision 4 - External Reviews by QCAT	Power to apply to QCAT for an external review of a compensation decision.	Delegation to the CEO
Sections 105 and 106	Entity Power Given To: Person	Part 10 - Protected Areas Division 1 - Declaration of, and Entry to, Protected Areas	Power to apply to the chief executive for a permit to enter a protected area including all powers authorised or required by Part 10, Division 1 to obtain the permit.	Delegation to the CEO
Section 110	Entity Power Given To: Permit Holder	Part 10 - Protected Areas Division 1 - Declaration of, and Entry to, Protected Areas	Power to respond to a show cause notice in relation to a proposal to cancel a permit to enter a protected area.	Delegation to the CEO
Section 111	Entity Power Given To: Person	Part 10 - Protected Areas Division 2 - Appeals	Power to appeal to the Planning & Environment Court in relation to those matters listed in subsection (1).	Delegation to the CEO
Sections 112, 112B, 113, 114, 116, 117, 118, 120, 122	Entity Power Given To: Local Government	Part 10 - Protected Areas Division 1 - Identifying Places of Local Cultural Heritage Significance Division 1A - Chief Executive's Recommendation About a Place Division 2 - Local Heritage Registers Division 3 - Entry of Places In, and Removal of Places From, Local Heritage Registers Division 4 - Assessing Development Under Planning Act	Power as a local government to keep a local heritage register for its area including all powers authorised or required by Part 11, Divisions 1, 1A, 2, 3 and 5, other than section 119, to keep the register. <i>*See Footnotes</i>	Delegation to the CEO
Section 116(1)	Entity Power Given To: Local Government	Part 11 – Provisions About Places Of Cultural Heritage Significance In Local Government Areas Division 3 – Entry of places in, and removal of places from, local heritage registers	Power to propose to enter a place in a local heritage register if: (a) the place is in the local government's area; and (b) the delegate reasonably considers the place is a place of cultural heritage significance for its area.	Removed from the Register
Section 116(3)	Entity Power Given To: Local Government	Part 11 – Provisions About Places Of Cultural Heritage Significance In Local Government Areas Division 3 – Entry of places in, and removal of places from, local heritage registers	Power to be satisfied that a place is no longer a place of cultural heritage significance for its area.	Removed from the Register
Section 117(1)	Entity Power Given To: Local Government	Part 11 – Provisions About Places Of Cultural Heritage Significance In Local Government Areas Division 3 – Entry of places in, and removal of places from, local heritage registers	Where it is proposed to enter a place in, or remove a place from, its local heritage register, power to: (a) give the owner of the place notice of the proposal; and (b) within 40 days after giving the notice, publish the notice in a newspaper circulating generally in the area.	Removed from the Register
Section 118	Entity Power Given To: Local Government	Part 11 – Provisions About Places Of Cultural Heritage Significance In Local Government Areas Division 3 – Entry of places in, and removal of places from, local heritage registers	Before deciding to enter a place in, or remove a place from, its local heritage register, power to: (a) have regard to: — (i) the submissions received under section 117 about the proposal to enter or remove the place; and — (ii) if the chief executive, under section 112A(2), recommended that the local government enter the place in its register, the information about the place included in the notice; and (b) have regard to other information the local government considers relevant.	Removed from the Register
Section 125(3)	Entity Power Given To: Chief Executive Officer	Part 12 – Enforcement Division 1 – Authorised Persons	Power to form the view that a person is appropriately qualified for appointment as an authorised person.	Removed from the Register
Section 161	Entity Power Given To: Person Identified in Subsection (1)	Part 13 - Appeals to Planning and Environment Court Against Particular Decisions	Power, as a person identified in subsection (1), to appeal to the Planning & Environment Court against the decision.	Delegation to the CEO

Section	Entity Power Given To	Title	Description	Recommendation
Section 165	Entity Power Given To: Local Government	Part 14 - Miscellaneous	Power, as a local government, to provide any information or assistance that the Minister or chief executive reasonably requires for the purposes of the Act.	Delegation to the CEO

Schedule 2

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

Footnotes

Section 84(1)(a) and (b)	Part 8 is only applicable to a local government prescribed by regulation. Section 175A provides the CEO may not delegate its powers under Part 8 of the Act.
Section 84(3)	Part 8 is only applicable to a local government prescribed by regulation. Section 175A provides the CEO may not delegate its powers under Part 8 of the Act.
Sections 112B and Part 11 Divisions 2 to 5	The power under these sections do not apply to those local governments identified in section 199.

