



# ORDINARY MEETING

## AGENDA

**20 MAY 2024**

*Your attendance is required at an Ordinary meeting of Council to be held in the Council Chambers, 4 Lagoon Place, Yeppoon on 20 May 2024 commencing at 9:00 AM for transaction of the enclosed business.*

Cale Dendle  
**CHIEF EXECUTIVE OFFICER**  
15 May 2024

Next Meeting Date: 18.06.24

**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

### Acknowledgement of Country

*"I would like to take this opportunity to respectfully acknowledge the Darumbal People. The traditional custodians and elders past, present and emerging of the land on which this meeting is taking place today."*

### Opening Prayer

## 2 ATTENDANCE

### Members Present:

Mayor, Councillor Adam Belot (Chairperson)  
Councillor Glenda Mather  
Councillor Rhodes Watson  
Councillor Wade Rothery  
Councillor Lance Warcon  
Councillor Andrea Friend  
Councillor Pat Eastwood

### Officers in Attendance:

Cale Dendle - Chief Executive Officer  
Chris Ireland – General Manager Communities  
Michael Kriedemann – General Manager Infrastructure  
Andrea Ellis – Chief Financial Officer  
Matthew Willcocks - Chief Technology Officer  
Kristy Mansfield - Chief Human Resources Officer

**3 LEAVE OF ABSENCE / APOLOGIES**

Cr Wade Rothery

**4 CONFIRMATION OF MINUTES OF PREVIOUS MEETING**

Minutes of the Ordinary Meeting held 16 April 2024

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



## 6 DEPUTATIONS

### 6.1 9.00AM DEPUTATION - MIKE GRIFFIN - SOUTHERN BEACHES REFERENCE GROUP

**File No:** GV  
**Attachments:** 1. Council submission [↓](#)  
**Responsible Officer:** Cale Dendle - Chief Executive Officer  
**Author:** Amanda Ivers - Coordinator Executive Support

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#### SUMMARY

*Mike Griffin has requested an opportunity to present to Councillors regarding the Southern Beaches Reference Group.*

#### OFFICER'S RECOMMENDATION

THAT the deputation be received.

**6.1 - 9.00AM DEPUTATION - MIKE  
GRIFFIN - SOUTHERN BEACHES  
REFERENCE GROUP**

**Council submission**

**Meeting Date: 20 May 2024**

**Attachment No: 1**



Following is my submission to Councillors on the closure of access to beach driving. I make this submission as a longstanding ratepaying member of the Livingstone Shire Community, a member of the Southern Beaches Reference Group, an active retiree and keen fisherman.

On the 21<sup>st</sup> September 2022 The Beaches are closed. This came to my knowledge through a notice on the Livingstone Shire Facebook site. I wrote to the council expressing my frustrations at this decision because I, like so many others in the community enjoyed accessing these beaches for fishing and family lifestyle advantages.

It came to light that someone had had a vehicular accident on one of the beaches and the immediate knee-jerk reaction was to impose a closure and introduce one of the heaviest fine systems in our history.

It was also noted at the time, some of the interesting LSC responses on the subject to cite laws and directives dating from 2011 seemed an absolute cop-out. It was absolute hypocrisy that the practice of driving on this beach has been acceptable for quite a number of years (about 55 years in my memory) to then insist that after a ten-year period, a known practice that was accepted and embraced, is now a finable offence was both ludicrous and unfair.

I was bewildered. A most satisfying and ultimately peaceful pastime – fishing the beaches both solitary and with my family – wife, sons, grandchildren – had been closed in an instance. Worse still, as I later explain, the reasons for closure had not been personally apparent despite my lifetime of enjoyment on the beaches.

I also looked around at other breaches of our by-laws apparent most days in my town of Emu Park. I still note to this day, that obvious breaches of our bylaws, particularly parking in parks and reserves goes unnoticed, un-challenged, and un-penalised. Perhaps the council is waiting for a similar opportunity to apply penalties in these areas.

Notwithstanding, I asked the LSC for a resumption of the status quo, to no avail.

My main points of issue were:

- The lack of consultation with those affected,
- The acceptance of the act for decades,
- The immediate signage erection and fine system introduction without a cooling off period smelt of preconceived intention,
- To cite laws and directives dating from 2011 seems an absolute cop-out. This statement has reinforced that the practice of driving on this beach has been accepted for years. To insist that after a greater than ten-year period, a known practice that was accepted and embraced, is now a finable offence is both ludicrous and unfair.
- Proceeding as you seem to want is an admission that Livingstone has been negligent in their application of the law for more than a reasonable time. You cannot legally turn a blind eye to an infringement and then indiscriminately apply a penalty. It is almost a case for entrapment.
- The later apparent hypocrisy that if you had a boat and trailer on your vehicle – it was all right to access the beach.

I, along with others, appealed the verdicts, however, despite my voice and a growing number on social media, the Council were resolute.

In recognition of the groundswell of opinion, Livingstone Shire conducted a survey to gauge public sentiment.

The survey on the issue recorded 1300 responses with a staggering majority of 67% (884) supporting a change in regulation to allow for recreational driving on the beaches in question.

As a result, Councillor now mayor, Adam Belot moved for a reference group to look at facilitating driving on beaches on southern end of Livingstone Shire. This was supported by the Councillors with the intent of doing exactly that – working through this issue and getting the fisher people and cars back on the beaches. This was not to be, nothing happened until the matter was repeatedly raised by the aggrieved parties.

It became apparent that Council Officers, on their own undertaking, decided to circumvent the wishes of councillors and include the matter in rewrite of by-laws due for review December 2022. As we approach December 2024 – the by-laws re-write has not been made public. But invariably nothing happens.

Persistent follow up and the energies of Cr Belot, in particular, resulted in the reference group being initiated.

Note that on the 14<sup>th</sup> of August 2023 nearly a year after the initial closure, and eight (8) months after the council resolution, the first meeting of the Reference group was held.

The agenda of the Reference Group had been altered somewhat from the survey questionnaire in that the “Reference Group is externally focussed and provides feedback and advice to LSC regarding the recreational usage, preservation and promotion of the Southern Beaches in Livingstone Shire Council that aren’t adjacent to a residential community. “

In this respect, the Southern Beaches Reference Group shall:

- Provide advice to Council on behalf of the Southern Beach Users to preserve, responsibly promote and use the southern beaches in Livingstone Shire Council in particular Ritamada, Timbers and Long Beaches;
- Identify other Southern beaches that need to be included in discussions;
- Serve as a conduit for vetting of ideas, prioritisation, and coordination.
- Enable and promote public-private collaboration in the delivery of project initiatives.

It was immediately noted that the mere make-up of the group was contrary to these guidelines and by their own admission, council officers decided to introduce persons and group representatives whose agenda would be to offer little or no support to the intended outcomes. As Council Officer Saunders explained to a subsequent meeting, Council Officers took it upon themselves to “balance up” the quorum. The reference group was meant to facilitate driving on the beaches that people had enjoyed for generations. Other than to explore situations, make recommendations etc to mitigate any apparent or foreseeable derogatory effects the Reference group was never intended to be an Us v Them issue with fellow residents over environmental issues. As observed by initially “parking” the matter for inclusion in the local law review, it did attest to the fact that council employees were well versed in interfering in the process as they seemed fit. It is inappropriate for council officers to interfere in Councillors directives and may be a point to keep in mind in the future.

The group heard from a range of stakeholders on a range of topics. Perhaps the most consistent was that of hooning. As previously mentioned, this was to be identified as the main reason for the beach access closures in the first place. This touched my naivety as I was first to admit that in my vast years of using the beach I was unaware of such activities and cannot recall witnessing such behaviours. I maybe put apparent wheel ruts at access/egress points as driver inexperience, bad technique, and such.

The reference group members were indeed reactive to hooning behaviours and were united in their condemnation of such activities. This also bears out the fundamental difference in those wishing to access the beaches and those responsible for its closure. The fisher-people, recreation seekers, beach goers, call them what you will, have no desire to go ripping up dunes, doing unlawful/illegal acts etc. In fact, from recent discussion with a significant number on the topic, they were very vocal in expressing their aversion to such practices and eager to take whatever means, report, council support or action to eradicate such behaviour.

As the original survey indicated, some 919 respondents indicated they frequented the beaches in question. The enforced closure of these beaches for the sake of a few hoons not only impacted on a considerable number, but also conversely failed to consider the actual number who were disadvantaged. 745 respondents supported driving on these beaches.

It is also noteworthy that hooning/unlawful behaviour did not cease with the beach closures. What was pleasing and came to light through reference group participants reports was that the actions of Council staff in actually approaching these people, issuing fines, etc., had a significant effect on the instances of unwarranted behaviours. This is a firm indicator that behaviours can be changed and with education and messaging, can be ultimately eradicated.

It was also borne out in the third question on the survey which invited ratepayers to be involved in “for providing recommendations to council about usage and vehicle access on our southern beaches...”

As would later be seen, members of the group provided guidelines, suggestion, and proposals for educational awareness if necessary to progress the issue in a positive fashion. There was very little acknowledgement from council employees in the meetings towards this and as meetings progressed it was more and more apparent that obstacles were placed in our way. Initiatives such as environmental awareness general education were similarly ignored or passed over. Others and I involved still promote that offer of awareness, education, and the development of guidelines etc., to facilitate safe driving practices and minimal environmental damage. In view of the final recommendation of the reference group that is - to unanimously endorse driving of motor vehicles on the beaches in question - it is hoped that council officers' avail themselves to this gesture as a wealth of knowledge, experience and resources are open to them.

The reference group ultimately unanimously voted in favour for restoration of driving activities on the four beaches in contention - Ritamada, Timbers, Zilzie, Long – to be reopened.

I also suggested that due to the usage by Blo-Kart enthusiasts that Mulambin Beach should also be included, however protocols have prevented this addition in the actual vote process. Notwithstanding I believe the reference group would favourably recommend such a notion.

#### Final Comments/Points to Note:

- The process has indeed been an experience in patience if nothing else. Exploration of several varying topics did however expand my knowledge and understanding.
- Livingstone Shire has at no time provided guidelines, education, awareness etc., to minimise any degradation caused by beach driving. There is a great opportunity to do this now. Four Wheel Drive Clubs are also willing to become involved to lend to awareness and education by driving technique and skills instruction.
- The Closure of the beaches was bought about by unwarranted behaviours. The subsequent actions of penalizing Hoons by council employees has verified that such behaviours can be eradicated.
- With designated entry/beach access points, any concerns for environmental issues can be limited and/or controlled. Contrary to some comments, beach driving, properly carried out, does not have any detrimental effects on the environment.
- It seems unfair that driving on Farnborough beach in Livingstone Shire is seen as OK and a real lifestyle benefit to the shire, but the beaches in question do not share the same support.
- This situation is very manageable and support by a vast and interested community will ensure a safe outcome.
- It is safe to assume that the prospect of re-opening beach access was an influencing factor when voting for candidates in the recent Livingstone Shire Council elections.

In closing I would ask that the Mayor and Councilors endorse the findings of the Southern Beaches Reference Group and give clear direction to facilitate their re-opening without further delay.

Yours Sincerely,

Michael Griffin  
52 Ferguson Street,  
Emu Park, Q 4710

**6.2 9.30AM DEPUTATION - BILL & LAWSON GEDDES - RURAL RATES**

**File No:** GV  
**Attachments:** Nil  
**Responsible Officer:** Amanda Ivers - Coordinator Executive Support  
**Author:** Lucy Walker - Executive Support Officer

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**SUMMARY**

*Bill Geddes and Lawson Geddes will present a deputation to Councillors regarding rural rates.*

**OFFICER'S RECOMMENDATION**

THAT the deputation be received.

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## 7 BUSINESS ARISING OR OUTSTANDING FROM PREVIOUS MEETINGS

### 7.1 LIFTING MATTERS LAYING ON THE TABLE

**File No:** GV13.04.06  
**Attachments:** Nil  
**Responsible Officer:** Cale Dendle - Chief Executive Officer

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#### **SUMMARY**

*This report is being presented to Council in order for the stated matters to be formally lifted from the table prior to being dealt with at this meeting.*

#### **OFFICER'S RECOMMENDATION**

THAT Council resolves that the following reports which are currently 'laying on the table' within the Business Outstanding Table awaiting return to a Council meeting, be lifted from the table to be dealt with later in this meeting:

1. Policy Review: Councillor Facilities and Expenses Policy
2. Naming of Wetland off Bottlebrush Drive

#### **BACKGROUND**

These matters were presented at previous Council meetings at which time Council resolved to lay each matter on the table pending return to a future Council meeting.

#### **COMMENTARY**

These matters are now requested to be formally lifted from the table and brought back for discussion and consideration.

**7.2 BUSINESS OUTSTANDING TABLE FOR ORDINARY COUNCIL MEETING****File No:** GV**Attachments:** 1. **Business Outstanding Table - May 2024**[↓](#)**Responsible Officer:** Amanda Ivers - Coordinator Executive Support

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**SUMMARY**

*The Business Outstanding table is used as a tool to monitor outstanding items resolved at previous Council or Committee Meetings. The current Business Outstanding table for the Ordinary Council Meeting is presented for Councillors' information.*

**OFFICER'S RECOMMENDATION**

THAT the Business Outstanding table for the Ordinary Council Meeting be received.

## **7.2 - BUSINESS OUTSTANDING TABLE FOR ORDINARY COUNCIL MEETING**

### **Business Outstanding Table - May 2024**

**Meeting Date: 20 May 2024**

**Attachment No: 1**

**\*Please note that the notes contained within the Business Outstanding Table are correct at the time of the Agenda being published.**

Item	Date	Report Title	Resolution	Comments
1	16/03/2021	Local Law Reviews	<p>THAT Council</p> <p>1) Resolve to incorporate the proposed amendments to Subordinate Local Laws 2 and 4 as part of the complete review and redrafting of Council's Local Laws which will be commencing late March 2021 with an emphasis placed as priority for Local Laws 2 and 4; and</p> <p>2) Waive the requirement for fees for applications for specified animal permits other than dogs and cats and take no enforcement action where the driver of the motor vehicle is using a boat ramp to launch, retrieve or supply a vessel.</p>	<p><b>02 May 2024</b></p> <p>Council's solicitors will be running a workshop with Councillors and officers on 16 May 2024. Community consultation will be informed by the outcomes of that session.</p>
2	24/10/2023  21/11/2023	<p>Notice of Motion - Mayor Ireland - Cooee Bay Master Plan Upgrade</p> <p>Notice of Motion - Councillor Belot - Daniel Park Master Plan</p>	<p>THAT in order to deliver the most relevant and up-to-date Cooee Bay Precinct Concept Master Plan, Council includes a refreshed engagement plan in the 2024/2025 budget prior to formally adopting the Master Plan.</p> <p>THAT:</p> <p>1. Lot 10 SP251132, Lot 11 SP251132 and Lot 18 SP251132 being 27-31 Matthew Flinders Drive, Cooee Bay and council owned land, be included within the Cooee Bay Masterplan Engagement Process to determine the community's preferred use of these lots; and</p> <p>2. A wide range of community input be sought to determine the most preferred use of these lots.</p>	<p><b>14 May 2024</b></p> <p>Response to Notice of Motion report discussed at May briefing session. Report scheduled for May Council Meeting.</p>
3	16/01/2024	Notice of Motion - Councillor Friend - Survey The Caves, Rockyview, Glenlee and Glendale Communities for Extended Weekend Operating Hours of The Caves Transfer Station	THAT Council conduct a survey of The Caves, Rockyview, Glenlee and Glendale Communities, being for an option of extended weekend operating hours of The Caves Transfer Station and a report returns to Council with options of extended times and details.	<p><b>11 Apr 2024</b></p> <p>Requested engagement plan will be discussed with Councillors in June 2024 prior to releasing the survey to the community.</p>



**\*Please note that the notes contained within the Business Outstanding Table are correct at the time of the Agenda being published.**

4	12/03/2024	Centenary Celebrations of the Emu Park Jetty	THAT the Mayor writes to invite the Prime Minister of Australia to attend the Centenary Celebrations of the Emu Park Jetty planned for 25 October 2024.	<b>14 May 2024</b> Prime Minister's office has responded and declined attendance at event.
5	12/03/2024	Notice of Motion - Councillor Adam Belot - Temporary Swimming Facilities	THAT in order to provide continuation of much needed swimming lessons and associated hydro therapy ie. physio, rehabilitation for LSC residents, Council undertake urgent review of options including budgetary options to provide temporary swimming facility throughout duration of Olympic Pool Closure.	<b>14 May 2024</b> The Project Manager is reviewing options and costs for a temporary facility and will brief Council in June 2024.
6	16/04/2024	Yeppoon Lagoon - Defects report and rectification plan	THAT Council issues letters of demand in relation to defects identified at Yeppoon Lagoon.	<b>14 May 2024</b> McCullough Robertson have been instructed to prepare a letter of demand to both the contractor and the designer. In preparing the letter of demand to the contractor, a split/breakdown of the tile rectification costs and pebblecrete rectification costs will be included so that the costs can be demanded against the contractor in the letter of demand. McCullough Robertson are working through the design contract agreements to assist with referring to any relevant contractual obligations in the letter of demand against the designer.

**\*Please note that the notes contained within the Business Outstanding Table are correct at the time of the Agenda being published.**

7	16/04/2024	Response to Notice of Motion - Farnborough Beach Master Plan Engagement Results	<p>THAT Council resolves to:</p> <ol style="list-style-type: none"> <li>1. Advocate to the State Government to increase monitoring and patrolling of Farnborough Beach by the Queensland Police.</li> <li>2. Continue to maintain the existing ramp at Hinz Avenue AND continues to progress development of a Traffic and Beach Access Management Strategy AND completes a business case for upgrading of the ramp/beach access with the intent to improve safe and accessible separated pedestrian and vehicle access.</li> <li>3. Continue to maintain relationship with private/Government landowners to ensure that if opportunities arise to advocate for additional access points/upgraded, Council can do so.</li> <li>4. Continue to attract, support, and promote events and educational opportunities that promote safe shared beach usage (e.g. Safety on the Sand, school holiday activities, website information updates).</li> </ol>	<p><b>14 May 2024</b></p> <ol style="list-style-type: none"> <li>1. Officers preparing letter to local police explaining resolution and request.</li> <li>2. Tasked to infrastructure to action.</li> <li>3. Ongoing</li> <li>4. Ongoing</li> </ol>
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**8 PRESENTATION OF PETITIONS**

Nil

**9 COUNCILLOR/DELEGATE REPORTS**

Nil

**10 QUESTIONS/STATEMENT/MOTIONS ON NOTICE FROM COUNCILLORS****10.1 QUESTIONS ON NOTICE - COUNCILLOR GLENDA MATHER - SEWER SERVICES AT 52 MARINE PARADE****File No:** qA24221**Attachments:** 1. QoN - Sewer Services [↓](#)**Responsible Officer:** Cale Dendle - Chief Executive Officer

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**SUMMARY**

*Councillor Glenda Mather has submitted Questions on Notice in relation to sewer services at 52 Marine Parade.*

**COUNCILLOR RECOMMENDATION**

THAT the Questions on Notice be received.

**10.1 - QUESTIONS ON NOTICE -  
COUNCILLOR GLENDA MATHER -  
SEWER SERVICES AT 52 MARINE  
PARADE**

**QoN - Sewer Services**

**Meeting Date: 20 May 2024**

**Attachment No: 1**

Box 5186  
Red Hill PO  
Rockhampton Q 4701  
8 May 2024

Chief Executive Officer  
Livingstone Shire Council

**Questions on Notice**

**Re: Sewer services 52 Marine Parade**

Dear Sir,

This is an ongoing matter where information has been sought and provided to find a sensible and effective solution to address potential environmental harm.

Despite the exchange of suggestions and information, no decision has been made to date.

Due to the substantial costs involved, we should not rely on guesswork when making this decision, nor expect the landowner to do so.

The questions are directed to Mr Michael Kriedemann General Manager Infrastructure.

**Ques 1:**

If a sewer line were to be constructed from the Lindsay St end of the sewer area to 53 Marine Pde,

- a) What would be the estimated cost,
- b) Would Council undertake the works
- c) When might the job commence – given other planned capital works
- d) How long would the job take
- e) Who would own the line

**Ques 2.**

Would Council then declare that extension or parts thereof, as a sewer area, and would properties along that new extension be required to:

- a) Contribute to a sewer charge if not connected
- b) Be eligible for infrastructure charge if not connected

**Ques 3.**

Do you see the Council playing a financial contribution to that extension

**Ques 4**

What would be the estimated cost of a direct connection into the rising main at No 53,

- a) If the design proposed by the residents' plumber, incorporating a series of valves to address potential backflow, and the materials are WaterMarked approved, as recommended by Master Plumbers Assocn Qld.

**Ques 5.**

Notwithstanding the Council policy avoiding direct connection to a rising main, would the design recommended in 4 address Council's concerns.

**Ques 6.**

Ad a proposed direct connection to the main would be privately funded,

- a) Would Council undertake these works,
- b) When is this work likely to be undertaken, given other priorities?

Thank you for consideration to these questions.

And thank you for bringing your responses to the first available meeting, given the environmental issues at stake.

Many thanks,

Glenda Mather Clr

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**10.2 NOTICE OF MOTION - CR MATHER - MOBILE FOOD VAN**

**File No:** qA24221  
**Attachments:** 1. **NOM - Cr Mather**[↓](#)  
**Responsible Officer:** Cale Dendle - Chief Executive Officer

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**SUMMARY**

*Councillor Glenda Mather has submitted a 'Notice of Motion' in relation to the mobile food van at Yaamba.*

**COUNCILLOR RECOMMENDATION**

That in the event a new or continuation of a licence for a mobile food van be considered in the Yaamba area, the truck stop rest area immediately north of the township be the preferred designated location, in recognition of two businesses already in the town, the second one being the re-opening of the hotel which will be catering food in coming weeks.

Given the proximity of the park's rest area to these businesses, would not be in the best interests of the established operations.

**COUNCILLOR BACKGROUND**

I was in Yaamba a few days ago, met with the new owners who were in the throes of major renovations. Their plans to re-open in the coming weeks will be a great advantage to the community.

**OFFICER COMMENTARY**

Application 7-2023 has been received and issued for a mobile food van – these permits are generally issued for a 1 year duration. Officers took into consideration concerns around proximity and reviewed this in line with other food van permits issued. A search back to 2011 has indicated that this distance (150 meters) has remained unchanged since that date.

Clauses 5 & 6 of the permit state:

- 5 - The approval holder must limit the activities authorised by the approval such that the activities are not operated within a 150 metre radius of a fixed premises which sell or offer for sale, the same or similar goods or services unless authorised by an authorised person.
- 6 - This approval will be reviewed at the six (6) months anniversary to ensure the business activities do not compete with business activities operated from a fixed premises (condition 5). After the 6 month anniversary the approval may be reviewed at any time to ensure compliance with condition 5.

Council does not have the power to enforce the location nominated in the notice of motion as it does not have jurisdiction over truck rest stop as this sits with Transport and Main Roads (TMR).



## **10.2 - NOTICE OF MOTION - CR MATHER - MOBILE FOOD VAN**

### **NOM - Cr Mather**

**Meeting Date: 20 May 2024**

**Attachment No: 1**

PO Box 5186  
Red Hill PO  
Rockhampton Q 4701  
13 May 2024

Chief Executive Officer  
Livingstone Shire Council  
Yeppoon Q 4703

Notice of Motion  
Mobile Food Van

Dear Sir,

I wish to propose the following motion at the next available meeting of Council:

**“That in the event a new or continuation of a licence for a mobile food van be considered in the Yaamba area, the truck stop rest area immediately north of the township be the preferred designated location, in recognition of two businesses already in the town, the second one being the re-opening of the hotel which will be catering food in coming weeks.**

**Given the proximity of the park’s rest area to these businesses, would not be in the best interests of the established operations.”**

Background:

I was in Yaamba a few days ago, met with the new owners who were in the throes of major renovations. Their plans to re-open in the coming weeks will be a great advantage to the community.

Many thanks,

Glenda Mather Clr

## 11 REPORTS

### 11.1 RESPONSE TO QUESTIONS OF NOTICE - CR MATHER - FLOOD ROAD YAAMBA

**File No:** qA24221

**Attachments:**

1. QON - Cr Mather - Flood Road Yaamba [↓](#)
2. RESPONSES TO QUESTIONS ON NOTICE - Cr Mather - Flood Road Yaamba (includes email correspondence) - (*Confidential*)

**Responsible Officer:** Cale Dendle - Chief Executive Officer

**Author:** Amanda Ivers - Coordinator Executive Support

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#### SUMMARY

*This reports is in response to Councillor Mathers Questions on Notice presented to the Ordinary Council Meeting 12 March 2024 in regards to Flood Road, Yaamba.*

#### OFFICER'S RECOMMENDATION

THAT the report and responses to questions provided be received.

#### BACKGROUND

Refer to attached Questions on Notice presented to Ordinary Meeting 12 March 2024.

#### OFFICER COMMENTARY

Due to the confidential nature of the responses these have been provided under confidential cover.

**11.1 - RESPONSE TO QUESTIONS OF  
NOTICE - CR MATHER - FLOOD ROAD  
YAAMBA**

**QON - Cr Mather - Flood Road Yaamba**

**Meeting Date: 20 May 2024**

**Attachment No: 1**

PO Box 5186  
Red Hill PO  
Rockhampton Q 4701  
27 February 2023

Chief executive Officer  
Livingstone Shire Council  
Yeppoon Q 4703

Questions on Notice

Dear Sir,

I was approached tonight by a resident of Flood Rd Yaamba who has been in contact with Council, over an alleged industrial operation on the property next to his own.

Would you please include the following questions in the next Council Agenda.

I understand correspondence and photos have been supplied to Council, and an on-site inspection has taken place more recently-

Ques 1:

Would you please advise when Council was notified of this activity which seems to be well established

Ques 2:

Would you please advise of the action Council has taken to date in relation to the alleged industrial activity and provide me with a copy of the correspondence forwarded to the landowner, the subject of the activity.

Many thanks,

Glenda Mather Clr

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**11.2 RESPONSE TO NOTICE OF MOTION - COUNCILLOR ADAM BELOT - KEPPEL COVE ANTISOCIAL BEHAVIOUR**

**File No:** x  
**Attachments:** 1. [NOM - Cr Belot](#)  
**Responsible Officer:** Greg Abbotts - Manager Development and Environment  
Chris Ireland - General Manager Communities  
**Author:** Nat Druery - Coordinator Public Environments

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**SUMMARY**

*Councillor Adam Belot submitted a 'Notice of Motion' at the 20 February 2024 ordinary meeting relation to antisocial behaviour occurring on public land within Keppel Cove community.*

**BACKGROUND**

Council and Queensland Police Service receive frequent complaints from members of the Keppel Bay community in relation to vehicles and motorcycles causing noise nuisance and environmental damage on Cocoanut and Timbers beaches. Concerns are also raised about the personal safety of those pedestrians frequenting the area due to the nature and style of driving/riding of vehicles and bikes.

**COMMENTARY**

Cocoanut and Timbers Beaches are under the control of Livingstone Shire Council as is the adjoining sand dune areas being classified as a Reserve for Beach Protection & Coastal Management. *Local Law No.1 Administration 2011* restricts driving on the sand dunes and beaches to authorised vehicles only. The land adjoining the Council controlled area is private property which means there is no lawful access point, and you must trespass private property in order to access the sand dunes or beaches at this location. Council Rangers have acquired approval to access and install surveillance cameras on the private property.

Council Rangers have taken a proactive approach in dealing with such antisocial behavior:

## Educational

- Installation of prominent signage at the four (4) known key tracks to the beaches advising the public of a restricted access area;
- Static observation points to educate the community in matters of the Local Laws;
- Random beach patrols; and
- Working closely with Queensland Police Service to share information and better manage the situation.

## Compliance

- Surveillance cameras deployed throughout the region; and
- Penalty infringement notices issued to identified offenders.

**11.2 - RESPONSE TO NOTICE OF  
MOTION - COUNCILLOR ADAM BELOT  
- KEPPEL COVE ANTISOCIAL  
BEHAVIOUR**

**NOM - Cr Belot**

**Meeting Date: 20 May 2024**

**Attachment No: 1**

Notice of Motion

That in order to address ongoing antisocial behaviour occurring on private land within the Keppel Cove community ie. Environmental damage to dunal areas, noise from unauthorised moto bikes/vehicles. Council pull every lever within their authority to support law abiding locals who are constantly impacted by the absent landholders inaction.

Sincerely,

Cr Adam Belot

13/02/2024



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**11.3 RESPONSE TO NOTICE OF MOTION - COOEE BAY MASTERPLAN ENGAGEMENT****File No:** GV13.04**Attachments:**

1. [Cooee Bay Precinct concept master plan](#)
2. [Revised Daniel Park Concept 2018](#)
3. [Cooee Bay Sports Complex 2017](#)
4. [Cooee Bay Draft Infrastructure Masterplan 2024](#)
5. [Council Report September 2018](#)
6. [Revised Daniel Park Concept Plan 2024](#)
7. [Community Engagement Feedback 2018](#)

**Responsible Officer:** Chris Ireland - General Manager Communities**Author:** Molly Saunders - Manager Community and Cultural Services  
Sonia Tomkinson - Manager Economy and Places  
Russell Claus - Urban Strategist**Previous Items:**

10.1 - Notice of Motion - Mayor Ireland - Cooee Bay Master Plan Upgrade - Ordinary Council - 24 Oct 2023 9.00am

10.12 - Notice of Motion - Councillor Belot - Daniel Park Master Plan - Ordinary Council - 21 Nov 2023 9.00am

7.9 - Response to Notice of Motion - Cooee Bay Master Plan Engagement - Briefing Session - 07 May 2024 9.00am

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**SUMMARY**

*This report provides recommendations for actions required to facilitate redesign and the development of Daniel Park, Cooee Bay Sports Complex, Matthew Flinders Drive/Brae Street/Gregory Street enhancements and upgrades; and upgrades to walkways and pathways to Cooee Bay and Lammermoor Beach.*

**OFFICER'S RECOMMENDATION**

THAT Council:

- (1) commits \$50,000.00 in the 2024/2025 operational budget to consolidate and update the existing Cooee Bay concept plans, including best practice design principles, cost estimates and cost benefit option analysis with a focus on Daniel Park and Sporting Complex upgrade and connectivity;
- (2) notes that \$1.7 million dollars is identified for Daniel Park upgrades in the 2026/2027 capital works program; and
- (3) engages the community on the consolidated Cooee Bay Precinct Plan.

**BACKGROUND**

Council has considered capital improvements within the broader Cooee Bay precinct on numerous occasions, most particularly regarding upgrades to Matthew Flinders Drive and the construction of a walking trail to Wreck Point. Community consultation occurred in both these instances. Consultation has also been undertaken regarding the Cooee Bay sports complex and Daniel Park.

Daniel Park was referenced in a Notice of Motion to Council on 24 October 2023 and a subsequent Notice of Motion was raised regarding Cooee Bay Masterplan engagement on 21 November 2023.

The preliminary *Cooee Bay Precinct "concept master plan"* dated 22 July 2021 (see Attachment One) was also referenced in September 2021 and April 2022 during consideration of the Wreck Point Walking Trail.

This plan iteration encompasses several sub-components, specifically:

- draft Daniel Park Concept Master Plan Revised 2018 (See Attachment Two);
- Cooee Bay Sports Complex Concept Plan (see Attachment Three);
- Matthew Flinders Drive, Brae Street and Gregory Street enhancements and upgrades; and
- upgrades to walkways and pathways to Cooee Bay and Lammermoor Beach.

Note that the preliminary *Cooee Bay Precinct "concept master plan"* refers primarily to infrastructure improvements in the precinct and should therefore not be considered a 'master' or 'open space' plan in the normal professional sense of the term. In April 2024 the design team provided an updated "infrastructure masterplan" (see Attachment Four) which is inclusive of delivered infrastructure, projects in design and potential projects.

A Council agenda item dated 17 September 2018 included a recommendation to move forward on detailed design for Daniel Park based on a "concept master plan" (which integrated community feedback from that time). See Attachment Five. Council did not endorse the "concept master plan" for Daniel Park, or the fate of the three tennis court lots that were integrated into this concept, and no further action eventuated.

Road works have been undertaken within the Cooee Bay precinct over the last several years, with more staged works to occur in the coming financial years.

## COMMENTARY

Officers do not support the 2018 "concept master plan" as a suitable outcome for Daniel Park. It includes several major design flaws and also does not account for recent roadworks on the northern section of Matthew Flinders Drive. It should not be employed during future community engagement. Its failings include;

- Sterilisation of a substantial proportion of the park with an off-street parking lot. This parking lot would be expensive, but more importantly is unnecessary given the on-street parking capacity along Matthew Flinders Drive and Cathne Street. This space is almost as large as the former tennis courts so could accommodate any additional uses required.
- Additional angle parking, if needed, can be included along Cathne Street within the existing grassed verge that is not used by anyone because it does not include a footpath. Alternatively, street trees could be installed in this location to further expand the perceived extent of the park.
- Other elements proposed for removal ('nice to haves' but not essential) include the sandstone terraces stepping down to the beach, the paved shared zone on Matthew Flinders Drive, the formal lawn (relocate it), the bus set-down, architectural treatment of the amenities building (already addressed through artwork), and exercise equipment (good in theory, but rarely used), and the suggested intersection treatment (expensive and unnecessary).

See Attachment Six for most recent revisions to the Daniel Park concept plan.

The Cooee Bay Sports Complex Plan Report was provided to Council in June 2017. The report details that the Preferred Concept Option has been developed after further consultation with the community, internal council stakeholders and current users of the site. From discussions with the community, it is clear that the use of part of the site as a grassed field capable for use as an active recreation space is highly desirable. Many people in the

community use the current rugby field as an informal active play space and its size allows many groups to use the space simultaneously.

There was considerable support for other elements of the concept plan such as the additional tennis courts, new parking area in the Gregory Street road reserve, The Wellness Centre and the upgrade to the swimming pool.

Since the completion of this report, Yeppoon Tennis have completed significant upgrades to their leased area, including the installation of new Pickleball courts.

Considering the extent of previous community consultation and the subsequent lack of action in response to this consultation, it would be unwise to go back to the community seeking their views on design needs for both Daniel Park and the Cooe Bay Sports Complex without a solid commitment to actually fund and undertake the projects within a reasonable timeframe. Rather, to reanimate possible upgrades to both Daniel Park and the sports complex, it is proposed that funding be provided to reformat/program these precincts in accordance with best practice design inclusive of the feedback provided through earlier community engagement sessions. The resulting site plans should be supported by high level quantity surveying (cost estimates for project delivery), with due cost/benefit analysis of design options, for the purpose of informing inclusion within the forward works program. Considering the work already done, this approach should cost around \$50,000.00.

If/when, via the budget process, funding is eventually allocated for the delivery of these projects, Council can proceed to design refinement. It is at this stage that community consultation should be undertaken, underpinned by the knowledge that the project(s) will be delivered. Prior to consultation, officers will present the proposed Engagement plan to Council for adoption.

Similar to Daniel Park, redesign of the sports complex will be informed by prior public engagement, the previous site design and the recommendations of the Sporting Needs Analysis.

The future of the former Daniel Park tennis courts may be considered in several contexts:

- Incorporation into the park redesign.
- Sale/development for mid-density residential to take advantage of the site's exceptional position, to optimise financial return to the community, and generate the funding required to upgrade Daniel Park.
- Defer an immediate decision and reserve the space for future consideration (e.g community use).

## PREVIOUS DECISIONS

At the 22 January 2013 Council meeting, Council resolved;

*"That Council defer the sale of the 2 lots closest to Daniel Park Cooe Bay that previously comprised part of the old tennis facilities, until full consideration of the new draft master plan options for carparking, traffic and recreational needs in the area can be fully evaluated and considered."*

The tennis courts constituting the lots in question originally comprised four lots, with one subsequently sold (and now developed as a house). Three lots remain. These were subsequently withdrawn from sale and Council approved their inclusion within the park master planning process.

Park upgrade options were considered at workshops on 4 November 2014, 7 February 2017, 6 November 2017, 4 June 2018, and 2 July 2018. The 2 July 2018 workshop included the following statement regarding the three lots;

*"Council's subsequent direction at the 4 June 2018 workshop was to incorporate the community preferences and the following into a revised draft Master Plan and report back. Agreed to retain three (3) lots from old tennis courts into parkland."*

There appears to be no subsequent Ordinary Council resolution to this effect.

### **ACCESS AND INCLUSION**

The scope for the updated design of Daniel Park and the Cooee Bay Sports Complex will include requirements for access and inclusion to be considered in the project. Any engagement that occurs will provide multiple methods for people to participate.

### **ENGAGEMENT AND CONSULTATION**

Community consultation was undertaken in the park on 11 November 2017, accompanied by an on-line survey regarding the draft "concept master plan." Additional community consultation was held on-site 15 July 2018 (Attachment Seven).

In summary, the community consultation resulted in strong preferences for:

- retaining Matthew Flinders Drive to Wreck Point as 2-way traffic
- traffic calming to both Matthew Flinders Drive and Cathne Street
- more BBQ/picnic tables for Daniel Park
- basketball, urban playground and more picnic shelters
- retaining parking on Cooee Bay beachfront
- no additional commercial development

It is worth noting that the community's expressed preferences for improvements to Daniel Park are relatively minor.

If a budget is approved for precinct plan improvements, then once complete, the proposed engagement plan will be provided to Council for review prior to commencement.

### **HUMAN RIGHTS IMPLICATIONS**

There are no human rights implications in consideration of this matter.

### **BUDGET IMPLICATIONS**

This project requires a \$50,000 allocation in the 2024/25 Operational budget for engaging an external provider to consolidate and upgrade existing plans, provide quantity surveying, with cost benefit analysis of design options and application of best practice design principles. The complete plan should also be suitable for use in the subsequent community consultation process (e.g. clear visuals, easy to understand).

### **LEGISLATIVE CONTEXT**

There are no legislative implications in consideration of this matter.

### **LEGAL IMPLICATIONS**

There are no legal implications in consideration of this matter.

### **STAFFING IMPLICATIONS**

This project requires collaboration between Communities and Infrastructure officers and can be completed within existing staffing levels. Budget allocation allows for hiring of external consultants.

### **RISK ASSESSMENT**

Reputation; Consulting on concept plans for projects with no budget and/or timeframes to deliver could lead to community frustration. There could also be a perception that the engagement has already occurred. To mitigate this risk, the master plan needs to include an implementation with budget recommendations.

Financial; This project requires additional budget which impacts Council's overall budget and operations.

### **CORPORATE PLAN REFERENCE**

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*Leading Livingstone*

*Community Plan Goal 4.3 - Engagement with the community as advisors and partners.*

*4.3.3 Take actions to enable the use of meaningful tools to engage the community on diverse issues so that the community is well informed and can contribute to decision making.*

**CONCLUSION**

This report details the proposed next steps to progress Cooee Bay enhancements and upgrades, in particular, Daniel Park and the Cooee Bay Sports Complex.



**11.3 - RESPONSE TO NOTICE OF  
MOTION - COOEE BAY MASTERPLAN  
ENGAGEMENT**

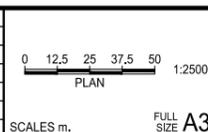
**Cooee Bay Precinct concept master  
plan**

**Meeting Date: 20 May 2024**

**Attachment No: 1**



Surveyed: -	
Date: -	
Ref Mark: -	RL -
Datum: Horiz. GDA 94	Vert. AHD
Zone: 56	
Survey Book: -	
Ancillary Project: -	



AMENDMENTS DESCRIPTION	DATE



Designed	???
Checked	
Endorsed	
Recomm.	

APPROVED	
RPEQ No	DATE
MANAGER ENGINEERING SERVICES	

**PRELIMINARY**  
22/07/2021

**COOEE BAY PRECINCT**  
COOEE BAY  
CONCEPT  
COOEE BAY PRECINCT MASTERPLAN

Dwg No.	19-098-01
Sheet No.	1 of -
Job No.	C.?
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# **11.3 - RESPONSE TO NOTICE OF MOTION - COOEE BAY MASTERPLAN ENGAGEMENT**

## **Revised Daniel Park Concept 2018**

**Meeting Date: 20 May 2024**

**Attachment No: 2**







**11.3 - RESPONSE TO NOTICE OF  
MOTION - COOEE BAY MASTERPLAN  
ENGAGEMENT**

**Cooee Bay Sports Complex 2017**

**Meeting Date: 20 May 2024**

**Attachment No: 3**



# Cootee Bay Sports Complex Concept Plan Report

FOR LIVINGSTONE SHIRE COUNCIL  
06 JUNE 2017 / ISSUE B





### Disclaimer

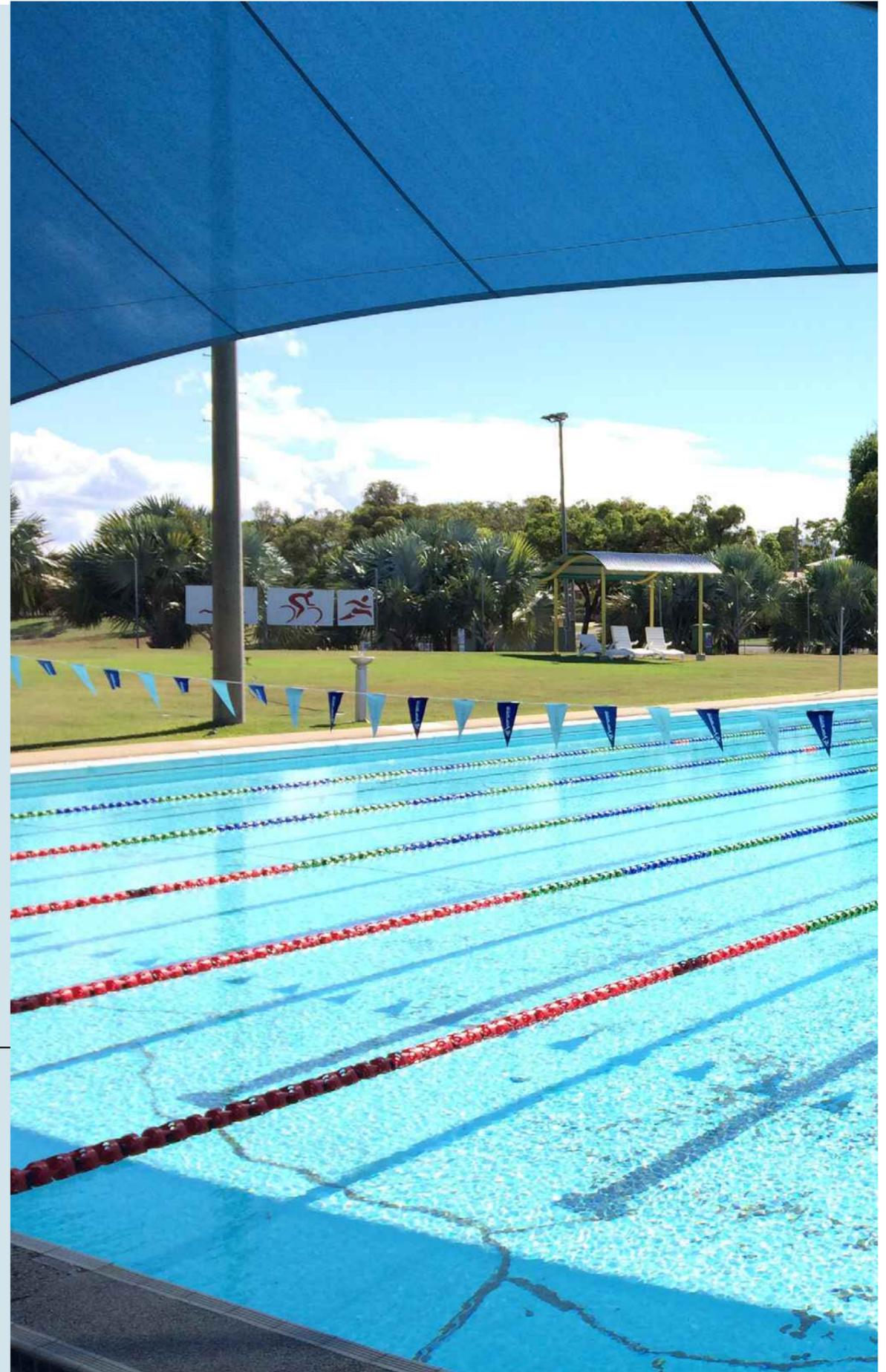
While every care has been taken in preparing this publication, Livingstone Shire Council accepts no responsibility for decisions or actions taken as a result of any data, information, statement or advice, expressed or implied, contained within.

All plans, maps and images are intended to represent general concepts for the purpose of master planning. They do not, and are not intended to identify and give attributes or rights, to specific land parcels. To the best of our knowledge, the content was correct at the time of publishing.

Prepared by  
Blacksmith Planning & Design

112 Glenlyon Drive  
Ashgrove Qld 4060

Telephone 0458 458 825





## Contents

1. Introduction	2
2. Context and Constraints	4
3. Concept Options	6

# 1. Introduction

## Project Background

Livingstone Shire Council have requested the preparation of a concept plan for the existing Cooee Bay Sports Complex on the corner of Chrisney Street and Matthew Flinders Drive, Cooee Bay. The purpose is to guide the future of the site and assist with funding submissions to attract financial resources for this development.

Cooee Bay is a small coastal suburb located immediately south of the Yeppoon Town Centre separated by the environmental and tidal areas of Ross Creek.

The site has been developed by Council, as well as individual user groups, over the past thirty years and features the following infrastructure:

- fifty (50) metre swimming pool;
- seventeen (17) metre indoor heated pool;
- wading pool;
- four (4) synthetic hard courts;
- four (4) synthetic grass courts;
- tennis clubhouse building;
- five (5) multipurpose synthetic hard courts;
- grassed area with shade shelters;
- community hall;
- rectangular playing surface currently used by Cap Coast Rugby Union;
- two (2) demountable change rooms;
- unofficial caretakers dwelling; and
- two (2) internal car parking areas.

Regular users and stakeholders of the Cooee Bay Sports Complex include, but are not limited to:

- Yeppoon Aquatics;
- Yeppoon Sharks Swimming Club;
- Yeppoon Tennis Club;
- Cooee Bay Progress and Sports Association; and
- Capricorn Coast Rugby Union.

A previous study undertaken for the site in 2004, identified the need for the development of a master plan for the Cooee Bay Sports Complex. This recommendation was realised with the completion of the 2006 Cooee Bay Sports Complex Master plan, completed by Strategic Leisure. Although the 2006 master plan provided a clear snapshot of the community's use of the facility at that time, as well as the desired outcomes for development of the site, a number of influences not captured in the 2006 master plan have rendered most of the associated recommendations redundant, or no longer applicable.

In developing a new vision for the site, Council is seeking to establish a considered and strategic approach to the future development, management, and use of the Cooee Bay Sports Complex. Council is keen to ensure the concept plan is accommodating of all reasonable suggestions by existing users and other stakeholders; however is determined to ensure the concept plan outlines realistic and achievable elements in relation to construction budget and duplication of similar facilities in the region.

The current sports facilities plays a major role in the sporting and community life of not just the locality, but the Shire more broadly providing a well recognised and well used, swimming and tennis facility. These facility are only available here or in Rockhampton some 40 minutes away. There are no local equivalents of these facilities within the Shire.

Whilst considerable expenditure has been made on the tennis facilities, the swimming pool is dated and is in critical need of investment to update and modernise swimming facilities and equipment.

An initial meeting with stakeholders and users from the community has identified a clear need for the upgrading of the swimming pool as a matter of urgency and the retention of the tennis facilities.