11.9 FEES AND CHARGES 2023/2024 AMENDMENTS

File No:	7816
Attachments:	1. Summary of Proposed Changes June 2023 ↓
Authorising Officer:	Ross Cheesman - Deputy Chief Executive Officer
Author:	Marnie Taylor - Chief Financial Officer

SUMMARY

The intention of this report is to submit minor amendments to Council's Fees and Charges Schedule for the 2023/2024 financial year.

OFFICER'S RECOMMENDATION

THAT in accordance with the requirements of the *Local Government Act 2009*, Council adopts the amendments to the Fees and Charges Schedule for the 2023/2024 financial year.

COMMENTARY

The proposed amendments to the Fees and Charges 2023/2024 schedule are provided below.

BACKGROUND

The 2023/2024 Fees and Charges Schedule was adopted by Council on 23 May 2023.

Regional Services – RRWR

RRWR has been advised by the Department of Environment and Science (DES) that the methodology for recording mixed loads containing waste and recyclables to landfill is not compliant with the *Waste Reduction and Recycling Act 2011*. Currently, where a waste load going to landfill has additional recyclable items for drop off (e.g. tyre, mattress, solar panel, etc.) the weighbridge software system (system) cannot weigh these items separately. Instead the system uses a pre-programmed estimate weight for the recyclable item, and deducts that weight from the total weight. This allows the customer to make one trip through the site to dispose of waste and recyclable items.

DES has instructed that the weight being recorded to landfill is not accurate and that these items need to be weighed separately. This will require customers to make two or more trips over the weighbridge (i.e. drop off their recyclable items then return to the weighbridge, then drop off their waste to landfill).

This process will rely on customers following RRWR staff instructions and the expectation is some will not. Recyclable items such as tyres, mattresses, solar panels, fridges/freezers/air conditioners, gas bottles are prohibited from landfill for legislative, safety and operational reasons. Where RRWR staff instructions are not followed, and all waste and recyclables / prohibited items are taken to landfill by a customer, this will create more work for RRWR staff to sort and recover items from landfill.

There is a need to introduce a higher fee for "mixed/unsorted loads" taken to landfill containing recyclable and/or prohibited items to a) ensure compliance with legislation b) encourage customers to follow instructions, weigh loads separately and therefore save money, and c) cover operational costs to recover these items from landfill.

The proposed fee:

- Unsorted Mixed Load (inclusive of tyres, mattresses, solar panel, green waste, other prohibited items) – \$409/tonne

BUDGET IMPLICATIONS

The effect of the changes will have minimal budget impact.

LEGISLATIVE CONTEXT

The fees and charges in the schedule can be amended at any time throughout the year in accordance with the legislation.

CONCLUSION

These minor amendments are recommended for inclusion in the 2023/2024 Fees and Charges Schedule.

Upon approval by Council, these amendments to the 2023/2024 Fees and Charges Schedule will be uploaded and presented on the Council website for the new financial year.

FEES AND CHARGES 2023/2024 AMENDMENTS

Summary of Proposed Changes June 2023

Meeting Date: 13 June 2023

Attachment No: 1

SUMMARY OF PROPOSED CHANGES 2023-2024

Regional Services – RRWR

RRWR has been advised by the Department of Environment and Science (DES) that the methodology for recording mixed loads containing waste and recyclables to landfill is not compliant with the *Waste Reduction and Recycling Act 2011*. Currently, where a waste load going to landfill has additional recyclable items for drop off (e.g. tyre, mattress, solar panel, etc.) the weighbridge software system (system) cannot weigh these items separately. Instead the system uses a pre-programmed estimate weight for the recyclable item, and deducts that weight from the total weight. This allows the customer to make one trip through the site to dispose of waste and recyclable items.

DES has instructed that the weight being recorded to landfill is not accurate and that these items need to be weighed separately. This will require customers to make two or more trips over the weighbridge (i.e. drop off their recyclable items then return to the weighbridge, then drop off their waste to landfill).

This process will rely on customers following RRWR staff instructions and the expectation is some will not. Recyclable items such as tyres, mattresses, solar panels, fridges/freezers/air conditioners, gas bottles are prohibited from landfill for legislative, safety and operational reasons. Where RRWR staff instructions are not followed, and all waste and recyclables / prohibited items are taken to landfill by a customer, this will create more work for RRWR staff to sort and recover items from landfill.