## 1.2 Subject Site & Context

The subject site is split into three lease areas for the pool, the Tennis Club and the remainder including the caretakers residence, rugby field and community hall are included under a separate lease agreement all of which are due to expire in 2019.

The site has frontage to Chrisney Street to the north and the unformed Gregory Street to the west. The major entry for the site is from Matthew Flinders Drive which forms the eastern frontage of the site.

The Cooee Bay Sports complex is located centrally within the Cooee Bay suburb immediately south of the Yeppoon Town Centre. The site is surrounded by residential uses east and north of the site. To the south the PCYC operate the Capricorn Coast Leadership Development Centre which is a large facility occupying the entire southern edge of the site.

Matthew Flinders Drive is the primary access through this part of Cooee Bay and is proposed to be upgraded at some point in the future to include a dedicated bike lane.

The site also includes The Capricorn Coast Crocs rugby union football club. Their facilities consist of a number of demountable buildings adjoining Chrisney Street. This facility caters current for all junior and senior teams. The space for the field and facilities are extremely tight and there is no room for expansion.

The oval is currently contested space with limited access by adjoining residents looking to access quality open spaces locally. The PCYC are also occasional users of the space.





Figure 1: Cooee Bay Sports Complex

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## 2. Context and Constraints

### 2.1 Constraints, Issues and Responses

#### 1 Overland Flow

Perhaps the most significant constraint is the extent of overland flow from the adjoining PCYC site. A cut off drain runs along the southern boundary of the site adjoining the tennis courts to try and capture this water, however during periods of heavy downpours the internal road in the centre of the site between the oval and swimming pool receives significant flows. Additional drainage to convey stormwater from the adjoining site and additional drainage within the site will be required in times of significant rainfall events.

#### 2 Car Parking

A source of frustration for users and adjoining residents alike there is insufficient on site parking to cater for events, tournaments, games etc. Chrisney Street which runs along the northern alignment of the site caters for the high demand of parking but has insufficient carriage width to accommodate two stand up movement lanes and two lanes of parking. Additional on-site parking needs to be provided as well as additional parking regulation along Chrisney Street to ensure traffic flow is maintained during periods of high use.

#### 3 Aging facilities

As noted above the pool and community hall are both aging and in need of complete renovation and upgrading. The pool is currently losing substantial amounts of water through cracks in the pool structure which can only be fixed through a complete rebuild. Similarly the rehabilitation pool which sits under a galvanised tin structure is unsuitable for use in summer months due to the heat and needs to be replaced with a more suitable housing. Change rooms and kiosk facilities are similarly outdated and in need of replacement.

The community hall similarly needs renovating and updating however this is not of the same priority at this stage as the pool.

#### 4 All Purpose Courts

The all purpose courts in the south-east corner of the site are in poor condition. At present there appears little demand for these courts and in some respects are superfluous. Their removal and reuse of the space as on site parking would provide help alleviate parking issues.

#### 5 Caretakers Residence

Depending on the governance regime proposed going forward it is unlikely there will be a need for an on-site caretaker. This land could be better incorporated into an extension to the pools facilities or to generate better access and circulation through the site.

#### Governance

Presently the site sits under a number of separate leases. This partitioning of the site makes control, maintenance and governance difficult. All leases are up for renewal in the near future as discussed above. This will enable council to review the governance of the site in view of the aims and direction of the master plan produced here.

#### Alternative Facilities

One significant driver of outcomes for this site is the presence or otherwise of viable alternative facilities for the current activities on the site. Both the tennis and pool facilities have no viable alternatives located within Livingstone Shire. Comparable facilities are located only in Rockhampton.

Rugby fields are located at both Emu Park and Barmaryee and present better alternatives for the Rugby Club. They also offer opportunities to expand the rugby offering for the area with further fields and facilities available should additional space be required.





Figure 2 : Cooee Bay Sports Complex Constraints

DRAFT

## 3. Concept Options

### 3.1 Rationale

The Concept Options have been developed in response to consultations with internal stakeholders and current users of the site. Two clear options are proposed both of which retain the tennis and pool facilities. These two facilities are retained on the site as there are currently no viable alternatives within close proximity of the site and indeed there are no other similar facilities within the Shire. As such the first priority of the plan is to retain and enhance these facilities to ensure their ongoing viability.

The pool facilities will be enhanced with a wellness centre providing professional suites with treatment and consultation facilities. The pool already offers remedial and rehabilitation treatment services. The Wellness centre will provide a complementary services to those already offered. The centre may include limited food and beverage and retail space associated with the pool.

The wellness centre will provide a new entry feature for the site with a small service road completing a circuit through site allowing access and servicing for the tennis centre. All turns access is maintained onto Matthew Flinders Drive whilst an egress only access point is maintained on Chrisney Street.

Both options also look to remove part of the all purpose courts and replace part of this area with additional on site parking.

### 3.2 Key Elements - Option 1

This option explores the idea of a large active and passive recreation common for the site that is open for access by all members of the community. The following key elements are highlighted.

- 1 Existing tennis centre is retained in its current format and layout with an additional two courts provided to the tennis club for their use for tournaments and coaching.
- 2 The remainder of the existing courts on the south-eastern edge of the site are in poor condition and are removed to generate additional car parking for the tennis and swimming complex to alleviate parking issues in adjoining residential areas.
- 3 The community hall is retained and redeveloped to include small landscaped spaces surrounding the facility. These spaces allow for a range of events to be hosted by the community hall.
- 4 A new entry street is created between the pool and community hall creating a prominent entry statement for the precinct.
- 5 The pool complex is retained and expanded to include a new Wellness Centre, 25m pool and cafe. The 100m pool and rehab pool are retained and renovated.
- 6 The Wellness Centre provides professional medical suites for visiting specialist to meet and treat patients in conjunction with the rehab pool. This two storey facility has the potential to generate further revenues for the precinct through leasing of treatment and office spaces.
- 7 The Cooee Bay Common is created over the balance of the greenspace. The common is conceived as an active recreation space with full size touch football field in the centre surrounded by a skate path/walking path and a range of activity stations. This community space is available for all visitors and will contain barbecue facilities that complement the active recreation facilities surround the common.

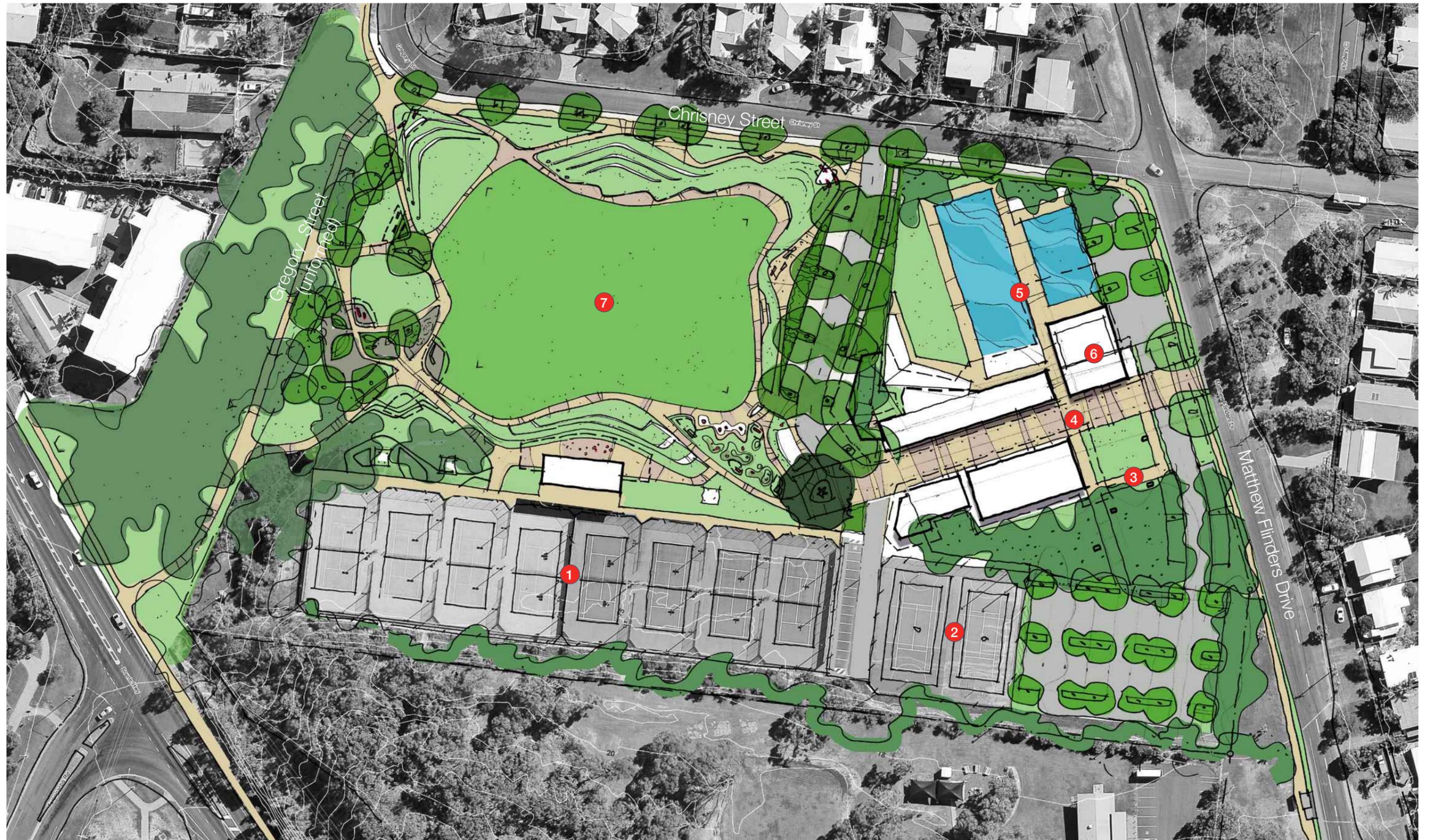


Figure 3 : Cooee Bay Sports Complex option one

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### 3.2 Key Elements - Option 2

This option retains the Capricorn Coast Rugby Club on the site with clubhouse and associated facilities.

- 1 Existing tennis centre is retained in its current format and layout with an additional two courts provided to the tennis club for their use for tournaments and coaching.
- 2 The remainder of the existing courts on the south-eastern edge of the site are in poor condition and are removed to generate additional car parking for the tennis and swimming complex to alleviate parking issues in adjoining residential areas.
- 3 The community hall is retained and redeveloped to include small landscaped spaces surrounding the facility. These spaces allow for a range of events to be hosted by the community hall.
- 4 A new entry street is created between the pool and community hall creating a prominent entry statement for the precinct.
- 5 The pool complex is retained and expanded to include a new Wellness Centre, 25m pool and cafe. The 100m pool and rehab pool are retained and renovated.
- 6 The Wellness Centre provides professional medical suites for visiting specialist to meet and treat patients in conjunction with the rehab pool. This two storey facility has the potential to generate further revenues for the precinct through leasing of treatment and office spaces
- 7 In this option the Cap Coast Rugby Club is retained on site. Additional car parking is provided in the unformed road reserve on the western end of the site. The field is a full size configuration in accordance with IRB requirements and fills the entire space with little room for other facilities. A club house is located on the western end of the field. The alignment of the field is however contrary to good practice and no alternative areas for training, warm up, etc are available. No other community facilities are able to be included in this layout.



Figure 4 : Cooee Bay Sports Complex option two

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# 4. Preferred Concept Options

## 4.1 Rationale

The Preferred Concept Option has been developed after further consultation with the community, internal council stakeholders and current users of the site. From discussions with the community it is clear that the use of part of the site as a grassed field capable for use as an active recreation space is highly desirable. Many people in the community use the current rugby field as an informal active play space and its size allows many groups to use the space at any one time.

Cap Coast Rugby Club currently occupy this part of the site. The club has both juniors and seniors who all use this one field for both training and playing. Should the club grow in the future which is likely as we head into a Rugby World Cup year in 2019, and with the rising popularity of the 7's format of the game, the current facilities will prove inadequate to cater for that growth.

As such there is an Interim and Ultimate Option for the site. The Interim option (figure 5) foresees the continued use of the site by the Rugby Club as it continues to grow. In the long term the Rugby Club will need to move to accommodate growth and provide better facilities. This can be accommodated at either The Barmaryee or Hartley Street sports facilities at Emu Park.

There was considerable support for other elements of the concept plan such as the additional tennis courts, new parking area in the Gregory Street road reserve, The Wellness Centre and the upgrade to the swimming pool.

One additional item is the refurbishment of the current tennis club facility. This facility contains a commercial kitchen, toilets etc and currently only serves the tennis facility. The clubhouse also overlooks the rugby fields. This presents an opportunity to reorientate the clubhouse to serve both sides with the addition of a deck extending from the clubhouse to provide a view north over the fields allowing this Council owned facility to capitalise on other activities occurring on the site allowing a more efficient use of current on site facilities.

## 4.2 Key Elements - Preferred Development Option

This option (figure 6) anticipates the current rugby club moving to a new location and the sports field retained for active recreation for the use of the community. The following key elements are highlighted.

- 1 Existing tennis centre is retained with an additional four (4) courts provided to the tennis club for their use for tournaments and coaching. The existing clubhouse is extended to allow it to front onto the sports field and service both the courts and the sports field.
- 2 The remainder of the existing courts on the south-eastern edge of the site are in poor condition and are removed to generate additional car parking for the tennis and swimming complex to alleviate parking issues in adjoining residential areas.
- 3 The community hall is retained and redeveloped to include small landscaped spaces surrounding the facility. These spaces allow for a range of events to be hosted by the community hall.
- 4 A new entry street is created between the pool and community hall creating a prominent entry statement for the precinct.

- 5 The pool complex is retained and expanded to include a new Wellness Centre, 25m pool and cafe. The 100m pool and rehab pool are retained and renovated.
- 6 The Wellness Centre provides professional medical suites for visiting specialist to meet and treat patients in conjunction with the rehab pool. This two storey facility has the potential to generate further revenues for the precinct through leasing of treatment and office spaces
- 7 The Cooee Bay Common is created over the balance of the greenspace. The common is conceived as an active recreation space with full size touch football field in the centre surrounded by a skate path/walking path and a range of activity stations. This community space is available for all visitors and will contain barbecue facilities that complement the active recreation facilities surround the common.
- 8 Additional parking (approx 55 spaces) is created in the Gregory Street road reserve. The ultimate development option will deliver around 200 spaces over the entire precinct.
- 9 A new pedestrian access is created to the adjoining PCYC to allow joint use of facilities and car parking.



Figure 5: Cooee Bay Sports Complex interim development option



Figure 6 : Cooee Bay Sports Complex ultimate development option

DRAFT





# **11.3 - RESPONSE TO NOTICE OF MOTION - COOEE BAY MASTERPLAN ENGAGEMENT**

## **Cooee Bay Draft Infrastructure Masterplan 2024**

**Meeting Date: 20 May 2024**

**Attachment No: 4**

# COOEE BAY INFRASTRUCTURE MASTERPLAN

UNDER REVIEW  
APRIL 2024

DELIVERED  
INFRASTRUCTURE

PROJECTS  
IN DESIGN

POTENTIAL  
PROJECTS



**Delivered Infrastructure**

This infrastructure has been constructed and is open to public use.

#	Type	Description	Extent of works	Funding
1	Road	Matthew Flinders Drive road rehabilitation	Scenic Hwy to Melaleuca St	~\$1.75m
2	Path	Scenic Hwy shared path	Matthew Flinders Drive to Mulambin Beach	Cycle gr
3	Path	Matthew Flinders Drive shared path	Scenic Hwy to Cootee Bay Beach	Cycle gr
4	Path	Cootee Bay shared path	Daniel Park to Scenic Hwy via Gregory St and Aquatic Centre	Cycle gr
5	Trail	Wreck Point Lookout walking trails	Wreck Point above Cootee Bay Beach and Lammermoor Beach	~\$745k

**Projects in Design**

These projects are currently in design and are in the Forward Works Program for construct

#	Type	Description	Extent of works	Funding
6	Road	Matthew Flinders Drive road rehabilitation (2025)	Wreck Point to Scenic Hwy	~\$1.3m
7	Road	Matthew Flinders Drive road rehabilitation (2036)	Cootee Bay Beach to Wreck Point	~\$1m
8	Path	Matthew Flinders Drive shared path (2026)	Wreck Point then to Aquatic Centre	Cycle gr
9	Path	Matthew Flinders Drive shared path (2036)	Cootee Bay Beach to Wreck Point	Cycle gr
10	Facility	Cootee Bay Aquatic Centre upgrade (2026)	Cootee Bay Aquatic Centre large pool and amenities	Federal grant

**Potential Projects**

The projects have featured in concept plans but are not in the Forward Works Program.

#	Type	Description	Extent of works	Funding
11	Path	Percy Ford Street Shared Path	Full length of Percy Ford St from Gregory St to Scenic Hwy	Cycle gr
12	Beach access	Stairs from Wreck Point to Lammermoor Beach	Wreck Point walking trail to Lammermoor Beach	~\$150k
13	Beach access	Ray St beach access	Path along Ray St and beach access to Lammermoor Beach	~\$200k
16	Facility	Daniel Park redevelopment	Daniel Park and carparking at Cootee Bay Beach and Cathne St	~\$2m
17	Future use	Future use of 3 vacant lots adjacent to Daniel Park	Potential mixed use residential development on Cathne St	Brings fr into LSC



# **11.3 - RESPONSE TO NOTICE OF MOTION - COOEE BAY MASTERPLAN ENGAGEMENT**

## **Council Report September 2018**

**Meeting Date: 20 May 2024**

**Attachment No: 5**

**5.2 DANIEL PARK & COOEE BAY MASTER PLAN****File No:** 14-130**Attachments:**

1. **WrAPuP Community Engagement**
2. **Revised Concept Master Plan**

**Responsible Officer:** Dan Toon - Executive Director Infrastructure Services**Author:** Michael Prior - Manager Infrastructure Operations

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**SUMMARY**

*The re-development of Daniel Park will provide for a revitalised open space facility with lower surrounding traffic speed environments and a stronger, safer linkage to Cooee Bay beach. The revised concept Master Plan for Daniel park is now sufficiently advanced and refined as to allow for development of detailed construction drawings for the re-development.*

**OFFICER'S RECOMMENDATION**

THAT Council endorse the commencement of the process to develop detailed construction drawings for the re-development of Daniel Park and environs.

**BACKGROUND**

Council has previously considered a draft Master Plan for Daniel Park at workshops on 7 February 2017, 6 November 2017, 4 June 2018 and 2 July 2018.

A community consultation session was held in the park on 11 November 2017 with on-line feed-back on the draft master plan available up to 22 November 2017.

A further community consultation session was held in the park on Sunday 15 July 2018.

The WrAPuP – Community Engagement is included as Attachment 1.

The revised concept Master Plan is included as Attachment 2.

**COMMENTARY**

The community have had good opportunity to provide feed-back on the draft Daniel Park Master Plan. Council has also workshoped the subject a number of times. There is now a sufficient body of information to aid in the development of detailed construction plans for the park and environs, as generally depicted on the draft concept Master Plan.

A Project Planning Team has been formed and had initial discussions on establishing the frame to advance detailed construction drawings.

**PREVIOUS DECISIONS**

At the 5 April 1949 General Meeting, Council resolved to name Daniel Park to honour Owen Daniel, who was Chairman of Livingstone Shire Council from April 1933 until his death in January 1936. Mr Daniel was also the sitting MLA for the local State seat of Keppel (from 1929 until his passing).

**BUDGET IMPLICATIONS**

The planning work required to advance the Daniel Park Master Plan to detailed construction drawings can be accommodated within existing budget allocations.

**LEGISLATIVE CONTEXT**

The three lots at the eastern end of Daniel Park (lots 10, 11 and 18 on SP251132) are zoned residential while the larger Lot 19 on SP251132 is zoned Open Space in the 2018 Planning Scheme. Development of a park in the residential zone is a consistent use.

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**LEGAL IMPLICATIONS**

No relevant implications identified

**STAFFING IMPLICATIONS**

The planning work required to advance the Daniel Park Master Plan to detailed construction drawings can be accommodated within existing staff resources.

**RISK ASSESSMENT**

Type text

**CORPORATE/OPERATIONAL PLAN**

Corporate Plan Reference: Strategy AM4: Operate, maintain and use Council assets to deliver efficient and cost effective services to the community.

**LOCAL GOVERNMENT PRINCIPLES**

The local government principles are –

- (a) Transparent and effective processes, and decision-making in the public interest; and
- (b) Sustainable development and management of assets and infrastructure, and delivery of effective services; and
- (c) Democratic representation, social inclusion and meaningful community engagement; and
- (d) Good governance of, and by, local government; and
- (e) Ethical and legal behaviour of councillors and local government employees.

**CONCLUSION**

Councillors and members of the community have contributed to the development of the Daniel Park Master Plan which can now be progressed to detailed design.

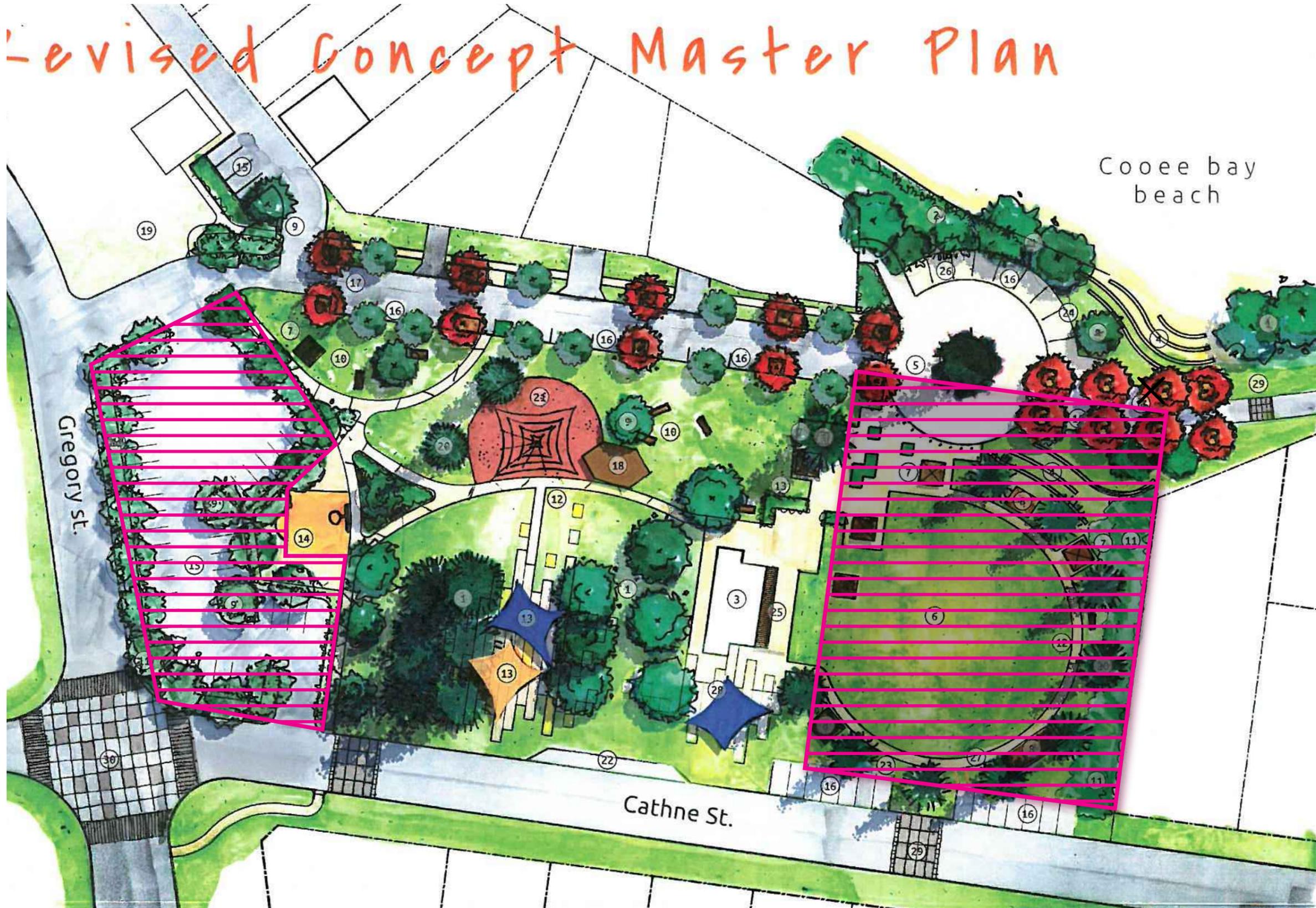
# **11.3 - RESPONSE TO NOTICE OF MOTION - COOEE BAY MASTERPLAN ENGAGEMENT**

## **Revised Daniel Park Concept Plan 2024**

**Meeting Date: 20 May 2024**

**Attachment No: 6**

# Revised Concept Master Plan



- (2) Existing vegetation to remain undisturbed
- (3) Existing toilet block to be retained and revitalised with facade treatment & paint
- (4) Sandstone terraces
- (5) Paved Shared Zone (turn around with bollards)
- (6) Formal lawn
- (7) Picnic shelters
- (8) BBQ shelter
- (9) Shade trees
- (10) Informal lawn/ markets
- (11) Screen/buffer planting
- (12) Pedestrian pathway connection
- (13) Play zone with discovery play elements and shade
- (14) Basketball Court
- (15) Carpark
- (16) on-street car parking
- (17) Feature avenue tree
- (18) Existing shelter to remain
- (19) Open space/ kiosk
- (20) Feature tree
- (21) Space Net playground
- (22) Bus set-down zone
- (23) Park vehicle access
- (24) Beach showers
- (25) Architectural treatment to face of existing amenities building
- (26) Disabled Car parking
- (27) Service vehicle access
- (28) Exercise equipment
- (29) Traffic calming - road treatment
- (30) Intersection Treatment - to 'calm' traffic and provide for safer pedestrian access

- Deleted elements
- Major plan revisions





# **11.3 - RESPONSE TO NOTICE OF MOTION - COOEE BAY MASTERPLAN ENGAGEMENT**

## **Community Engagement Feedback 2018**

**Meeting Date: 20 May 2024**

**Attachment No: 7**



## WrAPuP – Community Engagement

<b>Engagement Name</b>	Daniel Park Concept Plan
<b>Engagement Date</b>	15 July 2018   10am – 2pm
<b>Officers in attendance</b>	Mike Prior, Trene Miller, Trish Weir
<b>Councillors in attendance</b>	Mayor, Cr Mather, Cr Belot, Cr Kelly and Cr Eastwood
<b>Number of attendees</b>	55
<b>Activity</b>	Display was set up in Daniel Park, 2 x AO plans on display (Concept Plan) and Tell Us what you think cards and AO Pad for attendees to provide feedback.
<b>Key Message(s)</b>	Attendees were invited to inspect the new concept plan (design based on input from feedback received since November 2017 engagement activity)  Council does not currently have funding at this stage and will continue to explore options.
<b>Feedback Summary:</b>	
<ul style="list-style-type: none"> <li>• Upgrade to Matthew Flinders Drive is essential – roadside shoulders are sharp and it is dangerous walking up it –should come before Daniel Park</li> <li>• Consider line marking carparks (current and future) so cars park correctly which will help ensure more are able to park in these spaces,</li> <li>• Traffic speed concerns re Cathne Street – traffic calming devices that are shown on map are appreciated and could more be installed? Possibility of installing something NOW</li> <li>• Like the idea of keeping Matthew Flinders Drive remain as 2-way traffic</li> <li>• Would like to see upgrade to play equipment,</li> <li>• Would like to see Seaside boardwalk to be constructed seaside of Matthew Flinders Drive (similar to Emu Park one),</li> <li>• Concern re new/current vegetation (ensure the species used are not too high) as to ensure the view of residents/panorama vista of the ocean is maintained from the Park area over to Cooe Bay Beach,</li> <li>• Concern re traffic on Gregory Street increasing - have noticed increase of traffic already</li> <li>• Roundabout/traffic calming also needed at Gregory and Matthew Flinders Drive, and Gregory/Geldard Streets and Percyford Street</li> <li>• Would like to see new amenities block – current ones looking old,</li> <li>• Like to see more than two BBQ's added into area</li> </ul>	



**Feedback summary cont...**

- Disability access to beach required
- Keep Matthew Flinders Drive one way
- better lighting needed in Daniel Park and along Matthew Flinders Drive
- would like to see full size basketball court
- Perhaps consider an auditorium concept in the round grassed area that could then be used for smaller concerts, movie nights or other activities,
- Consider fenced area in Daniel Park that could be used as a dog exercise area,
- Love the feature avenue of trees, however, ensure others in the park don't become too big and block the vista for residents!

**Overview:**

Daniel Park holds a significant place in the heart of many Cooee Bay residents and the concept plan that council has provided, has largely been well accepted by all who attended both the engagement activities. Local residents remain concerned about the increase of traffic to the suburban streets, namely Cathne and Gregory (increasing now with the recent opening of Stage 2 Wreck Point). They would like to see Matthew Flinders Drive upgraded ASAP.

Thought is that there needs to be attention to Matthew Flinders Drive and if possible a walkway installed (along with road upgrade).

Walking dogs is extremely popular in this area, along with people who park in Daniel Park or the Cooee Bay Beach and walk up the hill – often sharing the road with motorists.

There is an overall 'acceptance' of the plan and heightened enthusiasm amongst locals with the opening of the new coffee shop at Cooee Bay.

The Concept Masterplan provides Council with a 'project ready' concept, that once relevant funding opportunities arise, Daniel Park should be offered for consideration.

**Approved By:** Trish Weir

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**11.4 POLICY REVIEW: COUNCILLOR COMPLAINTS INVESTIGATION POLICY**

<b>File No:</b>	<b>A1061836</b>
<b>Attachments:</b>	<b>1. Councillor Complaints Investigation Policy (v1.1) (marked up version)</b> <a href="#">↓</a> <b>2. Councillor Complaints Investigation Policy (v1.1) (clean version)</b> <a href="#">↓</a>
<b>Responsible Officer:</b>	<b>Cale Dendle - Chief Executive Officer</b>
<b>Author:</b>	<b>Poala Santini - Coordinator Governance</b>

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**SUMMARY**

*The Councillor Conduct Investigation Policy has been reviewed and is being presented to Council for consideration and adoption.*

**OFFICER'S RECOMMENDATION**

THAT Council resolves to adopt the amended Councillor Conduct Investigation Policy.

**BACKGROUND**

The *Councillor Complaints Investigation Policy* (the 'Policy') is a statutory policy required to govern the handling of inappropriate conduct complaints referred to Council by the Independent Assessor.

**COMMENTARY**

The Chief Executive Officer has an obligation to ensure decisions and any orders under section 150AH of the *Local Government Act 2009* made about a conduct breach by a Councillor or any decision to not start, or to discontinue an investigation of suspected conduct breach under section 150AEA of the *Local Government Act 2009*, are entered into the Councillor Conduct Register.

To ensure that the register accurately reflects the decisions made in regard to matters, it is recommended that the following statement be removed from Clause 5.12.

*"Where a complaint has been resolved under section 5.6 of this Policy, the Chief Executive Officer will update the register to reflect that the complaint was withdrawn."*

The above statement contradicts Section 5.6, pertaining to Early Resolution, which states that the Chief Executive Officer will also update the Councillor Conduct Register to reflect that the matter has been resolved through early resolution.

Where a complaint has been formally withdrawn by the complainant, the Chief Executive Officer will update the register to reflect that the complaint was withdrawn.

Furthermore, Clause 5.10 has been updated to cross-reference the existing requirement in Clause 3.2 of the Meeting Procedures Policy for consideration of final investigation reports to be in Open Session of Ordinary Meetings.

**PREVIOUS DECISIONS**

The Policy was previously adopted on the 30 November 2018.

**ACCESS AND INCLUSION**

There are no foreseen access and inclusion implications associated with this report. The Policy will be publicly available on Council's website.

**ENGAGEMENT AND CONSULTATION**

There are no identified engagement and consultation implications.

**HUMAN RIGHTS IMPLICATIONS**

There are no identified human right implications with the review of the Policy.

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**BUDGET IMPLICATIONS**

There are no budget implications.

**LEGISLATIVE CONTEXT**

A local government must adopt, by resolution, an investigation policy about how it deals with the suspected conduct breach of Councillors referred, by the independent assessor under section 150AE (1), of the *Local Government Act 2009*, to the local government to be dealt with, and must be published on the local government's website, section 150AE (4), *Local Government Act 2009*.

**LEGAL IMPLICATIONS**

There are no legal implications associated with updating the Policy.

**STAFFING IMPLICATIONS**

There are no staffing implications.

**RISK ASSESSMENT**

Ensuring accurate outcomes are reflected in the Councillor Conduct Register may avoid potential misinterpretation of decisions made regarding conduct breach by a Councillor.

**CORPORATE PLAN REFERENCE*****Leading Livingstone***

*Community Plan Goal 4.1 - Innovative and accountable leadership to achieve a shared future*

*4.1.3 A continuous improvement focus underpins the organisation, creating a supportive environment for ideas and positive, well-managed change which enhances internal and external outcomes.*

Reviewing and amending policy is a continuous improvement mechanism to ensure Council remains up to date with the current standards of practice.

**CONCLUSION**

Improvements to policy documents pave the way for enhanced clarity and more effective decision-making processes.

Council is committed to maintaining and providing a statutory complaints process for dealing with complaints relating to alleged conduct breach by a Councillor.

# **11.4 - POLICY REVIEW: COUNCILLOR COMPLAINTS INVESTIGATION POLICY**

## **Councillor Complaints Investigation Policy (v1.1) (marked up version)**

**Meeting Date: 20 May 2024**

**Attachment No: 1**



## COUNCILLOR COMPLAINTS INVESTIGATION POLICY (STATUTORY POLICY)

### 1. Scope

The Councillor Complaints Investigation Policy (this 'Policy') applies to investigations and determinations of a complaint about the alleged inappropriate conduct of a Councillor/s which has been referred by the Independent Assessor.

### 2. Purpose

This Policy outlines how complaints about the inappropriate conduct of Councillors will be dealt with as required by the section 150AE of the *Local Government Act 2009*. However, this policy does not relate to more serious Councillor conduct.

### 3. References (legislation/related documents)

#### Legislative reference

*Crime and Corruption Act 2001*  
*Local Government Act 2009*

#### Related documents

Meeting Procedures Policy  
Procurement Policy

### 4. Definitions

To assist in interpretation, the following definitions shall apply:

Assessor	Independent Assessor appointed under section 150CV of the LGA.
Behavioural standard	A standard of behaviour for Councillors set out in the Code of Conduct approved under section 150E of the LGA.
Chief Executive Officer	A person who holds an appointment under section 194 of the <i>Local Government Act 2009</i> .
Conduct	Includes— (a) failing to act; and (b) a conspiracy, or attempt, to engage in conduct.
Councillor conduct register	The register required to be kept by Council as set out in section 150DX of the LGA.
Inappropriate conduct	See section 150K of the LGA.
Investigation policy	Refers to this policy, as required by section 150AE of the LGA.
Investigator	The person responsible under this Policy for carrying out the investigation of the suspected inappropriate conduct of a Councillor or Mayor.

LGA	Local Government Act 2009.
Local government meeting	Means a meeting of— (a) a local government; or (b) a committee of a local government.
Misconduct	See section 150L of the LGA.
Model procedures	See section 150F of the LGA.
Natural justice	Aa set of principles to ensure fair and just decision making, including a fair hearing, an absence of bias, decisions based on evidence, and the proper examination of all issues.
Referral notice	See section 150AC of the LGA.
Tribunal	The Councillor Conduct Tribunal as established under section 150DK of the LGA.
Unsuitable meeting conduct	See section 150H of the LGA.

## 5. Policy Statement

### 5.1 Confidentiality

Matters of suspected inappropriate conduct of a Councillor are confidential except as otherwise specifically provided for either in the LGA or this Policy.

*Note: It must be kept in mind that the matter is an allegation only and not yet proven. Further, there will be circumstances where the detail of the referral will need to remain confidential to the Local Government. Any release of confidential information that a Councillor knows, or should reasonably know, to be confidential to the local government may be contrary to section 171(3) of the LGA and dealt with as misconduct.*

### 5.2 Natural Justice

Any investigation of suspected inappropriate conduct of a Councillor/s must be carried out in accordance with natural justice. An overview of the principles of natural justice follows.

“Natural justice” or procedural fairness, refers to three key principles:

- (a) The person being investigated has a chance to have his or her say before adverse formal findings are made and before any adverse action is taken (fair hearing);
- (b) The investigator(s) should be objective and impartial (absence of bias); and
- (c) Any action taken is based on evidence (not suspicion or speculation).

A fair hearing means the Councillor who is the subject of the suspected inappropriate conduct matter must be told of the case against them including any evidence and be provided with an opportunity to put their case in writing with the investigation report provided to the Councillors as part of the meeting agenda.

An absence of bias means that any investigation must not be biased or be seen to be biased in any way. This principle embodies the concept of impartiality.

Decisions based on evidence requires that the investigation should not be based on mere speculation or suspicion but instead must be based upon evidence material.

A proper examination of all issues means the investigation must give a proper and genuine consideration to each party’s case.

### 5.3 Assessor's Referral

The Council may receive from the Assessor a referral notice about the suspected inappropriate conduct of a Councillor/s. Council may also receive referrals directly.

### 5.4 Receipt of Assessor's Referral

On receipt of a referral notice about the suspected inappropriate conduct of a Councillor/s from the Assessor, the Chief Executive Officer will forward a copy of that referral notice to the Mayor and all Councillors as a confidential document.

Should the Mayor or a Councillor/s (other than the subject of the complaint or the complainant) disagree with any recommendation accompanying the Assessor's referral notice or form the opinion that the complaint should be dealt with in a way other than under this Policy, the Mayor or Councillor may request the matter be placed on the agenda of the next Council meeting to decide on the appropriate process to investigate the complaint. Such a request must be made in accordance with the Meeting Procedures Policy.

### 5.5 Investigator

Unless otherwise resolved by Council, the Mayor will manage the investigation of suspected inappropriate conduct of other Councillors.

If the suspected inappropriate conduct involves conduct that in the circumstances, the Mayor believes, it is in the best interests of the investigation to refer the matter for external investigation, then the Chief Executive Officer must refer the suspected inappropriate conduct to the President of the Tribunal to investigate and make recommendations to the Council about dealing with the conduct.

If the suspected inappropriate conduct involves:

- (a) an allegation about the conduct of the Mayor; or
- (b) the Mayor as the complainant.

The Chief Executive Officer must refer the suspected inappropriate conduct to the President of the Tribunal to investigate and make recommendations to the Council about dealing with the conduct.

### 5.6 Early Resolution

Before beginning an investigation, the investigator must consider whether the matter is appropriate for resolution prior to the investigation. This consideration includes any recommendation made by the Assessor.

A matter is only appropriate for early resolution if the parties to the matter agree to explore early resolution.

The investigator may engage an independent person with suitable qualifications or experience to facilitate this process.

If the matter cannot be resolved, the matter will then be investigated as outlined in this investigation policy.

If the matter is resolved prior to investigation, the investigator will advise the Chief Executive Officer of this outcome. In turn, the Chief Executive Officer will advise the Mayor (if the Mayor is not the investigator) and all Councillors that the matter has been resolved. The Chief Executive Officer will also update the Councillor Conduct Register to reflect this.

## 5.7 Timelines

The investigator will make all reasonable endeavors to complete the investigation and provide a report for inclusion on the agenda of a Council meeting no more than eight weeks after the receipt of the complaint.

*Note: If the investigator is of the opinion that it may take longer than eight weeks to complete the investigation, the matter should be raised with the Mayor (if the Mayor is not the investigator) to seek an extension of time.*

## 5.8 Assistance for Investigator

If the Mayor is the investigator of a matter of suspected inappropriate conduct, the Mayor may use section 170A of the LGA to seek assistance during the investigation.

The Mayor is authorised by Council to expend money as reasonably needed to engage contractors in accordance with the Council's procurement policy.

## 5.9 Possible Misconduct or Corrupt Misconduct

If during the course of an investigation the investigator obtains information which indicates a Councillor/s may have engaged in misconduct, the investigator must cease the investigation and advise the Chief Executive Officer. The Chief Executive Officer will then notify the Assessor of the possible misconduct.

If during the course of an investigation, the investigator obtains information which indicates a Councillor/s may have engaged in corrupt conduct, the investigator must cease the investigation and advise the Chief Executive Officer. The Chief Executive Officer will then notify the Crime and Corruption Commission of the possible corrupt conduct.

Instances of suspected misconduct or corrupt conduct may be referred back to the Council if determined by the Assessor or Crime and Corruption Commission to be inappropriate conduct.

## 5.10 Completion of Investigation

On the completion of an investigation, the investigator will provide a report to the Council outlining the investigation process, the investigation findings, any recommendations about dealing with the conduct and a record of the investigation costs.

[Considerations of final investigation reports will be managed in accordance with Clause 3.2 of the Meeting Procedures Policy, by dealing with suspected inappropriate conduct in an open Council Meeting.](#)

The Council will consider the findings and recommendations of the investigator's report and decide whether the Councillor has engaged in inappropriate conduct and, if so, what action it will take under section 150AH of the LGA.

Provisions for internal and external review of decisions are set out in sections 150CO to 150CS of the LGA.

## 5.11 Notice about the Outcome of Investigation

After an investigation is finalised, the Council must give notice about the outcome of the investigation to the person who made the complaint about the Councillor/s' conduct that was the subject of the investigation.



**5.12 Councillor Conduct Register**

The Chief Executive Officer must ensure decisions about suspected inappropriate conduct of a Councillor/s be entered into the Councillor Conduct Register.

~~Where a complaint has been resolved under section 5.6 of this Policy, the Chief Executive Officer will update the register to reflect that the complaint was withdrawn.~~

**5.13 Expenses**

Council must pay any reasonable expenses of Council associated with the informal early resolution or investigation of suspected inappropriate conduct of a Councillor including any costs of:

- (a) the president of the Tribunal in undertaking an investigation for Council;
- (b) a mediator engaged under this Policy;
- (c) a private investigator engaged on behalf of or by the investigator;
- (d) travel where the investigator needed to travel to undertake the investigation or to interview witnesses;
- (e) seeking legal advice; and
- (f) engaging an expert.

*Note: Council may order the subject Councillor reimburse it for all or some of the costs arising from the Councillor's inappropriate conduct.*

Any costs incurred by complainants or the subject Councillors will not be met by Council.

**6. Changes to this Policy**

This Policy is to remain in force until any of the following occur:

1. The related information is amended/replaced; or
2. Other circumstances as determined from time to time by the Council.

**7. Repeals/Amendments**

Version	Date	Action
1.0	30/11/2018	Adopted
<u>1.1</u>	<u>DRAFT</u>	<u>Clause 5.10 and 5.12 updated</u>

**CHRIS MURDOCH CALE DENDLE**  
CHIEF EXECUTIVE OFFICER

# **11.4 - POLICY REVIEW: COUNCILLOR COMPLAINTS INVESTIGATION POLICY**

## **Councillor Complaints Investigation Policy (v1.1) (clean version)**

**Meeting Date: 20 May 2024**

**Attachment No: 2**



## COUNCILLOR COMPLAINTS INVESTIGATION POLICY (STATUTORY POLICY)

### 1. Scope

The Councillor Complaints Investigation Policy (this 'Policy') applies to investigations and determinations of a complaint about the alleged inappropriate conduct of a Councillor/s which has been referred by the Independent Assessor.

### 2. Purpose

This Policy outlines how complaints about the inappropriate conduct of Councillors will be dealt with as required by the section 150AE of the *Local Government Act 2009*. However, this policy does not relate to more serious Councillor conduct.

### 3. References (legislation/related documents)

#### Legislative reference

*Crime and Corruption Act 2001*  
*Local Government Act 2009*

#### Related documents

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Procurement Policy

### 4. Definitions

To assist in interpretation, the following definitions shall apply:

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Conduct	Includes— (a) failing to act; and (b) a conspiracy, or attempt, to engage in conduct.
Councillor conduct register	The register required to be kept by Council as set out in section 150DX of the LGA.
Inappropriate conduct	See section 150K of the LGA.
Investigation policy	Refers to this policy, as required by section 150AE of the LGA.
Investigator	The person responsible under this Policy for carrying out the investigation of the suspected inappropriate conduct of a Councillor or Mayor.

LGA	<i>Local Government Act 2009.</i>
Local government meeting	Means a meeting of— (a) a local government; or (b) a committee of a local government.
Misconduct	See section 150L of the LGA.
Model procedures	See section 150F of the LGA.
Natural justice	Aa set of principles to ensure fair and just decision making, including a fair hearing, an absence of bias, decisions based on evidence, and the proper examination of all issues.
Referral notice	See section 150AC of the LGA.
Tribunal	The Councillor Conduct Tribunal as established under section 150DK of the LGA.
Unsuitable meeting conduct	See section 150H of the LGA.

## 5. Policy Statement

### 5.1 Confidentiality

Matters of suspected inappropriate conduct of a Councillor are confidential except as otherwise specifically provided for either in the LGA or this Policy.

*Note: It must be kept in mind that the matter is an allegation only and not yet proven. Further, there will be circumstances where the detail of the referral will need to remain confidential to the Local Government. Any release of confidential information that a Councillor knows, or should reasonably know, to be confidential to the local government may be contrary to section 171(3) of the LGA and dealt with as misconduct.*

### 5.2 Natural Justice

Any investigation of suspected inappropriate conduct of a Councillor/s must be carried out in accordance with natural justice. An overview of the principles of natural justice follows.

"Natural justice" or procedural fairness, refers to three key principles:

- (a) The person being investigated has a chance to have his or her say before adverse formal findings are made and before any adverse action is taken (fair hearing);
- (b) The investigator(s) should be objective and impartial (absence of bias); and
- (c) Any action taken is based on evidence (not suspicion or speculation).

A fair hearing means the Councillor who is the subject of the suspected inappropriate conduct matter must be told of the case against them including any evidence and be provided with an opportunity to put their case in writing with the investigation report provided to the Councillors as part of the meeting agenda.

An absence of bias means that any investigation must not be biased or be seen to be biased in any way. This principle embodies the concept of impartiality.

Decisions based on evidence requires that the investigation should not be based on mere speculation or suspicion but instead must be based upon evidence material.

A proper examination of all issues means the investigation must give a proper and genuine consideration to each party's case.

### 5.3 Assessor's Referral

The Council may receive from the Assessor a referral notice about the suspected inappropriate conduct of a Councillor/s. Council may also receive referrals directly.

### 5.4 Receipt of Assessor's Referral

On receipt of a referral notice about the suspected inappropriate conduct of a Councillor/s from the Assessor, the Chief Executive Officer will forward a copy of that referral notice to the Mayor and all Councillors as a confidential document.

Should the Mayor or a Councillor/s (other than the subject of the complaint or the complainant) disagree with any recommendation accompanying the Assessor's referral notice or form the opinion that the complaint should be dealt with in a way other than under this Policy, the Mayor or Councillor may request the matter be placed on the agenda of the next Council meeting to decide on the appropriate process to investigate the complaint. Such a request must be made in accordance with the Meeting Procedures Policy.

### 5.5 Investigator

Unless otherwise resolved by Council, the Mayor will manage the investigation of suspected inappropriate conduct of other Councillors.

If the suspected inappropriate conduct involves conduct that in the circumstances, the Mayor believes, it is in the best interests of the investigation to refer the matter for external investigation, then the Chief Executive Officer must refer the suspected inappropriate conduct to the President of the Tribunal to investigate and make recommendations to the Council about dealing with the conduct.