There is a need to introduce a higher fee for “mixed/unsorted loads” taken to landfill containing recyclable and/or prohibited items to a) ensure compliance with legislation b) encourage customers to follow instructions, weigh loads separately and therefore save money, and c) cover operational costs to recover these items from landfill.

The proposed fee:

- Unsorted Mixed Load (inclusive of tyres, mattresses, solar panel, green waste, other prohibited items) – \$409/tonne

Proposed Fees

SECTION:		Waste & Recycling					
Number	Item name	Fee Type	GST Authority	2023/2024 Current Fee (incl GST)	Charge basis per Unit (Optional)	Legislative Authority	Governing Specific Legislation
1	Waste & Regulatory Services						
2	Waste Management						
3	Domestic - MSW - Self Haul						
11	Unsorted Mixed Load (inclusive of tyre, mattress, solar panel, green waste, other prohibited items)	Commercial	GST Applies	\$409.00	tonne	Local Government Act 2009	5262 (3) (c)
12	Commercial - C&I - Self Haul						
18	Unsorted Mixed Load (inclusive of tyre, mattress, solar panel, green waste, other prohibited items)			\$409.00	tonne	Local Government Act 2009	5262 (3) (c)

11.10 INTERIM MANAGEMENT REPORT FOR THE ROCKHAMPTON REGIONAL COUNCIL 2022/2023

File No: 8151
Attachments: 1. RRC Interim Management Letter 2022/2023 [↓](#)
Authorising Officer: Ross Cheesman - Deputy Chief Executive Officer
Author: Marnie Taylor - Chief Financial Officer

SUMMARY

Following the interim audit work performed to 20 April 2023, the Interim Management Letter was received from Thomas Noble & Russell (as delegate of the Auditor-General of Queensland). As required by the Local Government Regulation 2012, this is now presented to the next ordinary meeting of Council.

OFFICER'S RECOMMENDATION

THAT the Interim Management Letter for the 2022/2023 financial audit for the Rockhampton Regional Council be received.

COMMENTARY

Interim Audit works performed to 20 April 2023, where assessment of the design and implementation of Council's internal controls and whether they are operating effectively was undertaken.

To date the Interim Management Letter has not identified any significant deficiencies in Council's internal controls.

It is a requirement under s213 of the *Local Government Regulation 2012* that this report be provided to the next ordinary meeting of Council.

This report will be provided to the next Audit and Business Improvement Committee in July as part of the quarterly action progress report.

**INTERIM MANAGEMENT REPORT FOR
THE ROCKHAMPTON REGIONAL
COUNCIL 2022/2023**

**RRC Interim Management Letter
2022/2023**

Meeting Date: 13 June 2023

Attachment No: 1



2023 INTERIM REPORT

Rockhampton Regional Council
19 May 2023



Cr Tony Williams
Mayor
Rockhampton Regional Council

Dear Cr Williams

2023 Interim report

We present our interim report for Rockhampton Regional Council for the financial year ending 30 June 2023. This report details the results of our interim work performed to 20 April 2023. Under section 213 of the Local Government Regulation 2012, you must present a copy of this report at your council's next ordinary meeting.

Results of our interim audit

In this phase, we assessed the design and implementation of your internal controls relevant to the financial report, and whether they are operating effectively. We assessed the key controls we intend to rely on in auditing your financial statements. Our audit does not assess all controls that management has implemented across the organisation.

Deficiencies:

- One unresolved from prior years

Other matters:

- Two raised in the current year, relating to corporate delegations and Information and Communications Technology equipment disposal
- One unresolved from prior years

Financial reporting matters:

- One unresolved from prior years

Based on the results of our testing completed to date and the resolution of prior year issues, we have determined your internal control environment does support an audit strategy where we can rely upon your entity's controls.

Refer to *section 1* for further details.

If you have any questions or would like to discuss the audit report, please contact me on 5593 1601.

Yours sincerely

Richard Watkinson
Partner

Enc.

cc. Mr Evan Pardon, Chief Executive Officer
Mr Glen Mullins, Chair of the Audit and Business Improvement Committee

2023 Interim report

1. Status of issues

Internal control issues

The following table identifies the number of deficiencies in internal controls and other matters we have identified. Details of the deficiencies we identified during our interim audit are outlined further in this section. Refer to section 2 *Matters previously reported* for the status of previously raised issues.

Issues	Significant deficiencies	Deficiencies	Other matters*
Current year issues	-	-	2
Prior year issues – unresolved	-	1	1
Total issues	-	1	3

*Queensland Audit Office only tracks resolution of other matters where management has committed to implementing action.