If the suspected inappropriate conduct involves:

- (a) an allegation about the conduct of the Mayor; or
- (b) the Mayor as the complainant.

The Chief Executive Officer must refer the suspected inappropriate conduct to the President of the Tribunal to investigate and make recommendations to the Council about dealing with the conduct.

### 5.6 Early Resolution

Before beginning an investigation, the investigator must consider whether the matter is appropriate for resolution prior to the investigation. This consideration includes any recommendation made by the Assessor.

A matter is only appropriate for early resolution if the parties to the matter agree to explore early resolution.

The investigator may engage an independent person with suitable qualifications or experience to facilitate this process.

If the matter cannot be resolved, the matter will then be investigated as outlined in this investigation policy.

If the matter is resolved prior to investigation, the investigator will advise the Chief Executive Officer of this outcome. In turn, the Chief Executive Officer will advise the Mayor (if the Mayor is not the investigator) and all Councillors that the matter has been resolved. The Chief Executive Officer will also update the Councillor Conduct Register to reflect this.

## 5.7 Timelines

The investigator will make all reasonable endeavors to complete the investigation and provide a report for inclusion on the agenda of a Council meeting no more than eight weeks after the receipt of the complaint.

*Note: If the investigator is of the opinion that it may take longer than eight weeks to complete the investigation, the matter should be raised with the Mayor (if the Mayor is not the investigator) to seek an extension of time.*

## 5.8 Assistance for Investigator

If the Mayor is the investigator of a matter of suspected inappropriate conduct, the Mayor may use section 170A of the LGA to seek assistance during the investigation.

The Mayor is authorised by Council to expend money as reasonably needed to engage contractors in accordance with the Council's procurement policy.

## 5.9 Possible Misconduct or Corrupt Misconduct

If during the course of an investigation the investigator obtains information which indicates a Councillor/s may have engaged in misconduct, the investigator must cease the investigation and advise the Chief Executive Officer. The Chief Executive Officer will then notify the Assessor of the possible misconduct.

If during the course of an investigation, the investigator obtains information which indicates a Councillor/s may have engaged in corrupt conduct, the investigator must cease the investigation and advise the Chief Executive Officer. The Chief Executive Officer will then notify the Crime and Corruption Commission of the possible corrupt conduct.

Instances of suspected misconduct or corrupt conduct may be referred back to the Council if determined by the Assessor or Crime and Corruption Commission to be inappropriate conduct.

## 5.10 Completion of Investigation

On the completion of an investigation, the investigator will provide a report to the Council outlining the investigation process, the investigation findings, any recommendations about dealing with the conduct and a record of the investigation costs.

Considerations of final investigation reports will be managed in accordance with Clause 3.2 of the Meeting Procedures Policy, by dealing with suspected inappropriate conduct in an open Council Meeting.

The Council will consider the findings and recommendations of the investigator's report and decide whether the Councillor has engaged in inappropriate conduct and, if so, what action it will take under section 150AH of the LGA.

Provisions for internal and external review of decisions are set out in sections 150CO to 150CS of the LGA.

## 5.11 Notice about the Outcome of Investigation

After an investigation is finalised, the Council must give notice about the outcome of the investigation to the person who made the complaint about the Councillor/s' conduct that was the subject of the investigation.

**5.12 Councillor Conduct Register**

The Chief Executive Officer must ensure decisions about suspected inappropriate conduct of a Councillor/s be entered into the Councillor Conduct Register.

**5.13 Expenses**

Council must pay any reasonable expenses of Council associated with the informal early resolution or investigation of suspected inappropriate conduct of a Councillor including any costs of:

- (a) the president of the Tribunal in undertaking an investigation for Council;
- (b) a mediator engaged under this Policy;
- (c) a private investigator engaged on behalf of or by the investigator;
- (d) travel where the investigator needed to travel to undertake the investigation or to interview witnesses;
- (e) seeking legal advice; and
- (f) engaging an expert.

*Note: Council may order the subject Councillor reimburse it for all or some of the costs arising from the Councillor's inappropriate conduct.*

Any costs incurred by complainants or the subject Councillors will not be met by Council.

**6. Changes to this Policy**

This Policy is to remain in force until any of the following occur:

1. The related information is amended/replaced; or
2. Other circumstances as determined from time to time by the Council.

**7. Repeals/Amendments**

Version	Date	Action
1.0	30/11/2018	Adopted
1.1	DRAFT	Clause 5.10 and 5.12 updated

**CALE DENDLE  
CHIEF EXECUTIVE OFFICER**

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**11.5 POLICY REVIEW: COUNCILLOR FACILITIES AND EXPENSES POLICY**

<b>File No:</b>	<b>GV</b>
<b>Attachments:</b>	<b>1. Councillor Facilities and Expense Policy v7 (Draft)</b> <a href="#">↓</a>
<b>Responsible Officer:</b>	<b>Cale Dendle - Chief Executive Officer</b>
<b>Author:</b>	<b>Amanda Ivers - Coordinator Executive Support</b>

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**SUMMARY**

*Chief Executive Officer reporting on proposed changes to Councillor Facilities and Expenses Policy.*

**OFFICER'S RECOMMENDATION**

THAT Council resolves to adopt the revised *Councillor Facilities and Expenses Policy* as attached (version7 Draft).

**BACKGROUND**

At its meeting on 16 April 2024, councillors deferred consideration of a revised Councillor Facilities and Expenses Policy pending provision of additional information regarding councillor vehicle mileage data from the 2020-2024 term.

**COMMENTARY**

The proposed change to the policy relates to councillor vehicle mileage/allowance outlined in Clause 5.10.2.

**PREVIOUS DECISIONS**

The *Councillor Facilities and Expenses Policy* was initially adopted on the 3 January 2014 and has been subsequently revised on 11 February 2014, 31 March 2016, 14 June 2016, 18 August 2020, 16 February 2021 and 21 September 2021.

**ACCESS AND INCLUSION**

This policy ensures that Council's functions as a planner, legislator, and regulator demonstrates commitment to equitable outcomes.

**ENGAGEMENT AND CONSULTATION**

Councillors workshopped the proposed revisions to policy on April 10, April 29 and May 7.

**HUMAN RIGHTS IMPLICATIONS**

Section 4(b) of the *Human Rights Act 2019* requires public entities such as Council 'to act and make decisions in a way compatible with human rights.'

**BUDGET IMPLICATIONS**

Although the pattern of likely councillor mileage is not yet known for this term, the recommended application of ATO rate for an average 12,000km/annum would increase the current allowance from \$3,000/annum to \$10,200/annum.

**LEGISLATIVE CONTEXT**

Section 250 of the *Local Government Regulation 2012* states a local government may, by resolution, amend its expenses reimbursement policy at any time.

Section 252 of the *Local Government Regulation 2012* states that:

*'A local government cannot resolve under section 275 that a meeting at which a proposed expenses reimbursement policy is discussed (including its adoption or amendment, for example) be closed.'*



**LEGAL IMPLICATIONS**

Section 252 of the *Local Government Regulations 2012* states that:

*'A local government cannot resolve under section 275 that a meeting at which a proposed expenses reimbursement policy is discussed (including its adoption or amendment, for example) be closed.'*

**STAFFING IMPLICATIONS**

There are no staffing implications associated with the consideration of this matter.

**RISK ASSESSMENT**

Nil, other than considerations for councillors about appropriateness of expenses reimbursement for discharging the role.

**CORPORATE PLAN*****Leading Livingstone***

*Community Plan Goal 4.3 - Engagement with the community as advisors and partners*

*4.3.2 Commit to open and accountable governance to ensure community confidence and trust in Council and its democratic values.*

The proposed *Councillor Facilities and Expenses Policy* has been drafted in a manner which reinforces Council's commitment to open and accountable governance.

**CONCLUSION**

The proposed *Councillor Facilities and Expenses Policy* seeks to reconcile issues raised by councillors in relation to motor vehicle mileage/allowance. Other than this proposal, the revised policy remains effectively unchanged.

## **11.5 - POLICY REVIEW: COUNCILLOR FACILITIES AND EXPENSES POLICY**

### **Councillor Facilities and Expense Policy v7 (Draft)**

**Meeting Date: 20 May 2024**

**Attachment No: 1**



## COUNCILLOR FACILITIES AND EXPENSES POLICY (STATUTORY POLICY)

### 1. Scope

The Councillor Facilities and Expenses Policy (this 'Policy') applies to the Mayor, Deputy Mayor and Councillors of Livingstone Shire Council.

### 2. Purpose

The payment and/or reimbursement of expenses and provision of facilities for Councillors must be consistent with the principles of good corporate governance and be only for the purpose of enabling them to perform their role as a Councillor as outlined in the *Local Government Act 2009* and the *Local Government Regulation 2012*.

This Policy does not provide for salaries or other forms of Councillor remuneration as this is determined independently by the Local Government Remuneration Commission.

### 3. References (legislation/related documents)

#### Legislative reference

*Income Tax Assessment Act 1997*

*Local Government Act 2009*

*Local Government Regulation 2012*

Taxation Rulings issued by the Australian Taxation Office

#### Related documents

Corporate Uniform Policy

Workplace Health and Safety Policy

Councillor Complaints Investigation Policy

Code of Conduct for Councillors in Queensland

### 4. Definitions

To assist in interpretation, the following definitions shall apply to this Policy:

Approval Officer	In the case of the Mayor, the Approval Officer is the Chief Executive Officer. In the case of all other Councillors, the Approval Officer is the Mayor.
Council	Livingstone Shire Council.
Conference	An event, including a tour, seminar, conference, workshop or meeting for professional development.
Council business	Official business conducted by a Councillor on behalf of Council, where a Councillor is required to undertake

	<p>certain tasks to satisfy legislative requirements or achieve business objectives for the Council, for example attending official Council meetings, Councillor forums and workshops, committees/boards as Council's official representative, scheduled meetings relating to Councillor portfolios, or Council appointments.</p> <p>Council business should result in a benefit being achieved for Council or the Livingstone Shire local government area, for example attending civic ceremony duties such as opening a school fete.</p> <p>Council Business does not include participating in a community group event or being a representative on a board not associated with Council.</p>
Event	A conference, training activity or Council business related function or event.
Expenses	Reasonable costs incurred, or to be incurred, in connection with a Councillor discharging their duties and responsibilities as a Councillor under the <i>Local Government Act 2012</i> .
Facilities	Reasonable facilities Council deems necessary to assist Councillors in discharging their duties and responsibilities as a Councillor under the <i>Local Government Act 2012</i> .
High Risk Country	A country for which the overall advice level published by the Commonwealth Department of Foreign Affairs and Trade (DFAT) is to "reconsider your need to travel" or "do not travel".
Local region	Within the local government areas administered by the Rockhampton Regional, Isaac Regional, Central Highlands Regional, Banana Shire and Gladstone Regional Councils.
Training	A training course or further education and development activity.

## 5. Policy Statement

This Policy is made in accordance with the following provisions of *Local Government Regulation 2012*:

### **249 What div 2 is about**

- (1) *This division is about the expenses reimbursement policy.*
- (2) *The **expenses reimbursement policy** is a policy providing for the following—*
  - (a) *payment of reasonable expenses incurred, or to be incurred, by councillors for discharging their duties and responsibilities as councillors;*
  - (b) *provision of facilities to councillors for that purpose.*

### **250 Requirement to adopt expenses reimbursement policy or amendment**

- (1) *A local government must adopt an expenses reimbursement policy.*
- (2) *A local government may, by resolution, amend its expenses reimbursement policy at any time.*

**251 Notification of adoption of expenses reimbursement policy**

- (1) As soon as practicable after a local government adopts or amends its expenses reimbursement policy, the local government must—
- (a) Ensure a copy of the policy may be inspected and purchased by the public at the local government's public office; and
  - (b) Publish the policy on the local government's website.
- (2) The price for purchasing a copy of the policy must be no more than the cost to the local government of making the copy available for purchase.

**252 Meetings about expenses reimbursement policy**

A local government cannot resolve under section 275 that a meeting at which a proposed expenses reimbursement policy is discussed (including its adoption or amendment, for example) be closed.

**5.1 Guidelines for Expense Reimbursement**

The general guidelines in this clause are subject to the specific provisions of the Councillor Facilities and Expenses Procedure.

- 5.1.1** Expenses may be either reimbursed to Councillors or paid direct by Council for something that is deemed a necessary cost or charge.
- 5.1.2** Reimbursement of expenses incurred will be paid through administrative processes approved by the Chief Executive Officer and as specified in the Councillor Facilities and Expenses Procedure. All claims for reimbursement must be submitted to Council on a monthly basis. Councillors cannot claim expenses more than three months after the expense is incurred.
- 5.1.3** All Councillor travel, accommodation and event registration fees shall be booked centrally by an officer designated to arrange all corporate travel for the organisation. This ensures access to the most competitive rates available.
- 5.1.4** Travel should be via the most practical and direct route using the most economical and efficient mode of transport.
- 5.1.5** Where possible, the maximum standard for accommodation should be a four-star rating however, where particular accommodation is recommended by conference organisers as part of a conference package, a higher standard of accommodation is acceptable.
- 5.1.6** Any fines incurred while travelling in Council owned vehicles or privately owned vehicles when attending to Council business will not be reimbursed by Council.
- 5.1.7** Economy class air travel is to be used where possible.
- 5.1.8** Travel transfer expenses associated with Council business travel will be reimbursed by Council e.g. trains, buses, taxis and ferries.
- 5.1.9** Council will meet the costs of meals incurred by a Councillor which are not covered by event registration fees on a reimbursement basis
- 5.1.10** No costs associated with the purchase of alcohol will be reimbursed by Council. Hospitality expenses related to official receptions and other functions organised by Council are met from relevant approved budgets.
- 5.1.11** Should the Councillor choose not to attend a dinner or eat a meal

provided at an official reception or function, then the full cost of the alternative meal will not be reimbursed by Council.

**5.1.12** Council will not reimburse expenses incurred by the Councillor's spouse/partner or any other members of the Councillor's family when accompanying the Councillor on Council business unless it is a Federal Government, State Government or Council endorsed (e.g. ceremonial event) event at which the spouse/partner of the Councillor has been specifically invited.

**5.1.13** Expenses referred to in clauses 5.3, 5.4, 5.5, 5.6 and 5.7 of this Policy shall include non-alcoholic refreshments and meals incurred whilst attending such meetings/functions/events unless these are provided directly by Council or a third party organiser or provider of the meeting/function/event.

**5.1.14** Councillors cannot claim for participation in raffles or donations to groups as an expense under this policy, as these are regarded as private expenses.

**5.1.15** Where a Councillor chooses not to attend an event, function or meeting where payment has been prepaid and an alternate Councillor is unable to attend in their stead, the Councillor originally registered to attend the event, function or meeting is liable to reimburse Council the costs it incurs in relation to the event, function or meeting at the discretion of Council.

## **5.2 Corporate Purchase Card**

The Mayor will be provided with a Corporate Purchase Card for the purposes of discharging their duties and responsibilities as a Councillor.

The Mayor must use the corporate purchase card subject to the terms and conditions of the card and in accordance with the Corporate Purchase Card Guidelines.

The Mayor's use of the corporate purchase card:

- a) is subject to a maximum expenditure limit of three thousand dollars (\$3,000) per month; and
- b) is subject to a maximum transaction limit of one thousand dollars (\$1,000) per transaction; furthermore
- c) must comply with Council's Corporate Purchase Card Guideline, Procurement Policy and other associated policies and procedures; and
- d) must not adversely affect Council's relation with the public at large.

## **5.3 Training and Conference Attendance**

### **5.3.1 Identification of Training and/or Conference Need**

Councillors must maintain a current and broad knowledge of issues which affect Council and the Livingstone Shire community. Councillors should take an active interest in keeping themselves up to date with training and/or conferences that can assist them in maintaining this knowledge.

### **5.3.1 Support for Training and/or Conference Attendance**

Council offers all Councillors financial support to attend Council-approved training and/or conferences. The nature of the financial support will be in accordance with this policy and the Councillor Facilities and Expenses Procedure.

### 5.3.2 Withdrawal of Support

Council may, by resolution, withdraw financial support for any training and/or conferences if:

- a) the Councillor fails to attend, progress or complete training or a conference as specified in the Councillor Facilities and Expenses Procedure;
- b) in Council's opinion the Councillor's behaviour at the conference or training is unacceptable having regard to the *Local Government Act 2009* and the Code of Conduct for Councillors in Queensland;
- c) the Councillor ceases to be a Councillor of Livingstone Shire Council; or
- d) Council funding no longer enables support to be

provided. **5.3.3 Equity of Development Opportunities**

Training and conference opportunities must be accessible on an equitable basis. Where appropriate, and reasonably practicable, training and conference activities will accommodate specific needs of individual Councillors.

## 5.4 Principle for Approving Travel Arrangements

**5.4.1** Council endeavours to provide a high quality level of service to Councillors who are travelling on behalf of Council, while ensuring that accountability of public moneys is maintained. Travel arrangements must be administered in the most cost effective and efficient manner.

**5.4.2** Council is committed to ensuring that while travelling as part of their official Council duties, Councillors are not adversely financially impacted. However all expenses incurred while travelling are to be paid or reimbursed in accordance with the Councillor Facilities and Expenses Procedure and must be substantiated, reasonable and appropriate.

**5.4.3** The Approval Officer has an obligation to ensure that all travel is necessary to the business of Council. When considering the appropriateness of a Councillor's travel request, the Approval Officer must consider:

- a) Where the Councillor is to travel, taking into consideration whether the travel is to an area that is a High Risk Country;
- b) Whether the absence of the Councillor is convenient to Council;
- c) Whether it is appropriate for Council to be funding the travel;
- d) Whether the travel is in relation to Council business and what value it adds to Council; and
- e) How to ensure that the costs of the travel are identified appropriately and managed to a level acceptable to Council.

It is the Approval Officer's responsibility to ensure that all Councillor travel arrangements are in accordance with this Policy and the Councillor Facilities and Expenses Procedure, and any other relevant Council policy, directive and/or procedure.

## 5.5 Allowable Expenses within the Council Area

Councillors are entitled to claim expenses incurred in attending to their role as Councillors within the Livingstone Shire Council area. Examples include:

- Attendance at Council meetings and arranged events;

- Attendance at functions and events;
- Inspections; and
- Attendance to constituents or constituent groups.

## **5.6 Allowable Expenses within the Local Region**

Subject to this Policy and the Councillor Facilities and Expenses Procedure, Councillors are entitled to claim expenses incurred in attending regional local government associated functions and events within the local region.

## **5.7 Allowable Expenses outside the Local Region**

**5.7.1** Subject to this Policy and the Councillor Facilities and Expenses Procedure, Councillors are entitled to claim expenses incurred in attending to their role as Councillors outside the local region provided such attendance has been authorised by resolution of Council.

**5.7.2** The Mayor will not be required to have the approval of Council under clause 5.7.1 above if attending functions or meetings relevant to the role of Mayor.

**5.7.3** Where Councillors are appointed by the Council as Council's representative on a committee or association, all reasonable travel and accommodation outside the local region associated with the Councillor's fulfillment of that role is deemed as approved without the need for a further specific approval by resolution of Council.

**5.7.4** In emergent circumstances where prior approval by resolution of Council cannot be obtained under clause 5.7.1 of this Policy, the Chief Executive Officer may approve such travel on the basis of obtaining the approval of a majority of Councillors by directly contacting Councillors. In such circumstances the Chief Executive Officer shall seek confirmation of the Councillors' approval at the next available general meeting of Council.

## **5.8 General Provision of Facilities**

**5.8.1** As a general rule facilities required to assist Councillors in their official capacity as councillors will be provided by Council under this clause 5.8.

**5.8.2** Council determines the reasonable standard for facilities for Councillors. If a Councillor chooses a higher standard of facility than that prescribed by Council, any difference in cost must be met by the Councillor personally.

**5.8.3** All facilities provided to Councillors remain the property of Council and must be accounted for during annual equipment audits. The facilities must be returned to Council when the Councillor's term expires or the Councillor otherwise ceases to be a councillor of Council.

**5.8.4** Council will cover all ongoing maintenance costs associated with fair wear and tear of Council owned equipment to ensure it is operating for optimal professional use.

**5.8.5** Councillors must not use Council facilities for personal or political purposes.

## **5.9 Administrative tools and support**

**5.9.1** The Mayor will be provided with a dedicated office in the Lagoon Place administration centre, Yeppoon.



- 5.9.2** The Council Chambers located at 4 Lagoon Place, Yeppoon is available for Councillors to meet with constituents or small constituent groups. Other rooms are available for Councillors to use which can be booked through the Councillor Support Section.
- 5.9.3** The Mayor and Councillors will be provided with the appropriate level of administrative support for Council business purposes as approved in the annual budget to undertake their respective roles and responsibilities.
- 5.9.4** Councillors are provided with a laptop computer (with internet access) and printer for Council business use.
- 5.9.5** Councillors are entitled to access photocopiers and paper shredders for Council business use at the various Council offices
- 5.9.6** Councillors are provided stationery for Council business purposes only, including, but not limited to:
- Pens and pen sets;
  - Note paper and Paper;
  - Letterhead;
  - Business cards;
  - Envelopes;
  - Laptop carry bag; and
  - 'With Compliments' slips.
- 5.9.7** Councillors will be provided with a mobile telephone by Council. Council will place the phones on a phone plan which most suits the Council business demands of the Mayor and Councillors. It is understood that from a practical point of view this phone will be available for both their Council business and reasonable private use. Unless the costs can be justified as a genuine Council business cost all call costs above the plan limit must be met by the respective Councillors as a private expense. Should Councillors decide to not accept a Council provided phone, Council will reimburse the Councillor for all Council related call costs.
- 5.9.8** Councillors will be provided access to copies of relevant legislation, books and journals considered necessary for undertaking their duties as Councillors.
- 5.9.9** Council will not reimburse or provide funds, services or facilities for the purposes of advertising for Councillors.
- 5.9.10** Councillors will be paid an allowance of \$100 per month for them to provide their own home office and associated communication requirements for Council business use. It is the responsibility of each Councillor to ensure that where a home office is established, all workplace health and safety legislative requirements are met and where required, Council's Workplace Safety Unit will provide assistance.
- 5.9.11** Councillors will be provided with any safety equipment such as overalls, safety shoes, safety helmets or glasses, as required, in their role as Councillors. Councillors will be provided with official name badges, a blazer, and two shirts with a Council insignia, being any combination of dress shirt(s) and/or polo shirt(s), for official use.

## 5.10 Vehicles

### 5.10.1 Mayor

In lieu of a Council-provided vehicle, Council will pay the Mayor a private vehicle allowance equivalent to 24,000km/annum at the applicable Australian Tax Office mileage rate (eg. \$0.85/km in 2024) as applied from time to time, of \$20,000 per annum, paid by fortnightly instalments.

### 5.10.2 Councillors

The use of Councillor's private vehicles for Council business (as defined) will be reimbursed by Council, with Councillors electing one of the following two options:

- ~~1) Councillors accept an annual payment of \$3,000 as reimbursement for the use of their private vehicles on Council business; or~~
- 1) Councillors make a monthly claim for reimbursement of the use of their private vehicles on Council business by submitting the appropriate form detailing the relevant travel based on log book details. The amount reimbursed will be based upon the published Australian Taxation Office business use of motor vehicle cents per kilometer rate applicable at the time of travel: or.
- 2) In lieu of completing a log book, councillors accept an annual payment equivalent to the Australian Tax Office mileage rate (eg. \$0.85/km in 2024) for 12,000km per annum-

## 5.11 Insurance

### 5.11.1 Introduction

Councillors will be covered under relevant Council insurance policies while discharging civic duties.

Specifically, insurance cover will be provided for public liability, professional indemnity, workers compensation, Councillors and officers liability and personal accident.

### 5.11.2 Public Liability and Professional Indemnity

Council has included Councillors under Council's Public Liability and Professional Indemnity policy (Local Government Mutual –LGM). Any deductible payable as a consequence of a claim made pursuant to this policy will be paid by Council.

### 5.11.3 Worker's Compensation

Council has included Councillors in its Worker's Compensation coverage (Local Government Self Insurance Scheme – LGW). That provides for a level of benefits substantially the same as for an employee of Council with the exception that elected members cannot bring a common law damages action against Council under the *Worker's Compensation & Rehabilitation Act 2003*.

This Workers Compensation covers Councillors while they are engaged in official Council business.

This business would include, but is not limited to such activities as attending a Council meeting or workshop, representing Council at an official function, or attending activities at another Council or location that is relevant to their elected position.

### 5.11.4 Councillors and Officers Liability

Council has effected separate Councillors and Officers Liability Insurance on behalf of Councillors. If Councillors wish to take the benefit of this insurance, Councillors must:

**Councillor Facilities & Expenses Policy**

**Adopted/Approved:** Adopted, 21 September 2021  
**Version:** 6.0

**Portfolio:** Office of the CEO  
**Business Unit:** Finance and Business Excellence

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(or his/her delegate) of the existence and circumstances of the claim;  
and

- thereafter allow management of the claim (e.g. engagement of lawyers etc) to be handled by Council's Claims Managers – Jardine Lloyd Thompson Ltd and/or the insurer.

Any deductible payable as a consequence of a claim made pursuant to this policy:

- will be paid by Council, so long as the Councillor complies with the requirements above; or
- otherwise, must be paid by the Councillor.

## 6. Breaches of Policy

A breach of Council's policies or procedures, including this Policy, by a Councillor is 'inappropriate conduct' as defined in the *Local Government Act 2009*, which will be dealt with in accordance with that Act.

## 7. Changes to this Policy

This Policy is to remain in force until otherwise amended/replaced by resolution of the Council.

## 8. Repeals/Amendments

This Policy repeals the Livingstone Shire Council Policy titled 'Councillor Facilities and Expenses Policy (v5)'.

Version	Date	Action
1	03/01/2014	Adopted
2	11/02/2014	Amended Policy Adopted
3	31/03/2016	Amended Policy Adopted
4	14/06/2016	Amended Policy Adopted
4.1	27/08/2018	Administrative Amendments – reflect organisational restructure
5	18/08/2020	Amended Policy Adopted - Policy reviewed and amended by King and Company, Councillor Training and Conference Policy and Councillor travel has been incorporated into this policy
6	21/09/2021	Amended Policy Adopted - amendment to section 5.9.11

**CALE DENDLE**  
**CHIEF EXECUTIVE OFFICER**

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**11.6 POLICY REVIEW - MEETING PROCEDURES POLICY (V10)****File No:** GV**Attachments:** 1. [Meeting\\_Procedures\\_Policy v10 Draft](#)**Responsible Officer:** Cale Dendle - Chief Executive Officer**Author:** Amanda Ivers - Coordinator Executive Support

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**SUMMARY**

*Chief Executive Officer reporting on review of Meeting Procedures Policy (Standing Orders).*

**OFFICER'S RECOMMENDATION**

THAT Council resolves to adopt the revised Meeting Procedures Policy (v10), including the following notable changes:

1. Clause 2.2.4.b is amended to require a quorum of councillors to call for a Special Meeting to be held.
2. Clause 2.8.1 (Items on the Agenda) is deleted as it unnecessarily repeats Clause 2.7.3.
3. Clause 2.8.4 (Notice of Motion) is amended to restore some moderation to the listing councillor items on the agenda.
4. Clause 2.10.8 (Refusal of Deputation) is deleted as an unnecessary inclusion.
5. A replacement Clause 3.2 has been inserted in entirety to align with the new Queensland Government *Model Meeting Procedures*.

**BACKGROUND**

Following the local government election on 16 March 2024, councillors have workshopped Meeting Procedures Policy (often referred to as Standing Orders) on April 10, April 29 and May 7 with a number of changes or revisions canvassed.

The changes proposed are now presented for formal adoption.

**COMMENTARY**

A Council's Meeting Procedures are fundamental to the good functioning of the decision-making body. The current meeting procedures were subject to a major review (externally by King & Co. Solicitors) following the 2020 local government election with some other amendments adopted on 15 March 2022.

A marked-up version of Meetings Procedures Policy including some recommended changes was presented to councillors on May 7 included the following proposed changes, viz:

- Clause 2.2.4.b recommends a quorum of councillors be required to petition for a Special Meeting to be called.
- Inclusions in purple are to align with the revised Model Meeting Procedures released by the Queensland Government in March 2024 [Model Meeting Procedures \(statedevelopment.qld.gov.au\)](https://statedevelopment.qld.gov.au)
- Delete 2.8.1 (Items on the Agenda) as it unnecessarily repeats 2.7.3.
- Clause 2.8.4 (Notice of Motion) seeks to restore some moderation to the listing of Notices of Motion.
- Delete Clause 2.10.8 (Refusal of Deputation) – the practice can remain, but mandating that the occasions of refused deputations are reported formally to Ordinary Meetings seems an unnecessary inclusion.
- Clause 3.2 has been replaced in entirety to align with the new Model Meeting Procedures.

**PREVIOUS DECISIONS**

A major review of the policy was last undertaken by King & co. Solicitors following the 2020 local government elections.

The latest iteration of *Meeting Procedures Policy* was adopted on 15 March 2022 and earlier on 20 July 2021.

**ACCESS AND INCLUSION**

This policy ensures that Council's functions as a planner, legislator, and regulator demonstrates commitment to equitable outcomes.

**ENGAGEMENT AND CONSULTATION**

This matter has been workshopped with councillors on April 10, April 29 and May 7.

**HUMAN RIGHTS IMPLICATIONS**

Nil

**BUDGET IMPLICATIONS**

Nil

**LEGISLATIVE CONTEXT**

Council meetings are governed by the *Local Government Regulations 2012*. It is intended that Council's Meeting Procedures Policy (Standing Orders) is complementary to the law, including the Queensland Government's *Model Meeting Procedures*.

**LEGAL IMPLICATIONS**

Council meetings and committee meetings are subject to strict requirements, as stipulated in sections 255 to 277F of the *Local Government Regulation 2012*.

**STAFFING IMPLICATIONS**

Nil

**RISK ASSESSMENT**

Nil

**CORPORATE PLAN REFERENCE*****Leading Livingstone***

*Community Plan Goal 4.3 - Engagement with the community as advisors and partners*

*4.3.2 Commit to open and accountable governance to ensure community confidence and trust in Council and its democratic values.*

**CONCLUSION**

A Council's Meeting Procedures are fundamental to the good functioning of the decision-making body. Occasional review is good practice and some recommendations are presented for consideration.

## **11.6 - POLICY REVIEW - MEETING PROCEDURES POLICY (V10)**

### **Meeting\_Procedures\_Policy v10 Draft**

**Meeting Date: 20 May 2024**

**Attachment No: 1**



## MEETING PROCEDURES POLICY (STATUTORY POLICY)

### 1. Scope

The Meeting Procedures Policy (this 'Policy') applies to meetings of Livingstone Shire Council and meetings of committees of Livingstone Shire Council.

### 2. Purpose

The purpose of this Policy is to establish standard processes for the conduct of Meetings and to provide for the orderly and proper conduct of Meetings.

### 3. References (legislation/related documents)

#### Legislative reference

*Human Rights Act 2019*

*Local Government Act 2009*

*Local Government Regulation 2012*

#### Related documents

Councillor Acceptable Requests Guidelines Policy

Councillor Contact with Lobbyists, Developers and Submitters Policy

Councillor Complaints Investigation Policy

Code of Conduct for Councillors in Queensland

Deputation Guideline

Petition Guideline

In the event of any inconsistency between the Policy and the *Local Government Act 2009* or the *Local Government Regulation 2012*, legislation (as the case may be) will prevail to the extent of the inconsistency.

### 4. Definitions

To assist in interpretation, the following definitions shall apply to this Policy:

Audio link	Has the meaning given in the <i>Local Government Act 2009</i> , section 254K.
Audio visual link	Has the meaning given in the <i>Local Government Act 2009</i> , section 254K.
Business day	A day other than a Saturday or Sunday, or a public holiday, upon which banks are open for business in the Livingstone Shire local government area.

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Chairperson	The person who is presiding as the chairperson of a Meeting.
Committee	A committee of Council appointed under section 264 of the <i>Local Government Regulation 2012</i> . <sup>1</sup>
Committee Meeting	A meeting of a Committee.
Council	Livingstone Shire Council.
Council Meeting	A meeting of Council.
Deputation	A presentation from up to three (3) members of the public (on behalf of an organisation or individual/s) on a particular matter.
Inappropriate conduct	Has the meaning given in the <i>Local Government Act 2009</i> .
Independent Assessor	The Independent Assessor appointed under the <i>Local Government Act 2009</i> .
Meeting	A Council Meeting or a Committee Meeting, as applicable.
Misconduct	Has the meaning given in the <i>Local Government Act 2009</i> .
Post-election Meeting	A Council Meeting referred to in section 175(1) of the <i>Local Government Act 2009</i> .
Special Meeting	A Meeting at which the only business that may be conducted is the business stated in the notice of the meeting.
Unsuitable meeting conduct	Has the meaning given in the <i>Local Government Act 2009</i> .

## 5. Policy Statement

Livingstone Shire Council is committed to acting in the best interest of the community and to upholding the principles of honesty, integrity, and transparency, which are all key components of good governance.

This Policy is in accordance with the *Local Government Act 2009* and the *Local Government Regulation 2012*.

## 6. Guiding Principles

The following principles are applied with respect to the procedures to be observed at a meeting:

- (a) procedures should be fair and contribute to open, transparent, and informed decision-making;
- (b) procedures should encourage appropriate community participation in the affairs of Council;
- (c) procedures should reflect levels of formality appropriate to the nature and scope of responsibilities exercised at a meeting;

<sup>1</sup> id est, a standing committee, special committee or advisory committee (but excluding an audit committee).

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- (d) procedures should be sufficiently certain to give the community and decision-makers confidence in the deliberations undertaken at the meeting;
- ( ) transparent and effective processes, and decision-making in the public interest;
- (a) democratic representation, social inclusion and meaningful community engagement;
- (b) good governance of, and by, local government; and
- (c) ethical and legal behaviour of Councillors and local government employees.

#### 7. Changes to this Policy

This Policy is to be reviewed if any of the following occur:

- 1) the related information is amended/replaced; or
- 2) other circumstances as determined from time to time by the Council.

#### 8. Repeals/Amendments

This Policy repeals the Livingstone Shire Council Policy titled 'Meeting Procedures Policy (v8.0)'.

Version	Date	Action
1.0	03/01/2014	Adopted
2.0	03/03/2015	Amended Policy Adopted
3.0	31/03/2016	Amended Policy Adopted
4.0	30/11/2018	Amended Policy Adopted
5.0	20/08/2019	Amended Policy Adopted – section 2.9.1 updated for Urgent Business to be dealt with prior to Confidential Reports
6.0	22/10/2019	Amended Policy Adopted – section 2.9.2 Notices of Motions and Questions on Notices updated
7.0	17/11/2020	Amended Policy Adopted - policy amended to reflect legislative updates
8.0	20/07/2021	Amended Policy Adopted – amendment to section 2.16.6
9.0	19/04/2022	Amended Policy adopted – Changes to Deputations, Prayer, acknowledgement of Country, Notice of Motions, recordings and COVID Legislation.

**CALE DENDLE**  
**CHIEF EXECUTIVE OFFICER**

Meeting Procedures Policy

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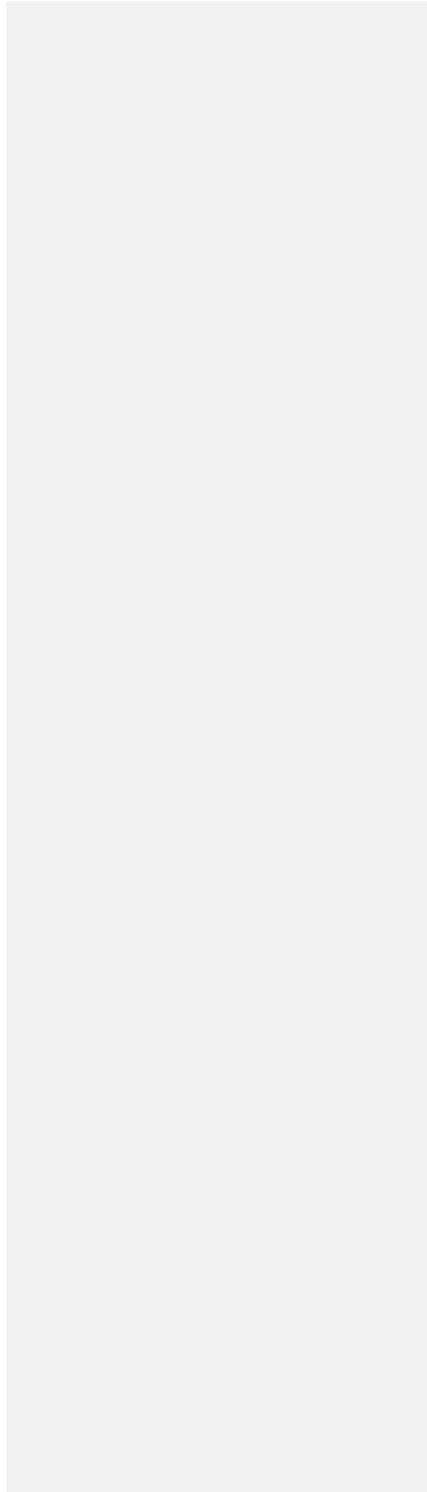
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## Part 1 – Roles and Responsibilities

### 1.1 Councillors

- 1.1.1 All Councillors are required to participate in Council Meetings, Committee Meetings for Committees of which they are members, policy development, and decision making for the benefit of the Livingstone Shire Council area.
- 1.1.2 Councillors must be prepared and attend Meetings on time.
- 1.1.3 Councillors will be taken to have read the agenda prior to commencement of the Meeting.
- 1.1.4 Meeting discussions and decisions should relate to high level, strategic issues, rather than operational issues, to serve the overall public interest.

### 1.2 Chairperson

The Chairperson is responsible for leading and managing Meetings at which they are the Chairperson, including:

- (a) managing the agenda;
- (b) preserving order;
- (c) managing debate;
- (d) conducting votes and declaring results;
- (e) supervising the preparation of minutes; and
- (f) managing the time of the meetings.

## Part 2 – Council Meetings

### 2.1 Time and place of Meetings

#### Council Meetings

- 2.1.1 The days and times of Council Meetings will be as resolved by Council at the Post-election Meeting and from time to time thereafter.
- 2.1.2 If there is no resolution fixing the date and time for an ordinary Council Meeting, the Chief Executive Officer must fix the date and time for the meeting.
- 2.1.3 Before the Chief Executive Officer fixes the date and time for an ordinary Council Meeting, the Chief Executive Officer must, if practicable, consult with the Mayor about the proposed date and time for the meeting.
- 2.1.4 Council must meet at least once in each month.
- 2.1.5 All Council Meetings will be held at its Council Chambers located at 4 Lagoon Place, Yeppoon, unless otherwise resolved at a Council Meeting.

#### Committee Meetings

- 2.1.6 A Committee may, by resolution, fix dates, times and places for its meetings.
- 2.1.7 If there is no resolution fixing the date, time and place for a Committee Meeting, the Chief Executive Officer may fix the date, time, and place for the meeting.

2.1.8 Before the Chief Executive Officer fixes the date, time, and place for a Committee Meeting, the Chief Executive Officer must, if practicable, consult with the Chairperson of the Committee.

## 2.2 Particular Meetings

### Post-election Meeting

- 2.2.1 Council must hold a Post-election Meeting within fourteen (14) days after:
- (a) the conclusion of each quadrennial election; and
  - (b) the conclusion of a fresh election of its Councillors.
- 2.2.2 Council must, by resolution, appoint a Deputy Mayor from its Councillors at the Post-election Meeting and at the first Meeting after the office of the Councillor who is the Deputy Mayor becomes vacant.
- 2.2.3 Matters which Council must consider at a Post-election Meeting include the day and time for holding other meetings and determination of standing committees or portfolios.

### Special Meetings

- 2.2.4 The Chief Executive Officer must call a Special Meeting if:
- (a) the Special Meeting is required by a resolution of Council; or
  - (b) for a Special Meeting of Council, the Chief Executive Officer receives a written request for a Special Meeting which is signed by the Mayor or ~~fourthree (3)(4)~~ or more Councillors, specifies the purpose of the Special Meeting, and proposes a day and time for the holding of the Special Meeting; or
  - (c) the Chief Executive Officer determines it is in the interests of Council that a Special Meeting be held.
- 2.2.5 Special Meetings:
- (a) of Council are to be conducted in accordance with the requirements and processes of a Council Meeting; and
  - (b) of a Committee are to be conducted in accordance with the requirements and processes of a Committee Meeting,
- as specified in this policy, with the exception that the only business which may be conducted at a Special Meeting is the business specified in the notice of meeting.

### Closed Meetings

- 2.2.6 In accordance with section ~~242J(3)254J~~ of the *Local Government Regulation 2012*:
- (a) Council may resolve that all or part of a Council Meeting be closed to the public; and
  - (b) a Committee may resolve that all or part of a Committee Meeting be closed to the public,
- if its Councillors or members consider it necessary to close the Meeting to discuss one or more of the following matters:
- (c) the appointment, dismissal or discipline of the Chief Executive Officer;
  - (d) industrial matters affecting employees;

- (e) Council's budget;
- (f) rating concessions;
- (e) legal advice obtained by Council or legal proceedings involving Council, including for example, legal proceedings which may be taken by or against Council;
- (f) matters which may directly affect the health and safety of an individual or a group of individuals;
- (g) negotiations relating to a commercial matter involving ~~Council~~ the local government for which a public discussion would be likely to prejudice the interests of Council;
- (h) negotiations relating to the taking of land by Council under the *Acquisition of Land Act 1967*;
- (i) a matter Council is required to keep confidential under a law of, or formal arrangement with, the Commonwealth or a State;
- (i) a matter relating to the consideration of an investigation report for an investigation of a conduct breach given to the local government under the LGA chapter 5A, part 3, division 5.

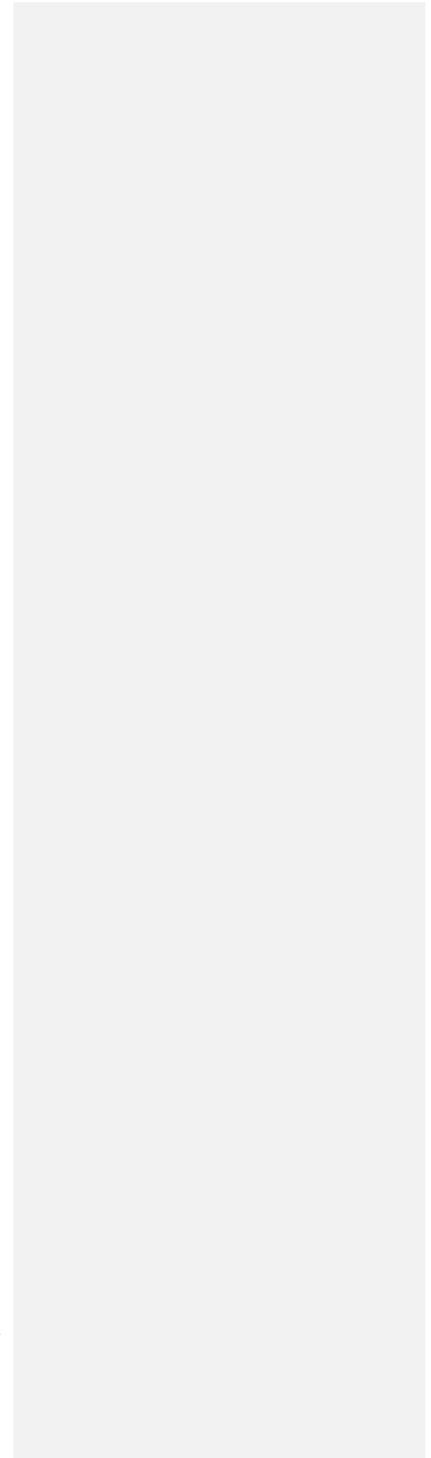
- 2.2.7 However, Council or a Committee must not resolve that part of a Meeting at which a decision mentioned in section 150ER(2), 150ES(3) or 150EU(2) of the *Local Government Act 2009* will be considered, discussed, voted on, or made be closed.
- 2.2.8 Furthermore, the Meeting must not be closed if a quorum is lost due to the number of conflicted Councillors who leave the Meeting and Council must:
- (a) delegate the matter;
  - (b) decide by resolution to defer to a later Council Meeting; or
  - (c) decide by resolution to take no further action on the matter unless the LGA or another Act provides that the local government must decide the matter.
- 2.2.9 If the Chief Executive Officer recommends to Council or a Committee that a matter be considered in a closed meeting:
- (a) Council or the Committee will consider the recommendation in open session unless to do so would result in the public release of confidential information concerning the matter; and
  - (b) If there is doubt as to whether the matter should be regarded as confidential, Council shall determine by resolution whether the matter is confidential.
- 2.2.10 Upon moving that an issue be dealt with in a closed Meeting, the mover must clearly state the reason for the motion.
- 2.2.11 A resolution must be passed by Council or the Committee to move into a closed session and to exit out of closed session.
- 2.2.12 A resolution that a Meeting be closed must state the matter to be discussed, an overview of what is to be discussed and why the Meeting should be closed while the matter is considered.
- 2.2.13 When a Meeting is closed, the Chairperson will direct all persons, other than members of Council or the Committee to leave the Meeting and every person must immediately comply with the direction.
- 2.2.14 Despite section 2.2.13 of this Policy, the Chairperson may allow the relevant officers of Council or Council's legal and technical advisers, to remain in the Meeting if they are required to be in attendance for the matter under discussion.

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- 2.2.15 Discussions within closed sessions are confidential in nature and when moving into a closed session, the Chairperson should remind Council or the Committee and any permitted attendees that what is discussed in a closed session must stay confidential.
- 2.2.16 Council or a Committee must not make a resolution (other than a procedural resolution) in a closed Meeting.
- 2.2.17 The minutes of the Meeting must state the matter discussed and reasoning for discussing the matter in closed session.

## 2.3 Notice of Meetings

### Notice to Councillors or Committee members

- 2.3.1 The Chief Executive Officer must give notice of each Meeting or the recommencement of an adjourned Meeting to each Councillor or Committee member at least two (2) days before the day of the Meeting unless it is impracticable to give the notice before that time.
- 2.3.2 The notice must:
- (a) state the day, time and place of the Meeting;
  - (b) for a Special Meeting: state the business to be conducted at the Meeting; and
  - (c) include the agenda for the Meeting.
- 2.3.3 The notice may be given to a Councillor by sending the notice to the Councillor electronically.
- 2.3.4 Meetings must not start before the time provided in the notice.

### Public notice of Meetings

- 2.3.5 Council will, at least once in each year, publish a notice of the days and times when its ordinary Council Meetings and the ordinary Meetings of its standing Committees will be held.
- 2.3.6 The notice must be published on Council's website and in other ways Council considers appropriate.
- 2.3.7 Council must display in a conspicuous place in its public office a notice of the days and times when Council Meetings and Committee Meetings will be held.
- 2.3.8 Council must, as soon as practicable, notify any change to the days and times mentioned in sections 2.3.5 or 2.3.7 of this Policy in the same way as the days and times were previously notified.
- 2.3.9 The full agenda for a Meeting and Special Meeting, excluding confidential items, will be placed on Council's website and be open to inspection by 5pm on the next business day after notice of the meeting is given in accordance with section 2.3.1. The related reports for the Meeting must also be included and available to the public, excluding confidential reports.
- 2.3.10 Matters on the agenda which will require the Meeting to be in a closed session will be clearly identified, including the reasons why the session will be closed.

## 2.4 Commencement of Meetings and Quorums

- 2.4.1 Business may be conducted at a Meeting only if a quorum is present.
- 2.4.2 A quorum of:

- (a) a Council Meeting is a majority of its Councillors. However, if the number of Councillors is an even number, one-half of the number is a quorum; and
- (b) a Committee Meeting is a majority of the Committee's members. However, if the number of members is an even number, one-half of the number is a quorum.

2.4.3 All Meetings will commence as soon as practicable after the time specified in the notice of meeting once a quorum is present.

## 2.5 Adjournment of Council Meetings

- 2.5.1 The majority of Councillors present at a Council Meeting or the majority of Committee members present at a Committee Meeting, may adjourn the Meeting to a later hour of the same day or to a later day.
- 2.5.2 If the number of apologies received by the Chief Executive Officer indicates that a quorum will not be present at a Meeting, the Chief Executive Officer may adjourn the Meeting to a specified day and time.
- 2.5.3 If, after fifteen (15) minutes past the commencement time, a quorum is not present, the Meeting may be adjourned to a later hour or another day within fourteen (14) days after the day of adjournment, by:
  - (a) a majority of the Councillors or Committee members present; or
  - (b) if only one (1) Councillor or Committee member is present - the Councillor or Committee member; or
  - (c) if no Councillors or Committee members are present - the Chief Executive Officer.
- 2.5.4 If a Meeting is adjourned for want of a quorum, the Chief Executive Officer will record in the minutes the reason for the adjournment, the names of any Councillors or Committee members present, and the date and time to which the Meeting is adjourned.
- 2.5.5 If a Meeting is adjourned to another day, the Chief Executive Officer must:
  - (a) give notice of the adjourned Meeting to each Councillor or Committee member setting out the date, time, and place of the Meeting; and
  - ( ) give notice of the adjourned Meeting to the public by causing a notice setting out the date, time, and place of the Meeting to be published or displayed in the same way as the date and time of the Meeting was previously notified.

## 2.6 Chairperson

### Council Meeting

- 2.6.1 The Mayor will preside as Chairperson at a Council Meeting.
- 2.6.2 If the Mayor is absent or unavailable to preside as Chairperson, the Deputy Mayor will preside.
- 2.6.3 If both the Mayor and the Deputy Mayor are absent or unavailable to preside as Chairperson, a Councillor chosen by the Councillors present at the meeting will preside as Chairperson at the Council Meeting.

**Committee Meeting**

- 2.6.4 Council will choose the Chairperson for a Committee Meeting. This Chairperson will normally preside over meetings of the Committee.
- 2.6.5 If the Chairperson of a Committee is absent or unavailable to preside, a Committee member chosen by the Committee members present at the meeting will preside over the Committee Meeting.

**2.7 Order of Business**

- 2.7.1 The order of business of Meetings shall be determined by resolution of Council. The order of business may be altered for a particular Meeting where the Councillors at that meeting pass a procedural motion to that effect.
- 2.7.2 A motion to alter the order of business may be moved without notice.
- 2.7.3 Unless otherwise altered, the order of business for an ordinary Meeting shall be as follows:
- (a) Opening of meeting – Acknowledgement of Country and Opening Prayer;
  - (b) Present;
  - (c) Apologies and granting of leaves of absence;
  - (d) Confirmation of Minutes of previous meeting(s);
  - (e) Declarations of interest in matters on the agenda;
  - (f) Business arising or outstanding from previous meetings;
  - (g) Presentation of petitions;
  - (h) Councillor/Delegate Reports;
  - (i) Committee Reports;
  - (j) Officers Reports;
  - (k) Closed Session;
  - (l) Confidential Reports;
  - (m) Urgent Business; and
  - (n) Closure of meeting.
- 2.7.4 Public forums/Deputations at an ordinary Meeting will be heard at a time determined by the Chairperson.
- 2.7.5 The unconfirmed minutes of a preceding Meeting, whether an ordinary Meeting or a Special Meeting, shall be taken into consideration and confirmed, at the next available ordinary Meeting. Any discussion regarding the confirmation of minutes of a previous Meeting(s) must be limited to their accuracy as a record of the proceedings.
- 2.7.6 Amendments to the minutes may be made prior to confirming the minutes. This must be done by moving a motion to amend the minutes that must be voted on and carried. Once the resolution is passed, the minutes can be amended. All Councillors present at the Meeting can vote to confirm the minutes including those who were absent at the previous Meeting and those who had a conflict of interest at the previous Meeting.
- 2.7.7 Opening Prayer at an ordinary meeting will be scheduled on a rotated basis of a diverse religious groups based on individual availability. The opening prayer will be removed

from the Agenda should the instance arise where no religious group are available to attend or the meeting be 'Special' in nature and notice is limited.

## 2.8 Agendas

### Items on the Agenda

2.8.1 The agenda for an ordinary Meeting may contain the following items:

- (a) Opening of meeting;
- Acknowledgement of Country
- Opening Prayer
- (b) Present;
- (c) Apologies and granting of leaves of absence;
- (d) Confirmation of Minutes of previous meeting(s);
- (e) Declaration of interest in matters on the agenda;
- (f) Public forums/Deputations
- (g) Business arising or outstanding from previous meetings;
- (h) Presentation of petitions;
- (i) Councillor/Delegate Reports/Notice of Motion and Questions on Notice;
- (j) Committee Reports;
- (k) Officers Reports;
- (l) Urgent business (as approved or raised by the Chairperson);
- (m) Closed session;
- (n) Confidential Reports; and
- (o) Closure of meeting.

2.8.2 Business not on the agenda or not fairly arising from the agenda shall not be considered at any Meeting unless permission for that purpose is given by Council at a Council Meeting or a Committee at a Committee Meeting.

2.8.3 Business considered at a Committee Meeting must be in accordance with the adopted Terms of Reference for each Committee.

### Request by a Councillor to Place an Item on the Agenda

#### 2.8.4 Notice of Motions

The Chief Executive Officer, in preparing the agenda for a Meeting, must include notices of motions requested in writing by a Councillor which are received by the Chief Executive Officer seven (7) calendar days before the meeting at which the proposal is to be made.

Where a Councillor who has given notice of a motion is absent from the Meeting at which the motion is to be considered, the motion may be:

- (a) moved by another Councillor at the meeting; or
- (b) deferred to the next appropriate Committee Meeting or ordinary Council Meeting.

A notice of motion should:

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(a) warrant inclusion on the meeting agenda without processing by the organization in the normal manner;

~~(a)~~(b) be framed as succinctly as possible;

(c) be relevant to the good order of the business of the Council.

~~(b)~~ If, in the opinion of the chair or Chief Executive Officer, the proposed motion does not satisfy the pre-conditions above, the motion may be ruled out of order in line with 2.11.5 or 2.11.6.

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#### 2.8.5 Questions on Notice

The questions on notice from a Councillor will be published in the agenda of the appropriate Meeting, providing such questions are received by the Chief Executive Officer seven (7) calendar days before the meeting at which the questions are to be raised.

Questions on Notice should:

- (a) be framed as succinctly as possible;
- (b) not include argument or discussion or excessive background material;
- (c) be relevant to the good order of the business of the Council. .

Councillors can ask questions without notice where a genuine urgency exists and the matter is not included in the agenda.

#### **Recommendation for closed meeting**

2.8.6 If the Chief Executive Officer recommends that Council or a Committee should consider a matter in a closed Meeting, the Chief Executive Officer will:

- (a) clearly indicate such recommendation on the Meeting agenda;
- (b) make a declaration that all information contained within the documentation and associated material is information confidential to Council;
- (c) ensure that the documentation and material is clearly marked as confidential; and
- (d) set out the reason for the recommendation in the material.

## **2.9 Petitions**

2.9.1 Any petition presented to a Meeting must:

- (a) be in legible writing or typewritten and contain a minimum of ten (10) signatures;
- (b) include the name and contact details of the principal petitioner (id est, one person who is the organiser and who will act as the key contact for the issue);
- (c) include the postcode of all petitioners, and
- (d) have the details of the specific request/matter appear on each page of the petition.

2.9.2 Only valid petitions in accordance with the Petitions Guideline will generally be accepted by Council. Other petitions will be received at the discretion of Council, if deemed appropriate.

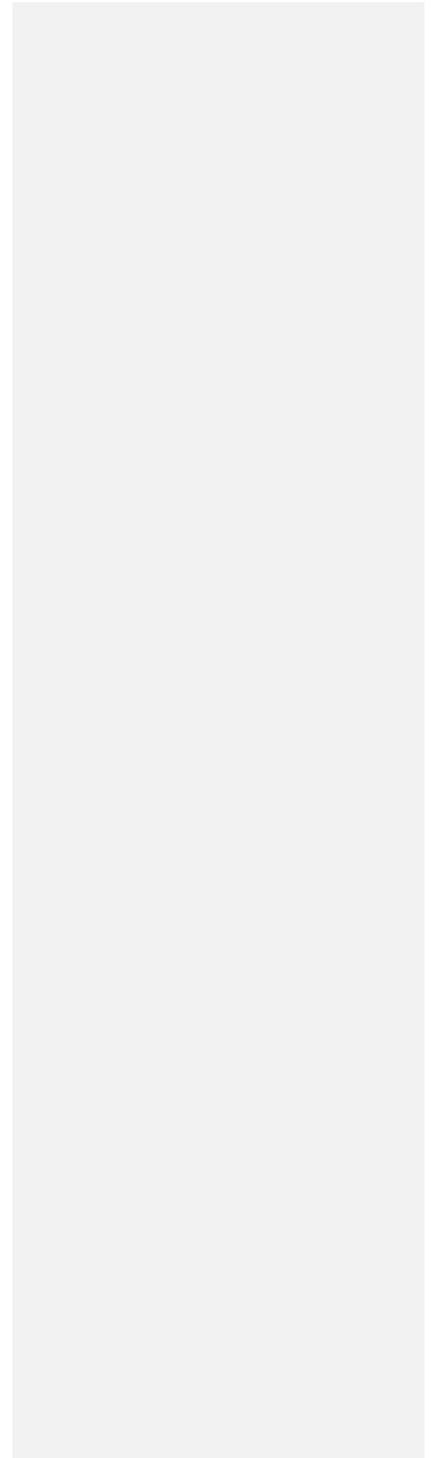
2.9.3 The only motions which will be moved in relation to a petition are that:

- (a) the petition be received and referred to a Council briefing; or
- (b) the petition be received and its contents noted.

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**Portfolio:** Office of the CEO  
**Business Unit:** Executive Support



## 2.10 Deputations

- 2.10.1 A person or persons wishing to address a Meeting as a deputation on any matter must apply to the Chief Executive Officer in writing at least seven (7) calendar days before the day of the Meeting.
- 2.10.2 The Chief Executive Officer, on receiving an application for a deputation shall notify the Chairperson who shall determine whether the deputation may be heard. The Chief Executive Officer shall inform the prospective deputation of the Chairperson's determination in writing. Where it has been determined the deputation will be heard, the Chief Executive Officer will advise deputation members in writing of the meeting details in which their deputation will be presented and provide a copy of the Deputation Guideline.
- 2.10.3 For deputations comprising three or more persons, only three persons shall be allowed to address Council unless the Councillors at the meeting determine otherwise by resolution.
- 2.10.4 Each deputation will be given the opportunity to address Council for up to a maximum of twenty (20) minutes at the discretion of the Chairperson. This will include fifteen (15) minutes of presentation by the depute(e)s. Councillors will then have the opportunity to ask questions following the deputation with a five (5) minute limit.
- 2.10.5 Each deputation will be heard and questioned without debate. No questions will be asked of officers during the deputation, except where clarification may be requested through the Chairperson.
- 2.10.6 The Chairperson may terminate a deputation at any time where:
- the Chairperson is satisfied that the purpose of the deputation has been sufficiently explained to the Councillors at the meeting;
  - the time period allowed for a deputation has expired;
  - the person uses insulting or offensive language or is derogatory towards Councillors or staff members; or
  - a person other than the appointed speaker interjects during the deputation without approval.
- 2.10.7 The Chief Executive Officer is responsible for the deputation, including where applicable, notifying the appointed speaker(s) of any actions arising from the deputation.
- ~~2.10.8 Where a deputation is refused by the Chairperson, notice of the refusal (including grounds) be included in the next available agenda of council.~~

## 2.11 Motions to be Moved

- 2.11.1 With the exception of procedural motions, a Councillor is required to move a motion at a Meeting and then another Councillor is required to second the motion.
- 2.11.2 When a motion has been moved and seconded, it shall become subject to the control of Council and shall not be withdrawn without the consent of Council.
- 2.11.3 Other Councillors can propose amendments to the motion which must be voted on before voting on the final motion.

- 2.11.4 A motion brought before a Council Meeting in accordance with the *Local Government Act 2009* or the Meeting Procedures Policy, shall be received and put to the meeting by the Chairperson. The Chairperson may require a motion or amendment to a motion to be stated in full or be in writing before permitting it to be received.
- 2.11.5 The Chairperson may refuse to accept a motion if it is not within the Meeting's jurisdiction and rule a motion out of order if necessary. Any motion which is vague, proposes an unlawful action, is outside the scope of the meeting, is defamatory, vexatious, or is unnecessary, may be ruled out of order.
- 2.11.6 The Chairperson may call the notices of motion in the order in which they appear on the agenda and where no objection is taken to a motion being taken as a formal motion, the Chairperson may put the motion to the vote without discussion.

## 2.12 Absence of a Mover of Motion

- 2.12.1 In the absence of a mover of a motion, the meeting shall move to the next item of business.

## 2.13 Motion to be Seconded

- 2.13.1 A motion or an amendment to a motion must not be debated at a Meeting unless and until the motion or the amendment is seconded, with the exception of procedural motions.
- 2.13.2 A motion or an amendment to a motion (other than a procedural motion) which is not seconded, lapses for want of a seconder.
- 2.13.3 Notwithstanding section 2.13.1 of this Policy, a Councillor who moves a motion or an amendment to a motion may, with the permission of the Chairperson, speak in support of the motion or amendment before it is seconded.

## 2.14 Amendment of Motion

- 2.14.1 An amendment to a motion shall be in terms which maintain or further clarify the intent of the original motion and do not contradict or negative the motion.
- 2.14.2 Not more than one motion or one proposed amendment to a motion may be put before a Meeting at any one time.
- 2.14.3 Where an amendment to a motion is before a Meeting, no other amendment to the motion shall be considered until after the first amendment has been put.
- 2.14.4 Where a motion is amended by another motion, the original motion shall not be put as a subsequent motion to amend the new motion.

## 2.15 Speaking to Motions and Amendments

- 2.15.1 Before a recommendation in a Council officer's report is moved, Councillors may ask questions of the relevant officers to clarify or obtain further information in relation to the recommendation.
- 2.15.2 The Chairperson will manage the debate by allowing the Councillor who proposed the motion the option of speaking first on the motion. The Chairperson will then call on any Councillor who wishes to speak against the motion and then alternately for and against the motion as available, until all Councillors who wish to speak have had the opportunity.
- 2.15.3 A Councillor may make a request to the Chairperson for further information before or after the motion or amendment is seconded.



- 2.15.4 A motion or amendment may be withdrawn by the mover with the consent of Council, which shall be signified without debate and a Councillor shall not speak upon such motion or amendment after the mover has been granted permission by Council for its withdrawal.
- 2.15.5 The mover of a motion or amendment shall have the right to reply. Each Councillor shall speak no more than once to the same motion or same amendment except as a right of reply.
- 2.15.6 Each speaker shall be restricted to a maximum of five (5) minutes, unless the Chairperson rules otherwise.
- 2.15.7 Where two or more Councillors indicate they may wish to speak at the same time, the Chairperson shall determine who is entitled to priority.
- 2.15.8 If section 254H of the *Local Government Regulation 2012* applies to a decision made at a Meeting which is inconsistent with a recommendation or advice given to Council by an advisor of the Council, the minutes of the meeting must include a statement of the reasons for not adopting the recommendation or advice.

## 2.16 Method of Taking Vote

- 2.16.1 The Chairperson will call for all Councillors in favour of the motion to indicate their support. The Chairperson will then call for all Councillors against the motion to indicate their objection.
- 2.16.2 Councillors must vote by a show of hands or as otherwise directed by the Chairperson.
- 2.16.3 A question is decided by a majority of the votes of the Councillors or Committee members present.
- 2.16.4 Subject to Chapter 5B of the *Local Government Act 2009*, each Councillor or Committee member present has a vote on each question to be decided and if the votes are equal, the person presiding at the Meeting has a casting vote.
- 2.16.5 If a Councillor or Committee member present and entitled to vote fails to vote, the Councillor or member is taken to have voted in the negative.
- 2.16.6 The minute secretary shall record the names of Councillors voting in the affirmative and of those voting in the negative on all votes.
- 2.16.7 The Chairperson shall declare the result of a vote or a division as soon as it has been determined.
- 2.16.8 Except upon a motion to repeal or amend it, the resolution shall not be discussed after the vote has been declared.
- 2.16.9 If a report contains distinct recommendations, the decision of Council may be taken separately on each recommendation. If a decision by the Meeting is contra to a recommendation in a report, the minutes must give the reasons for the decision.

## 2.17 Repealing or Amending Resolutions

- 2.17.1 A resolution of Council may not be amended or repealed unless notice to amend or repeal is given in accordance with the requirements of the *Local Government Act 2009* or the *Local Government Regulation 2012*.
- 2.17.2 Where a motion (a relevant motion) to repeal or amend a resolution is defeated, a motion to the same or like effect must not be moved until at least three (3) months after the date on which the relevant motion was defeated.

2.17.3 At a meeting at which a motion to repeal or amend a resolution is put, Council may defer consideration of that motion. Such deferral shall not exceed three (3) months.

2.17.4 Where a resolution (a **later resolution**) of Council relates to a matter the subject of a previous resolution (a **previous resolution**) passed more than three (3) months previously, the previous resolution is amended or repealed to the extent that it is inconsistent with the later resolution.

## 2.18 Procedural Motions

2.18.1 A procedural motion may be moved without the need for a seconder for one of the following motions at any time or during the debate of a matter:

- (a) that the motion under consideration be put to a vote;
- (b) that the debate on the motion and/or amendment be adjourned;
- (c) that the meeting proceed to the next item of business;
- (d) that the report/document/issue lay on/be raised from the table;
- (e) a Point of Order;
- (f) a motion of dissent against the Chairperson's ruling;
- (g) that this report/document be received/not received;
- (h) to suspend the rule requiring that (insert requirement); and
- (i) that the meeting stand adjourned/resumed.

### Motion be put

2.18.2 Any procedural motion must be immediately put to a vote, without debate.

2.18.3 A procedural motion, that the motion under consideration be put to a vote, may be moved when a Councillor believes that there has been sufficient debate about the matter at the meeting. Where such a procedural motion is carried, the Chairperson shall immediately put the motion under consideration. Where such a procedural motion is lost, debate on the motion under consideration shall continue.

### Motion or amendment be adjourned

2.18.4 A procedural motion, that the motion or amendment now before the meeting be adjourned, may be moved when a Councillor believes that there has been sufficient debate about the matter at the meeting.

2.18.5 The procedural motion that the motion or amendment now before the meeting be adjourned may specify a time or date to which the debate shall be adjourned.

2.18.6 Where no date or time is specified:

- (a) a further motion may be moved to specify such a time or date, or
- (b) the matter about which the debate is to be adjourned, shall be included in the agenda for a future meeting.

2.18.7 A motion under section 2.18.4 of this Policy must not adjourn debate on a matter the subject of a motion for more than two (2) months after the date of the procedural motion.

### Meeting proceeds to the next item of business

- 2.18.8 A procedural motion, that the meeting proceed to the next item, may be moved when a Councillor believes that there has been sufficient debate about the matter at the meeting.
- 2.18.9 Where a procedural motion that the meeting proceed to the next item is carried, debate on the matter which is the subject of the motion shall cease.
- 2.18.10 However, debate on the matter the subject of the motion may be considered again on the giving of notice in accordance with this Policy.

**Matter lay on the table**

- 2.18.11 A procedural motion that a motion lie on the table shall only be moved where the Chairperson or a Councillor believes that there has been sufficient debate about the matter at the meeting and requires additional information on the matter under consideration (or the result of some other action of Council or a person is required) before the matter may be concluded at the meeting.
- 2.18.12 Where such a procedural motion is passed, the Council shall proceed with the next matter on the agenda.
- 2.18.13 Where a motion under section 2.18.11 of this Policy is passed, another procedural motion that the matter be taken from the table may be moved at the meeting at which the first procedural motion was carried or at a later meeting.

**Point of Order**

- 2.18.14 A Councillor may ask the Chairperson to decide on or the Chairperson may raise and decide on, a point of order where it is believed that:
- (a) another Councillor has failed to comply with proper meeting procedures; or
  - (b) a matter before Council is in contravention of the *Local Government Act 2009* or Regulation or any other relevant state or federal legislation; or
  - (c) a resolution before Council is beyond Council's jurisdiction and therefore ultra vires.
- 2.18.15 Points of order cannot be used as a means of contradicting a statement made by the Councillor speaking.
- 2.18.16 Where a point of order is raised, consideration of the matter to which the motion was moved will be suspended.
- 2.18.17 The Chairperson will determine whether the point of order is upheld or not. The Chairperson may seek the advice of the Chief Executive Officer or another officer in attendance before making such determination.
- 2.18.18 Upon a point of order arising during the process of a debate, the Councillor against whom the point of order is raised shall immediately cease speaking and the Councillor raising the point of order may speak to the point of order.
- 2.18.19 Despite anything to the contrary in this Policy, a point of order arising at any time must, until decided, suspend the consideration of every other motion or matter.

**Motion of Dissent**

- 2.18.20 A Councillor may move a motion of dissent in relation to a ruling of the Chairperson on a Point of Order.
- 2.18.21 Where a motion of dissent is moved, further consideration of any matter must be suspended until after a ruling is made on the motion of dissent.

2.18.22 Where a motion of dissent is carried:

- (a) the matter to which the ruling of the Chairperson was made will proceed as though that ruling had not been made; and
- (b) where, as a result of a ruling of the Chairperson on a point of order, a matter was discharged as out of order, the matter must be restored to the meeting agenda and be dealt with in the normal course of business.

2.18.23 Where a motion of dissent is not carried, the ruling of the Chairperson will stand.

2.18.24 Sections 2.18.20 to 2.18.23 of this Policy apply to the Chairperson's decision on a procedural motion only and does not apply to decisions on inappropriate and/or disruptive conduct.

#### **Motion that a report be received**

2.18.25 A motion that a report or document be received may be used by a Councillor to introduce a report or other document to a meeting only if the report or document is not otherwise protected under confidentiality or information privacy laws.

2.18.26 On tabling the report or document, it ceases to be a confidential document and is available for public scrutiny.

#### **Motion to suspend rule**

2.18.27 A procedural motion 'to suspend the rule requiring that...' may be made by any Councillor in order to permit some action which otherwise would be prevented by the Meeting Procedures Policy.

2.18.28 A motion to suspend the Meeting Procedures Policy shall specify the duration of such a suspension.

#### **Adjournment/Resumption of Meetings**

2.18.29 A procedural motion that the meeting stands adjourned may be moved by a Councillor at the conclusion of debate on any matter on the agenda or at the conclusion of a Councillor's time for speaking to the matter and must be put without debate.

2.18.30 Such a procedural motion will specify a time for the resumption of the meeting.

2.18.31 On resumption of the meeting, the Council shall continue with the business before the meeting at the point where it was discontinued on the adjournment.

## **2.19 Minutes**

2.19.1 Minutes must be kept of all Meetings and all resolutions recorded.

2.19.2 At each Meeting, the minutes of the previous Meeting must be confirmed by the Councillors or Committee members present.

2.19.3 No discussion on the minutes may occur before confirmation, except as to the accuracy of the minutes as a record of proceedings.

2.19.4 A copy of the minutes of each Meeting must be made publically available by 5pm on the tenth day after the meeting is held, unless the minutes are sooner confirmed.

2.19.5 When the minutes of a Meeting have been confirmed, a copy of the confirmed minutes must be made publically available, including for purchase at Council's public office, as soon as practicable after the Meeting at which the minutes are confirmed.

2.19.6 The minutes of a Meeting must include:

- (a) the names of the Councillors or Committee members present at the Meeting;
  - (b) in relation to each Councillor or Committee member present:
    - (i) the time at which the person entered or left the Meeting; and
    - (ii) unless the person is present for the whole meeting, the point in the proceedings at which the person entered or left the Meeting;
  - (c) each motion or amendment and the names of the mover and seconder;
  - (d) any variation, alteration, or withdrawal of a motion or amendment;
  - (e) whether a motion or amendment is carried or lost;
  - (f) any disclosure of a prescribed conflict of interest pursuant to sections 150EG, 150EH, or 150EI of the *Local Government Act 2009* or a declarable conflict of interest pursuant to sections 150EH and 150EI of the *Local Government Act 2009*, in particular the matters specified in section 3.7 of this Policy;
  - (g) an account of any personal explanation given by a Councillor;
  - (h) details of the making of an order to close a Meeting under section 254J of the *Local Government Regulation 2012*;
  - (i) details of any adjournment of business;
  - (j) a record of any request for documents to be tabled at the Meeting;
  - (k) each report or other document directly relevant to a matter considered or voted on at the meeting or presented at the meeting for the consideration or information of the Council or the Committee (a **relevant report**), other than to the extent that the relevant report contains information which is confidential to Council or if the relevant report has been made publically available under section 254D of the *Local Government Regulation 2012*;
  - (l) a description of any verbal briefing given to the Meeting on a matter of Council business;
  - (m) if a division is called on a question, the names of all persons voting on the question and how they voted; and
  - (n) any other matter required to be included in the minutes by or under the *Local Government Act 2009* or any legislation.
- 2.19.7 The Chief Executive Officer must ensure the minutes of Meetings include a statement of the reasons for not adopting the recommendation or advice given to Council under section 254H of the *Local Government Regulation 2012* in the following circumstances:
- (a) the decision is about entering into a contract, the total value of which is more than the greater of:
    - (i) \$200,000 exclusive of goods and services tax; or
    - (ii) one (1) per cent of Council's net rate and utility charges, as stated in Council's audited financial statements included in Council's most recently adopted annual report; and/or
  - (b) the decision is inconsistent with a policy of Council, or the approach ordinarily followed by Council for the type of decision the type of decision.

## 2.20 Conduct during Meetings

- 2.20.1 Councillors will conduct themselves in accordance with the principles of the *Local Government Act 2009* and the standards of behaviour set out in the Councillor Interaction with the Organisation Policy. The Chairperson may observe or be made aware of instances of possible unsuitable meeting conduct.
- 2.20.2 After a Meeting has been formally constituted and the business commenced:
- (a) a Councillor shall not leave from such meeting without first notifying the Chairperson; and
  - (b) the Chairperson shall not leave such meeting without notifying the Deputy Mayor or in the absence of the Deputy Mayor, the Councillors.
- 2.20.3 A Councillor must address the Chairperson while:
- (a) moving any motion or amendment;
  - (b) seconding any motion or amendment;
  - (c) taking part in any discussion;
  - (d) placing or replying to any question; or
  - (e) addressing Council for any other purpose.
- 2.20.4 Councillors will, during a Meeting, address:
- (a) other Councillors by their respective titles, 'Mayor' or 'Councillor'; and
  - (b) officers by designating them by their respective official title.
- 2.20.5 Officers and people attending the Meeting will address Councillors by their respective titles, 'Mayor' or 'Councillor'.
- 2.20.6 Councillors and officers will confine their remarks to the matter under consideration.
- 2.20.7 Councillors must remain seated and silent while a vote is being taken except when calling for a division.
- 2.20.8 No Councillor who is speaking shall be interrupted except upon a Point of Order being raised either by the Chairperson or by a Councillor.
- 2.20.9 When the Chairperson speaks during the process of a debate, the Councillor then speaking or offering to speak shall immediately cease speaking and each Councillor present shall preserve strict silence so that the Chairperson may be heard without interruption.
- 2.20.10 Talking on a mobile phone in the meeting place by Councillors and Council officers is not permitted. After a Meeting has been formally constituted and the business commenced, all Councillors and Council officers must ensure that their electronic devices are turned to silent whilst in the meeting room.

## 2.21 Seeking Council's Leave

- 2.21.1 Councillors must seek a leave of absence from Council where a Councillor cannot attend a Meeting due to private or business reasons. Leave is granted at the discretion of Council.
- 2.21.2 A leave of absence may be granted by Council prior to a Meeting (id est, at a prior Meeting or at the Meeting itself). An application does not need to be made in person and as a result, Council may grant such leave while a Councillor is absent.

- 2.21.3 Where a Councillor needs to seek leave from more than one (1) Meeting, an application is to be made in writing to the Chief Executive Officer specifying the dates of the Meetings and the reason(s) leave is sought.
- 2.21.4 Where a Councillor intends to attend a Meeting when leave has been granted by Council, written notice is to be provided to the Chief Executive Officer prior to the meeting commencing. This notice nullifies any leave previously approved.
- 2.21.5 If a Councillor attends a Meeting for which leave has been granted, any future absence requires additional leave to be granted, regardless if the original leave covered any future Meetings.
- 2.21.6 If a Councillor fails to attend two (2) or more consecutive ordinary Council Meetings over a period of at least two (2) months, the Councillor's office becomes vacant under section 162(1)(e) of the *Local Government Act 2009*, unless the Councillor is absent:
- (a) in compliance with an order made by the conduct tribunal, Council, or the Chairperson of a Council Meeting or a Committee Meeting; or
  - (b) with Council's leave; or
  - (c) while the Councillor is suspended under section 122, 123, or 175K of the *Local Government Act 2009*.

## 2.22 Remote Attendance via Audio Link or Audio Visual Link

- 2.22.1 Councillors may seek Council approval to remotely participate in a Council Meeting by audio link or audio visual link.
- 2.22.2 Councillors may seek a Committee's approval to remotely participate in a relevant Committee Meeting by audio link or audio visual link.
- 2.22.3 Where a Councillor needs to seek approval for remote attendance via audio link or audio visual link, an application is to be made in writing to the Chief Executive Officer five (5) business days prior to the Meeting to which remote access is sought or as soon as practicable once the Councillor becomes aware of their intended absence.
- 2.22.4 The Chief Executive Officer, upon receiving an application for remote attendance via audio link or audio visual link, will notify the Chairperson of the Meeting who will, at least two (2) business days before the date of the Council Meeting for which remote access is sought, determine if approval will be granted. The Chief Executive Officer, or their delegate, will inform the requesting Councillor of the determination.
- 2.22.5 In considering a request for attendance of a Meeting by audio link or audio visual link, the Chairperson must take into account confidentiality and privacy matters, as attendance via audio link or audio visual link may pose a risk to Council due to the nature of the discussions.
- 2.22.6 A Councillor attending a closed session by audio link or audio visual link must maintain confidentiality by ensuring no other person can hear their conversation whilst in the closed Meeting.
- 2.22.7 It is the responsibility of the Councillor attending by audio link or audio visual link to ensure they are linked to the Meeting when the Meeting commences. Requests to link to the Meeting after the Meeting has commenced may only be accepted at the Chairperson's discretion.

- 2.22.8 A Councillor taking part in a Meeting by audio link or audio visual link must identify all persons present in the location from which the Councillor is participating.
- 2.22.9 A Councillor taking part in a Meeting by remote attendance via audio link or audio visual link is taken to have attended the Meeting if:
- (a) the attendance by audio link or audio visual link was approved under this Policy; and
  - (b) during the meeting, the Councillor was simultaneously in audio contact with each other person at the Meeting.
- 2.22.10 A register of a Councillor's attendance by audio link or audio visual link will be recorded in the minutes of the Meeting.
- 2.22.11 If the Chairperson refuses to allow a Councillor remote attendance via audio link or audio visual link, the Chairperson must report the decision at the Council Meeting.

### 2.23 Questions

- 2.23.1 A Councillor may, at a Meeting, ask a question for reply by another Councillor or a Council officer regarding any matter under consideration at the meeting.
- 2.23.2 A question shall be asked categorically and without argument and no discussion shall be permitted at the Meeting in relation to a reply or a refusal to reply to the question.
- 2.23.3 A Councillor or officer to whom a question is asked without notice may request that the question be taken on notice for a future Meeting.
- 2.23.4 A Councillor who asks a question at a Meeting or responds to a question at a Meeting, shall be deemed not to have spoken to the debate of the motion to which the question relates.
- 2.23.5 The Chairperson may disallow a question which is considered inconsistent with an acceptable request or good order. In such instances, a Councillor may move a motion that the Chairperson's ruling be disagreed with and if such motion is carried the Chairperson shall allow the question.

### 2.24 Disorder

- 2.24.1 The Chairperson may adjourn the Meeting, where disorder, other than disorder arising as a result of unsuitable meeting conduct or inappropriate conduct by a Councillor, arises at the meeting.
- 2.24.2 On resumption of the meeting, the Chairperson shall move a motion, which shall be put without debate, to determine whether the meeting shall proceed.
- 2.24.3 Where such a motion under section 2.24.2 of this Policy is lost, the Chairperson shall declare the meeting closed and any outstanding matters referred to a future meeting.

### 2.25 Attendance of Public and the Media at Meetings

- 2.25.1 An area shall be made available at the place where any Meeting is to take place for members of the public and representatives of the media to attend the meeting and as many members of the public as reasonably can be accommodated in that area shall be permitted to attend the meeting.
- 2.25.2 When the Council or Committee is sitting in closed session, the public and representatives of the media shall be excluded as specified in section 2.2.13 of this Policy.



- 2.25.3 After a Meeting has commenced, members of the public and media representatives must switch all electronic devices to silent while they are in the meeting room.
- 2.25.4 If a person fails to comply with section 2.25.3 of this Policy, the Mayor or Chairperson may direct that person to immediately leave the meeting room.
- 2.25.5 Failure to comply with a direction under section 2.25.4 may be considered an act of disorder.

## 2.26 Public Participation at Meetings

- 2.26.1 A member of the public may take part in the proceeding of a Meeting only when invited to do so by the Chairperson.
- 2.26.2 During debate on a motion, the Chairperson may invite submissions, comments or questions from members of the public.
- 2.26.3 In each ordinary Council Meeting, Council may allocate time to permit members of the public to address the Council on matters of public interest related to local government. The time allotted shall not exceed fifteen minutes and no more than three speakers shall be permitted to speak at any one meeting. The right of any individual to address the Council during this period shall be at the absolute discretion of Council.
- 2.26.4 If any address or comment by a member of the public is irrelevant, offensive, or unduly long, the Chairperson may require the person to cease making the address or comment.
- 2.26.5 For any matter arising from such an address, Council may take the following actions:
- (a) refer the matter to a Committee;
  - (b) deal with the matter immediately;
  - (c) place the matter on notice for discussion at a future meeting; or
  - (d) note the matter and take no further action.
- 2.26.6 Any person addressing the Council shall stand and act and speak with decorum and frame any remarks in respectful and courteous language.
- 2.26.7 Any person who is considered by the Council, the Chairperson, or the Mayor to be unsuitably dressed may be directed by the Mayor or Chairperson to immediately withdraw from the meeting. Failure to comply with such a request may be considered an act of disorder.

## 2.27 Public Questions of Council

- 2.27.1 In each ordinary Council Meeting, fifteen (15) minutes will be allocated to permit members of the public to ask questions of Councillors. At the direction of the Chairperson, a member of the public may rise, provide their name, and ask their question. A question shall be less than ninety (90) seconds in duration, be asked categorically and without argument and no discussion shall be permitted at the Meeting in relation to a reply or a refusal to reply to the question. The Councillor to whom a question is asked without notice may request that the question be taken on notice with a written answer provided in the minutes of a future Meeting.
- 2.27.2 The minutes of the Meeting shall record the name of the questioner, the question asked, and the answer.
- 2.27.3 The Chairperson may disallow a question which is considered inconsistent with an acceptable request or good order. In such instances, a record of the questioner, their question, and the Chairperson's ruling shall be kept.

2.27.4 For any matter arising from such a question, Council may take the following actions:

- (a) refer the matter to a Committee;
- (b) deal with the matter immediately;
- (c) place the matter on notice for discussion at a future meeting; or
- (d) note the question and answer, and take no further action.

2.27.5 Any person asking a question of Council shall stand and act and speak with decorum and frame questions in respectful and courteous language.

### 2.28 Procedure not provided for

2.28.1 If an appropriate or adequate method of dealing with a matter is not provided for within this Policy, the method of dealing with the matter may be determined by a resolution of Council upon a motion, which may be put without notice in conformity with this Policy.

## Part 3 – Councillor Conduct

### Unsuitable Meeting Conduct

Unsuitable meeting conduct may include:

- (a) a Councillor behaves in a Meeting, in a way which intimidates, bullies, or harasses a member of the community, another Councillor, or a Council employee;
- (b) a Councillor continually interrupts or disrupts a speaker at a Meeting; or
- (c) a Councillor behaves in an offensive or disorderly way in a Meeting.

### Inappropriate Conduct

Inappropriate conduct in relation to Meetings may include:

- (a) a Councillor fails to comply with an order made by the Chairperson to leave and stay away from the place at which the Meeting is being held; or
- (b) a Councillor has been reprimanded three (3) times in twelve (12) months for interrupting other Councillors during Meetings.

### Misconduct

Misconduct in relation to Meetings may include:

- (a) a Councillor knowingly provides false or misleading information during a Meeting in order to affect a decision;
- (b) a Councillor provides confidential information to the media which came from a closed Meeting; or
- (c) a Councillor who has a reasonable belief or suspicion that another Councillor with a prescribed conflict of interest or declarable conflict of interest is participating in a decision in contravention of the *Local Government Act 2009* did not disclose it to the presiding officer when the other Councillor failed to disclose it.

### Corrupt Conduct

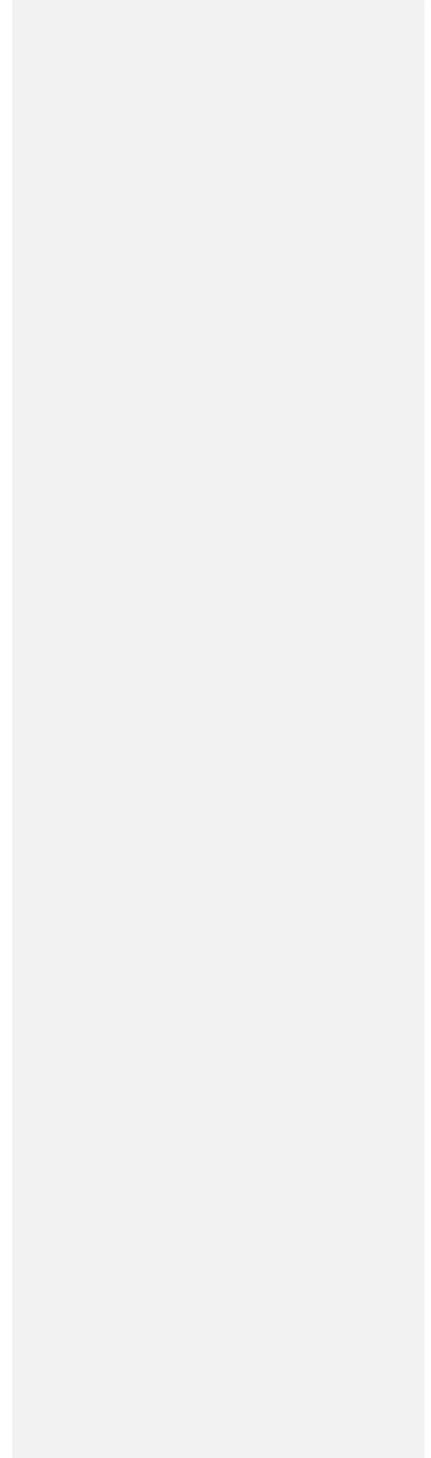
Corrupt conduct in relation to Meetings may include a Councillor with a prescribed conflict of interest failing to leave the place at which the Meeting is being held, including any area set aside for the public and staying away while the matter is discussed and voted on.

### 3.1 Process for dealing with unsuitable meeting conduct by a Councillor in a Meeting

The conduct of a Councillor is unsuitable meeting conduct if the conduct happens during a ~~Council Meeting~~local government meeting and contravenes a behavioural standard of the Code of Conduct for Councillors. When dealing with an instance of unsuitable ~~meeting~~ conduct by a Councillor in a Meeting, the following procedures must be followed.

- 3.1.1 The Chairperson must reasonably believe that unsuitable meeting conduct has been displayed by a Councillor at a Meeting.
- 3.1.2 If the Chairperson decides the unsuitable meeting conduct has occurred, the Chairperson must consider the severity of the conduct and whether the Councillor has had any previous warnings for unsuitable meeting conduct issued. If the Chairperson decides the conduct is of a serious nature or another warning is warranted, proceed to section 3.1.7 of this Policy.
- 3.1.3 If the Chairperson decides unsuitable meeting conduct has occurred but is of a less serious nature, the Chairperson may request the Councillor take remedial actions such as:
- (a) ceasing the unsuitable meeting conduct and refraining from exhibiting the conduct;
  - (b) apologising for their conduct; or
  - (c) withdrawing their comments.
- 3.1.4 If the Councillor complies with the Chairperson's request for remedial action, no further action is required.
- 3.1.5 If the Councillor fails to comply with the Chairperson's request for remedial action, the Chairperson may warn the Councillor that failing to comply with the request may result in an order being issued.
- 3.1.6 If the Councillor complies with the Chairperson's warning and request for remedial action, no further action is required.
- 3.1.7 If the Councillor still continues to fail to comply with the Chairperson's request for remedial action or the Chairperson decided a warning was not appropriate under section 3.1.3 of this Policy, the Chairperson may make one or more of the orders below:
- (a) an order reprimanding the Councillor for the conduct; or
  - (b) an order requiring the Councillor to leave the Meeting, including any area set aside for the public and stay out for the duration of the Meeting.
- 3.1.8 If the Councillor fails to comply with an order to leave and stay away from the Meeting, the Chairperson can issue an order that the Councillor be removed from the Meeting.
- 3.1.9 Following the completion of the Meeting, the Chairperson must ensure the minutes record the information about unsuitable meeting conduct (see note):-
- ~~(a) — details of any order issued are recorded in the minutes of the Meeting;~~
  - ~~(b) — if it is the third (3<sup>rd</sup>) or more order made within a twelve (12) month period against a Councillor or the Councillor has refused to comply with an order issued to leave the Meeting, these matters are to be dealt with at the next Meeting of Council and treated as inappropriate conduct; and~~
  - ~~(c) — the Chief Executive Officer is advised to ensure details of any order made is updated in Council's Councillor Conduct Register.~~

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3.1.10 Any Councillor aggrieved with an order issued by the Chairperson can move a motion of dissent for sections 3.1.1, 3.1.7 and 3.1.8 of this Policy.

**Note:** Details of any order issued is recorded in the minutes of the meeting. If it is the third or more order made within a 12-month period against a councillor, or the councillor has refused to comply with an order issued to leave the meeting, these matters are dealt with at the next local government meeting as a suspected conduct breach. The local governments chief executive officer (CEO) is advised to ensure details of any order made is updated in the local government's councillor conduct register.

**Note:** Chairpersons of a Meeting are carrying out a statutory responsibility under the Local Government Act 2000 to manage and lead the Meeting. As such, where a Chairperson behaves inappropriately in a Meeting, this involves a breach of the trust placed in them as the Chairperson of the Meeting and may be dealt with as misconduct. The breach can be referred to the Office of the Independent Assessor for its consideration. However, breaches of trust do not arise because Councillors disagree with the Chairperson's decision or ruling during the Meeting.

**3.2 Process for Dealing with Unsuitable Meeting Conduct by a Chairperson in a Meeting**

3.2.1 If a councillor at the meeting reasonably believes that the conduct of the chairperson during the meeting is unsuitable meeting conduct, the councillor will raise the matter in the meeting by point of order.

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3.2.2 The chairperson may correct their unsuitable meeting conduct or if they do not properly correct their behaviour, the councillor may move a motion that the councillor has engaged in unsuitable meeting conduct (a seconder for the motion is required). Councillors present, excluding the chairperson, must decide by resolution if the conduct is unsuitable meeting conduct.

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3.2.3 The chairperson has a declarable conflict of interest in the matter and must leave the place where the meeting is being held, including any area set aside for the public, during the debate and vote on the matter. If the chairperson wishes to remain in the meeting, the eligible councillors must make a decision and follow the procedures set out in part 5 below.

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3.2.4 For the debate and vote on the motion, a councillor other than the councillor that moved the motion, is to act as the chairperson.

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3.2.5 If the original chairperson remains in the meeting, on the condition that they will not vote on the matter as determined by the eligible councillors, they can put forward their reasoning about their conduct, and respond to questions through the chairperson from the eligible councillors.

3.2.6 The acting chairperson of the meeting will preside over the meeting while the councillors present at the meeting vote on whether the chairperson has engaged in unsuitable meeting conduct (the acting chairperson will have a casting vote on the resolution if required).

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3.2.7 If it is decided that the chairperson has engaged in unsuitable meeting conduct the councillors can make an order reprimanding the chairperson for the conduct.

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3.2.8 Once the councillors make a decision, the chairperson returns to the meeting (unless they have been permitted to remain in the meeting) and is informed of the decision by the acting chairperson.

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3.2.9 The chairperson then resumes the role of chairperson, and the meeting continues.

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Note: Details of any reprimand order is recorded in the minutes of the meeting. The local government's chief executive officer (CEO) is advised to ensure details of any order made is updated in the local government's councillor conduct register.

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For conduct of a chairperson, at local government meetings that is part of a course of conduct leading to a reprimand order for unsuitable meeting conduct being made against the chairperson, on three occasions within a period of 12 months, the conduct that led to the orders being made, taken together, becomes a conduct breach.

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If the conduct of a councillor, including a chairperson, at the meeting becomes a conduct breach; in accordance with section 150J of the LGA, and is a conduct breach under section 150K(2)(b) and (3) of the LGA, the local government is not required to notify the assessor about the conduct; and may deal with the conduct under section 150AG as if an investigation had been conducted. It may be dealt with at the next local government meeting.

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**3.2 Meeting process for dealing with a suspected Inappropriate Conduct Breach which has been referred to Council by the Independent Assessor**

Under chapter 5A, part 3, division 3A of the LGA, the IA must make a preliminary assessment and consider dismissing a complaint, notice or information before taking other action if satisfied that particular circumstances apply. If the IA assesses that a matter is a suspected conduct breach it must refer the matter to the local government. The assessor refers the councillor's suspected conduct breach to the local government by giving a referral notice.

Note: Conduct breach is conduct that contravenes a behavioural standard of the code of conduct for councillors, or a policy, procedure or resolution of the local government; or the conduct contravenes an order of the chairperson of a local government meeting for the councillor to leave and stay away from the place at which the meeting is being held; or an instance of a suspected conduct breach that may arise from circumstances under paragraph 1.9.2 of this document.

1.1. In relation to matters referred by the IA to the local government, the local government may decide not to start or discontinue an investigation if the complainant withdraws the complaint, or consents to the investigation not starting or discontinuing, or the complainant does not provide extra information when requested, or there is insufficient information to investigate the complaint, or the councillor vacates or has vacated their office as a councillor.

Note: The local government investigation must be conducted in a way that is consistent with the local government's investigation policy. An investigation report must be prepared to assist the councillors in making a decision on the outcome under section 150AG of the LGA. Before debating a matter relating to making a decision, a summary investigation report (with redactions) must be prepared and made publicly available under section 150AFA of the LGA on or before the day and time prescribed by regulation. However, this section does not apply in relation to a decision by the Establishment and Coordination Committee under the City of Brisbane Act 2010 (COBA).