The following section details control deficiencies and other matters identified as at 20 April 2023. It includes a response from management.

Our ratings are as follows. For more information and detail on our rating definitions, please see the webpage here: www.qao.qld.gov.au/information-internal-controls or scan the QR code.



SENSITIVE

1

2023 Interim report

Low Risk

23-IR1 Timely update of Corporate Delegations

Control activities

Observation

Our sample testing identified one instance of an employee authorising timesheets while they did not have the delegation to do so per the Corporate Delegations Register. Further investigation identified that the delegation was appropriate for the employees position as a Team Leader, however the delegation band in the Corporate Delegations Register had not been updated to align with a change in the employees position.

Implication

The Corporate Delegations Register may not accurately reflect the intended or authorised delegations for employees and presents an increased risk of actions being made outside of delegations.

QAO recommendation

The Corporate Delegations Register is a centralised governing document, and corporate bands represent the level of delegation employees possess. This document should be updated and reviewed regularly to reduce any confusion employees have regarding their delegations and to reduce this risk of employees performing duties outside their delegations. Management could also consider updating the Corporate Delegations Register to allocate delegations based on a specific role rather than individual personnel.

Management response

The authorising of the timesheet by an employee in a position without the delegation to do so was an operational oversight. Steps are being taken to rectify this. In the interim, the Coordinator who is the employees direct report will sign all timesheets for this team. The Corporate Delegations Register is regularly updated and allocates delegations based on specific roles. A review of key operational areas is currently underway to identify any systemic issues relating to this occurrence.

Responsible officer: Coordinator Legal and Governance

Status: Work in progress

Action date: 31 August 2023

SENSITIVE

2

2023 Interim report

 **Low risk**

23-IR2 Lack of documented procedure surrounding disposal of Information and Communications Technology (ICT) equipment

Control Activities

Observation

Council's current "Information Security – Physical Security" Policy enforces a requirement for equipment and devices used for the storage of confidential or higher classified information to be physically destroyed or securely overwritten prior to disposal, however there is currently no documented procedures or guidance around the minimum accepted requirements for how this should be performed to ensure appropriate equipment sanitisation and destruction occurs.

Implication

Lack of minimum accepted sanitisation and data destruction methods may result in insufficient procedures being performed and can result in an increased risk of a security breach of Councils data.

QAO recommendation

Council should consider refining the "Information Security - Physical Security" Policy or develop associated procedure documents so that minimum accepted sanitisation and destruction processes are consistently performed upon disposal of ICT equipment.

Management response

Council will develop a work instruction to formalise our process for sanitisation and destruction of ICT equipment on disposal.

Responsible officer: Coordinator Information Systems

Status: Work in progress

Action date: 30 June 2023

SENSITIVE

3

2023 Interim report

Financial reporting issues

This table identifies the number of financial reporting issues we raised. Refer to section 2 *Matters previously raised* for the status of previously raised financial reporting issues.

Year and status	High risk	Moderate risk	Low risk
Current year issues	-	-	-
Prior year issues – unresolved	-	-	1

Our risk ratings are as follows. For more information and detail on our rating definitions, please see the webpage here: www.qao.qld.gov.au/information-internal-controls or scan the QR code.



Financial reporting issues

H

High

M

Medium

L

Low

SENSITIVE

2023 Interim report

2. Matters previously reported

The following table summarises the status of deficiencies, financial reporting issues, and other matters previously reported to you.

Ref.	Rating	Issue	Status
20-CR-1	D	Capitalisation of capital works in progress There have been significant balances of completed projects in work-in-progress (WIP) identified during the 30 June 2021 and 30 June 2022 financial reporting periods not transferred to Infrastructure, Property, Plant and Equipment asset classes. Manual adjustments were processed at each reporting date so that the financial statements were not materially misstated.	Work in progress Officers are working through processing of asset capitalisations for existing work in progress balances and additional staff resources have been dedicated to the asset capitalisation process. This balance is reducing with further reductions expected by 30 June 2023. Responsible officer: Chief Financial Officer / Coordinator Accounting Services Original action date: 30 June 2021 Revised action date: 30 June 2023
20-OM1	O	General data security This observation included various general observations to further strengthen the general data security environment.	Work in progress This matter originally had 6 points, only 1 is unresolved; i.e. for Council to consider USB encryption. Council is planning to implement USB encryption as resources allow by 31 December 2023. Responsible officer: Coordinator Information Systems Action date: 31 December 2023
22-CR1	L	Recognition of contributed assets As part of Council's continuous improvement process, management identified a number of assets with a value of \$2.23 million that should have been recognised as contributed assets or asset additions in the previous financial year.	Work in progress Council undertakes to continue to focus our efforts on the timely capitalisation of assets and streamline our in-house processes. Council will also ensure that contributed assets are recognised in the correct accounting period through a review of processes to effectively identify contributed assets via geospatial systems and orderly data cleansing processes. Responsible officer: Chief Financial Officer Action date: 30 June 2023