- 3.2.1 The local government must decide in a local government meeting, whether the councillor has engaged in a conduct breach. Unless in accordance with section 150AG of the LGA, it has delegated responsibility for this decision to the mayor under section 257(2)(a), or to a standing committee section 257(2)(b) of the LGA or section 238(2)(a), (b) or (c) of the COBA.
- 3.2.2 When dealing with an instance of a suspected conduct breach which has been referred to a local government by the IA:
- 3.2.2.1 The local government must be consistent with the local government principle of transparent and accountable decision making in the public interest by deciding the outcome of an investigation of a suspected conduct breach in an open meeting of the local government. However, where the matter requires debate a local government may close all or part of a meeting to the public, if considered necessary, to discuss an investigation report under the City of Brisbane Regulation (CBR) section 242J, or the Local Government Regulation (LGR) section 254J.
- 3.2.2.2 No resolution for a decision can be made in the closed session. The matter must be decided in an open session of the meeting or at a later meeting.
- 3.2.2.3 Where a local government makes a decision about a conduct breach matter at a local government meeting that is inconsistent with a recommendation made about that matter in an investigation report, a statement of the reasons for the inconsistency must be included in the minutes of the meeting under CBR section 242H and the LGR section 254H.
- 3.2.2.4 The subject councillor has a declarable conflict of interest in the matter but may remain in the closed meeting (unless the local government decides otherwise), during the debate about the investigation report and answer questions put to the subject councillor through the chairperson in relation to the evidence or written submission provided by the councillor to the local government.
- 3.2.2.5 The subject councillor who has a declarable conflict must leave the place where the meeting is being held, including any area set aside for the public, during the vote on whether they have engaged in a conduct breach and what, if any, penalty to impose if the councillor is found to have engaged in a conduct breach.
- 3.2.2.6 If the complainant is a councillor, that councillor has a declarable conflict of interest in the matter and if so, must follow the declarable conflict of interest procedures in section 4. If the complainant councillor who has a conflict of interest, wishes to remain in the meeting during the debate and vote on the matter, the other eligible councillors (do not have a COI in the matter) must decide how to deal with the conflict of interest under section 4. The complainant councillor can be ordered to leave the meeting place or conditions may be applied to allow that councillor to participate in either the debate, the vote, or the decision on any disciplinary action to be applied.
- 3.2.2.7 After making a decision under section 150AG of the LGA, the local government must make the full investigation report, publicly available within 10 business days after the decision is made, with redactions of the name of the complainant and any witnesses but including the name of a

councillor or the CEO of the local government if they were complainants, or any councillor who declared a COI in the matter.

3.2.3 If the local government has lost quorum due to the number of conflicted councillors or another reason, the local government must do one of the following:

3.2.3.1 Delegate deciding the matter under section 257 of the LGA to the mayor or a standing committee, or under section 238 of the COBA, to the mayor or the Establishment and Coordination Committee, or a standing committee, whichever is the most appropriate in the circumstances or

3.2.3.2 Decide, by resolution, to defer the matter to a later meeting or

3.2.3.3 Decide, by resolution, not to decide the matter and take no further action in relation to the matter unless this Act or another Act provides that the local government must decide the matter.

*Note: Local government cannot decide to take no further action on a decision about a conduct matter because it is required under the LGA. In order to reach a decision when a loss of quorum has occurred, the matter can be deferred to a later meeting when a quorum can be maintained, or the conflicted councillors may apply to the Minister for permission to participate in the decision.*

3.2.4 If a decision is reached that the subject councillor has engaged in a conduct breach, then the councillors must decide what penalty or penalties from the orders detailed in 2.6, if any, to impose on the councillor. In deciding what penalty to impose the local government may consider any previous inappropriate conduct of the councillor and any allegation made in the investigation that was admitted, or not challenged, and that the local government is reasonably satisfied is true.

3.2.5 The local government may order that no action be taken against the councillor or make one or more of the following:

3.2.5.1 An order that the councillor make a public apology, in the way decided by the local government,

3.2.5.2 An order reprimanding the councillor for the conduct breach

3.2.5.3 An order that the councillor attend training or counselling to address the councillor's conduct, including at the councillor's expense

3.2.5.4 An order that the councillor be excluded from a stated local government meeting

3.2.5.5 An order that the councillor is removed, or must resign, from a position representing the local government, other than the office of councillor, (for example that the councillor is ordered to resign from an appointment representing the local government on a state board or committee)

3.2.5.6 An order that if the councillor engages in the same type of conduct again, it will be treated as misconduct

3.2.5.7 An order that the councillor reimburse the local government for all or some of the costs arising from the councillor's conduct breach.



~~3.2.5.8 A local government may not make an order in relation to a person who has vacated their office as a councillor.~~

~~3.2.6 The subject councillor, and where relevant, the complainant councillor, must be invited back into the place where the meeting is being held once a decision has been made, and the chairperson must advise them of the decision made by the local government and if relevant any orders made by resolution.~~

~~3.2.7 The minutes of the meeting must reflect the decision and any orders made. A notice must be given to the IA as soon as practicable about the decision and the reasons for the decision and if an order is made under section 150AH the details of the order.~~

~~Pursuant to Chapter 5A, Division 5 of the Local Government Act 2009 (Referral of conduct to local government), a referral from the Independent Assessor of inappropriate conduct or an instance of suspected inappropriate conduct may arise from circumstances under section 3.1.9(b) of this Policy.~~

~~In either case, Council must complete an investigation into the alleged conduct:~~

- ~~(a) consistent with any recommendations from the Independent Assessor; and~~
- ~~(b) consistent with Council's Councillor Complaints Investigation Policy; or~~
- ~~(c) in another way decided by resolution of Council.~~

~~After the completion of the investigation, Council must decide in a Council Meeting whether the Councillor has engaged in inappropriate conduct, unless it has delegated responsibility for this decision under section 257 of the Local Government Act 2009.~~

~~When dealing with an instance of suspected inappropriate conduct which has been referred to Council by the Independent Assessor, Council must be consistent with the local government principle of transparent and accountable decision making in the public interest, by dealing with suspected inappropriate conduct in an open Council Meeting. However, where the matter may directly affect the health and safety of the complainant due to the nature of the complaint, Council may resolve to go into closed session under section 254J of the Local Government Regulation 2012.~~

~~3.2.1 The subject Councillor has a declarable conflict of interest in the matter and is permitted by Council to remain in the Meeting during the debate about whether the Councillor engaged in the inappropriate conduct and answer questions put to the subject Councillor through the Chairperson to assist the other Councillors in making a decision. The permission to remain in the Meeting for the debate is on the condition that the subject Councillor must leave the place where the Meeting is being held, including any area set aside for the public, during the vote on whether they have committed inappropriate conduct and what, if any, penalty to impose if the Councillor is found to have committed inappropriate conduct.~~

~~3.2.2 Should the complainant be a Councillor, that Councillor may have a declarable conflict of interest in the matter and if so, must follow the declarable conflict of interest procedures in section 3.4 of this Policy. If the complainant Councillor who has a conflict of interest, wishes to remain in the Meeting during the debate and vote on the matter, the other Councillors must decide how to deal with the conflict of interest under section 3.4. The complainant Councillor can be ordered to leave the Meeting place or conditions may be applied to allow that Councillor to participate in either the debate, the vote or the decision on any disciplinary action to be applied.~~

Meeting Procedures Policy

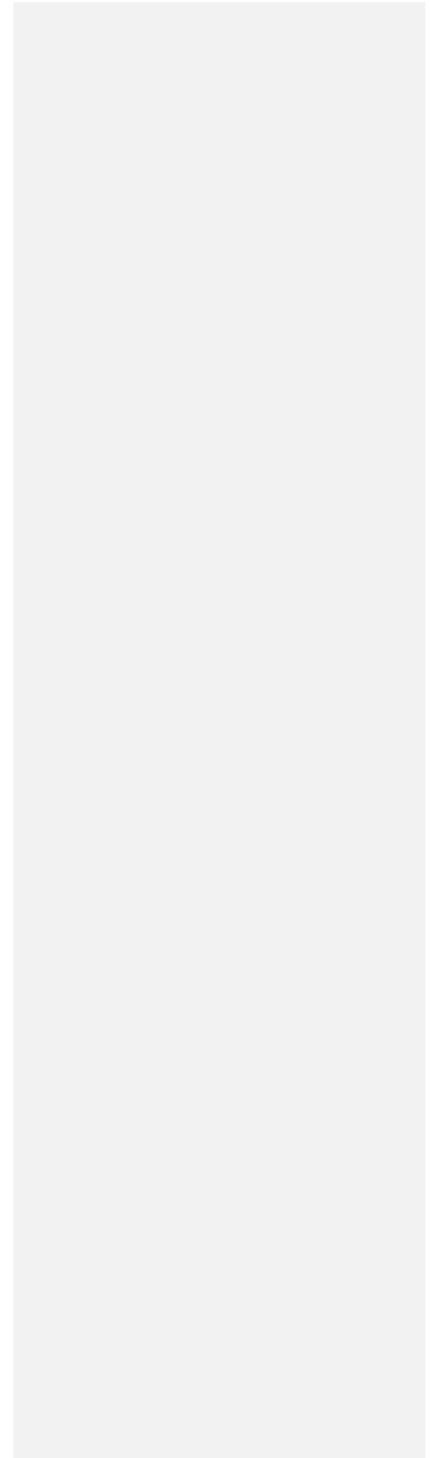
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~~Version: 0.0~~ ~~Business Unit: Executive Support~~

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~~3.2.3 Council must debate the issue and decide whether the subject Councillor engaged in inappropriate conduct. If Council has lost a quorum due to the number of conflicted Councillors or another reason, the matter must be delegated consistent with section 257 of the Local Government Act 2009 or deferred to another date when a quorum will be present.~~

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~~3.2.4 If a decision is reached that the subject Councillor has engaged in inappropriate conduct, then the Councillors must decide what penalty or penalties from the orders detailed in section 3.2.5 of this Policy, if any, to impose on the Councillor. In deciding what penalty to impose, Council may consider any previous inappropriate conduct of the Councillor and any allegation made in the investigation which was admitted or not challenged, and that Council is reasonably satisfied is true.~~

~~3.2.5 Council may order that no action be taken against the Councillor or make one or more of the following:~~

~~(a) an order that the Councillor make a public admission that the Councillor has engaged in inappropriate conduct;~~

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~~(b) an order reprimanding the Councillor for the conduct;~~

~~(c) an order that the Councillor attend training or counselling to address the Councillor's conduct, including at the Councillor's expense;~~

~~(d) an order that the Councillor be excluded from a stated Council Meeting;~~

~~(e) an order that the Councillor is removed or must resign, from a position representing Council, other than the office of Councillor, for example that the Councillor is ordered to resign from an appointment representing Council on a State board or committee;~~

~~(f) an order that if the Councillor engages in the same type of conduct again, it will be treated as misconduct; and~~

~~(g) an order that the Councillor reimburse Council for all or some of the costs arising from the Councillor's inappropriate conduct.~~

~~3.2.6 Council may not make an order under section 3.2.5(c); 3.2.5(d), 3.2.5(e), or 3.2.5(f) in relation to a person who is no longer a Councillor.~~

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~~3.2.7 The subject Councillor and where relevant, the complainant Councillor, must be invited back into the place where the Meeting is being held once a decision has been made and the Chairperson must advise them of the details of the decision.~~

~~3.2.8 The Chairperson must ensure the Meeting minutes reflect the resolution made.~~

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### 3.3 Prescribed Conflict of Interest

Councillors are ultimately responsible for informing of any prescribed conflict of interest on matters to be discussed at a Council Meetinglocal government, standing or advisory Committee Meeting (other than ordinary business matters). When dealing with a prescribed conflict of interest, Councillors must abide by the following procedures.

3.3.1 A Councillor who has notified the Chief Executive Officer of a prescribed conflict of interest in a matter to be discussed in a local government Meeting must also give notice during the Meeting.

3.3.2 A Councillor who first becomes aware of a prescribed conflict of interest in a matter during a local government Meeting must immediately inform the Meeting of the conflict of interest.

- 3.3.3 When notifying the Meeting of a prescribed conflict of interest, the following details must, at a minimum, be provided:
- (a) if it arises because of a gift, loan, or contract, the value of the gift, loan, or contract;
  - (b) if it arises because of an application or submission, the subject of the application or submission.
  - (c) the name of any entity, other than the Councillor, which has an interest in the matter;
  - (d) the nature of the Councillor's relationship with the entity which has an interest in a matter; and
  - (e) details of the Councillor's and any other entity's interest in the matter.
- 3.3.4 The Councillor must then leave the place of the Meeting, including any area set aside for the public and stay away while the matter is being discussed and voted on, unless the subject Councillor has written notice from the Minister administering the *Local Government Act 2009* to participate in the matter.
- 3.3.5 Once the Councillor has left the area where the [local government](#) Meeting is being conducted, Council can continue discussing and deciding on the matter at hand.

### 3.4 Declarable Conflict of Interest

Councillors are ultimately responsible for informing of any declarable conflict of interest on matters to be discussed at [Council Meetings](#)/[local government meetings](#), standing, or advisory Committee Meetings which might lead to a decision which is contrary to the public interest (other than ordinary business matters).

A Councillor may raise their personal interests in a matter at the Meeting to canvas the view of the other Councillors prior to deciding to declare a conflict of interest. If the other Councillors suspect the personal interest might be a conflict of interest, the Councillors may disclose their suspicion and the processes under section 150EW of the *Local Government Act 2009* applies.

When dealing with a declarable conflict of interest, Councillors must abide by the following procedures.

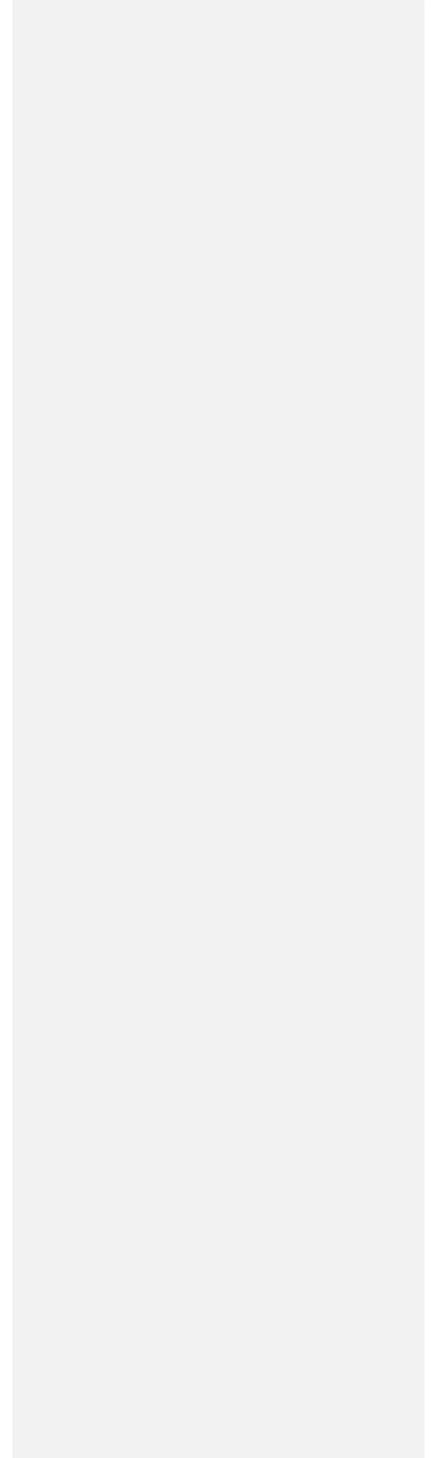
- 3.4.1 A Councillor who has notified the Chief Executive Officer of a declarable conflict of interest in a matter to be discussed at a [local government](#) Meeting must also give notice during the Meeting.
- 3.4.2 A Councillor who first becomes aware of a declarable conflict of interest in a matter during a [local government](#) Meeting must inform the Meeting of the conflict of interest.
- 3.4.3 When notifying the Meeting of a declarable conflict of interest, Councillors should provide sufficient detail to allow the other Councillors to make an informed decision about how best to manage the declarable conflict of interest in the public interest. As a minimum, the following details must be provided:
- (a) the nature of the declarable conflict of interest;
  - (b) if it arises because of the Councillor's relationship with a related party:
    - (i) the name of the related party to the Councillor;
    - (ii) the nature of the relationship of the related party to the Councillor; and
    - (iii) the nature of the related party's interest in the matter; and

- (c) if it arises because of a gift or loan from another person to the Councillor or a related party:
- (i) the name of the other person;
  - (ii) the nature of the relationship of the other person to the Councillor or related party;
  - (iii) the nature of the other person's interest in the matter; and
  - (iv) the value of the gift or loan and the date the gift or loan was made.
- 3.4.4 After a Councillor has declared a conflict of interest, the Councillor should consider leaving the Meeting while the matter is discussed unless they have reasons why their participation would improve making the decision in the public interest.
- 3.4.5 If the Councillor chooses not to leave the Meeting, the Councillor may advise the other Councillors of their reasons for seeking permission to participate in making the decision.
- 3.4.6 The other Councillors at the Meeting must then decide, by resolution, whether the Councillor can participate in the decision making in relation to the matter, including voting on the matter or whether they should not participate in the decision and leave the place of the Meeting while the matter is decided by the non-conflicted Councillors. The non-conflicted Councillors may impose conditions on the Councillor under a decision to either participate or leave the Meeting (for example, may stay for the debate but must leave for the vote). The Councillor must comply with any decision or condition imposed by the non-conflicted Councillors. The councillor must not participate in the decision unless authorised in compliance with section 150ES of the LGA or under an approval by the minister for local government under section 150EV of the LGA.
- 3.4.7 In deciding on whether a Councillor may participate in a decision about a matter in which the Councillor has a declarable conflict of interest, only Councillors who do not themselves have a prescribed or declarable conflict of interest in the matter are eligible to participate in the decision making. The decision may be made even if the number of those Councillors is less than a majority or less than a quorum for the Meeting consistent with section 150ET of the *Local Government Act 2009* and section 177Q of the COBA.
- 3.4.8 The Councillor who is the subject of the decision may remain in the Meeting while the debate is occurring and can participate by answering questions from the Chairperson to assist the other Councillors in making their decision. The subject Councillor must not vote or otherwise participate in making the decision but may remain in the Meeting while the vote on the matter takes place and the decision is declared by the Chairperson, on whether the Councillor may remain in the Meeting and participate in deciding the matter in which the Councillor has a declarable conflict of interest.
- 3.4.9 When deciding whether a Councillor may participate in the decision making on a matter in which they have a declarable conflict of interest, the other Councillors should consider the circumstances of the matter including, but not limited to:
- (a) how does the inclusion of the Councillor in the deliberation affect the public trust;
  - (b) how close or remote is the Councillor's relationship to the related party;
  - (c) if the declarable conflict of interest relates to a gift or other benefit, how long ago was the gift or benefit received;
  - (d) will the benefit or detriment the subject Councillor or their related party stands to receive from the decision have a major or minor impact on them;
  - (e) how does the benefit or detriment the subject Councillor stands to receive compare to others in the community;

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- (f) how does this compare with similar matters ~~which Council~~that the local government has decided and have other Councillors with the same or similar interests decided to leave the Meeting; and
- (g) whether the subject Councillor has unique skills, knowledge, or expertise which might help make the best decision in the public interest.

3.4.10 If the non-conflicted Councillors cannot decide about the declarable conflict of interest of a Councillor, they are taken to have decided that the Councillor must leave and stay away from the Meeting while the non-conflicted Councillors discuss and vote on the matter.

3.4.11 A decision about a Councillor who has a declarable conflict of interest in a matter applies in relation to the Councillor for participating in the decision and subsequent decisions, about the same matter unless there is a change to the Councillor's personal interests and/or the nature of the matter being discussed. If the non-conflicted Councillors decide that the Councillor can act in the public interest on the matter, then the Councillor may participate in the Meeting and be involved in processes occurring outside of a local government Meeting about the same matter (for example, briefing sessions or workshops).

3.4.12 In making the decision under sections 3.4.6 and 3.4.9 of this Policy, it is irrelevant how the subject Councillor intended to vote on the issue or any other issue (if known or suspected).

3.4.13 A Councillor does not contravene the above procedures if the Councillor participates in a decision under written approval from the Minister administering the *Local Government Act 2009*.

### 3.5 Reporting a Suspected Conflict of Interest

3.5.1 If a Councillor at a Meeting reasonably believes or suspects that another Councillor has a personal interest in a matter which may be a prescribed or declarable conflict of interest and that Councillor is participating in a decision on that matter, the Councillor must immediately inform the Chairperson of the Meeting of their belief or suspicion and the facts and circumstances which led to their belief or suspicion.

3.5.2 The Chairperson should ask the relevant Councillor with the suspected personal interest whether they have any prescribed or declarable conflict of interest in the matter. If the Councillor agrees they have a conflict of interest, the Councillor must follow the relevant procedures in section 3.3 or 3.4 of this Policy.

3.5.3 If the Councillor believes they do not have a conflict of interest, they must inform the Meeting of that belief and their reasons for that belief.

3.5.4 The non-conflicted Councillors must then decide whether the Councillor has a prescribed conflict of interest, a declarable conflict of interest, or that the Councillor does not have a prescribed or declarable conflict of interest in the matter. If the Meeting decides the Councillor has a conflict of interest, the Councillor must follow the relevant procedures in section 3.3 or 3.4 of this Policy.

3.5.5 If the Councillors cannot reach a majority decision, then they are taken to have determined that the Councillor has a declarable conflict of interest.

3.5.6 If the belief or suspicion of a COI relates to more than one councillor. The parts of 3.4.1 to 3.4.8 of these procedures must be complied with in relation to each councillor separately.

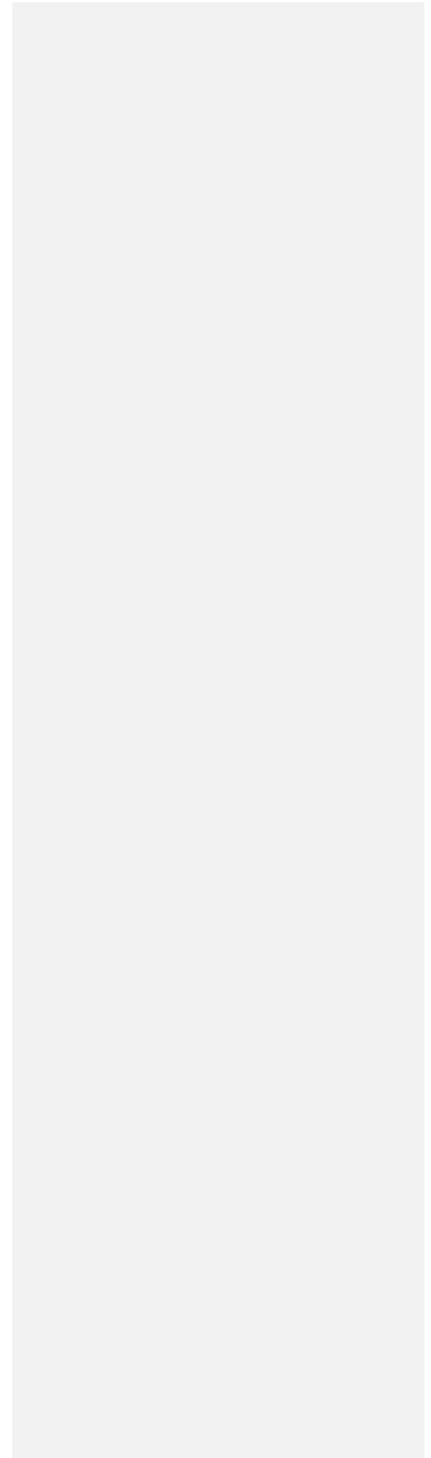
### 3.6 Loss of Quorum

3.6.1 In the event where one or more Councillors leave a Meeting due to a prescribed or declarable conflict of interest in a matter which results in a loss of a quorum for deciding the matter, Council must resolve to:

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- (a) delegate the consideration and decision on the matter, pursuant to section 257 of the *Local Government Act 2009*;
- (b) defer the matter to a later Meeting; or
- (c) not to decide the matter and take no further action in relation to the matter unless the LGA or another Act provides that the local government must decide the matter.

All Councillors including the conflicted Councillors, may participate in deciding to delegate or defer a matter.

3.6.2 Council-The local government must not delegate a decision to an entity if the entity or a majority being at least half of its members, has a prescribed or declarable conflict of interest in the matter.

3.6.3 If the matter cannot be delegated under the *Local Government Act 2009*, Council should seek ministerial approval for the Councillors to be able to consider and vote on the matter, subject to any conditions the Minister for Local Government may impose.

### 3.7 Recording Prescribed and Declarable Conflicts of Interest

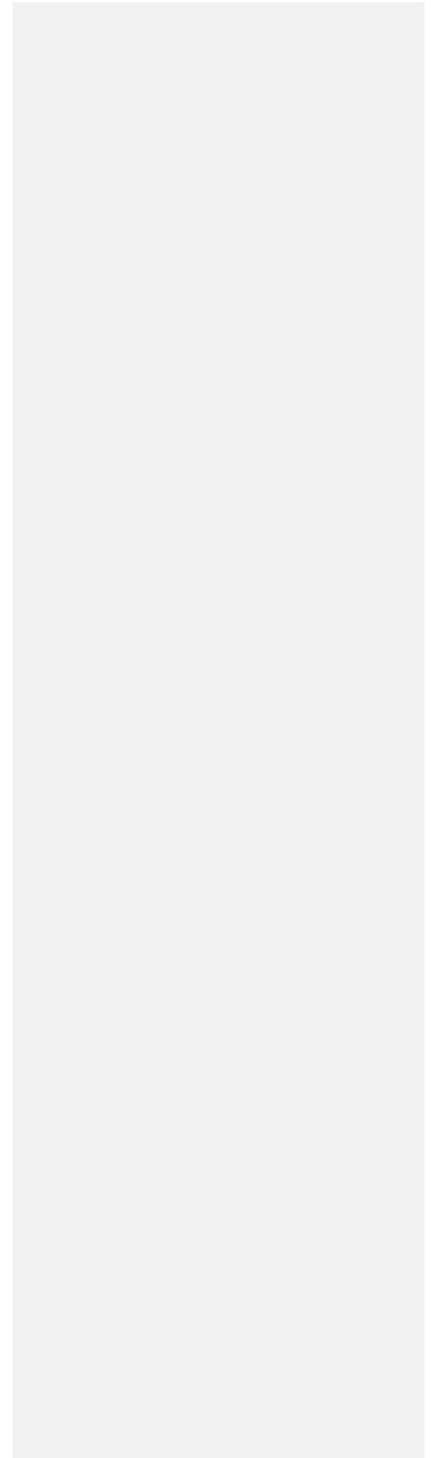
When a Councillor informs a Meeting that they or another Councillor have a prescribed or declarable conflict of interest in a matter, the minutes of the Meeting must record all of the relevant details of how the conflict of interest was dealt with, being:

- (a) the name of any Councillor and any other Councillor who may have a prescribed or declarable conflict of interest;
- (b) the particulars of the prescribed or declarable conflict of interest provided by the Councillor;
- (c) the actions taken by a Councillor after informing the Meeting that they have, or they reasonably suspect another Councillor has a prescribed or declarable conflict of interest;
- (d) any decision then made by the eligible Councillors;
- (e) whether the Councillor with a prescribed or declarable conflict of interest participated in or was present for the decision under ministerial approval;
- (f) Council's-The local government's decision on what actions the Councillor with a declarable conflict of interest must take and the reasons for the decision;
- (g) the name of each Councillor who voted on the matter and how each voted;
- (h) if the Councillor has a declarable conflict of interest the following additional information must be recorded in the minutes of the Meeting when the Meeting is informed of a Councillor's personal interest by someone other than the Councillor:
  - (i) the name of each Councillor who voted in relation to whether the Councillor has a declarable conflict of interest; and
  - (ii) how each of the Councillors voted; and
  - (i) where a decision has been made under section 3.4.6 of this Policy—the minutes must include the decision and reasons for the decision and the name of each eligible Councillor who voted and how each eligible Councillor voted.

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**11.7 REVIEW OF COUNCILLOR PORTFOLIOS AND MEETING STRUCTURES**

<b>File No:</b>	<b>Meetings</b>
<b>Attachments:</b>	<b>Nil</b>
<b>Responsible Officer:</b>	<b>Cale Dendle - Chief Executive Officer</b>
<b>Author:</b>	<b>Cale Dendle - Chief Executive Officer</b>

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**SUMMARY**

*Chief Executive Officer reporting on a review of councillor portfolios and meeting structures.*

**RECOMMENDATION**

*THAT from June 2024, Council discontinue the scheduled Briefing Sessions and, in accordance with the provisions of s. 264(1)(a) of the Local Government Regulation 2012, replace them with Standing Committees with the following terms of reference:*

1. *Infrastructure Committee:*

- *Committee is primarily responsible for overseeing policy and performance in the following areas of Council operation:*
  - *Roads & Drainage*
  - *Engineering Services (infrastructure planning and design services)*
  - *Water & Sewerage*
  - *Waste Management & Resource Recovery*
  - *Major Project Delivery*
- *In accordance with s. 257(1)(c) of the Local Government Act 2009, Council delegate authority to the committee to make resolutions on its behalf, provided that there is an absolute majority (ie. four of seven councillors) in favour of the proposal. For clarity, a casting vote cannot be used by the presiding councillor to determine a resolution and tied votes must be referred to Ordinary Council meeting for determination.*
- *Committee members be all councillors in the first instance.*
- *By virtue of s. 12(3)(g) of the Local Government Act 2009, the Mayor is a (ex-officio) member of the committee.*
- *A quorum be a simple majority of members.*
- *In accordance with s. 267(1) of the Regulation, Cr Mather and Cr Watson be appointed as rotating co-chairs of the committee.*
- *The committee meet on the first Tuesday of each month at 8.30am in the Council Chambers.*
- *Committee Secretary/Principal Reporting Officer is the General Manager Infrastructure.*

2. *Recreation & Culture Committee:*

- *Committee is primarily responsible for overseeing policy and performance in the following areas of Council operations, viz:*
  - *Facilities (both community and council)*
  - *Community & Cultural Services:*
    - *Community Development*
    - *Sport & Recreation*

- 
- *Communications & Engagement*
  - *Event Management*
  - *Libraries*
  - *Arts & Culture*
  - *Community Centre*
  - *Strengthening Family Connections*
- *In accordance with s. 257(1)(c) of the Local Government Act 2009, Council delegate authority to the committee to make resolutions on its behalf, provided that there is an absolute majority (ie. four of seven councillors) in favour of the proposal. For clarity, a casting vote cannot be used by the presiding councillor to determine a resolution and tied votes must be referred to Ordinary Council meeting for determination.*
  - *Committee members be all councillors in the first instance.*
  - *By virtue of s. 12(3)(g) of the Local Government Act 2009, the Mayor is a (ex-officio) member of the committee.*
  - *A quorum be a simple majority of members.*
  - *In accordance with s. 267(1) of the Regulation, Cr Friend and Cr Warcon be appointed as rotating co-chairs of the committee.*
  - *The committee meet in the first instance on the first Tuesday of each month at 11.00am in in the Council Chambers.*
  - *Committee Secretary/Principal Reporting Officer is the General Manager Communities.*
3. *Development & Environment Committee*
- *Committee is primarily responsible for overseeing policy and performance in the following areas of Council operation:*
    - *Urban Planning*
    - *Growth Management*
    - *Development Assessment*
    - *Building & Plumbing Services*
    - *Natural Resource Management*
    - *Environmental Services*
    - *Pest Management & Vector Control*
    - *Local Laws/Rangers*
    - *Public Health*
  - *In accordance with s. 257(1)(c) of the Local Government Act 2009, Council delegate authority to the committee to make resolutions on its behalf, provided that there is an absolute majority (ie. four of seven councillors) in favour of the proposal. For clarity, a casting vote cannot be used by the presiding councillor to determine a resolution and tied votes must be referred to Ordinary Council meeting for determination.*
  - *Committee members be all councillors in the first instance.*
  - *By virtue of s. 12(3)(g) of the Local Government Act 2009, the Mayor is a (ex-officio) member of the committee.*
  - *A quorum be a simple majority of members.*
-

- *In accordance with s. 267(1) of the Regulation, the Cr Eastwood and Cr Rother be appointed as co-chairs of the committee.*
- *The committee meet in the first instance on the first Tuesday of each month at 2.00pm in the Council Chambers.*
- *Committee Secretary/Principal Reporting Officer is the General Manager Communities.*

## BACKGROUND

At its Post-Election Meeting on 8 April 2024, councillors resolved to defer consideration of its portfolio and meeting structures pending workshops on a review of the system employed during the last term. Councillors have since workshopped matters on April 10, April 29 and May 7.

This report proposes to discontinue the allocation of Councillor Portfolios and Briefing Sessions and, instead, establish a series of Standing Committees and chairs of the committees assuming portfolio-type responsibilities in the assigned area.

## COMMENTARY

Council meetings are the cornerstone of a local government's governance and decision-making frameworks. Meetings are where business is transacted and lawful decisions are made [https://www.dlgrma.qld.gov.au/data/assets/pdf\\_file/0019/44506/make-the-most-of-council-meetings.pdf](https://www.dlgrma.qld.gov.au/data/assets/pdf_file/0019/44506/make-the-most-of-council-meetings.pdf)

Council's current system of a (closed) Briefing Session (first Tuesday of month) followed by Ordinary Meeting (third Tuesday of month) has been in place since April 2020.

At the Post-Election meeting on 8 April 2024, councillors resolved to not allocate portfolios and, rather, have the Chief Executive Officer workshop some alternative options. In doing so, the Chief Executive Officer made the following observations:

- There is a belief amongst some that councillors should be assigned responsibility for a discrete part of the council operation to:
  - Be the "first amongst equals" and thought leader on that function for peers.
  - Share councillor workload and not expect every councillor to be across the detail on all topics.
  - Act as spokesperson in line with Media Policy.
- Councillors like having "two bites of the cherry" on decisions, allowing for recommendations to be made before being resolved at a subsequent meeting.
- Councillor diaries don't accommodate more than two formal meeting days each month and the organisation does need to implement actions in between meetings.
- Councillors are less inclined to be responsible for internally-facing "corporate" functions like finance, governance, human resources and information services.

Alongside the portfolio discussions, the Chief Executive Officer has long recommended dispensing with Briefing Sessions and introducing a series of Standing Committees instead:

1. This will require require each meeting to legitimately arrive at a consensus and decision on items on the agenda, with committees making recommendations to the following Ordinary Meeting.
2. Councillors can reflect on the committee's recommendations prior to formal adoption at the Ordinary Meeting.
3. On occasions where urgent business requires attention in between Ordinary Meetings, committees are authorised to pass resolutions provide certain pre-conditions are met (ie. at least four councillors voting in favour).

4. The business of decision-making is assembled in a way that reflects the organisation's structure and reduces confusion about where councillors turn to get things done. Assembly in this way will enable a greater level of councillor-officer interaction in a structured way (as intended when the Acceptable Requests Guidelines were revised a few years ago) and provide access to greater levels of performance information and data.
5. The recommended structure affords more councillors the opportunity to chair meeting and for more staff to play the role of secretary/meeting manager.

### **PREVIOUS DECISIONS**

Council adopted its current schedule of monthly meetings at the post-election meeting on 8 April 2024, but also proposed this review of meeting structures and portfolios at that time.

The previous council voted to not introduce Standing Committees in October 2021.

### **ACCESS AND INCLUSION**

Formal meetings are generally open to the public and are live-streamed for those people unable to attend in person. Meetings are as accessible as they have ever been.

Likewise, committee meetings are required to be open to the public (s. 254I of the Regulation) and it is intended that they be livestreamed like Ordinary Meetings.

### **ENGAGEMENT AND CONSULTATION**

This matter has been workshopped with councillors on April 10, April 29 and May 7.

### **HUMAN RIGHTS IMPLICATIONS**

N/A

### **BUDGET IMPLICATIONS**

Nil cash commitment required, but there will be some administrative adjustment needed to properly support these formal committees of Council.

### **LEGISLATIVE CONTEXT**

Under the *Local Government Regulation 2020*, Council is obliged to meet "at least once a month" (s. 257.1). In addition to the monthly Ordinary Meeting, committees are also contemplated by the law (s. 264) – portfolios are not recognized in the statutes.

Although the governing law is the same, every council approaches its meetings and decision-making differently to reflect its needs. The Chief Executive Officer shared with councillors some benchmarking work done for Western Downs Regional Council that showed that:

- Livingstone will be the fifth of 14 sample councils to have Standing Committees.
- Six of the sample councils have portfolios allocated, although Gladstone has recently resolved to discontinue that practice.
- Eight of 14 sample councils conduct Briefing Sessions in one form or another.

The approach at Livingstone needs to be responsive to the needs of councillors and the staff servicing the system.

## LEGAL IMPLICATIONS

No changes are required to Meeting Procedures Policy or Briefing Sessions Policy:

- Meeting Procedures Policy already contemplates committee meetings.
- Briefing Sessions Policy need not be repealed as workshop-style sessions might still be called from time to time and this policy can govern such proceedings.

## STAFFING IMPLICATIONS

There is some administrative work to be done to prepare the background to the meeting management software for these new report destinations, but this will be accommodated by staff in the Executive Office.

The recommended structure affords more councillors the opportunity to chair meetings and for more staff to play the role of secretary/meeting manager.

## RISK ASSESSMENT

There are risks and opportunities presented by any allocation of duties or new structures established. This report points out these for consideration by councillors.

## CORPORATE PLAN REFERENCE

### *Leading Livingstone*

*Community Plan Goal 4.1 - Innovative and accountable leadership to achieve a shared future*

*4.1.4 Provide leadership and contemporary management systems which drive a co-ordinated and connected organisation.*

## CONCLUSION

Council meetings are the cornerstone of a local government's governance and decision-making frameworks.

The proposed replacement of Briefing Sessions with Standing Committees is anticipated to preserve the things that councillors enjoy about the current process, but also introduce an opportunity for:

- Improved understanding of the Council business and greater performance oversight.
- More regular interaction with a greater number of officers in a structured way.
- An opportunity to formulate committee (councillor) recommendations for consideration by Council following consideration of officer reports.
- A greater amount of business transacted in open session and less confusion about where decisions are made.
- A back-up option to have committees pass resolutions where matters require urgent attention in between Ordinary Meetings.

Although the governing law is the same, every council approaches its meetings and decision-making differently to reflect its needs. The approach at Livingstone needs to be responsive to the needs of councillors and the staff servicing the system.

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**11.8 APPOINTMENT OF COUNCILLORS TO EXTERNAL BOARDS AND COMMITTEES****File No:** CM4.7.36**Attachments:** Nil**Responsible Officer:** Cale Dendle - Chief Executive Officer**Author:** Amanda Ivers - Coordinator Executive Support

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**SUMMARY**

*Chief Executive Officer reporting on appointment of councillors to external boards and committees.*

**OFFICER'S RECOMMENDATION**

THAT Council makes the following appointments to external boards and committees:

1. Cr \_\_\_\_\_ and Cr \_\_\_\_\_ to the Audit, Risk and Improvement Committee
2. Cr Warcon to the Australia Day Awards Ceremony
3. Cr \_\_\_\_\_ to the Bangalee Beach Access Reference Group
4. Cr \_\_\_\_\_ to the Capricorn Coast Access & Equity Group
5. Cr \_\_\_\_\_ to the board of Capricorn Enterprise (noting that the councillor will become a director of that limited guarantee company)
6. Cr \_\_\_\_\_ to the Community Grants Panel
7. Cr \_\_\_\_\_ to the Sponsorship Assessment Committee
8. Cr \_\_\_\_\_ to the CQROC Regional Waste Management & Resource Recovery Working Group (should it be retained)
9. Cr \_\_\_\_\_ to the Fig Tree Gallery & Workshop Committee
10. Cr \_\_\_\_\_ to the Coastal Hazard Adaptation Strategy External Stakeholders Group
11. Cr \_\_\_\_\_ to the Local Authority Waste Management Advisory Committee
12. Cr \_\_\_\_\_ to the Reef Guardian Group
13. Cr \_\_\_\_\_ to the Regional Arts Development Fund (RADF) Committee
14. Cr \_\_\_\_\_ to the Regional Roads & Transport Group (and Transport Alliance Board)
15. Community Reference Groups:
  - a. Byfield Reference Group (Cr \_\_\_\_\_)
  - b. Keppel Cove/Zilzie Reference Group (Cr \_\_\_\_\_)
  - c. Northern Suburbs Reference Group (Cr \_\_\_\_\_)
16. Local Disaster Management Group (sub-groups):
  - a. Built Environment Taskforce (Cr \_\_\_\_\_)
  - b. Economic Development Taskforce (Cr \_\_\_\_\_)
  - c. Environmental Taskforce (Cr \_\_\_\_\_)
  - d. Community Development Taskforce (Cr \_\_\_\_\_)

**BACKGROUND**

Council revised its Portfolio Policy [Minutes of Ordinary Meeting - Tuesday, 16 April 2024 \(livingstone.qld.gov.au\)](#) (Item 11.10) by removing the schedule that included councillors appointments to external boards and committees.

**COMMENTARY**

Following discussion at workshops on April 10 and May 7, officers now seek formal appointment of councillors to the array of boards and committees on which Council is invited to contribute to governance.



The Mayor and Deputy Mayor have already been appointed to the Central Queensland Regional Organisation of Councils (CQROC) [Minutes of Ordinary Meeting - Tuesday, 16 April 2024 \(livingstone.qld.gov.au\)](#) (Item 11.7).

Appointments are no longer required to:

- Beach Day Out Planning Committee
- Capricorn Coast Domestic Family Violence Yeppoon
- iCare Community Services
- Inlet Association
- Liquor Accord
- Youth Advisory Group
- Seniors Week Committee
- Great Keppel Island Goat Steering Group

### **PREVIOUS DECISIONS**

Council regularly updated Portfolio Policy in the last term, but usually only when an appointment was changed or updated.

The matter has been workshopped with councillors on April 10 and May 7.

### **ACCESS AND INCLUSION**

These appointments are generally sought by the host organisation (in some cases it is a requirement of their constitution or agreement with council). Any councillor is able to be appointed to any position, but aligning with newly-created committee alignments would make some sense.

### **ENGAGEMENT AND CONSULTATION**

The matter has been workshopped with councillors on April 10 and May 7.

### **HUMAN RIGHTS IMPLICATIONS**

Nil.

### **BUDGET IMPLICATIONS**

There are no fees payable to councillors for any of these roles. Expenses associated with attending meetings will be absorbed in existing budgets.

### **LEGISLATIVE CONTEXT**

Councillors appointed by Council to external boards or committees do not have a conflict of interest in matters relating to that organisation by virtue of s. 150EF(2) of the *Local Government Act 2009*.

### **LEGAL IMPLICATIONS**

There are constitutions or Terms of Reference or agreements for each of these bodies and councillors are encouraged to familiarize themselves with these in order to properly discharge their governance duties for the organization.

Notwithstanding that exemption from local government meeting conflict, the nominee still has a fiduciary duty under *Corporations Law* to act in the interest of the corporation to which they are appointed.

### **STAFFING IMPLICATIONS**

Nil.

### **RISK ASSESSMENT**

Nil.

**CORPORATE PLAN REFERENCE*****Leading Livingstone***

*Community Plan Goal 4.2 - Collaboration and partnerships to advocate for the needs of the community*

*4.2.3 Advocate Council's interests and objectives to government, industry, business, and community to promote the Livingstone region at a national and international level.*

**CONCLUSION**

On the understanding that Council has established a functional, Standing Committee structure at this meeting, it is proposed that appointments to external boards and committees are made to reflect the new co-chairing (portfolio-equivalent) arrangements.

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**11.9 MONTHLY FINANCIAL REPORT FOR THE PERIOD ENDING 30 APRIL 2024****File No:** FM12.14.1**Attachments:** 1. **Monthly Financial Report 30 April 2024**[↓](#)**Responsible Officer:** Louda Mandy - Support Services Officer  
Richard Mills - Coordinator Project Management Office**Author:** Caitlyn Good - Management & Treasury Accountant

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**SUMMARY**

*Presentation of the Livingstone Shire Council Monthly Financial Report for the Period Ending 30 April 2024 by the Chief Financial Officer.*

**OFFICER'S RECOMMENDATION**

THAT the Livingstone Shire Council Monthly Financial Report for the period ending 30 April 2024 be received (Attachment 1).

**BACKGROUND**

The attached Financial Report is collated financial data within Council's Finance One and Pathway systems. The report presented includes:

1. Executive Summary
2. Financial Performance Indicators
3. Financial Reports
4. Capital Expenditure
5. Glossary

The attached financial information presents the year-to-date position of Council's financial performance to the 30 April 2024. All prior financial year-end accounting entries have been completed. Commitments are excluded from the reported operating & capital expenditures.

All variances are reported against the revised budget (24BR1) adopted by Council on 19 December 2023.

**COMMENTARY**

The financial report compares actual performance against Council's Budget Review 1 (24BR1) and identifies significant variances or areas of concern. It also provides information about additional areas of financial interest to Council and reinforces sound financial management practices throughout the organisation.

The Council monthly report (attachment one) contains the commentary and analysis and for the sake of brevity, will not be repeated in this cover report.

Additional commentary is disclosed within the report where either the month or year to date variance exceed \$100,000 or 10% of the budget.

1. Executive Summary – summary of the main financial operating results, capital, cash and borrowings.
2. Financial Performance Indicators - a summary of financial performance indicator year-to-date results. Indicators are based on achieving benchmark results. These have been aligned to the sustainability measures in the Financial Management (Sustainability) Guideline 2023
3. Financial Reports –

- a. Month and year to date results for operating activities. Supplemented by commentary where either a major positive or negative variance exists and supporting graphical summaries or results, or previous information requests.
  - b. Balance sheet items with movement on previous month, compared against full year budget. Supplemented by commentary where either a major positive or negative variance exists and supporting graphical summaries of results, or where details were previously provided.
4. Capital expenditure –
    - a. Summary of overall portfolio of program including capital revenue streams.
    - b. Detail of capital expenditure projects >\$100,000.
  5. Glossary – updated to reflect the current financial performance indicators.

## **Procurement**

### **Current Contracts >\$200,000 (GST exclusive)**

In accordance with section 237 of the *Local Government Regulation 2012*, Council publishes the details of all contracts valued \$200,000 or more. These details are displayed on Council's website (<https://www.livingstone.qld.gov.au/doing-business/business-and-regulations/contracts-and-tenders>), and on the public notice board located at the Yeppoon Town Hall. In April 2024, no (0) contracts over the prescribed value were established via purchase order.

### **Current Tenders**

In the month of April, there were no (0) open tenders, no (0) tenders evaluated, and no (0) contracts awarded.

## **PREVIOUS DECISIONS**

The 2023-24 Budget was adopted on 13 June 2023.

The 2023-24 Budget Review 1 (24BR1) was adopted on 19 December 2023.

## **ACCESS AND INCLUSION**

This report once adopted by Council will be made publicly available on Council's website.

## **ENGAGEMENT AND CONSULTATION**

Information has been provided by the procurement and revenue functions for this report.

Council conducted community consultation on the 2023-24 budget.

## **HUMAN RIGHTS IMPLICATIONS**

Section 4(b) of the *Human Rights Act 2019* requires public entities such as Council 'to act and make decisions in a way compatible with human rights.'

There are no foreseen human rights implications associated with the adoption of this monthly report.

## **BUDGET IMPLICATIONS**

The Monthly Financial Report shows Council's financial position in relation to the Budget Review 1 (24BR1).

## **LEGISLATIVE CONTEXT**

In accordance with Section 204 of the *Local Government Regulation 2012*, a Financial Report is to be presented to Council on at least a monthly basis.

Section 170 of the *Local Government Regulation 2012*, states that council may by resolution amend the budget for a financial year at any time, so long as it complies with all the requirements under section 169, which are essentially all the same material as an annual

budget except for decision regarding rates and utility charges which can only be adopted as part of the annual budget process.

**LEGAL IMPLICATIONS**

There are no anticipated legal implications because of this report.

**STAFFING IMPLICATIONS**

There are no staffing implications because of this report.

**RISK ASSESSMENT**

Regular robust reporting of Council's financial results assists in creating a framework of financial responsibility within the Council and providing sound long-term financial management of Council's operations.

**CORPORATE PLAN REFERENCE*****Leading Livingstone***

*Community Plan Goal 4.3 - Engagement with the community as advisors and partners*

*4.3.2 Commit to open and accountable governance to ensure community confidence and trust in Council and its democratic values.*

Regular monthly reporting of Council's finance performance and financial position promotes open and accountable financial outcomes whilst providing Council and the community with relevant and reliable information on which to base financial decision-making.

**CONCLUSION**

The financial report provides information about Council's financial performance and position for the period ending 30 April 2024.

**11.9 - MONTHLY FINANCIAL REPORT  
FOR THE PERIOD ENDING 30 APRIL  
2024**

**Monthly Financial Report 30 April 2024**

**Meeting Date: 20 May 2024**

**Attachment No: 1**

## 1. Executive Summary

This monthly financial report illustrates the financial performance and position of Livingstone Shire Council compared to Councils 2023-24 Revised Budget 1 (24BR1) at an organisational level for the period ended 30 April 2024.

Key Financial Results (\$000's)	Month ('\$000s)			YTD 83.3%		FY ('\$000s)
	Actual	23-24 BR1	Variance	Actual	% of Full Year Budget	23-24 BR1
Operating Surplus/(Deficit)	(6,538)	(7,888)	1,350	18,773	-1370.14%	(1,370)
Operating Revenue	1,557	1,209	348	104,512	95.11%	109,888
Operating Expenditure	(8,095)	(9,097)	1,002	(85,739)	77.06%	(111,258)
Capital Works Expenditure	(2,198)	(3,090)	892	(21,479)	45.54%	47,161
Closing Cash & Cash Equivalents	131,649					99,675
Total Borrowings	50,237					59,076

### Commentary

Monthly operating results were a deficit which is expected due to the timing of our rating cycle.

The Year-to-date results indicate a surplus with operational revenue in line with budget expectations and operating expenditure being behind year-to-date expectations.

Total Capital expenditure of \$2.19 million has been spent in April. Year-to-date Capital expenditure of \$21.48 million is 45.54% of the full year budget.

As at 30 April 2024 Council had \$131.65 million in cash and \$50.24 million in total debt borrowings.

## 2. Financial Management (Sustainability) Performance Indicators

The financial performance indicators have been aligned to the financial sustainability measures that will be calculated and published as part of the annual statutory financial reporting process for 30 June 2024. These are reported as single year-to-date results compared against the budgeted single-year result.

	YTD Actual	FY Budget	Tier 4 Target	Comment
<b>Financial Capacity</b>				
Council-Controlled Revenue Ratio (%) <sup>#</sup>	90.7%	87.9%	Contextual	Majority of Council revenue attributed to rates income.
Population Growth Ratio (%) <sup>#</sup>	Data not available	0.6%	Contextual	The population estimate for Livingstone Shire Council area as of the 30th June 2022 is 40,952. Since the previous year, the population has grown by 2.69%. Population growth in Regional QLD was 1.88%. (Source: Australian Bureau of Statistics, Regional Population Growth, Australia (3218.0). Compiled and presented in profile.id by .id (informed decisions).
<b>Operating Performance</b>				
Operating Surplus Ratio (%) <sup>**</sup>	✓ 18.0%	✗ -1.2%	Between 0% and 10%	The positive surplus ratio of 18% indicates operational expenses are coverable and remaining surplus can support capital expenditure and meet loan repayments.
Operating Cash Ratio (%) <sup>#</sup>	✓ 46.0%	✓ 31.3%	Greater than 0%	The positive operating cash ratio of 46.0% indicates that council has the ability to self-fund capital expenditure from surplus funds from core operations.
<b>Liquidity</b>				
Unrestricted Cash Expense Cover Ratio (months) <sup>#</sup>	✓ 18.9	✓ 13.2	Greater than 4 months	Council has sufficient unconstrained cash to meet ongoing and emergent financial demands for 18.9 months. Council has access to a \$10m QTC working capital facility which is equivalent to 1.8 months cover.
Net Financial Liability Ratio (%) <sup>*</sup>	✓ -60.5%	✓ -24.5%	Less than 60%	In-line with benchmark. Sufficient operating revenue to service liabilities.
<b>Asset Management</b>				
Asset Sustainability Ratio (%) <sup>**</sup>	✗ 50%	✗ 70%	Greater than 90%	The extent to which council's existing infrastructure assets are being replaced as they reach the end of their useful lives is 50%.
Asset Consumption Ratio (%) <sup>#</sup>	✓ 68%	✓ 71%	Greater than 60%	Council's infrastructure assets have been consumed by 68% compared to what it would cost to build a new asset with the same benefit to the community.
Asset Renewal Funding Ratio (%) <sup>#</sup>	Commencing 2025-26		Contextual	This ratio will measure the ability of Council to fund projected infrastructure asset renewal/replacements into the future.
<b>Debt Servicing</b>				
Leverage Ratio (times cover) <sup>#</sup>	✓ 1.1	✓ 1.7	0 - 3 times	Adequate capacity to manage unforeseen financial shocks & meet loan repayments.

\*Financial Management (Sustainability) 2013 legislated ratios

#Financial Management (Sustainability) 2024 legislated ratios

## 3. Financial Reports

Operating Result for the period ending  
30/04/2024

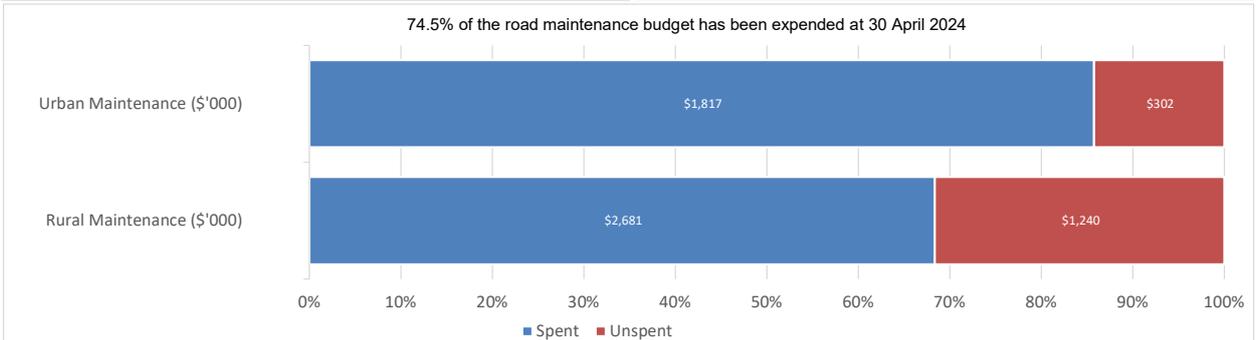
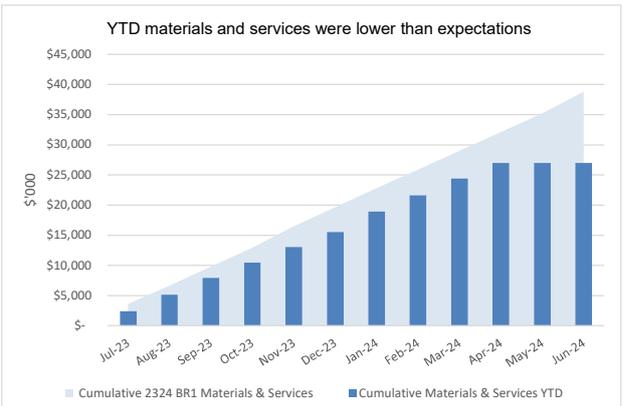
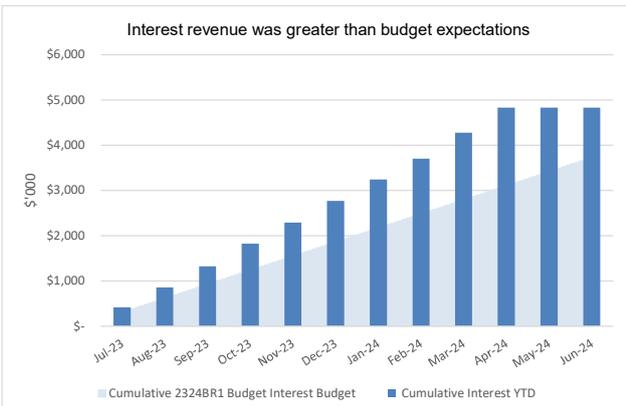
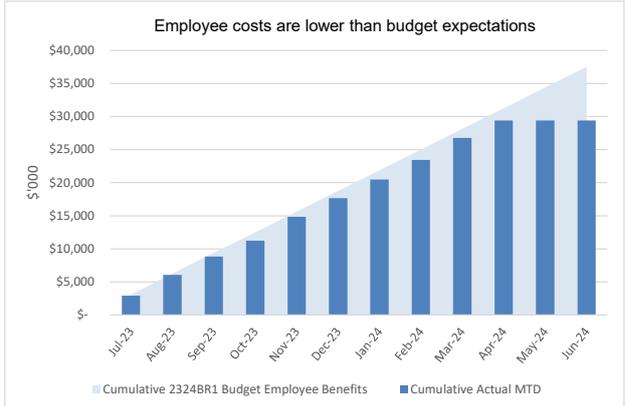
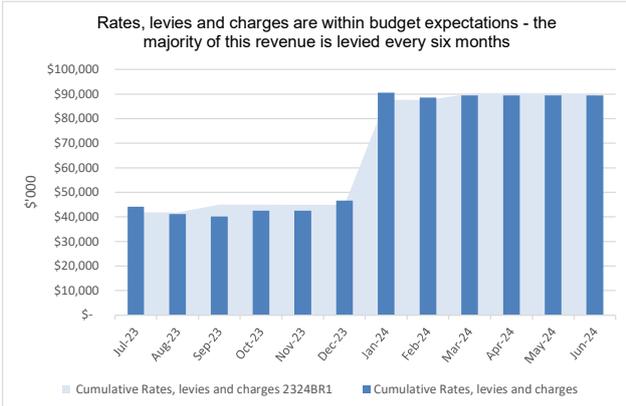
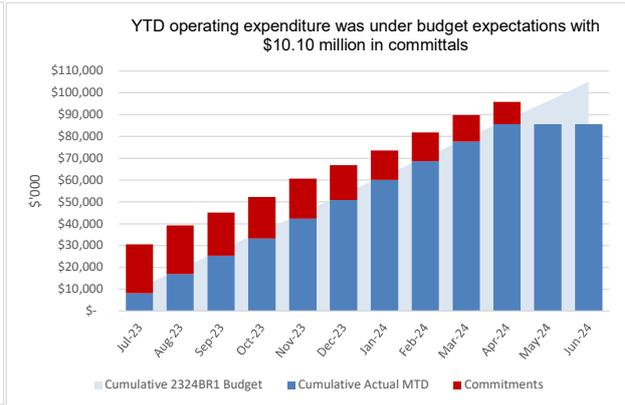
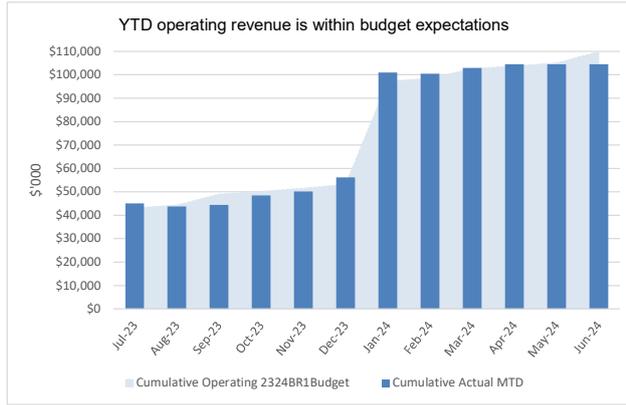
Month ('\$000s)				YTD 83.3%				FY	
Actual	23-24 BR1	Variance <sup>1</sup>	>\$100K & 10%	Actual	23-24 BR1	Variance <sup>1</sup>	>\$100K & 10%	% of Full YTD	23-24 BR1
(\$'000)	(\$'000)	(\$'000)		(\$'000)	(\$'000)	(\$'000)		%	(\$'000)
<b>Operating Revenue</b>									
(27)	(63)	36		89,477	90,132	(655)	↔	99%	90,106
681	529	152	✓	5,321	5,296	26		84%	6,357
147	233	(86)		1,645	2,083	(437)	*	64%	2,575
64	68	(5)		2,170	1,801	369	✓	39%	5,523
555	311	244	✓	4,835	3,112	1,722	✓	129%	3,737
137	130	7		1,063	1,322	(259)	*	67%	1,590
<b>1,557</b>	<b>1,209</b>	<b>348</b>	✓	<b>104,512</b>	<b>103,746</b>	<b>766</b>	↔	<b>95%</b>	<b>109,888</b>
<b>Operating Expenses</b>									
(2,609)	(3,124)	515	✓	(29,392)	(31,272)	1,880	↔	78%	(37,551)
(2,603)	(3,072)	469	✓	(27,005)	(32,084)	5,079	✓	70%	(38,806)
(226)	(244)	18		(2,774)	(2,441)	(333)	*	92%	(3,007)
(2,657)	(2,657)	0		(26,568)	(26,568)	0		83%	(31,894)
<b>(8,095)</b>	<b>(9,097)</b>	<b>1,002</b>	✓	<b>(85,739)</b>	<b>(92,365)</b>	<b>6,627</b>	↔	<b>77%</b>	<b>(111,258)</b>
<b>(6,538)</b>	<b>(7,888)</b>	<b>1,350</b>	✓	<b>18,773</b>	<b>11,381</b>	<b>7,392</b>	✓	<b>-1370%</b>	<b>(1,370)</b>

- <sup>1</sup> Positive numbers represent under expenditure or additional revenue
- ✓ Major positive variance, comment required
- \* Major negative variance, comment required
- ↔ Within expectations, no comment required

## Areas to note

Fees and charges	Overall Year-to-date fees and charges revenue are within year-to-date budget expectations. Monthly variance relates to the receipt of fees and charges budgeted for in prior months.
Sales revenue	Monthly sales and total year-to-date figures are under budget expectations. Sales revenue is made up of RMPC claims and other private works, both of which are behind budget expectations. Land inventory sales are also included in this figure and are currently behind budget expectations by \$250k.
Operating grants and subsidies	Operating grants and subsidies are received throughout the year. April results were within budget expectations and year-to-date amount remains ahead of budget expectations. Council also received 100% of the 2023-24 financial assistance grant (\$4,482,068) in June 2023. Council will only receive \$204,758 of the 2023-24 allocation in the current financial year. It will be unknown until June 2024 if there will be a continuation of the prepayment approach (50% from 2017-18, increased to 75% 2022-23).
Interest Received	Interest received continues to be favourable against budget expectations, due to the increment in the RBA cash rate leading to the QTC and Council's Banker raising interest rates. See Cash and Cash equivalents for more information on rates.
Other income	Year-to-date Other Income is tracking behind budget. The majority of the variance is attributed to lower than anticipated revenue received from scrap metal recycling for surplus/waste steel materials.
Employee Benefits	Year-to-date Employee benefits are within budget expectations. The month of April results were lower than anticipated due to more annual leave being taken than what was anticipated.
Materials & services	Month of April results were behind budget expectations. Year-to-date actuals are below budget expectations largely due to lower spend on contractors & consultants (\$4.1m) than expected, as well as timing differences from when goods/services are received but not yet invoiced, for example there is a one-month delay in receiving electricity bills, as well as the timing of prepayments.
Finance Costs	Month-to-date finance costs are within budget expectations. Year-to-date figures are higher than budget expectations due to journals being processed for December soft close for the Landfill/Quarry Restoration Provisions.





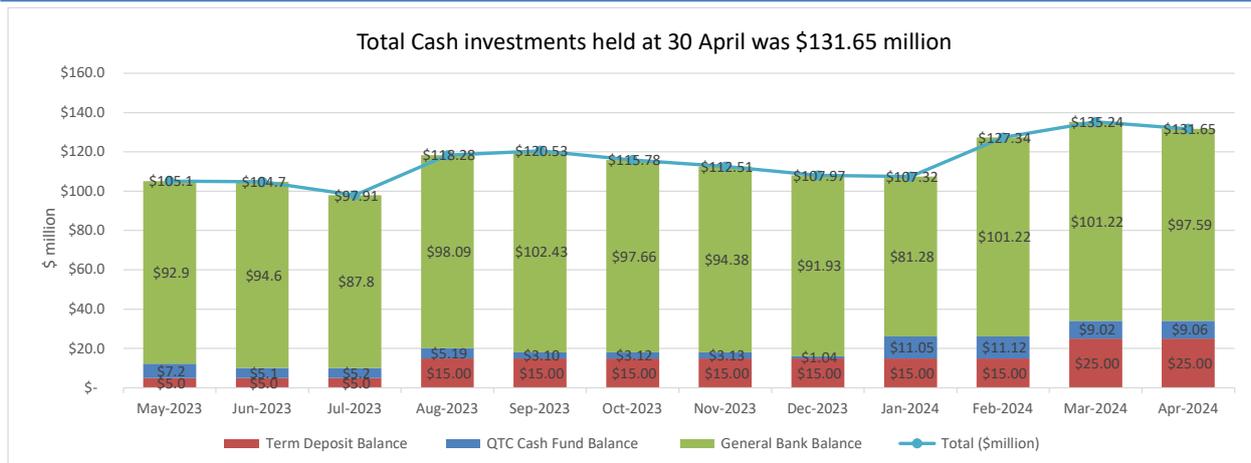
Statement of Financial Position for the period ending  
30/04/2024

	Month-end Actual	Last month Actual	Movement	Full Year BR1
	(\$'000)	(\$'000)	(\$'000)	(\$'000)
Cash and cash equivalents	131,649	135,241	(3,592)	99,675
Receivables	8,842	10,445	(1,603)	10,099
Inventories	492	524	(32)	3,012
Land held for development or sale	6,012	6,012	-	-
Contract assets	4,450	4,450	-	-
Other assets	593	750	(157)	4,484
Property, plant & equipment	1,206,629	1,209,280	(2,651)	1,305,746
Intangibles	230	236	(6)	7,719
Capital works in progress	50,860	48,757	2,103	-
<b>TOTAL ASSETS</b>	<b>1,409,757</b>	<b>1,415,695</b>	<b>(5,938)</b>	<b>1,430,735</b>
Payables	8,661	9,142	(481)	5,247
Contract liabilities	3,421	3,421	-	485
Borrowings	50,237	50,037	200	59,076
Provisions	19,918	20,150	(232)	19,943
Other liabilities	3,781	3,849	(68)	3,781
<b>TOTAL LIABILITIES</b>	<b>86,018</b>	<b>86,599</b>	<b>(581)</b>	<b>88,532</b>
Asset revaluation surplus	260,563	260,563	-	297,181
Retained surplus/(deficiency)	1,063,176	1,068,533	(5,357)	1,045,022
<b>TOTAL COMMUNITY EQUITY</b>	<b>1,323,739</b>	<b>1,329,096</b>	<b>(5,357)</b>	<b>1,342,203</b>

## Areas to note

<b>Cash and cash equivalents</b>	Cash balances have decreased by \$3.59 million compared to the previous month. This is consistent with the timing of Council's half-yearly rates and quarterly water billing.
<b>Receivables</b>	\$1.60 million decrease in receivables is due to payments of water billing and rates notices being received.
<b>Other assets</b>	Decrease in current month due to timing of BAS refund from the ATO.
<b>Property, plant and equipment</b>	Movement relates to the monthly depreciation allocation and associated increase in accumulated depreciation.
<b>Capital works in progress</b>	\$2.10 million increase due to continued capital expenditure in April. Refer to the capital expenditure reports for further detail on the capital works program for 2023-24.
<b>Payables</b>	Payables have decreased at 30 April compared to 31 March due to the timing of pay runs and invoices payable being committed to our financial system.
<b>Borrowings</b>	The movement in borrowings reflects the application of monthly interest and administration charges accrued on total borrowings in the month.
<b>Provisions</b>	The decrease in provisions reflects the net movement in accrued employee leave entitlements i.e. more people taking leave in April than accruing entitlement with leave being taken over the school holiday period.

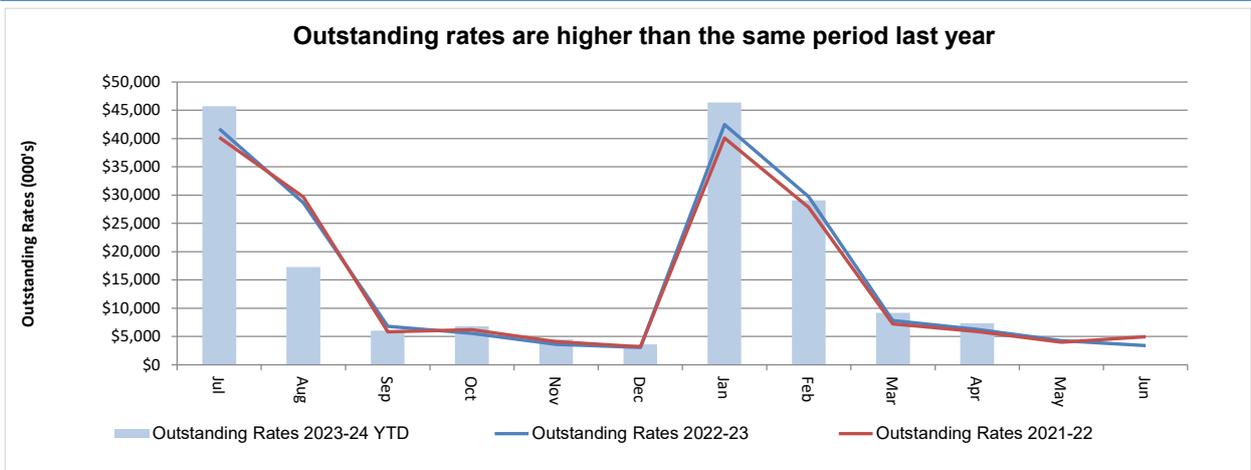
Cash and Cash Equivalents



Investments are held with Council's general banker and in the Queensland Treasury Corporation (QTC) Capital Guaranteed Cash Fund. Council's interest earning rate as at 30 April 2024 is 4.85% p.a. (net of 0.12% administration fees) with the QTC and 4.72% p.a. with CBA. In April, the weighted average interest rate was 4.91% which is marginally above the target rate of 4.85%, which is 0.5%+ RBA Cash Rate (4.35%). The weighted average interest rate includes the interest rates on term deposits. Term deposit rates are monitored regularly by Council officers to identify investment opportunities to ensure Council maximises its interest earnings balanced against the need to invest cash for a fixed term.

The amount of interest earned from month-to-month is indicative of both the interest rate and the surplus cash balances held, the latter of which is affected by Council's cash flow requirements on a monthly basis as well as the rating cycle. Cash needed for day-to-day requirements is deposited with the QTC or Council's general banker. Interest rates from both facilities are monitored regularly by Council finance officers to maximise interest earnings as much as possible.

Receivables

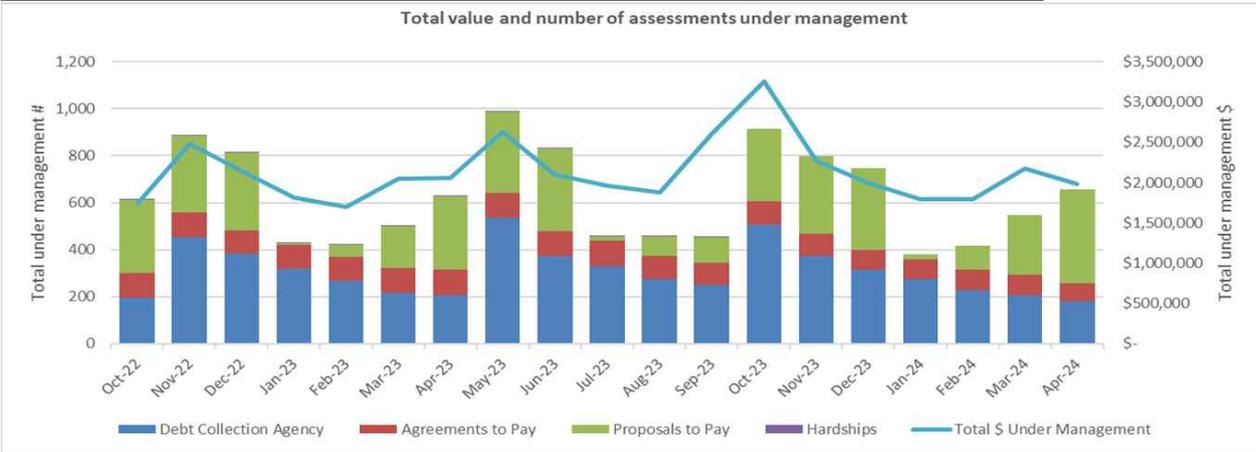


Ageing of Rates Receivable at Month End		
Total Rates Outstanding	\$7,376,287	
Less Current Levy	-\$2,309,860	
<b>Total Eligible for Collection</b>	<b>\$5,066,427</b>	
Current	\$3,619,909	71.45%
1 years	\$704,134	13.90%
2 years	\$263,710	5.21%
3 years	\$118,794	2.34%
4 years	\$77,587	1.53%
5 years	\$282,293	5.57%
<b>Total Eligible for Collection</b>	<b>\$5,066,427</b>	<b>100.0%</b>

Ratepayers have the option to enter into formal payment arrangements, preventing legal action being progressed by Council's debt collection agency. Council resolved to charge 7% per annum on overdue rates and utility charges in 2023-24, applied monthly, on all overdue balances, including those under a formal payment agreement. This percentage rate has remained the same since the 2018-19 Financial Year and Council have ensured that this has remained unaffected by recent large increases in CPI.

39% of the total balances eligible for collection are under management; this reflects 655 assessments out of all 18,534 rateable assessments (3.5%).

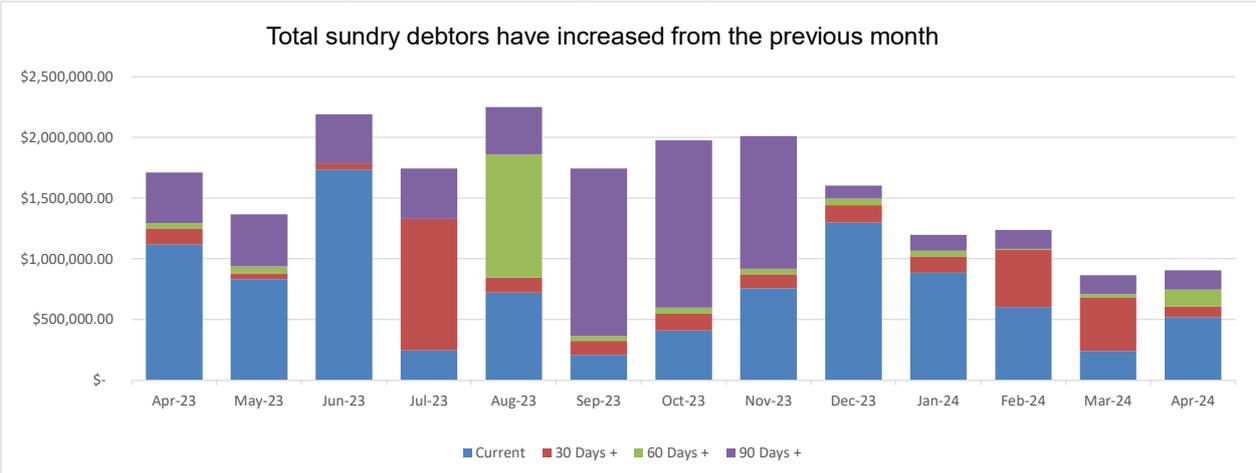
	As at April 2023		As at April 2024	
	#	\$	#	\$
Debt Collection Agency	315	\$ 398,628	182	\$ 1,004,603
Agreements to pay	108	\$ 520,853	76	\$ 487,872
Proposals to Pay	206	\$ 112,471	397	\$ 487,872
Council Hardship	2	\$ 25,283	0	\$ -
<b>Total under management</b>	<b>631</b>	<b>\$ 1,057,235</b>	<b>655</b>	<b>\$ 1,980,347</b>



Assessments with debt collection agencies decreased \$274k on the prior month (14 assessments), as well as a decrease of \$21k (10 assessments) in agreements to pay. There was an increase in the total number of assessments under management on last month (increase of 106 assessments), with the total value of the assessments under management decreasing by \$196k, this directly related to the increase of \$100k in proposals to pay being 142 assessments. Compared to the same time last year, there is an increase of 22 assessments and \$923k more under management. Council officers are committed to working with any ratepayer who is experiencing difficulty in paying their rates & charges and strongly encourages anyone in this position to make early contact with Council.

**Outstanding Sundry Trade Debtors**

Total Sundry Trade Debtors Outstanding at Month End: \$ 904,810



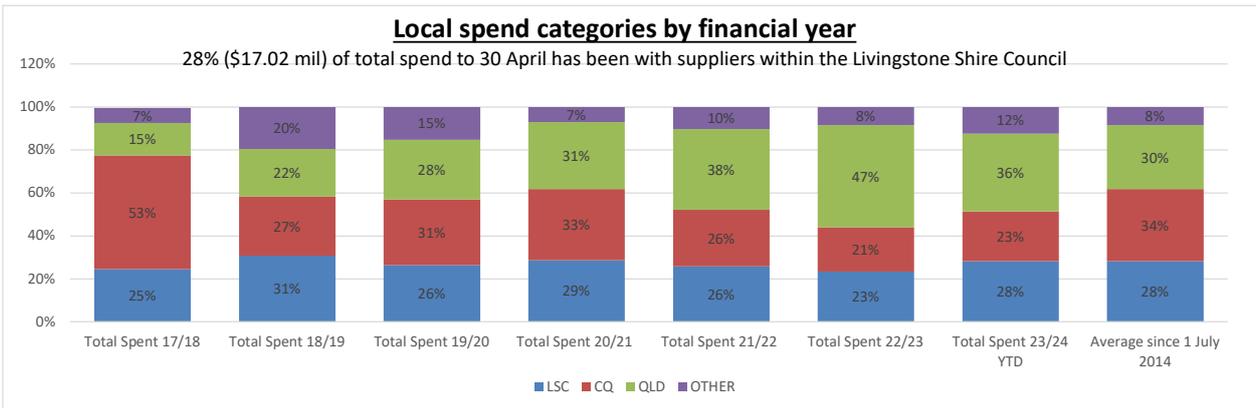
**Payables  
Procurement**

Council strongly supports locally owned and operated businesses, including those with an office or branch in our region. Council is able to report on direct local spend for both operational and capital expenditure in addition to employee salaries & wages.

Total expenditure with businesses located within the Shire boundaries, in the current financial year to date, is 28% or \$17.03 million.

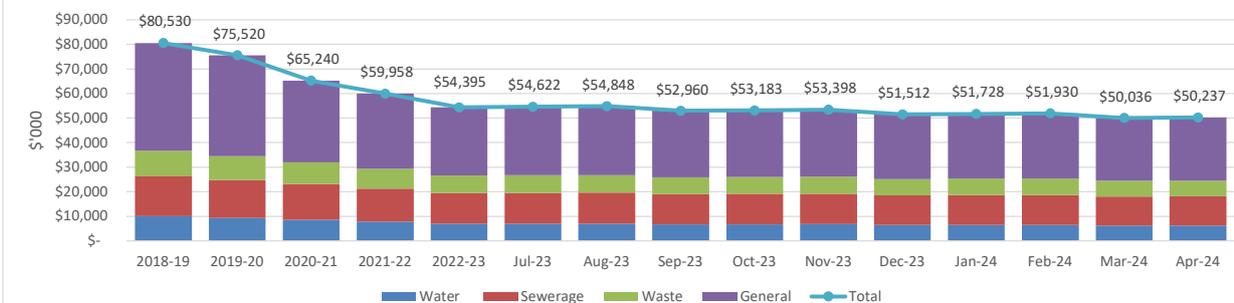
	YTD Spend (\$million)	%
LSC - Business located within the shire boundaries.	\$ 17.03	28%
CQ - Business completely set up and run outside of LSC boundaries but within the Central Queensland region.	\$ 14.04	23%
QLD - Business based outside of Central Queensland but within Queensland.	\$ 21.80	36%
OTHER - Business based outside of Queensland.	\$ 7.45	12%
	<b>\$ 60.32</b>	<b>100%</b>

The bar graph below summarises the allocation by local spend categories for the previous seven (7) financial years. Council has since 1 January 2014 procured, on average, 62% of materials & services from within the greater Central Queensland area, which includes Livingstone Shire Council.



**Borrowings**

Total Loan Borrowings (debt) of \$50.24 million on track to reduce with quarterly debt service repayments



Debt Position	YTD Actual (\$'000)	Budget
Total Debt held as at 1 July 2023	\$54,395	\$54,395
New borrowings drawn down in 2023-24	-	\$10,574
Interest & administrative charges	\$2,157	\$2,628
Total debt service payments	(\$6,316)	(\$8,520)
<b>Total Debt held at reporting period</b>	<b>\$ 50,237</b>	<b>\$ 59,076</b>

In-line with Council's debt policy, a debt service payment of \$2,105,500 (being approximately \$1,886,000 repayment of principal and \$219,500 interest and administrative charges) is to be paid quarterly during 2023-24. Interest accrues monthly calculated on a daily basis until the next debt service payment. New borrowings are planned to be drawn down at the end of the 2023-24 financial year.

As at 30 April 2024 the weighted average interest rate of all Council debt is approximately 4.81%.

Council has forecast an additional \$9.7m in new borrowings for the current financial year to acquire a water allocation from Rookwood Weir and upgrade the Emu Park Sewerage Treatment Plant. These borrowings are likely to be drawn down in quarter 4 of the financial year.

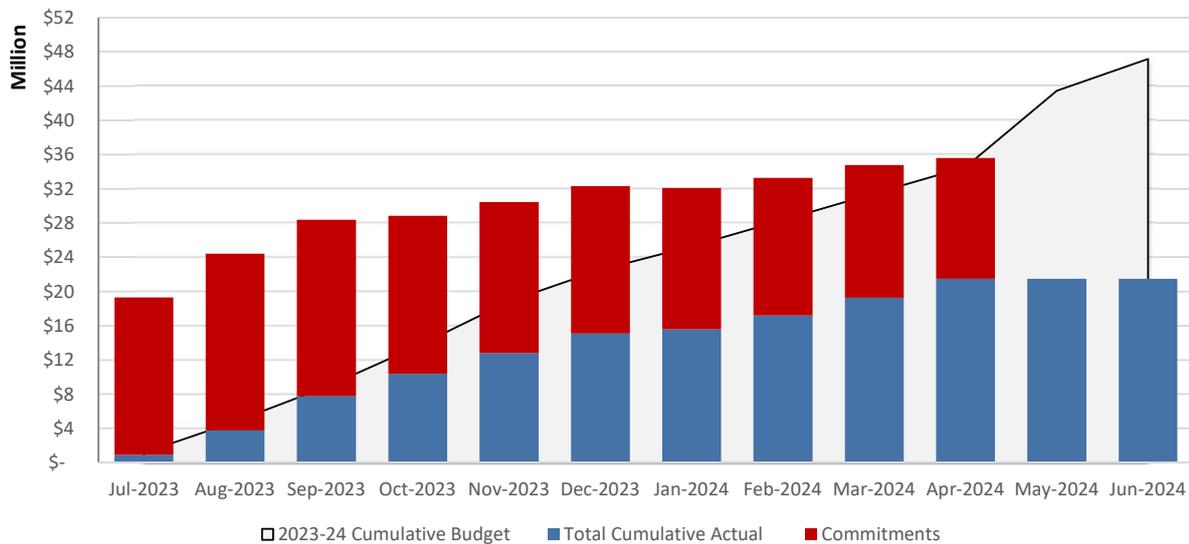
The Department of Housing, Local Government and Planning has approved a working capital facility of \$10 million on a permanent basis subject to an annual review by the Queensland Treasury Corporation in consultation with the department. Council has not accessed the available funds in the working capital facility.

### 4. Capital Expenditure

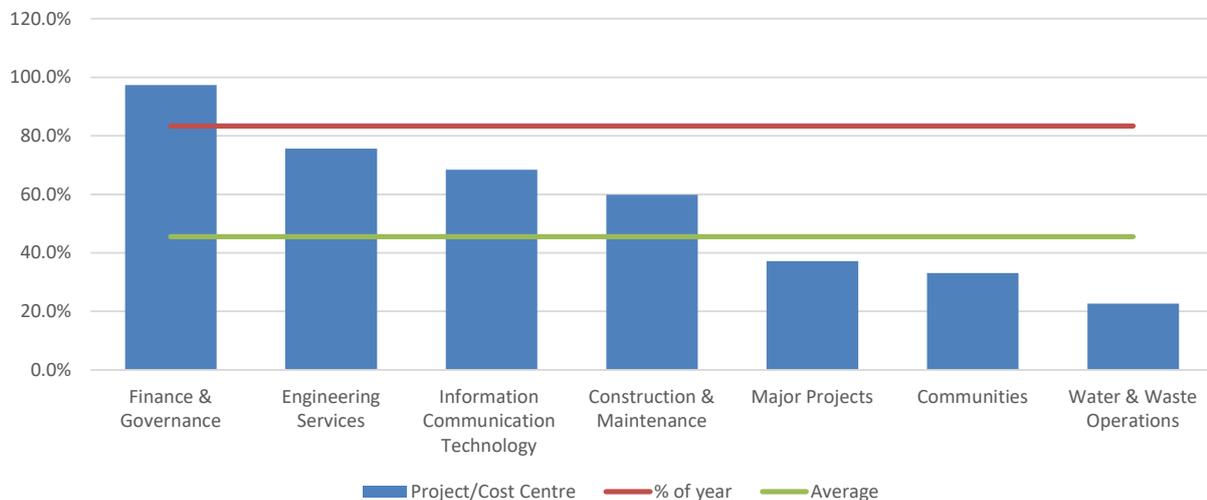
Capital revenue and expenditure report (all projects) for period ending 30/04/2024

Month ('\$000s)			YTD 83.3%		Full year (\$'000's)
Actual	Budget	Variance	Actual	% of Full year Budget	23-24 BR1
<b>Capital expenditure</b>					
2,076	2,814	(738)	18,626	42.2%	44,086
122	276	(154)	2,853	92.8%	3,076
<b>2,198</b>	<b>3,090</b>	<b>(892)</b>	<b>21,479</b>	<b>45.5%</b>	<b>47,161</b>
<b>Capital Revenue</b>					
52	1,260	(1,207)	9,060	59.9%	15,115
384	342	42	2,494	60.8%	4,100
0	6	(6)	1,165	1532.6%	76
<b>436</b>	<b>1,608</b>	<b>(1,171)</b>	<b>12,719</b>	<b>65.9%</b>	<b>19,291</b>

Total funds committed to capital is \$14.09 million in April 2024



On average, 45.54% of capital budgets were expended by 30 April 2024



**Capital Project (>\$100,000) Expenditure for the Period  
30/04/2024**

Project/Cost Centre Description	23-24 Adopted Budget \$'000	23-24 Budget Revision 1 \$'000	CAPEX Spent YTD \$'000	YTD % Budget (83.3% of year)	Remaining Budget/(Over Budget)	% Project Complete as at 31 March 2024
<b>Information Communication Technology</b>						
(R) CIT-Switches-Routers-UPS replacement	100	100	81	81%	19	90%
Various ICT Projects <\$100,000	186	249	158	64%	91	64%
<b>Subtotal</b>	<b>286</b>	<b>349</b>	<b>239</b>	<b>68%</b>	<b>110</b>	
<b>Finance &amp; Governance</b>						
(R)-Fleet Renewal Annual Program	2,700	2,700	2,723	101%	(23)	89%
(N)-Fleet-Bushfire mitigation and Suppression	220	420	317	75%	103	97%
<b>Subtotal</b>	<b>2,920</b>	<b>3,120</b>	<b>3,040</b>	<b>97%</b>	<b>80</b>	
<b>Construction &amp; Maintenance</b>						
(N)-UC-NC-Jabiru Drive Extension T-130	1,560	1,556	954	61%	603	60%
(N)-RC-FW-Artillery Rd FW1 Ch1775-Ch2217	1,500	1,436	1,385	96%	51	27%
(U) RC-Normanby St 22-020 Upgrade	1,334	1,357	121	9%	1,236	10%
(U)-SEW-71-SGM-Scenic Hwy 375 dia gravit	1,200	1,065	809	76%	256	80%
(N)-UC-NC Arthur St carpark and stormwat	1,000	1,075	654	61%	421	65%
(U) UC-RC-Queen St (Arthur to Mary Upgrade	800	400	318	79%	82	100%
(R)-WP-Normanby Street (Mary Street - Be	766	893	1,094	123%	(201)	100%
(R)-DESIGN-WP-WMR-Farnborough Rd 200mm W	650	656	6	1%	650	8%
(R)-RC-PR-Etna Creek Road (Ch5900-8000)	600	600	30	5%	570	5%
(N)-Design-UC-PW-Taranganba Rd Tanby-Car	570	607	659	108%	(51)	100%
(U)-SP-SEW-60 450 SRM new SPS to Shaw Av	546	247	18	7%	229	0%
[R] Cordingley St Works Depot reseal acc	500	100	1	1%	99	0%
(N)-UC-Misc-Hartley St Pedestrian Facili	300	0	0	0%	-	100%
(R)- PR Pavement rehab Daniel Park to Sc	150	150	9	6%	141	1%
(R)-WP-Normanby Street (Hill Street - Be	150	150	1	1%	149	0%
(R)-WP-Brae St Flinders Nth and Elma St	100	359	36	10%	323	5%
(U)-RC-FW-Artillery Rd FW2 Ch6300-Ch6350	0	270	44	16%	226	100%
(U)-RC-FW-Artillery Rd FW# Ch6525-Ch6575	0	265	46	18%	219	100%
(R)-UC-SW-Renewal Program-\$305K	0	180	11	6%	169	10%
(R) UC-Barmarjee restoration & capability	0	164	158	97%	6	100%
CP419 CAPITAL CONTROL RURAL RESEAL PROGRAM	600	600	498	83%	102	100%
CP422 CAPITAL CONTROL RURAL GRAVEL RESHEETS	1,620	1,620	1,621	100%	(1)	100%
CP423 CAPITAL CONTROL BEACH ACCESS RENEWAL PROGRAM	100	48	70	146%	(22)	75%
CP423 CAPITAL CONTROL FLOODWAY RENEWAL PROGRAM	150	213	189	89%	24	71%
CP428 CAPITAL CONTROL URBAN RESEAL PROGRAM	770	770	281	37%	489	80%
Various construction projects <\$100,000	203	523	142	27%	381	0
<b>Subtotal</b>	<b>15,168</b>	<b>15,304</b>	<b>9,155</b>	<b>60%</b>	<b>6,149</b>	
<b>Waste Water and Sewer</b>						
Rookwood Weir Water Allocation	7,500	7,500	0	0%	7,500	0%
(R)-WP-Meikleville Reservoir Roof Replace	653	750	465	62%	284	90%
(R)-WP-WWTP clarifier scraper replacement	450	447	162	36%	284	54%
(R)-WP- 2324 Active Water renewals \$252.	253	253	41	16%	211	7%
(R) SEW - 2324 Passive Sewer Renewals \$2	200	165	19	12%	146	0%
(R)-SP-2324 Active Sewer Renewals \$200K	200	200	167	84%	33	84%
(R)-SEW-Sewer Relining Passive Sewer ren	0	401	608	152%	(207)	100%
(N)-SP-YSTP membrane augmentation \$600k	0	353	183	52%	170	100%
(N)-WP-WAT-26-Reservoir West Emu Park LZ	0	295	430	146%	(135)	99%
(N)-W&R-Caves Waste Transfer Station Upg	100	104	79	76%	25	100%
Various water & waste projects <\$100,000	424	694	372	54%	322	0%
<b>Subtotal</b>	<b>9,780</b>	<b>11,160</b>	<b>2,527</b>	<b>23%</b>	<b>8,633</b>	

**Capital Project (>\$100,000) Expenditure for the Period  
30/04/2024**

Project/Cost Centre Description	23-24 Adopted Budget \$'000	23-24 Budget Revision 1 \$'000	CAPEX Spent YTD \$'000	YTD % Budget (83.3% of year)	Remaining Budget/(Over Budget)	% Project Complete as at 31 March 2024
<b>Major Projects</b>						
(U)-SP-Emu Pk STP Process Upgrade 19-128	5,534	6,271	1,571	25%	4,701	65%
(N) SEW-65-66-86-121-Tanby Rd South PFTI	4,960	1,064	259	24%	805	7%
(U)-RC-RC-Stanage Bay Rd 20-012 design &	2,800	0	40	0%	( 40)	100%
(N)-MP-Station Quarter Community Recover	2,022	2,411	1,777	74%	634	85%
(U)-FC-Yeppoon Aquatic Centre Upgrade es	950	986	228	23%	758	2%
(N)-E&P-Gateway Stages 2B&3 Gateway Busi	740	1,172	236	20%	936	95%
(R)-SEW-2324 Sewer Relining Program Pass	650	450	202	45%	248	99%
(N)-W&R-Yeppoon Landfill Cell extension	600	622	141	23%	481	50%
(U)-WC-Kellys Dam Seepage Measurement Wor	550	733	403	55%	330	100%
(R) RC-BDG-Doonside Rd Canal Ck Ch6325 T	420	50	25	50%	25	40%
(N)-SP-Yeppoon STP Solar Array	315	304	306	101%	( 3)	95%
(R)-RC-BDG-Werribee Rd Replace Timber Br	270	50	46	93%	4	44%
(N) Cap Coast Cemetery Internal works PC	135	0	5	0%	( 5)	100%
(N)-E&P-West Emu Park Res Devp \$157k	70	88	48	54%	40	100%
Various CP424 projects <\$100,000	0	0	0	0%	-	0%
<b>Subtotal</b>	<b>20,016</b>	<b>14,202</b>	<b>5,287</b>	<b>37%</b>	<b>8,915</b>	
<b>Engineering Services</b>						
(N)-SW-Yeppoon Crk D-13 Q100 L700 SP2968	101	0	0	0%	-	100%
Various CP431 projects <\$100,000	646	634	479	1	155	0%
<b>Subtotal</b>	<b>747</b>	<b>634</b>	<b>480</b>	<b>1</b>	<b>155</b>	
<b>Community Wellbeing</b>						
Lagoon Pebblecrete & Softfall Rectification	0	400	63	16%	337	5%
(R)-FC-Lagoon Building 'A' Air Con Repla	365	371	6	2%	365	40%
(N)-SP-GKI WWTP - Design and Project Mgm	0	350	107	31%	243	1%
(N) CCMG Plinths and Landscaping PCL-530	0	348	192	55%	155	50%
(R)-FC-Amenities Merv Anderson Annual P	332	337	76	23%	261	80%
Cooee Bay Tennis court resurface	0	200	144	72%	56	60%
Various Facility projects <\$100,000	270	259	160	62%	98	62%
Various Community projects <\$100,000	0	0	0	0%	-	0%
Various Park projects <\$100,000	0	0	0	0%	-	0%
Various Community & Wellbeing projects <\$100,000	0	0	0	0%	-	0%
Various Economic Development projects <\$100,000	0	0	2	0%	( 2)	0%
GKI WWTP Design & Project Mgt	0	0	0	0%	-	0%
<b>Subtotal</b>	<b>967</b>	<b>2,264</b>	<b>750</b>	<b>33%</b>	<b>1,514</b>	
Provision for project inflation risk	1,314	128			128	
<b>TOTAL CAPITAL PROGRAM</b>	<b>51,198</b>	<b>47,161</b>	<b>21,479</b>	<b>45.54%</b>	<b>25,682</b>	