SENSITIVE

5



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12 NOTICES OF MOTION

12.1 NOTICE OF MOTION - COUNCILLOR SHANE LATCHAM - INCREASE TO TRAVEL ALLOWANCE BUDGET

File No:	10072
Attachments:	1. Notice of Motion
Responsible Officer:	Nicole Semfel - Acting Senior Executive Assistant to the Mayor Justin Kann - Manager Office of the Mayor Evan Pardon - Chief Executive Officer

SUMMARY

Councillor Shane Latcham has indicated his intention to move a Notice of Motion seeking to increase the budget allocation for his travel expenses at the next Council Meeting scheduled for Tuesday 13 June 2023.

COUNCILLOR'S RECOMMENDATION

THAT Council approve an increase of \$1500 to Councillor Shane Latcham's travel expenses allocation for the 2022/23 financial year.

BACKGROUND

Under Item 5.1.3 Travel Expenses of the Expenses Reimbursement and Provision of Facilities for Mayor and Councillors Policy, Council pays or reimburses expenses incurred by a Councillor (for example, flights, car, accommodation, meals) as set out in this policy. If associated travel expenses are in line with the budget allocation, prior Council approval is not required for travel undertaken.

Whilst no specific amount is identified per Councillor in the Policy, the budget allocation for Financial Year 2022/2023 is line-itemised at \$6000 per Councillor for the financial year.

BUDGET IMPLICATIONS

There will be no overall impact on the current 2022/23 Budget with the proposed request to increase will be offset by expected under spend from other Councillors travel budget identified in the Executive Support budget.

**NOTICE OF MOTION –
COUNCILLOR SHANE LATCHAM -
INCREASE TO TRAVEL ALLOWANCE
BUDGET**

Notice of Motion

Meeting Date: 13 June 2023

Attachment No: 1

COUNCILLOR SHANE LATCHAM



Division 1

Norman Gardens | Parkhurst | Limestone Creek

WASTE AND RECYCLING PORTFOLIO

29 May 2023

Mr Evan Pardon
Chief Executive Officer
Rockhampton Regional Council
232 Bolsover Street
ROCKHAMPTON QLD 4700

Dear Evan

Notice of Motion

I hereby give notice of my intention to move the following motion at the meeting of Council on Tuesday 13 June, 2023.

“THAT Council approve an increase of \$1500 to Cr Shane Latcham’s travel expenses budget allocation for the 2022/23 financial year.”

Yours faithfully



Councillor Shane Latcham
Division 1
Rockhampton Regional Council



Ph: 0437 857 736

E: shane.latcham@rrc.qld.gov.au

www.rockhamptonregion.qld.gov.au

13 QUESTIONS ON NOTICE

Nil

14 URGENT BUSINESS/QUESTIONS

Urgent Business is a provision in the Agenda for members to raise questions or matters of a genuinely urgent or emergent nature, that are not a change to Council Policy and can not be delayed until the next scheduled Council or Committee Meeting.

15 CLOSED SESSION

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

RECOMMENDATION

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

16.1 Rockhampton Airport Site AW Lease

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.

16 CONFIDENTIAL REPORTS

16.1 ROCKHAMPTON AIRPORT SITE AW LEASE

File No: 15553

Attachments:

1. Rental Assessment 2023 Site AW
2. Site AW Plan

Authorising Officer: Ross Cheesman - Deputy Chief Executive Officer

Author: Marcus Vycke - Manager Airport

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

Lease Site AW is currently vacant, previously this site was leased as an aircraft engineers office with the ability to provide aircraft maintenance and store aircraft parts locally. The Rockhampton Airport has been approached for an area at the Airport with airside access to operate an aircraft engineers and maintenance office to support their increased charters.

This report seeks Council approval to enter into a specific lease agreement pursuant to 236(1)(c)(vii) of the Local Government Regulation 2012 (Qld).

17 CLOSURE OF MEETING