5. Glossary

Key Terms	
Operating Result	Total operating revenue less total operating expenses
Total Operating Expenditure	All council expenses minus capital items such as: - losses on disposal of assets, and - impairment losses - depreciation on right of use assets - interest on finance leases associated with right of use assets - other capital expenditure items as identified by Council
Total Operating Revenue	All council income minus capital items such as; - capital grants, subsidies, contributions and donations - gains on disposal of assets - other capital revenue items as identified by Council
Definition of Ratios	
Financial Capacity	
<b>Council-Controlled Revenue Ratio (%)<sup>#</sup></b>	
Council-controlled revenue is an indicator of a council's financial flexibility, ability to influence its operating income, and capacity to respond to unexpected financial shocks.  A higher council- controlled revenue indicates a stronger ability to generate operating revenue without relying on external sources. Councils with a high ratio generally have a healthy rate base and are better able to respond to unexpected financial obligations such as natural disaster recovery.  A lower council-controlled revenue ratio indicates that a council has limited capacity to influence its operating revenue and that it is more reliant on external (and usually less reliable) sources of income such as operating grant funding, sales and recoverable works contracts, and rental income.	$\frac{\text{Net rates, levies and charges} + \text{Total Fees \& charges}}{\text{Total operating revenue}}$
<b>Population Growth Ratio (%)<sup>#</sup></b>	
Population growth is a key driver of a council's operating income, service needs and infrastructure requirements into the future.  A growing council population indicates a greater capacity to generate its own source revenue through rates as well as statutory charges. Population growth also puts additional pressure on councils to invest in new community infrastructure to support service needs.	$\frac{\text{Prior year estimated population}}{\text{Previous year estimated population}} \quad -1$
Operating Performance	
<b>Operating Surplus Ratio (%)<sup>#</sup></b>	
This is an indicator of the extent to which operating generated cover operational expenses. Any operating surplus would be available for capital funding or other purposes.  An operating surplus ratio above 0% is an indication that council is managing its finances within its existing funding envelope and generating surplus funds for capital funding or other purposes.  An operating surplus ratio below 0% is an indication that a council's operating expenses exceed its revenue. An operating deficit in any one year is not a cause for concern, if over the long term, a council achieves a balanced operating result or small surplus. Operating deficits over the long term affect a council's ability to internally fund its capital requirements and other initiatives as and when they fall due, potentially requiring external funding support.	$\frac{\text{Operating result}}{\text{Total operating revenue}}$
<b>Operating Cash Ratio (%)<sup>#</sup></b>	
The operating cash ratio is a measure of councils ability to cover its core operational expenses and generate a cash surplus excluding depreciation, amortisation and finance costs.  A positive operating cash ratio indicates that a council is generating surplus cash from its core operations, which suggests that council has the ability to self-fund its capital expenditure requirements.  A negative operating cash ratio is a significant indicator of financial sustainability challenges and potential future liquidity issues, as all other things being equal, a negative results means that a council's cash position is declining and revenues are not offsetting the cost of core operational requirements.	$\frac{\text{Operating result} \text{ add Depreciation and amortisation} \text{ add finance costs}}{\text{Total operating revenue}}$

Liquidity	
<b>Unrestricted Cash Expense Cover Ratio (months)<sup>#</sup></b>	
<p>The unrestricted cash expense cover ratio is an indicator of the unconstrained liquidity available to a council to meet ongoing and emergent financial demands, which is a key component to solvency. It represents the number of months a council can continue operating based on current monthly expenses.</p> <p>A higher unrestricted cash expense cover ratio indicates that a council has sufficient free cash available to contribute to the cost of future planned and unplanned expenditures such as infrastructure investment or disaster recovery. An excessively high ratio may be indicative of cash hoarding, poor cash management, or large upcoming capital investment requirements.</p> <p>A low ratio suggests limited unconstrained liquidity available to council to use for capital investment or in an emergency. For councils with efficient cash management practices and strong borrowing capacity, this is not a concern. Where a council also has a negative operating cash ratio, a very low or negative unrestricted cash expense cover ratio is an indicator of potential solvency concerns.</p>	$\frac{\text{(Total Cash and Equivalents add Current investments add available ongoing QTC working capital facility limit less Externally Restricted Cash)}}{\text{(Total Operating Expenditure less Depreciation and amortisation less Finance Costs)}}$
<b>Net Financial Liability Ratio (%)<sup>*</sup></b>	
<p>This is an indicator of the extent to which the net financial liabilities of Council can be serviced by operating revenues. A ratio greater than zero (0) implies liabilities exceed current assets.</p> <p>This ratio is no longer reported against under the new financial management sustainability guideline.</p>	$\frac{\text{Total Liabilities} - \text{Current Assets}}{\text{Total operating revenue}}$
Asset Management	
<b>Asset Sustainability Ratio (%)<sup>**</sup></b>	
<p>The asset sustainability ratio approximates the extent to which the infrastructure assets managed by a council are being replaced as they reach the end of their useful lives.</p> <p>An asset sustainability ratio close to 100% suggests that a council is spending enough on the renewal of its assets to compensate for the deterioration in its asset base as loosely proxied by its reported depreciation.</p>	$\frac{\text{Capital expenditure on replacement of Infrastructure Assets (Renewals)}}{\text{Depreciation expenditure on Infrastructure Assets}}$
<b>Asset Consumption Ratio (%)<sup>**</sup></b>	
<p>The asset consumption ratio approximates the extent to which council's infrastructure assets have been consumed compared to what it would cost to build a new asset with the same benefit to the community.</p> <p>The minimum target of 60% indicates that a council's assets are being broadly consumed in line with their estimated useful lives.</p> <p>Councils with lower than target ratio will need to invest more in those assets (in terms of replacement or maintenance) to ensure they are maintained at a standard that will meet the needs of their communities. On the other hand, if the ratio is much higher than the target ratio, councils may need to revisit their asset management plans to assess their current service levels or whether their estimates of the assets useful lives are appropriate.</p>	$\frac{\text{Written down replacement cost of depreciable infrastructure assets}}{\text{Current replacement cost of depreciable infrastructure assets}}$
<b>Asset Renewal Funding Ratio (%)<sup>#</sup></b>	
<p>The asset renewal funding ratio measures the ability of a council to fund its projected infrastructure asset renewal/replacements in the future.</p> <p>Ideally, the asset renewal funding ratio should be as close to 100% as possible, as this indicates that a council is appropriately funding and delivering the entirety of its required capital program as outlined by its asset management plans.</p> <p>A ratio that is too far in excess of 100% indicates capital spending above and beyond what is proposed by a council's asset management plans. A ratio that is too far below 100% may indicate an underfunded capital program and therefore a potentially increasing infrastructure backlog and asset failures. Either scenario suggests a mismatch between a council's capital requirements and forecast capital program, whether due to poor planning and/or limited resources or skills to deliver the assets required by the community.</p>	$\frac{\text{Total of Planned Capital Expenditure on Infrastructure Asset Renewals over 10 years}}{\text{Total of Required Capital Expenditure on Infrastructure Asset Renewals over 10 years}}$
Debt Servicing Capacity	
<b>Leverage Ratio (times cover)<sup>#</sup></b>	
<p>The leverage ratio is an indicator of a council's ability to repay its existing debt. It measures the relative size of the councils debt to its operating performance.</p> <p>A higher leverage ratio indicates an increasingly limited capacity to support additional borrowings due to already high debt levels and/or decreasing operational performance, while a lower ratio indicates the opposite.</p> <p>A lower leverage ratio is not itself a guarantee that further debt will be approved for a council, while councils with higher leverage ratios are not necessarily precluded from having additional borrowings approved due to other mitigating circumstances.</p>	$\frac{\text{Book Value of Debt}}{\text{Total Operating Revenue less Total Operating Expenditure add Depreciation and Amortisation add finance costs}}$
<p><sup>#</sup>Financial Management (Sustainability) 2013 legislated ratios  <sup>**</sup>Financial Management (Sustainability) 2023 legislated ratios</p>	
6. Reference Material	
Local government sustainability framework	<a href="https://www.statedevelopment.qld.gov.au/local-government/for-councils/finance/local-government-sustainability-framework">https://www.statedevelopment.qld.gov.au/local-government/for-councils/finance/local-government-sustainability-framework</a> <a href="#">Sustainability Framework</a> <a href="#">Financial Management (Sustainability) Guideline</a> <a href="#">Risk Framework</a> <a href="#">Frequently Asked Questions</a>
Budget 2023-24	<a href="https://www.livingstone.qld.gov.au/current-budget">https://www.livingstone.qld.gov.au/current-budget</a>
Estimated Resident Population (ERP)	<a href="https://profile.id.com.au/livingstone/population-estimate">https://profile.id.com.au/livingstone/population-estimate</a>

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**11.10 ASSET MANAGEMENT POLICY REVIEW**

<b>File No:</b>	<b>TBC</b>
<b>Attachments:</b>	<b>1. Asset Management Policy - Draft Final Document</b> <a href="#">↓</a> <b>2. Asset Management Policy - Draft Document with Track Changes</b> <a href="#">↓</a>
<b>Responsible Officer:</b>	<b>Richard Mills - Coordinator Project Management Office</b>
<b>Author:</b>	<b>Matthew Wilson - Co-ordinator</b>

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**SUMMARY**

*This report seeks Council's adoption of the revised Asset Management Policy.*

**OFFICER'S RECOMMENDATION**

THAT Council adopt the revised Asset Management Policy.

**BACKGROUND**

Council previously adopted the Asset Management Policy on 20 July 2021. At the time the policy was updated to include:

- How the asset management system would be reviewed
- The development and inclusion of reportable and measurable asset management objectives; and
- The establishment of a schedule for the review of the asset management policy.

The policy was presented to the Audit, Risk and Improvement Committee on the 12 February 2024. T

Councillors were provided with a briefing session on the revised version of this document on 6 February 2024 with the policy now being presented to Council for adoption.

**COMMENTARY**

In July 2023, the policy was identified for its regular review. As part of the July 2023 review the opportunity was taken to amend the document to include the required commentary to close out additional SAMP improvement plan items, amend the document to reflect any changes in responsibility as a result of organisational reporting line changes as well as a general refresh of the document.

In accordance with the SAMP improvement plan the following tasks have been completed with regard to Council's Asset Management Policy:

- The development and inclusion of responsibility for the authoring, reviewing and approving of asset management plans.
- Setting responsibilities for asset custodians around the review and analysis of their maintenance programs and alignment to adopted asset management plans.

**PREVIOUS DECISIONS**

Council previously adopted the Asset Management Policy (v2) on 20 July 2021.

**ACCESS AND INCLUSION**

There are no access and inclusion implications in relation to this matter.

**ENGAGEMENT AND CONSULTATION**

Councils Audit, Risk and Improvement Committee have been consulted in relation to the proposed amendments to this policy.

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**HUMAN RIGHTS IMPLICATIONS**

There are no human rights implications in relation to this matter.

**BUDGET IMPLICATIONS**

This is a review of an existing policy. There are no budget implications.

**LEGISLATIVE CONTEXT**

The relevant legislation is identified in Item 3 References in the policy.

**LEGAL IMPLICATIONS**

There are no legal implications in relation to this matter.

**STAFFING IMPLICATIONS**

There are not expected to be any staffing implications in relation to this matter. Existing staff and resourced will be utilized to implement the policy.

**RISK ASSESSMENT**

There is no risk associated with amending the Asset Management Policy as the proposed changes properly reflect current practices.

**CORPORATE PLAN REFERENCE*****Leading Livingstone***

*Community Plan Goal 4.1 - Innovative and accountable leadership to achieve a shared future*

*4.1.3 A continuous improvement focus underpins the organisation, creating a supportive environment for ideas and positive, well-managed change which enhances internal and external outcomes.*

**CONCLUSION**

THAT Council notes the further progress Council is making towards asset maturity within the organisation and adopts the reviewed Asset Management Policy.

## **11.10 - ASSET MANAGEMENT POLICY REVIEW**

### **Asset Management Policy - Draft Final Document**

**Meeting Date: 20 May 2024**

**Attachment No: 1**

## ASSET MANAGEMENT POLICY

### 1. Scope

The Asset Management Policy (this 'Policy') provides the guiding principles and overarching framework for the strategic management of infrastructure assets under Council's stewardship. This Policy is applicable to all organisational units that are custodians of assets that are owned, managed or under the care and control of Council.

Most of Council's assets are long lived and require significant ongoing investment in maintenance and renewal activities to ensure they deliver the required levels of service expected by the community. These assets include:

- Roads and Drainage
- Footpaths
- Bridges and Major Culverts
- Water
- Sewer
- Plant and Equipment
- Buildings
- Site Improvements (including park, recreation, open spaces, and waste management assets)
- Land

### 2. Purpose

To ensure that a holistic asset management system is in place which supports the management of physical assets and delivery of infrastructure services to the community:

- a) in an effective, efficient and financially sustainable manner;
- b) which supports initiatives within Council's Corporate Plan; and
- c) that supports Council's asset management obligations in accordance with the *Local Government Act 2009* and the *Local Government Regulation 2012*.

### 3. References (legislation/related documents)

#### Legislative references

*Local Government Act 2009* s 104

*Local Government Regulation 2012* ch 5 pt 2 div 2

#### Related documents

AS ISO 55000:2014: Asset management – Overview, principles, and terminology

AS ISO 55001:2014: Asset management – Management systems – Requirements

AS ISO 55002:2019: Asset management – Management systems – Guidelines for the application of ISO 55001

#### Asset Management Plans

- Buildings
- Fleet
- Footpath
- Roads (including Stormwater and Bridges)
- Sewer
- Water

#### Australian Government – Australian Accounting Standards Board – Accounting Standards:

- AASB 116 Property, Plant and Equipment;
- AASB 136 Impairment of Assets;
- AASB 138 Intangible Assets; and
- AASB 13 Fair Value Measurement.

#### International Infrastructure Management Manual (Institute of Public Works Engineering Australasia)

Livingstone Shire Council Corporate Plan 2020 – 2030

Livingstone Community Plan – Towards 2050

Our Living Coast – Livingstone Coastal Hazards Adaptation Strategy

Strategic Asset Management Plan

## 4. Definitions

To assist in interpretation, the following definitions shall apply:

Asset	Any item or thing that has potential or actual value to the organisation and community.
Asset Management	The systematic and coordinated activities and practices of an organisation to deliver on its objectives optimally and sustainably through the cost-effective lifecycle management of assets.
Asset Management System (AMS)	A system that forms an integrated part of Council's vision, corporate plan, policies, objectives, asset service delivery plans, operational plans and supporting activities.
Lifecycle Cost	The total cost of an asset throughout its life including planning, design, construction, acquisition, operation, maintenance, depreciation, rehabilitation, and disposal costs.
AMSC	Asset Management Steering Committee.
Council	Livingstone Shire Council.

## 5. Policy Statement

Council is committed to managing its assets in a whole-of-life and financially sustainable manner which aligns asset management practices to Council's strategic objectives and long-term financial plan while addressing the service delivery needs of the community.

This Policy provides support for, and forms part of, Council's asset management system, which brings together all the elements required to convert this policy into action and drive Council towards a more advanced asset and service management maturity status and alignment with best appropriate industry practice.

Council's asset management system will prioritise continuous improvement in the provision of services and management of assets across Livingstone Shire Council through the following strategic asset management activities:

### 5.1 Asset Management Governance

Council's asset management system will be guided by the Asset Management Steering Committee which will have representation from all sections of Council that are responsible for management of physical assets owned or controlled by Council. The Asset Management Steering Committee will:

- (a) be responsible for the currency of relevant directives, plans and strategies to ensure asset management is performed in accordance with relevant legislation and best industry practice;
- (b) report to Council on the development of asset and services management initiatives; and
- (c) provide oversight of activities within each of the sections necessary to achieve the objectives of this policy.

### 5.2 Strategic Asset Management

Council will develop and maintain a Strategic Asset Management Plan (SAMP). A Strategic Asset Management Plan (SAMP) is the documented strategy for asset management that clarifies intended activities, desired outcomes and certain practices that will be used in their delivery.

Council ensures ongoing development of asset management capabilities within Council to ensure the sustainable delivery of assets and services to the community.

Through the implementation of the SAMP, Council will focus on ongoing continuous improvement based on available resources.

### 5.3 Asset Management Objectives

- (a) The management of assets is to be undertaken in a structured and coordinated manner in order to meet the social, recreational, health and safety, economic and environmental needs of the community.
- (b) The effective and efficient management of Council's Asset Management System and Asset Portfolio will be achieved by:
  - i. taking a strategic, lifecycle approach using a risk management-based approach while delivering services at the adopted level.
  - ii. developing and maintaining asset management plans to inform Council's long term financial plan.
  - iii. preparing business cases for proposed future funding requirements prior to the introduction of new assets or services ensuring the whole of life cost of the assets or services are fully understood.
  - iv. integrating asset management activities with applicable Council Management Systems.
  - v. monitoring asset performance and maintaining quality asset data in accordance with corporate asset data requirements.
  - vi. ensuring investment decisions are based on optimised levels of service that address the needs of the community in a financially sustainable manner.
  - vii. monitoring, reviewing, and reporting on the performance of the asset management system to ensure alignment with industry standards and best practice; and
  - viii. providing resources and training in asset and financial management principles, practices, and processes to enable delivery of the Asset Management System.



- (c) Non-asset solutions are considered as part of the introduction of any new service or proposed expansion of an existing asset base.
- (d) Legislative and regulatory requirements are met.

#### 5.4 Roles and Responsibilities

Asset management requires a whole of Council approach with the key roles and responsibilities identified below:

- (a) **Councillors** provide the strategic guidance, commitment to the approach for the management of assets and overall approval of any Asset Management Plans;
- (b) **Chief Executive Officer** has the overall responsibility for the effectiveness of asset management within Council. The CEO is also responsible for ensuring sufficient resources are allocated to manage Councils assets;
- (c) **Asset custodians** are responsible for supporting the development of asset management plans (through the review of draft AMP plans), implementing asset management business processes, systems, organisational policies, and procedure. Asset Custodians must also ensure alignment between approved budgets and the outcomes specified in adopted asset management plans.
- (d) **Asset Management Steering Committee** is established to ensure good stewardship and governance in the management of assets by tracking the delivery of asset management objectives and targets and review of the achievement of their intended benefits;
- (e) **Coordinator Assets** is responsible for the authoring and reviewing of asset management plans;
- (f) **Chief Financial Officer** is responsible for the implementation of a coordinated end-to-end asset management framework including the development of a ten-year plan for acquisition of required assets as well as the renewal and upgrade of existing assets, subject to funding availability. This is to be developed in line with established Service Levels, the SAMP and AMPs as well as all other legal/contractual commitments; and
- (g) **Council Staff** are responsible for the management, acquisition, upgrade, or disposal of assets and must ensure that this is done in accordance with the principles and values of this Policy. Any theft, loss or damage to assets are to be reported as soon as practical and in keeping with applicable regulatory and policy requirements.

#### 5.5 Implementation of Policy

The implementation of this policy will be principally achieved through the Strategic Asset Management Plan, which will ensure that a structured set of actions aimed at enabling continuous improvement to asset management activities across the organisation is maintained.

### 6. Changes to this Policy

This policy will be reviewed every four years and will otherwise remain in force until any of the following occur:

1. The related information is amended/replaced; or
2. Other circumstances as determined from time to time.

**7. Repeals/Amendments**

This Policy repeals Livingstone Shire Council Policy titled 'Asset Management Policy (v2.0)'.

<b>Version</b>	<b>Date</b>	<b>Action</b>
1	03/07/2018	Adopted
2	20/07/2021	Amended Policy Adopted - amended to reflect update to Related Documents, AM Objectives and Strategic Asset Management Plan
3.0	DRAFT	Amended to close out improvements identified in the SAMP Improvement Plan.

**CALE DENDLE**  
**CHIEF EXECUTIVE OFFICER**

# **11.10 - ASSET MANAGEMENT POLICY REVIEW**

## **Asset Management Policy - Draft Document with Track Changes**

**Meeting Date: 20 May 2024**

**Attachment No: 2**

## ASSET MANAGEMENT POLICY

### 1. Scope

The Asset Management Policy (this 'Policy') provides the guiding principles and ~~framework~~overarching framework ~~to~~for the strategically strategic ~~management of infrastructure assets under Council's stewardship.~~ ~~—This Policy is applicable to all organisational units that are custodians of assets that are owned, managed or under the care and control of Council.~~ ~~infrastructure services and physical assets owned or controlled by Council with a focus on the organisations long life infrastructure assets such as roads, bridges, stormwater, water, waste water, buildings and open space assets.~~

Most of Council's assets are long lived and require significant ongoing investment in maintenance and renewal activities to ensure they deliver the required levels of service expected by the cCommunity. These assets include:

- Roads and Drainage
- Footpaths
- Bridges and Major Culverts
- Water
- Sewer
- Plant and Equipment
- Buildings
- Site Improvements (including park, recreation, open spaces, and waste management assets)
- Land

### 2. Purpose

To ensure that a holistic asset management system is in place which supports the management of physical assets and delivery of infrastructure services to the community:

- a) in an effective, efficient, and financially sustainable ~~manner;~~manner;
- b) which supports initiatives within Council's Corporate Plan; and
- c) that supports Council's asset management obligations in accordance with the *Local Government Act 2009* and the *Local Government Regulation 2012*.

### 3. ~~References~~ (legislation/related documents)

#### Legislative references

*Local Government Act 2009* s 104

*Local Government Regulation 2012* ch 5 pt 2 div 2

#### Related documents

~~Asset Management Plans (Fleet, Buildings, Water, Sewer, Roads, Footpath)~~

AS ISO 55000:2014 : Asset management – Overview, principles and terminology

AS ISO 55001:2014 : Asset management – Management systems – Requirements

AS ISO 55002:2019 : Asset management – Management systems – Guidelines for the application of ISO 55001

Asset Management Plans

- Buildings
- Fleet
- Footpath
- Roads (including Stormwater and Bridges)
- Sewer
- Water

Australian Government – Australian Accounting Standards Board – Accounting Standards:

- AASB 116 Property, Plant and Equipment;
- AASB 136 Impairment of Assets;
- AASB 138 Intangible Assets; and
- AASB 13 Fair Value Measurement.

International Infrastructure Management Manual (Institute of Public Works Engineering Australasia)

Livingstone Shire Council Corporate Plan 2020 – 2030

Livingstone Community Plan – Towards 2050

Our Living Coast – Livingstone Coastal Hazards Adaptation Strategy

Asset Management Plans

- Fleet
- Buildings
- Water
- Sewer
- Roads (including Stormwater and Bridges)
- Footpath

Strategic Asset Management Plan

**4. Definitions**

To assist in interpretation, the following definitions shall apply:

<u>Asset</u>	<u>Any item or thing that has potential or actual value to the organisation and community.</u>
<u>Asset Management</u>	<u>The systematic and coordinated activities and practices of an organisation to deliver on its objectives optimally and sustainably through the cost-effective lifecycle management of assets.</u>
<u>Asset Management System (AMS)</u>	<u>A system that forms an integrated part of Council's vision, corporate plan, policies, objectives, asset service delivery plans, operational plans and supporting activities.</u>
<u>Lifecycle Cost</u>	<u>The total cost of an asset throughout its life including planning, design, construction, acquisition, operation, maintenance, depreciation, rehabilitation, and disposal costs.</u>
AMSC	Asset Management Steering Committee.
	<del>The systematic and coordinated activities and practices of an organisation to optimally and sustainably deliver on its objectives through the cost effective lifecycle management of assets.</del>
Council	Livingstone Shire Council.

## 5. Policy Statement

Council is committed to managing its assets in a whole-of-life and financially sustainable manner which aligns asset management practices to Council's strategic objectives and long-term financial plan while addressing the service delivery needs of the community.

~~Council's asset management system is comprised of a Strategic Asset Management Plan, policies, processes, personnel, technology and information. These elements are all necessary for the organisation to manage assets in a whole-of-life and financially sustainable manner which aligns asset management practices to Council's strategic objectives and long term financial plan while addressing the service delivery needs of the community.~~

This Policy provides support for, and forms part of, Council's asset management system, which brings together all-of-all the elements required to convert this policy into action and drive Council towards a more advanced asset and service management maturity status and alignment with best appropriate industry practice.

Council's asset management system AMS will prioritise continuous improvement in the provision of services and management of assets across Livingstone Shire Council through the following strategic asset management activities:

### 5.1 Asset Management Governance

Council's asset management system will be guided by the Asset Management Steering Committee, which will have representation from all sections of Council that are responsible for management of physical assets owned or controlled by Council. The Asset Management Steering Committee will:

- (a) be responsible for the currency of relevant directives, plans and strategies to ensure asset management is performed in accordance with relevant legislation and best industry ~~practice;practice;~~
- (b) report to Council on the development of asset and services management initiatives; and
- (c) provide oversight of activities within each of the sections necessary to achieve the objectives of this policy.

### ~~5.2~~ 5.2 Strategic Asset Management

Council will develop and maintain The development and maintenance of a Strategic Asset Management Plan (SAMP). A Strategic Asset Management Plan (SAMP) is the documented strategy for asset management that clarifies intended activities, desired outcomes and certain practices that will be used in their delivery.

Council ensure The ongoing development of asset management capabilities within Council to ensure the sustainable delivery of assets and services to the cCommunity.

Through the implmenetaiotion of the SAMP, Council will focus on Ensuring ongoing continuous improvement through the implementation of the SAMP Improvement items based on available resources.

### 5.32 Asset Management Objectives

- (a) The management of assets is to be undertaken in a structured and -coordinated manner in order to meet the social, recreational, health and safety, economic and environmental needs of the community. -
- (b) The effective and efficient management of Council's Asset Management System and Asset Portfolio will be achieved by:
  - i. taking a strategic, lifecycle approach using a risk ~~management based~~management-based approach while delivering services at the adopted ~~level;~~level.

- ii. developing and maintaining asset management plans to inform Council's long term financial ~~plan;~~plan.
  - iii. preparing business cases for proposed future funding requirements prior to the introduction of new assets or services ensuring the whole of life cost of the assets or services are fully ~~understood;~~understood.
  - iv. integrating ~~a~~Asset ~~M~~management activities with applicable Council Management Systems~~;~~.
  - v. monitoring asset performance and maintaining quality asset data in accordance with corporate asset data ~~requirements;~~requirements.
  - vi. ensuring investment decisions are based on optimised levels of service that address the needs of the community in a financially sustainable ~~manner;~~manner.
  - vii. monitoring, ~~reviewing~~reviewing, and reporting on the performance of the asset management system to ensure alignment with industry standards and best practice; and
  - viii. providing resources and training in asset and financial management principles, ~~practices~~practices, and processes to enable delivery of the Asset Management System.
- (c) Non-asset solutions are considered as part of the introduction of any new service or proposed expansion of an existing asset base.
- (d) Legislative and regulatory requirements are met.



### 5.43 ~~\_\_\_\_\_~~ Roles and Responsibilities

~~Council, the Chief Executive Officer, the AMSC, Directors, Chief Officers, Managers and Project Owners are responsible for ensuring this policy and associated documents are understood and adhered to by all staff. Asset management requires a whole of Council approach with the key roles and responsibilities identified below:~~

- ~~(a) **Councillors** adopt this policy provide the strategic guidance, commitment to the approach for the management of assets and overall approval of any Asset Management Plans and ensure sufficient resources are allocated to manage Councils assets.;~~
- ~~(b) **Chief Executive Officer** has the overall responsibility for the effectiveness of asset management within Council. The CEO is also responsible for the overall approval of any Asset Management Plans. for ensuring ~~there are~~ sufficient resources are allocated to manage Councils assets.;~~
- ~~(c) **Asset custodians**~~Executive and Extended Management Teams~~ are responsible as ~~Asset Custodians~~ for supporting the development of asset management plans (through the review of draft AMP plans), implementing asset management business processes, systems, organisational policies, and procedure. ;Asset Custodians must also ensure alignment between approved budgets and the outcomes specified in adopted asset management plans.~~
- ~~(d) **Asset Management Steering Committee** is established to ensure good stewardship and governance in the management of assets by tracking the , ~~comprising of the management from Councils key asset areas~~ delivery of ~~our~~ asset management objectives and targets and review of the achievement of their intended benefits~~te~~ provide recommendations on appropriate service and asset management improvement strategies.;~~
- ~~(e) **Coordinator Assets** is responsible for the authoring and reviewing of asset management plans.;~~
- ~~(f) **Chief Financial Officer** is responsible for the implementation of a coordinated end-to-end asset management framework including the ~~for providing development of a ten - year plan for acquisition of required assets as well as the renewal and upgrade of existing assets, subject to funding availability. This is to be developed in line with established Service Levels, the SAMP and AMPs as well as all other legal/contractual commitments; and~~  
~~(e.g. executed infrastructure agreements) assurance that any budget is consistent with the outputs from the Asset Management Plans.~~~~
- ~~(g) **Council Staff** are responsible for the management, acquisition, upgrade, or disposal of assets and must ensure that this is done in accordance with the principles and values of this ~~Asset Management p~~Policy. Any theft, ~~or~~ loss, or damage to assets are ~~to be reported~~ as soon as practical and in keeping with applicable regulatory and policy requirements.~~

### 5.54 Implementation of Policy

~~The i~~Implementation of this policy will be principally achieved through the Strategic Asset Management Plan, which will ensure that a structured set of actions aimed at enabling continuous improvement to asset management activities across the organisation is maintained.

6. **Changes to [this](#) Policy**

This policy will be reviewed every ~~two~~four years ~~by the AMSC~~ and will otherwise remain in force until any of the following occur:

1. The related information is amended/replaced; or
2. Other circumstances as determined from time to time.

7. Repeals/Amendments

This Policy repeals Livingstone Shire Council Policy titled 'Asset Management Policy (v2.04)'.  
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Version	Date	Action
1	03/07/2018	Adopted
2	20/07/2021	Amended Policy Adopted - amended to reflect update to Related Documents, AM Objectives and Strategic Asset Management Plan
<u>3.0</u>	<u>18/09/2023</u> DRAFT	<u>Amended to close out improvements identified in the SAMP Improvement Plan.</u>

CALE DENDLE  
CHIEF EXECUTIVE OFFICER

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**11.11 ANNUAL REVIEW OF COUNCIL POWERS TO THE CHIEF EXECUTIVE OFFICER**

<b>File No:</b>	<b>qA24573</b>
<b>Attachments:</b>	<ol style="list-style-type: none"><li><b>Council to Chief Executive Officer Delegations</b><a href="#">↓</a></li><li><b>Limitations and Conditions to the Chief Executive Officer</b><a href="#">↓</a></li><li><b>Financial Delegation to the Chief Executive Officer</b><a href="#">↓</a></li></ol>
<b>Responsible Officer:</b>	<b>Poala Santini - Coordinator Governance Richard Mills - Coodinator Project Management Office</b>
<b>Author:</b>	<b>Melanie Holgate - Governance Officer</b>

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**SUMMARY**

*The report provides Council the opportunity to review the legislative delegations as recommended by the Local Government Association of Queensland, delegated to the position of Chief Executive Officer, in accordance with section 257(5) of the Local Government Act 2009.*

**OFFICER'S RECOMMENDATION**

1. THAT in accordance with section 257 of the *Local Government Act 2009*, Council resolves to delegate to the Chief Executive Officer, the exercise of powers as itemised in Attachment One and limited by the scope contained within Attachment Two; and
2. THAT Council resolves to delegate the Chief Executive Officer the Financial Delegations as contained in Attachment Three.

**BACKGROUND**

Council has many powers and duties which are governed by legislation, however in the interest of efficiency these decision-making powers and duties can be delegated by Council to the Chief Executive Officer. In turn, the Chief Executive Officer may further sub-delegate certain powers to specific staff within the organisation as considered appropriate.

The *Local Government Act 2009* requires Council to review delegations to the Chief Executive Officer annually.

The Local Government Association of Queensland, through King and Company Solicitors has developed a complete list of all delegations under State laws which can be delegated to the local government Chief Executive Officer.

The aim of delegated authority is to assist with improving the time taken to make decisions within the constraints allowed by the relevant legislation. This is consistent with Council's commitment to a strong customer service focus.

**COMMENTARY**

This report contains:

- The Legislative Delegations;
- Limitations and Conditions to the Exercise of Powers to the Chief Executive Officer; and
- Financial Delegations.

The annual review of delegated powers to the Chief Executive Officer allows the opportunity for Council to amend or rescind or condition delegations, as appropriate.

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Delegation and sub-delegation processes ensure that employees are provided with the legal authority to undertake various duties and exercise powers in accordance with legislation. They promote accountability and are considered a proactive risk management tool.

King and Company Solicitors conducts biannual reviews of the delegation register, with the most recent update being completed on 30 January 2024. It has been identified that there are several new Acts/Regulations and with a number of amendments/additional powers to existing legislation applicable to Local Government.

These amendments have been noted below and highlighted in red in Attachment 1.

#### New Acts/Regulations Identified

##### Acts

##### ***Working with Children (Risk Management and Screening) Act 2000***

The objective of this Act is to establish a scheme requiring the development and implementation of risk management strategies, and the screening of persons employed in particular employment or carrying on particular businesses to promote and protect the rights, interests and wellbeing of children in Queensland.

##### Regulations

Regulations are statutory instruments made under a provision of an Act. Under the *Statutory Instruments Act 1992* section 54 - Subordinate legislation expires on 1 September first occurring after the 10<sup>th</sup> anniversary of the day of its making.

##### ***Animal Care and Protection Regulation 2023***

The objective of this Regulation is to remake the *Animal Care and Protection Regulation 2012* prior to its staged automatic expiry, to give effect to various compulsory and voluntary codes of practice that provide for the welfare of animals and provide minor administrative amendment.

##### ***Heavy Vehicle National Law Regulation 2014***

The objective of this Regulation is to support the *Heavy Vehicle National (Qld)* and provides prescriptions for sections of the Act.

##### ***Stock Route Management Regulation 2023***

The objective of this Regulation is to remake the *Stock Route Management Regulation 2003* prior to its staged automatic expiry and ensure the consistency in permit fees for travelling stock under both the Nature Conservation Act and the Stock Route Management Act.

##### ***Transport Infrastructure (Public Marine Facilities) Regulation 2023***

The objective of this Regulation is to remake the *Transport Infrastructure (Public Marine Facilities) Regulation 2011* and to ensure the safe and efficient operation of public marine facilities in Queensland.

##### ***Waste Reduction and Recycling Regulation 2023***

The objective of this Regulation is to remake the *Waste Reduction and Recycling Regulation 2011* and to provide a regulatory mechanism for the implementation of the Act to provide a waste management framework that supports avoidance, reuse, recycling and safe disposal of waste.

#### Acts/Regulations with Amended/Additional Powers

- *Building Regulation 2021*
- *Environment Protection Act 1994*
- *Fire and Emergency Service Act 1990*
- *Heavy Vehicle National Law (Qld)*

- *Heavy Vehicle (Mass, Dimension and Loading) National Regulation*
- *Human Rights Act 2019*
- *Land Act 1994*
- *Local Government Act 2009*
- *Medicines and Poisons (Poisons and Prohibited Substances) Regulation 2021*
- *Stock Route Management Act 2002*
- *Tobacco and Other Smoking Products Act 1998*
- *Waste Reduction and Recycling Act 2011*
- *Water Act 2000*
- *Water Supply (Safety & Reliability) Act 2008*
- *Work Health and Safety Act 2011*
- *Work Health and Safety Regulation 2011*

## PREVIOUS DECISIONS

Council to Chief Executive Officer delegations were reviewed and adopted at the Ordinary Meeting on 18 April 2023.

## ACCESS AND INCLUSION

There are no access and inclusion implications associated with the consideration of this report.

## ENGAGEMENT AND CONSULTATION

Internal consultation has taken place in relation to the relevancy of new Acts. Further consultation with internal stakeholders will be conducted to evaluate if any of the amended or new powers require to be sub-delegated.

## HUMAN RIGHTS IMPLICATIONS

Section 4(b) of the *Human Rights Act 2019* requires public entities such as Livingstone Shire Council 'to act and make decisions in a way compatible with human rights'. There are no adverse human rights implications associated with this report.

## BUDGET IMPLICATIONS

There are no budget implications associated with the consideration delegations.

## LEGISLATIVE CONTEXT

Section 257 of the *Local Government Act 2009* states:

- (1) *A local government may, by resolution, delegate a power under this Act or another Act to—*
  - (a) *the mayor; or*
  - (b) *the chief executive officer; or*
  - (c) *a standing committee, or joint standing committee, of the local government; or*
  - (d) *the chairperson of a standing committee, or joint standing committee, of the local government; or*
  - (e) *another local government, for the purposes of a joint government activity.*
- (2) *However, a local government may only delegate a power to make a decision about a councillor's conduct under section 150AG to—*
  - (a) *the mayor; or*
  - (b) *a standing committee of the local government.*
- (3) *Also, a local government must not delegate a power that an Act states must be exercised by resolution.*

- (4) *A joint standing committee, of the local government, is a committee consisting of councillors of the local government and councillors of 1 or more other local governments.*
- (5) *A delegation to the chief executive officer under subsection (1) must be reviewed annually by the local government.*

### **LEGAL IMPLICATIONS**

Other important legal principles which apply to the delegation set out within this report are:

- 1) Council at all times retains power to revoke the delegation. Accordingly, Council retains ultimate control;
- 2) 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;
- 3) a delegation of power by Council may be subject to 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; and
- 4) 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 are no staffing implications associated with the consideration delegations.

### **RISK ASSESSMENT**

Pursuant to section 257(5) of the *Local Government Act 2009*, a delegation to the Chief Executive Officer must be reviewed annually by Council.

The annual review was scheduled for presentation at the April Ordinary Meeting in order to fulfill statutory requirements. However, in light of the local government elections, it was deemed of low risk to defer the report for adoption to the May meeting.

### **CORPORATE PLAN REFERENCE**

#### ***Leading Livingstone***

*Community Plan Goal 4.3 - Engagement with the community as advisors and partners*

*4.3.2 Commit to open and accountable governance to ensure community confidence and trust in Council and its democratic values.*

The delegation of powers from Council to the Chief Executive Officer provides for decisions to be made operationally and activities to be undertaken without the need for a Council resolution, this allows Council to provide efficient high-quality customer focused service

### **CONCLUSION**

Adoption of the delegation of powers to the Chief Executive Officer will ensure actions undertaken by Council are compliant with legislative requirements.

# **11.11 - ANNUAL REVIEW OF COUNCIL POWERS TO THE CHIEF EXECUTIVE OFFICER**

## **Council to Chief Executive Officer Delegations**

**Meeting Date: 20 May 2024**

**Attachment No: 1**





## COUNCIL TO CEO REGISTER OF DELEGATION

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The Council to CEO Register of Delegations lists the matters in which the Chief Executive Officer has the right to act or exercise discretion. It identifies the powers delegated and the provisions of the statute permitting or requiring the exercise of the powers.

Pursuant to section 257 of the *Local Government Act 2009*, Council has delegated to the the Chief Executive Officer, or a person acting in that position, the following powers and functions which are to be exercised subject to the following Limitations and Conditions.

The delegation of powers from Council to the Chief Executive Officer, was adopted by resolution of Council at the Ordinary Council Meeting dated 18 April 2023, agenda item number 11.14. Futhermore, the register was updated as per resolution of the Ordinary Council Meeting dated, 15 August 2023, 24 October 2023 and 19 December 2023.

Section 259 of the *Local Government Act 2009*, provides for the Chief Executive Officer of a Council to delegate the Chief Executive Officer's powers to an appropriately qualified employee or contractor of the local government. Refer

## Powers to be Delegated from Council to the Chief Executive Officer

Aboriginal Cultural Heritage Act 2003			
Legislation	Section of Act	Description of Delegated Power	Conditions to which the Delegation is Subject
Aboriginal Cultural Heritage Act 2003	17	Power, in the circumstances set out in subsection (1), to take all reasonable and practicable steps to ensure that the human remains are taken into the custody of the chief executive.	
Aboriginal Cultural Heritage Act 2003	18	Power, in the circumstances set out in subsection (1), to advise the chief executive of the existence and location of the human remains and give the chief executive all details that the chief executive reasonably requires.	
Aboriginal Cultural Heritage Act 2003	23	Power, as a person who carries out an activity, to take all reasonable and practicable measures to ensure the activity does not harm Aboriginal cultural heritage.	
Aboriginal Cultural Heritage Act 2003	28(2)	Power to consult with the Minister about cultural heritage duty of care guidelines.	
Aboriginal Cultural Heritage Act 2003	30	Power, as a person who is involved in putting an approved cultural heritage management plan into effect, to take all reasonable steps to ensure the chief executive is advised about all Aboriginal cultural heritage revealed to exist because of any activity carried out under the plan.	
Aboriginal Cultural Heritage Act 2003	31	Power, as a person who carries out an activity, to advise the chief executive of Aboriginal cultural heritage revealed to exist because of the activity.	
Aboriginal Cultural Heritage Act 2003	53, 56, 57, 58, 59, 60, 61, 62(2), 63(3), 64(2), 65(2), 67, 68, 69(2), 70, 71, 76, 77(2) and 153	Power to carry out a cultural heritage study and have its findings recorded in the register including all steps authorised or required by Part 6 of the Act for the purpose of carrying out the study, recording it in the register and objecting to the way the study is recorded in the register.	
Aboriginal Cultural Heritage Act 2003	54(2)	Power to consult with the Minister about guidelines to help people in choosing suitable methodologies for carrying out cultural heritage studies.	
Aboriginal Cultural Heritage Act 2003	70(3)	Power, as the owner or occupier of land, to consult with the sponsor about obtaining access to the land and determine whether or not access should be given.	
Aboriginal Cultural Heritage Act 2003	72(1)(c)	Power to consult with the chief executive about a cultural heritage study.	
Aboriginal Cultural Heritage Act 2003	76	Power to object to the Land Court to:- (a) the chief executive's recording in the register of the findings of a cultural heritage study; and (b) the chief executive's refusal to record in the register the findings of a cultural heritage study.	
Aboriginal Cultural Heritage Act 2003	82, 83, 91, 92, 93, 94, 95, 96, 97(2), 98(2), 99(2), 100, 101, 103, 104, 105, 106, 107, 109(5), 111, 112, 113, 114, 115, 116, 117(5) and 153	Power to develop, reach agreement on and seek approval for a cultural heritage management plan including all steps authorised or required by Part 7 of the Act for the purpose of developing, reaching agreement on and seeking approval of the plan and objecting to any refusal to approve the plan.	
Aboriginal Cultural Heritage Act 2003	85(1)	Power to consult with the Minister about guidelines to help people in choosing suitable methodologies for developing cultural heritage management plans.	
Aboriginal Cultural Heritage Act 2003	153	Power, as the owner or occupier of land, to consult with a person who wishes to enter land to perform a cultural heritage activity about obtaining access to the land and to determine whether or not access should be given.	
Acquisition of Land Act 1967			
Legislation	Section of Act	Description of Delegated Power	Conditions to which the Delegation is Subject
Acquisition of Land Act 1967	4B(2)	Power as an entity taking the resource interest to give the relevant chief executive for the resource interest written notice.	
Acquisition of Land Act 1967	7	Power to prepare, serve and amend a Notice of Intention to Resume, to discontinue a resumption and to give notice to the land registry.	
Acquisition of Land Act 1967	8	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.	
Acquisition of Land Act 1967	9	Power to apply to the Minister that the land be taken and to respond to requests from the Minister for further particulars or information.	
Acquisition of Land Act 1967	12(4B)	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).	
Acquisition of Land Act 1967	12(5A)	Power to agree with the Claimant on the amount of compensation payable.	
Acquisition of Land Act 1967	12(7)	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.	
Acquisition of Land Act 1967	12(2A)	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.	
Acquisition of Land Act 1967	12(3)	Power, where the land taken is part of land subject to a building units plan registered under the <i>Building Units and Group Titles Act 1980</i> , to pay the prescribed fees to the Registrar of Titles.	
Acquisition of Land Act 1967	12(3A)	Power, where the land taken is scheme land for a community titles scheme under the <i>Body Corporate and Community Management Act 1997</i> , to pay the prescribed fees to the Registrar of Titles.	
Acquisition of Land Act 1967	12A	Power to lodge with the registrar of titles a plan of survey showing a new boundary for a lot or common property.	
Acquisition of Land Act 1967	12B	Power to dedicate land taken under the Act as a road.	
Acquisition of Land Act 1967	13(1) and (1A)	Power to take additional land.	
Acquisition of Land Act 1967	13(2) and (2A)	Power to take additional land.	
Acquisition of Land Act 1967	13(3)	Power to sell or otherwise deal with additional land taken.	
Acquisition of Land Act 1967	15B	Power to take land pursuant to a resumption agreement and to take all steps necessary to prepare and enter the resumption agreement.	
Acquisition of Land Act 1967	15C	Power to apply to the Minister to take land pursuant to a resumption agreement and to respond to requests from the Minister for further particulars or information.	
Acquisition of Land Act 1967	15D	Power to declare by gazette notice that land taken pursuant to a resumption agreement is taken for the purpose stated in the notice.	
Acquisition of Land Act 1967	16(1)	Power to serve a notice of discontinuance of a resumption.	
Acquisition of Land Act 1967	16(1B)	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.	
Acquisition of Land Act 1967	16(1C)	Power to have the amount of compensation payable under subsection (1A) taxed by an officer of the Supreme Court.	
Acquisition of Land Act 1967	17(1)	Power as a gazetting authority to, by gazette notice, revoke a gazette resumption notice.	
Acquisition of Land Act 1967	17(1A)	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 relates.	
Acquisition of Land Act 1967	17(2)(c)	Power to lodge a gazette copy of the revoking gazette notice with the land registry.	
Acquisition of Land Act 1967	17(5)	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.	
Acquisition of Land Act 1967	17(5)	Power to refer the determination of the amount of compensation to be paid under subsection (4) to the Land Court.	
Acquisition of Land Act 1967	19	Power to accept and deal with a claim for compensation served by the claimant within 3 years after the day the land was taken.	
Acquisition of Land Act 1967	19(4) and 19(6)	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.	

Acquisition of Land Act 1967	21(1)	Power to agree 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.	
Acquisition of Land Act 1967	21(1A)	Power to agree to transfer land held in fee simple by Council to the claimant in satisfaction wholly or partly of the Claimant's claim for compensation.	
Acquisition of Land Act 1967	21(2)	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.	
Acquisition of Land Act 1967	23(2)	Power to make an advance on compensation to the Claimant.	
Acquisition of Land Act 1967	23(5)	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.	
Acquisition of Land Act 1967	23(6)	Power to reduce the advance by the sum due to the mortgagee.	
Acquisition of Land Act 1967	23(7)	Power to pay to Council, the Crown or a mortgagee any amount by which the advance has been reduced.	
Acquisition of Land Act 1967	24(1)	Power to refer a claim for compensation to the Land Court.	
Acquisition of Land Act 1967	24(4)	Power to apply to the Land Court for further or other particulars of a claim for compensation.	
Acquisition of Land Act 1967	25(1)	Power to apply to the Land Court for the Claimant to enter an appearance on the reference.	
Acquisition of Land Act 1967	29 & 30	Power to pay the amount of compensation agreed upon or determined into the Supreme Court.	
Acquisition of Land Act 1967	32	Power to pay to a mortgagee so much of the amount of compensation as does not exceed the sum due to the mortgagee.	
Acquisition of Land Act 1967	35	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.	
Acquisition of Land Act 1967	36(1)	Power to authorise a person to exercise the powers in section 36(1) on Council's behalf.	
Acquisition of Land Act 1967	36(3)	Power to give 7 days notice in writing of the intention to enter the land.	
Acquisition of Land Act 1967	37(1)	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).	
Acquisition of Land Act 1967	37(2)	Power to give notice to the occupier or owner of the intention to temporarily occupy and use the land.	
Acquisition of Land Act 1967	37(5)	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.	
Acquisition of Land Act 1967	38(1)	Power to issue a warrant to the sheriff to deliver up possession of the land taken or occupied under the Act.	
Acquisition of Land Act 1967	41(1)	Power to offer for sale land taken under the Act to the former owner of the land.	
<b>Animal Care and Protection Act 2001</b>			
Legislation	Section of Act	Description of Delegated Power	Conditions to which the Delegation is Subject
Animal Care and Protection Act 2001	28(4)	Power, as the operator of a pound or animal shelter, to give a person a certificate stating that the dog had the debarking procedure performed on it before the pound or animal shelter took possession of the dog.	
Animal Care and Protection Act 2001	29(4)	Power, as the operator of a pound or animal shelter, to give a person a certificate stating that the animal had the regulated procedure performed on it before the pound or animal shelter took possession of the animal.	
Animal Care and Protection Act 2001	29A	Power to keep a certificate for a supplied animal and if required by an inspector, make the certificate available for inspection.	
Animal Care and Protection Act 2001	122(1)(a)	Power, as the occupier of a place, to consent to entry of the place by an inspector.	
Animal Care and Protection Act 2001	156(2)	Power, in the specified circumstances, to agree in writing to the transfer of the ownership of an animal or other thing to Council.	
Animal Care and Protection Act 2001	157	Power, in the specified circumstances, to deal with an animal or other thing as considered appropriate.	
Animal Care and Protection Act 2001	189	Power, in the specified circumstances, to recover the cost from the animal's owner or former owner.	
Animal Care and Protection Act 2001	214A(2)	Power, in the specified circumstances, to agree in writing to the transfer of the ownership of an animal to Council.	
<b>Animal Care and Protection Regulation 2023</b>			
Legislation	Section of Act	Description of Delegated Power	Conditions to which the Delegation is Subject
Animal Care and Protection Regulation 2023	3(2)	Power to comply with the requirements of schedules 3 – Code of practice about sheep, 4 Code of practice about cattle, 5 – Code of practice for transport of livestock, 6 – Code of practice for livestock at depots and saleyards, 7 – Code of practice for breeding of dogs and 8 – Code of practice about rodeos.	
<b>Animal Management (Cats and Dogs) Act 2008</b>			
Legislation	Section of Act	Description of Delegated Power	Conditions to which the Delegation is Subject
Animal Management (Cats and Dogs) Act 2008	39	Power to give identifying information to particular persons.	
Animal Management (Cats and Dogs) Act 2008	42(4)	Power to recognise a body supervising an exhibition in which a cat or dog is participating.	
Animal Management (Cats and Dogs) Act 2008	43B	Power, as an approved entity, to:- (a) conduct an accreditation scheme to breed dogs; and (b) accredit a person as an "accredited breeder" under the accreditation scheme. ## Note: this section only applies to local governments who have been declared to be an approved entity under section 43W.	
Animal Management (Cats and Dogs) Act 2008	43C	Power, as an approved entity, to give an accreditation number to an accredited breeder. ## Note: this section only applies to local governments who have been declared to be an approved entity under section 43W.	
Animal Management (Cats and Dogs) Act 2008	43F	Power to apply to the chief executive to be registered as a registered breeder.	
Animal Management (Cats and Dogs) Act 2008	43K	Power, as a registered breeder, to renew the registration and pay the relevant fee.	
Animal Management (Cats and Dogs) Act 2008	43N	Power, as a registered breeder, to give the chief executive notice of the change.	
Animal Management (Cats and Dogs) Act 2008	43R	Power, as the recipient of a show cause notice, to make written representations to the chief executive about why the proposed action should not be taken.	
Animal Management (Cats and Dogs) Act 2008	43ZF	Power, as a supplier of a dog, to give the other person a notice containing the information listed in subsection 43ZF(1).	
Animal Management (Cats and Dogs) Act 2008	49(2)	Power to give registration notice.	
Animal Management (Cats and Dogs) Act 2008	51	Power to keep registration form and information.	
Animal Management (Cats and Dogs) Act 2008	52	Power to fix the fee for the registration of a dog.	
Animal Management (Cats and Dogs) Act 2008	64(1)	Power to recognise a body supervising an exhibition or an obedience trial in which a dog is participating.	
Animal Management (Cats and Dogs) Act 2008	74(1)	Power to require applicant to give a stated document or information that is relevant to a permit application.	
Animal Management (Cats and Dogs) Act 2008	75(1)	Power to grant or refuse a permit application within a certain time.	
Animal Management (Cats and Dogs) Act 2008	75(3)	Power to decide whether desexing is likely to be a serious risk to the health of a dog.	
Animal Management (Cats and Dogs) Act 2008	75(5)	Power to impose conditions on the grant of an application for a restricted dog permit.	
Animal Management (Cats and Dogs) Act 2008	77	Power to issue a restricted dog permit.	
Animal Management (Cats and Dogs) Act 2008	79	Power to issue a decision notice after deciding to refuse a permit application.	
Animal Management (Cats and Dogs) Act 2008	84(1)	Power to grant or refuse a renewal application within a certain time.	
Animal Management (Cats and Dogs) Act 2008	84(4)(b)	Power to seek further information in deciding an application for a renewal application.	

Animal Management (Cats and Dogs) Act 2008	<b>84(5)</b>	Power to: - if the application is granted, issue a renewed permit; or - if the application is refused, issue a decision notice.	
Animal Management (Cats and Dogs) Act 2008	<b>87</b>	Power to amend a restricted dog permit at any time.	
Animal Management (Cats and Dogs) Act 2008	<b>89(1)</b>	Power to make:- (a) a dangerous dog declaration; (b) a menacing dog declaration; (c) a restricted dog declaration.	
Animal Management (Cats and Dogs) Act 2008	<b>89(4)</b>	Power to determine whether a dog is of a breed mentioned in section 63(1).	
Animal Management (Cats and Dogs) Act 2008	<b>90</b>	Power to give a dog owner a proposed declaration notice regarding a dog.	
Animal Management (Cats and Dogs) Act 2008	<b>92</b>	Power to withdraw a proposed declaration notice regarding a dog.	
Animal Management (Cats and Dogs) Act 2008	<b>94</b>	Power to consider any written representations and evidence within a period stated in a proposed declaration notice and make a regulated dog declaration.	
Animal Management (Cats and Dogs) Act 2008	<b>95</b>	Power to give an owner of a dog the subject of a regulated dog declaration, a notice about the decision under subsection (3) or (4).	
Animal Management (Cats and Dogs) Act 2008	<b>100</b>	Power to destroy a surrendered regulated dog.	
Animal Management (Cats and Dogs) Act 2008	<b>102</b>	Power to recover reasonable seizure or destruction costs.	
Animal Management (Cats and Dogs) Act 2008	<b>114</b>	Power to give notice of a proposed inspection program.	
Animal Management (Cats and Dogs) Act 2008	<b>178(e)</b>	Power to include other information considered appropriate in the general register.	
Animal Management (Cats and Dogs) Act 2008	<b>198(1)</b>	Power to authorise an employee to verify a copy of a document.	
Animal Management (Cats and Dogs) Act 2008	<b>227(2)</b>	Where a local government has received a registration form in relation to a cat prior to 23 September 2013 and it has not yet given a registration notice, power to:- (a) refund the registration fee to the owner; or (b) if the local government is a declared local government—register the cat under former chapter 3, part 2; or (c) if a local government makes a local law requiring cats to be registered—register the cat under the local law.	
Animal Management (Cats and Dogs) Act 2008	<b>228(2)(b)</b>	Where a local government has received a registration fee in relation to a cat prior to 23 September 2013 and it has given a registration notice for the cat, power to refund the registration fee or a portion of the fee to the owner.	
<b>Biosecurity Act 2014</b>			
<b>Legislation</b>	<b>Section of Act</b>	<b>Description of Delegated Power</b>	<b>Conditions to which the Delegation is Subject</b>
Biosecurity Act 2014	<b>36(2)</b>	Power, in a circumstance listed in subsection (1), to advise an inspector of the presence of the biosecurity matter.	
Biosecurity Act 2014	<b>42(2)</b>	Power, in a circumstance listed in subsection (1), to advise an appropriate authorised officer of the presence of the biosecurity matter that is a relevant restricted matter.	
Biosecurity Act 2014	<b>48</b>	Power to carry out the main function of a local government under the Act.	
Biosecurity Act 2014	<b>50(3)</b>	Power to consult with the Minister.	
Biosecurity Act 2014	<b>50(5)</b>	Power to comply with a notice issued by the Minister pursuant to subsection (4).	
Biosecurity Act 2014	<b>51(2)</b>	Power to agree with the chief executive that Council cannot achieve substantial compliance with the notice.	
Biosecurity Act 2014	<b>52(2)</b>	Power to comply with a request from the Minister for a written report made pursuant to subsection (1).	
Biosecurity Act 2014	<b>53</b>	Power to prepare and approve a biosecurity plan for invasive biosecurity matter for Council's area.	
Biosecurity Act 2014	<b>54</b>	Power to keep a copy of the biosecurity plan available for inspection.	
Biosecurity Act 2014	<b>59</b>	Power to consult with the chief executive about the suitability and priority of the activities.	
Biosecurity Act 2014	<b>60(5)</b>	Power to pay the amount required by a notice issued by the Minister pursuant to this section.	
Biosecurity Act 2014	<b>91(3)</b>	Power, as a building authority for a barrier fence, or as an owner of land affected by the amendment, to consult with the chief executive about the amendment of the barrier fence map.	
Biosecurity Act 2014	<b>92(2)</b>	Power, as a building authority for a barrier fence, in the circumstance set out in subsection (1), to build and pay for a gate or grid in the fence.	
Biosecurity Act 2014	<b>93</b>	Power, as a building authority for a barrier fence, to undertake the activities set out in subsections (a) and (b).	
Biosecurity Act 2014	<b>94</b>	Power, as a building authority for a barrier fence, to enter a place in the circumstances set out in subsection (1).	
Biosecurity Act 2014	<b>95</b>	Power, as a building authority for a barrier fence, to enter into an agreement with another person about making an opening in the fence for a particular purpose and period.	
Biosecurity Act 2014	<b>96(2)</b>	Power, as a building authority for a barrier fence, to give a notice to a person requiring the person to restore the fence.	
Biosecurity Act 2014	<b>96(4)</b>	Power, as a building authority for a barrier fence, to carry out the restoration of the barrier fence and recover the reasonable costs from the person to whom notice was given pursuant to subsection (2).	
Biosecurity Act 2014	<b>100</b>	Power, as a building authority for a barrier fence part, to appoint a person employed or engaged by Council to exercise powers under the Act in relation to the barrier fence part.	
Biosecurity Act 2014	<b>101(2)</b>	Power, as a building authority for a barrier fence part, to give directions to a barrier fence employee.	
Biosecurity Act 2014	<b>105</b>	Power, as a relevant entity, to consult with the chief executive about a proposed making of a code of practice.	
Biosecurity Act 2014	<b>107</b>	Power to make written submissions on a proposed guideline.	
Biosecurity Act 2014	<b>121</b>	Power to apply to an inspector for a biosecurity emergency order permit.	
Biosecurity Act 2014	<b>132</b>	Power to apply to an inspector for a biosecurity instrument permit.	
Biosecurity Act 2014	<b>145 and 147</b>	Power as a registrable biosecurity entity to apply for registration.	
Biosecurity Act 2014	<b>146</b>	Power as a registrable biosecurity entity to apply for a registration exemption.	
Biosecurity Act 2014	<b>150(3)(b)</b>	Power to make written submissions in response to a notice from the chief executive.	
Biosecurity Act 2014	<b>152</b>	Power, in the circumstances referred to in subsection (1) to apply for deregistration as a biosecurity entity.	
Biosecurity Act 2014	<b>156(2)</b>	Power to comply with a requirement of the chief executive made under subsection (2) or (3).	
Biosecurity Act 2014	<b>160(2)</b>	Power as a registered biosecurity entity, owner or occupier to give the chief executive a biosecurity risk notice.	
Biosecurity Act 2014	<b>164</b>	Power to apply to the chief executive for the removal of the entry for a restricted place from the biosecurity register.	
Biosecurity Act 2014	<b>164A</b>	Power to apply to the chief executive for the end of a declaration of a designated animal as a restricted animal.	
Biosecurity Act 2014	<b>164B</b>	Power to apply to the chief executive for the end of a declaration of a designated biosecurity matter as a restricted biosecurity matter.	
Biosecurity Act 2014	<b>165</b>	Power to give the chief executive further information or a document about the application.	
Biosecurity Act 2014	<b>170(2)</b>	Power as a registered biosecurity entity to give the chief executive a change notice.	
Biosecurity Act 2014	<b>181</b>	Power to apply to the chief executive for a travel approval for the movement of a special designated animal.	
Biosecurity Act 2014	<b>187</b>	Power, as a receiver of a special designated animal at a saleyard, to take the action referred to in subsections (a) and (b).	
Biosecurity Act 2014	<b>188</b>	Power, as a receiver of a special designated animal at a restricted agricultural show, to take the action referred to in subsection (2).	
Biosecurity Act 2014	<b>190</b>	Power, as a receiver of a special designated animal at a place, to take the action referred to in subsection (2).	
Biosecurity Act 2014	<b>193(2)</b>	Power, in the circumstances referred to in subsection (1), as a receiver of a special designated animal to advise an inspector of the circumstances in subsection (1).	
Biosecurity Act 2014	<b>193(3)</b>	Power, to comply with all reasonable directions the inspector gives.	
Biosecurity Act 2014	<b>194(2)</b>	Power, as a relevant person, to create a movement record for a designated animal and to give the record to the conveyer or drover of the animal.	

Biosecurity Act 2014	197	Power, as a relevant person, to keep and produce a movement record for a designated animal in accordance with the requirements of this section.	
Biosecurity Act 2014	198(2) and (7)	Power, as person who receives a copy of a movement record, to keep and produce the copy of the movement record for in accordance with the requirements of this section.	
Biosecurity Act 2014	198(5) and (7)	Power, in the circumstances referred to in subsection (4) and as a person who accepts delivery of the animal at the end of the movement, to create, keep and produce a record complying with subsection (6).	
Biosecurity Act 2014	199	Power, as a person having responsibility for the organisation and operation of an agricultural show, to keep a record in the appropriate form for the designated animal.	
Biosecurity Act 2014	214 and 215	Power to apply for a prohibited matter permit or a restricted matter permit and to take all steps required to bring the application to finalisation and obtain a decision on the application.	
Biosecurity Act 2014	225 and 226	Power to apply for the renewal of a prohibited matter permit or a restricted matter permit and to take all steps required to bring the application to finalisation and obtain a decision on the application.	
Biosecurity Act 2014	229	Power to comply with a direction of the chief executive issued pursuant to subsection (2).	
Biosecurity Act 2014	230	Power to apply for the transfer of a prohibited matter permit or a restricted matter permit.	
Biosecurity Act 2014	235(3)(d)	Power to consult with an interested entity about a proposed biosecurity program.	
Biosecurity Act 2014	239(1)	Power to consult with the chief executive about a proposed biosecurity program.	
Biosecurity Act 2014	239(2)	Power to consult with the chief executive and an invasive animal board before authorising a biosecurity program.	
Biosecurity Act 2014	241	Power to give make copies of a biosecurity program authorisation available for inspection and purchase at Council's public office.	
Biosecurity Act 2014	268(1)	Power as an occupier of a place to sign an acknowledgement of consent to enter the place.	
Biosecurity Act 2014	269(2)	Power as an occupier of a place to consent to entry by an authorised officer.	
Biosecurity Act 2014	358	Power to apply to the court for an order against the person convicted of an offence against the Act to pay the costs Council has incurred in taking a thing or doing something else during the investigation of the offence.	
Biosecurity Act 2014	364	Power, as a relevant body, to stay the original decision, fix conditions on the stay, fix the period of a stay and revoke a stay.	
Biosecurity Act 2014	365	Power, as the issuing authority, after receiving an internal review application to conduct an internal review and make a decision.	
Biosecurity Act 2014	366	Power, as the issuing authority, to give notice of an internal review decision.	
Biosecurity Act 2014	372(1)	Power, as the issuing authority, to make a new decision following the receipt of directions from the court.	
Biosecurity Act 2014	372(2)	Power, as the issuing authority, to give effect to a decision of the court to substitute the internal review decision with a new decision.	
Biosecurity Act 2014	380(2)	Power, as the issuing authority for a biosecurity order, to give notice of the amount of the debt.	
Biosecurity Act 2014	381	Power to register a charge over the land for an unpaid amount and to release the charge once the unpaid amount has been paid.	
Biosecurity Act 2014	383	Power, as a third party, to appear at the hearing of an application for a cost recovery order.	
Biosecurity Act 2014	391	Power to enter into a government and industry agreement with the Minister or the chief executive.	
Biosecurity Act 2014	393	Power to enter into a compliance agreement with the chief executive.	
Biosecurity Act 2014	396	Power to apply to the chief executive to enter into a compliance agreement with the State.	
Biosecurity Act 2014	399(1)(b)	Power to give the chief executive further information or a document required to decide the application.	
Biosecurity Act 2014	405	Power, as the other party to a compliance agreement, to make written representations to the chief executive following receipt of a show cause notice.	
Biosecurity Act 2014	479 and 480	Power, as the holder for a relevant authority, to apply to the chief executive to amend the conditions of the authority and to take all steps necessary to obtain a decision on the application.	
Biosecurity Act 2014	485	Power, as the holder for a relevant authority, to make written representations about the show cause notice to the chief executive.	
Biosecurity Act 2014	490	Power, as the holder for a relevant authority, to ask the chief executive to cancel the authority.	
Biosecurity Act 2014	491(3)	Power, as the holder for a relevant authority, to comply with a notice requiring the return of the document evidencing the authority.	
<b>Biosecurity Regulation 2016</b>			
<b>Legislation</b>	<b>Section of Act</b>	<b>Description of Delegated Power</b>	<b>Conditions to which the Delegation is Subject</b>
Biosecurity Regulation 2016	94G(1)	Power, as a registered biosecurity entity for a designated place, to make a biosecurity management plan.	
Biosecurity Regulation 2016	94G(4)	Power, as an entity mentioned in subsection (1), to:- (a)keep the plan as a separate document at the place; and (b)make the plan available for inspection at the place, on request, during ordinary business hours; and (c)ensure a sign is conspicuously displayed at each management area for the plan stating that:- (i)a biosecurity management plan applies to the place; and (ii)it is an offence for a person entering, present at, or leaving the management area to fail to comply with the measures stated in the plan unless the person has a reasonable excuse.	
<b>Body Corporate and Community Management (Accommodation Module) Regulation 2008</b>			
<b>Legislation</b>	<b>Section of Act</b>	<b>Description of Delegated Power</b>	<b>Conditions to which the Delegation is Subject</b>
Body Corporate and Community Management (Accommodation Module) Regulation 2008	159(6)(b)	Power, as the relevant planning body, to issue a certificate certifying the transaction has been approved or noted as required under the relevant Planning Act.	
<b>Body Corporate and Community Management (Commercial Module) Regulation 2008</b>			
<b>Legislation</b>	<b>Section of Act</b>	<b>Description of Delegated Power</b>	<b>Conditions to which the Delegation is Subject</b>
Body Corporate and Community Management (Commercial Module) Regulation 2008	117(6)(b)	Power, as the relevant planning body, to issue a certificate certifying the transaction has been approved or noted as required under the relevant Planning Act.	
<b>Body Corporate and Community Management (Small Schemes Module) Regulation 2008</b>			
<b>Legislation</b>	<b>Section of Act</b>	<b>Description of Delegated Power</b>	<b>Conditions to which the Delegation is Subject</b>
Body Corporate and Community Management (Small Schemes Module) Regulation 2008	95(6)(b)	Power, as the relevant planning body, to issue a certificate certifying the transaction has been approved or noted as required under the relevant Planning Act.	
<b>Body Corporate and Community Management (Specified Two-lot Schemes Module) Regulation 2011</b>			
<b>Legislation</b>	<b>Section of Act</b>	<b>Description of Delegated Power</b>	<b>Conditions to which the Delegation is Subject</b>
Body Corporate and Community Management (Specified Two-lot Schemes Module) Regulation 2011	33(4)	Power, as the relevant planning body, to issue a certificate certifying the transaction has been approved or noted as required under the relevant Planning Act.	
<b>Body Corporate and Community Management (Standard Module) Regulation 2008</b>			
<b>Legislation</b>	<b>Section of Act</b>	<b>Description of Delegated Power</b>	<b>Conditions to which the Delegation is Subject</b>
Body Corporate and Community Management (Standard Module) Regulation 2008	161(6)(b)	Power, as the relevant planning body, to issue a certificate certifying the transaction has been approved or noted as required under the relevant Planning Act.	
<b>Body Corporate and Community Management Act 1997</b>			
<b>Legislation</b>	<b>Section of Act</b>	<b>Description of Delegated Power</b>	<b>Conditions to which the Delegation is Subject</b>
Body Corporate and Community Management Act 1997	60(3)	Power, as a relevant planning authority, to endorse a community management statement notation on a proposed community management statement.	

Body Corporate and Community Management Act 1997	196(4)	Power, as a utility service provider, to enter an agreement with a body corporate in relation to the utility charges for the scheme land.	
Body Corporate and Community Management Act 1997	197	Power, as a utility service provider, to ask the registrar to register a charge and to remove the charge when the amount secured by the charge is paid.	
Body Corporate and Community Management Act 1997	316(1)	Power to enter the common property if necessary to exercise a power conferred under an Act.	
<b>Building Act 1975</b>			
Legislation	Section of Act	Description of Delegated Power	Conditions to which the Delegation is Subject
Building Act 1975	34A(2)	Power, as an assessment manager, to determine whether a building development application complies with the building assessment provisions and if it does, to approve the application.	
Building Act 1975	41(1)	Power, as an assessment manager, to consult with the chief executive about the variation application.	
Building Act 1975	46(5)	Power, as a referral agency, to appoint or employ a building certifier to carry out the assessment against the fire safety standard.	
Building Act 1975	51(2)(a)	Power, under the Planning Act to receive, assess and decide a building development application.	
Building Act 1975	51(2)(b)	Power to appoint or employ a private certifier or another building certifier.	
Building Act 1975	51(3)	Power to appoint or employ a building certifier where asked in writing by the nominated owner and the building work has not been certified.	
Building Act 1975	52	Power to issue a building development approval.	
Building Act 1975	53(2)	Power, in carrying out functions under the <i>Building Act</i> , to accept and, without checking, rely and act on a certificate or other document made by or given to the building certifier.	
Building Act 1975	54	Power to accept and, without further checking, rely and act on a document, given to Council by a private certifier for a building development application, for the purpose of making it available for inspection or purchase as required by the <i>Planning Act</i> .	
Building Act 1975	55	Power, as assessment manager, in relation to undecided building development applications and lapsed building development approvals, to resume or start the development assessment process under the <i>Planning Act</i> at any stage the assessment manager considers appropriate.	
Building Act 1975	65	Power, as the holder of a registered easement or statutory covenant, to consent to building work.	
Building Act 1975	68A(2)	Power, as assessment manager, to prepare a written statement of reasons.	
Building Act 1975	71	Power to decide an application to extend the period mentioned in subsection 71(3), to consult with an entity in deciding the application and to give notice of the decision.	
Building Act 1975	87	Power to give a private certifier a document acknowledging receipt of the fee mentioned in subsection 86(1)(c).	
Building Act 1975	92(2)	Power to take the action it considers necessary to complete the building work where the building development approval lapses and the building work is other than demolition.	
Building Act 1975	92(5)	Power to use all or part of any security given to the local government for the carrying out of the building work.	
Building Act 1975	93(1)	Power to refund or release part of any security given to the local government for the carrying out of the building work, at any time, having regard to the progress of the building work.	
Building Act 1975	95	Power, as the assessment manager, to give a reminder notice about the lapsing.	
Building Act 1975	97(2)	Power to consult with a private certifier with regard to further extensions of the period under the <i>Planning Act</i> , s 85(1) (currency period).	
Building Act 1975	117	Power, as the assessment manager, to take enforcement action against an owner contravening section 114 of the Act.	
Building Act 1975	124A(2)	Power, as the owner of a building, to by notice ask for a copy of any inspection documentation for the inspection performed by the building certifier.	
Building Act 1975	143B(2)	Power, as the owner of a building, to give an additional certification notice.	
Building Act 1975	190(1)	Power to make a complaint to QBCC about a building certifier.	
Building Act 1975	206(1)	Power to give a building certifier a notice ('show cause notice').	
Building Act 1975	207	Power to consider any representations made under the show cause notice and decide to take no further action, or apply to the Queensland Civil and Administrative Tribunal to start a disciplinary proceeding against the building certifier.	
Building Act 1975	208(1)	Power to apply to the Queensland Civil and Administrative Tribunal to conduct disciplinary proceeding to determine whether there are proper grounds for taking disciplinary action against a building certifier.	
Building Act 1975	210	Power to notify the QBCC of its application to the Queensland Civil and Administrative Tribunal.	
Building Act 1975	221(2)	Power to consult with any other entity considered appropriate in deciding an application made by the owner of a budget accommodation building to approve a period for the building under section 220(a)(ii) or (b)(ii) (longer periods for approval).	
Building Act 1975	221(2)(b) and (3)	Power to grant (including with reasonable conditions) or refuse an application made by the owner of a budget accommodation building to approve a period for the building under section 220(a)(ii) or (b)(ii) (longer periods for approval).	
Building Act 1975	221(4)	Power to decide the application and give the owner an information notice about the decision.	
Building Act 1975	222(2)	Power to, on written application from the owner, decide whether or not a building conforms with fire safety standards and, if applicable, state what must be done to make the building conform.	
Building Act 1975	228(2)	Power to inspect budget accommodation buildings at least once every 3 years.	
Building Act 1975	228(4)	Power to keep the records referred to in subsections 228(4)(a) to (c).	
Building Act 1975	231AK(a)(III) and (b)(III) and 231AL	Power, as local government, to approve, with or without conditions, a later day for a residential care building to comply with section 231AK of the <i>Building Act</i> .	
Building Act 1975	231AL	Power, as local government, on an application by the owner of an RCB for a later day to obtain a fire safety compliance certificate or certificate of occupancy to: (a) consult on the application; (b) decide the application; (c) impose conditions on the grant of an application; (d) give an information notice about the decision.	
Building Act 1975	236	Power to require the applicant to give medical evidence to support the application.	
Building Act 1975	237	Power to, on application by a pool owner, decide an application for exemption from complying with part of the pool safety standard relating to barriers for a regulated pool due to disability (with or without conditions).	
Building Act 1975	238	Power to give notice of Council's decision (including an information notice about the decision).	
Building Act 1975	239	Power to give notice of each exemption granted under Chapter 8, Part 2, Division 3 to the QBCC commissioner.	
Building Act 1975	242(2)	Power to give an applicant a show cause notice.	
Building Act 1975	242(3)	Power to consider any representations made under the show cause notice and give a further notice (a revocation notice) to the applicant, revoking the decision previously given.	
Building Act 1975	243	Power to give to the QBCC commissioner notice of each revocation notice given.	
Building Act 1975	244	Power to keep a copy of each exemption granted and make the copy available for inspection and purchase as if it were a document, that under the <i>Planning Act</i> , the local government must make available for inspection and purchase.	
Building Act 1975	245A	Power to, on application by a pool owner for exemption from complying with part of the pool safety standard relating to barriers for the regulated pool due to compliance being impracticable, require further information to establish that compliance with the part of the pool safety standard is not practicable.	
Building Act 1975	245B	Power to, on application by a pool owner, decide an application for exemption from complying with part of the pool safety standard relating to barriers for the regulated pool due to compliance being impracticable (with or without conditions).	
Building Act 1975	245C(1)	Power to give written notice of the grant of an exemption.	
Building Act 1975	245C(2)	Power to give an information notice.	
Building Act 1975	245E(2)	Power to give the owner of the regulated pool a show cause notice.	
Building Act 1975	245E(3)	Power to consider any representations made under the show cause notice and give a further notice (a revocation notice) to the owner, revoking the decision previously given.	
Building Act 1975	245F	Power to give the QBCC commissioner the notices required by sections 245F(1) and 245F(2).	
Building Act 1975	245FA(2)	Power to keep a copy of each exemption available for inspection and purchase as if it were a document that, under the <i>Planning Act</i> , must be available for inspection and purchase.	
Building Act 1975	245XB(2)	Power, as owner of adjoining land, to agree with the pool owner as to the construction of a pool barrier along the common boundary.	

Building Act 1975	245XD(2)	Power, as owner of adjoining land, to agree with the pool owner as to the alteration or replacement of a dividing fence that is used, or proposed to be used, as a pool barrier along the common boundary.	
Building Act 1975	245XF(2) and (3)	Power, as owner of adjoining land where a pool barrier is constructed along the common boundary for a pool on the other land, to: - alter or replace the part of the pool barrier with the agreement of the pool owner; or - attach a think on the part of the pool barrier that does not unreasonably or materially alter or damage the barrier.	
Building Act 1975	245XG(1)	Power, as owner of adjoining land, to grant access to Council's land to the owner of the other land to carry out fencing work.	
Building Act 1975	245XN(2)	Power, as owner of adjoining land, where Council has carried out urgent fencing work under section 245XK of the <i>Building Act</i> and the owner of the other land is responsible for some or all of the costs of carrying out the fencing work under section 245XH of the <i>Building Act</i> , to require the owner of the other land to contribute a share for any reasonable cost incurred for the fencing work.	
Building Act 1975	245XS(1)	Power, as owner of adjoining land, to apply to QCAT, in the absence of the owner of the other land, for authorisation to carry out fencing work, including apportionment of the contributions for the work.	
Building Act 1975	245XS(3)	Power, as owner of adjoining land, where an order has been made under section 245XS(1) of the <i>Building Act</i> and the owner of the other land has since been located, to give a copy of the order to the owner of the other land and recover the contribution as stated in the order.	
Building Act 1975	245XV(2)	Power, as owner of adjoining land, where the owner of the other land has carried out fencing work for a dividing fence forming part of a pool barrier without authorisation, to apply to QCAT for an order requiring the owner to rectify the dividing fence.	
Building Act 1975	246ADA(2)	Power to inspect a regulated pool for compliance when a pool safety complaint notice, or section 245I or 245UA notice is received.	
Building Act 1975	246ADA(5)	Power to take necessary enforcement action to ensure the pool complies with the pool safety standard or fencing standards for the pool.	
Building Act 1975	246AF(2)	Power to cancel pool safety certificate for a regulated pool.	
Building Act 1975	246AF(3)	Power to give the QBCC commissioner notice of the cancellation of the pool safety certificate for a regulated pool.	
Building Act 1975	246AG(1)	Power to give a show cause notice before cancelling a pool safety certificate.	
Building Act 1975	246AG(5)	Power to consider submissions and decide whether to cancel a pool safety certificate.	
Building Act 1975	246AG(6)	Power to give the owner notice of the decision.	
Building Act 1975	246AG(7)	Power to give the owner an information notice about the decision.	
Building Act 1975	246AH	Power to appoint or employ a pool safety inspector to conduct an inspection of a pool in the circumstances referred to in subsection (1).	
Building Act 1975	246AIA	Power to keep a record of a notice mentioned in section 246ADA(1) and the results of the inspection carried out under section 246ADA.	
Building Act 1975	246AIB(2)	Power to comply with a request for information from the QBCC commissioner.	
Building Act 1975	246AQ	Power to give the QBCC commissioner notice of each existing regulated pool in Council's local government area of which it has a record.	
Building Act 1975	246ATC	Power to give the swimming pool safety advisory information to the owner of each non-certificate regulated pool in its local government area.	
Building Act 1975	246X	Power to, by gazette notice, designate land as a transport noise corridor.	
Building Act 1975	248(1)	Power to give a notice ('enforcement notice') to the owner of a building, structure or building work.	
Building Act 1975	248(2)	Power to give an enforcement notice to a person who does not comply with a particular matter in the <i>Building Act 1975</i> .	
Building Act 1975	248(3)	Power to give a person a show cause notice.	
Building Act 1975	256(2)(d)	Power, as local government, to make a complaint for an offence against section 245G(1) of the <i>Building Act 1975</i> .	
Building Act 1975	256(2)(e)	Power, as local government, to make a complaint for an offence against section 245K, 245L or 246AR(2) of the <i>Building Act 1975</i> .	
Building Act 1975	256(2)(f)	Power, as local government, to make a complaint for an offence against section 246AD(2) or 246AJ(4) of the <i>Building Act 1975</i> .	
Building Act 1975	256(2)(g)	Power, as local government, to make a complaint for an offence against section 246AP(2) of the <i>Building Act 1975</i> .	
Building Act 1975	256(2)(h)	Power, as local government, to make a complaint for an offence against chapter 8, part 4, division 5, subdivision 2, other than section 246ATH(2) of the <i>Building Act 1975</i> .	
Building Act 1975	256(2)(h)	Power, as local government, to authorise a person to make a complaint for an offence against chapter 8, part 4, division 5, subdivision 2, other than section 246ATH(2) of the <i>Building Act 1975</i> .	In order to remain consistent with other authorisations, we do not recommend this power be sub-delegated.
Building Act 1975	256(2)(i)	Power, as local government, to make a complaint for an offence against chapter 8, part 5 of the <i>Building Act 1975</i> .	
Building Act 1975	256(2)(i)	Power, as local government, to authorise a person to make a complaint for an offence against chapter 8, part 5 of the <i>Building Act 1975</i> .	
Building Act 1975	256(2)(k)	Power, as local government, to make a complaint for an offence in the expired <i>Building Regulation 2006</i> , part 4A.	
Building Act 1975	256(2)(k)	Power, as local government, to authorise a person to make a complaint for an offence in the expired <i>Building Regulation 2006</i> , part 4A.	
Building Act 1975	256(2)(l)	Power, as local government, to make a complaint for an offence in the <i>Building Act 1975</i> other than an offence listed in section 256(2)(a)-(j) of the <i>Building Act</i> .	
Building Act 1975	262	Power to extend the time for an owner of a swimming pool to comply with section 235 (where an extension under section 49H(11)(b) of the <i>Local Government Act 1936</i> is still in force).	
<b>Building Fire and Safety Regulation 2008</b>			
<b>Legislation</b>	<b>Section of Act</b>	<b>Description of Delegated Power</b>	<b>Conditions to which the Delegation is Subject</b>
Building Fire and Safety Regulation 2008	8(3)	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.	
Building Fire and Safety Regulation 2008	11(2)	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.	
Building Fire and Safety Regulation 2008	12(3)	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.	
Building Fire and Safety Regulation 2008	13(4)	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).	
Building Fire and Safety Regulation 2008	16	Power, as the occupier of a building, to ensure that the number of persons in the building at any 1 time is not more than the maximum number that may be accommodated under subsection 16(1) or (2).	
Building Fire and Safety Regulation 2008	21(2)	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.	
Building Fire and Safety Regulation 2008	22(2)	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.	
Building Fire and Safety Regulation 2008	23(2)	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.	

Building Fire and Safety Regulation 2008	<b>24(2)</b>	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.	
Building Fire and Safety Regulation 2008	<b>25(1) &amp; (2)</b>	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.	
Building Fire and Safety Regulation 2008	<b>26(1)</b>	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.	
Building Fire and Safety Regulation 2008	<b>26(2)</b>	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.	
Building Fire and Safety Regulation 2008	<b>27(1)</b>	Power, as the occupier of a building, to change the fire evacuation plan in the circumstances listed in subsection 27(1).	
Building Fire and Safety Regulation 2008	<b>27(2)</b>	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.	
Building Fire and Safety Regulation 2008	<b>27(4)</b>	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.	
Building Fire and Safety Regulation 2008	<b>28(1) and (2)</b>	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.	
Building Fire and Safety Regulation 2008	<b>30(1)</b>	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).	
Building Fire and Safety Regulation 2008	<b>32(2) and (3)</b>	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.	
Building Fire and Safety Regulation 2008	<b>34(1)</b>	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.	
Building Fire and Safety Regulation 2008	<b>35(1)</b>	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.	
Building Fire and Safety Regulation 2008	<b>35(2)</b>	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.	
Building Fire and Safety Regulation 2008	<b>35(4)</b>	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.	
Building Fire and Safety Regulation 2008	<b>36(1) &amp; 37</b>	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.	
Building Fire and Safety Regulation 2008	<b>36(2) &amp; 37</b>	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.	
Building Fire and Safety Regulation 2008	<b>36(4) &amp; 37</b>	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.	
Building Fire and Safety Regulation 2008	<b>38(1)</b>	Power, as the occupier of a building, to give the evacuation coordination instructions for the building to the responsible persons.	
Building Fire and Safety Regulation 2008	<b>38(4)</b>	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.	
Building Fire and Safety Regulation 2008	<b>39(2)</b>	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.	
Building Fire and Safety Regulation 2008	<b>40(2)</b>	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.	
Building Fire and Safety Regulation 2008	<b>43(2)</b>	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.	
Building Fire and Safety Regulation 2008	<b>44(2)</b>	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.	
Building Fire and Safety Regulation 2008	<b>45(1)</b>	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.	
Building Fire and Safety Regulation 2008	<b>46(1)</b>	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.	
Building Fire and Safety Regulation 2008	<b>48(1) &amp; (2)</b>	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).	
Building Fire and Safety Regulation 2008	<b>54(1)</b>	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.	
Building Fire and Safety Regulation 2008	<b>54(2)</b>	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.	
Building Fire and Safety Regulation 2008	<b>54(4)</b>	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.	
Building Fire and Safety Regulation 2008	<b>55(1)</b>	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.	
Building Fire and Safety Regulation 2008	<b>55A</b>	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.	



Building Fire and Safety Regulation 2008	55B(2)	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.	
Building Fire and Safety Regulation 2008	57(4)	Power, as the applicant for whom the assessment service has been provided, to pay the amount.	
Building Fire and Safety Regulation 2008	59(2)	Power, as the applicant for the stated building work, to pay the base fee.	
Building Fire and Safety Regulation 2008	60(2)	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.	
Building Fire and Safety Regulation 2008	62(1)	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.	
Building Fire and Safety Regulation 2008	63(2)	Power, as the applicant in the circumstances listed in subsection 63(1), to pay the research fee and the minor performance meeting fee.	
Building Fire and Safety Regulation 2008	64(2)	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.	
Building Fire and Safety Regulation 2008	64A(2)	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.	
Building Fire and Safety Regulation 2008	65(2)	Power, as the applicant in the circumstances listed in subsection 65(1), to pay the reassessment fee.	
Building Fire and Safety Regulation 2008	66(2)	Power, as the applicant in the circumstances listed in subsection 66(1), to pay the general inspection fee.	
Building Fire and Safety Regulation 2008	67(2)	Power, as the applicant in the circumstances listed in subsection 67(1), to pay the general inspection fee.	
Building Fire and Safety Regulation 2008	68(2)	Power, as the applicant in the circumstances listed in subsection 68(1), to pay the reinspection fee.	
Building Fire and Safety Regulation 2008	69(2)	Power, as the owner of the building in the circumstances listed in subsection 69(1), to pay the general inspection fee.	
Building Fire and Safety Regulation 2008	71(2)	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.	
Building Fire and Safety Regulation 2008	74(2)	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.	
Building Fire and Safety Regulation 2008	75(2)	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.	
<b>Building Regulation 2021</b>			
Legislation	Section of Act	Description of Delegated Power	Conditions to which the Delegation is Subject
Building Regulation 2021	7(4)	Power, if it is not practicable to show each of the designated bush fire prone areas in Council's planning scheme maps, to:- (a) prepare maps showing the areas; (b) state the date each area was designated as a bush fire prone area; and ensure the maps are updated.	
Building Regulation 2021	8(4)	Power to keep a register of the flood hazard areas Council designates and when each designation was made.	
Building Regulation 2021	56(2)	Power, in the circumstances listed in subsection 56(1), to take enforcement action against the builder.	
Building Regulation 2021	56(3)(a)	Power, in the circumstances listed in subsection 56(3), to notify the QBCC of the builder's non-compliance with the enforcement notice.	
Building Regulation 2021	65(2)	Power, as a referral agency in the circumstances listed in subsection 65(1), to give the builder and the building certifier a notice stating it will not inspect the building work or inspect or test the service.	
Building Regulation 2021	65(3)	Power, as a referral agency in the circumstances listed in subsection 65(1), to:- (a) inspect the work or inspect or test the service; (b) give the builder and the building certifier a notice stating the referral agency aspects comply with the building development approval or the referral agency aspects do not comply with the approval, and the reasons why they do not comply.	
Building Regulation 2021	88(2)	Power, as an assessment manager in the circumstances listed in subsection 88(1), to give QFES a notice in the approved form.	
Building Regulation 2021	89(2)	Power as the prescribed person for a temporary accommodation building to ensure:- (a) a code checklist is completed for the temporary accommodation building; and (b) a copy of the checklist is clearly displayed on or near the temporary accommodation building.	
<b>Building Regulation 2006</b>			
Legislation	Section of Act	Description of Delegated Power	Conditions to which the Delegation is Subject
Building Regulation 2006	16Q(1)	Power as an owner to:- (a) register, by using the online system, the owner's name and the address of the owner's private building; and (b) give a copy of a completed combustible cladding checklist (part 1) for the building to the QBCC by using the online system. <i>NB: This provision only applies if Council owns the building jointly with one or more private entities and the private entities own more than 50% of the building.</i> <i>This provision continues in force by virtue of section 95 of the Building Regulation 2021.</i>	
Building Regulation 2006	16Q(2)	Power as an owner to apply to the QBCC commissioner to extend the time for complying with subsection (1). <i>NB: This provision only applies if Council owns the building jointly with one or more private entities and the private entities own more than 50% of the building.</i> <i>This provision continues in force by virtue of section 95 of the Building Regulation 2021.</i>	
Building Regulation 2006	16R	Power as an owner to keep the completed combustible cladding checklist for the owner's private building in the way provided in subsections (a) and (b). <i>NB: This provision only applies if Council owns the building jointly with one or more private entities and the private entities own more than 50% of the building.</i> <i>This provision continues in force by virtue of section 95 of the Building Regulation 2021.</i>	
Building Regulation 2006	16S(2)(b)	Power, as an owner who knows or suspects that the building is an affected private building, to give the QBCC notice of that knowledge or suspicion. <i>NB: This provision only applies if Council owns the building jointly with one or more private entities and the private entities own more than 50% of the building.</i> <i>This provision continues in force by virtue of section 95 of the Building Regulation 2021.</i>	

Building Regulation 2006	16T(1)	Power, as an owner to which section 16S applies, to give to the QBCC:- (a) a completed combustible cladding checklist (part 2) for the owner's private building; and (b) a building industry professional statement. <i>NB: This provision only applies if Council owns the building jointly with one or more private entities and the private entities own more than 50% of the building.</i> <i>This provision continues in force by virtue of section 95 of the Building Regulation 2021.</i>	
Building Regulation 2006	16T(3)	Power, as an owner to which section 16S applies, to apply to the QBCC commissioner to extend the time for complying with subsection (1). <i>NB: This provision only applies if Council owns the building jointly with one or more private entities and the private entities own more than 50% of the building.</i> <i>This provision continues in force by virtue of section 95 of the Building Regulation 2021.</i>	
Building Regulation 2006	16U	Power, as an owner to which section 16S applies, to keep the completed combustible cladding checklist (part 2) and a building industry professional statement for the owner's private building in the way provided in subsections (a) and (b). <i>NB: This provision only applies if Council owns the building jointly with one or more private entities and the private entities own more than 50% of the building.</i> <i>This provision continues in force by virtue of section 95 of the Building Regulation 2021.</i>	
Building Regulation 2006	16W(1)	Power, as an owner to which section 16V applies, to give to the QBCC, the name and registration number of the fire engineer engaged by the owner for complying with part 4A, division 2, subdivision 3. <i>NB: This provision only applies if Council owns the building jointly with one or more private entities and the private entities own more than 50% of the building.</i> <i>This provision continues in force by virtue of section 95 of the Building Regulation 2021.</i>	
Building Regulation 2006	16W(2)	Power, as an owner to which section 16V applies, to apply to the QBCC commissioner to extend the time for complying with subsection (1). <i>NB: This provision only applies if Council owns the building jointly with one or more private entities and the private entities own more than 50% of the building.</i> <i>This provision continues in force by virtue of section 95 of the Building Regulation 2021.</i>	
Building Regulation 2006	16X(1)	Power, as an owner to which section 16V applies, to apply give to the QBCC a copy of each of the following documents for the owner's private building:- (a) a completed combustible cladding checklist (part 3); (b) a building fire safety risk assessment; and (c) a fire engineer statement. <i>NB: This provision only applies if Council owns the building jointly with one or more private entities and the private entities own more than 50% of the building.</i> <i>This provision continues in force by virtue of section 95 of the Building Regulation 2021.</i>	
Building Regulation 2006	16X(4)	Power, as an owner to which section 16V applies, to apply to the QBCC commissioner to extend the time for complying with subsection (1). <i>NB: This provision only applies if Council owns the building jointly with one or more private entities and the private entities own more than 50% of the building.</i> <i>This provision continues in force by virtue of section 95 of the Building Regulation 2021.</i>	
Building Regulation 2006	16Y	Power, as an owner to which section 16V applies, to keep the documents listed in subsection (1) for the owner's private building for the period provided in subsections (2) and/or (3). <i>NB: This provision only applies if Council owns the building jointly with one or more private entities and the private entities own more than 50% of the building.</i> <i>This provision continues in force by virtue of section 95 of the Building Regulation 2021.</i>	
Building Regulation 2006	16ZA(1)	Power, as an owner to which subsection 16Z applies, to display an affected private building notice in compliance with subsections (2) and (3). <i>NB: This provision only applies if Council owns the building jointly with one or more private entities and the private entities own more than 50% of the building.</i> <i>This provision continues in force by virtue of section 95 of the Building Regulation 2021.</i>	
Building Regulation 2006	16ZA(4) and (5)	Power, as an owner to which subsection 16Z applies, to give the QBCC, in the approved way, a compliance notice. <i>NB: This provision only applies if Council owns the building jointly with one or more private entities and the private entities own more than 50% of the building.</i> <i>This provision continues in force by virtue of section 95 of the Building Regulation 2021.</i>	
Building Regulation 2006	16ZB(2)	Power, as an owner to which subsection 16Z applies of a building that comprises two or more lots, to, if there is a body corporate roll kept for the building, give a copy of the building fire safety risk assessment to each lot owner, and each leasehold interest holder, for a lot in the building. <i>NB: This provision only applies if Council owns the building jointly with one or more private entities and the private entities own more than 50% of the building.</i> <i>This provision continues in force by virtue of section 95 of the Building Regulation 2021.</i>	
Building Regulation 2006	16ZB(3)	Power, as an owner to which subsection 16Z applies of a building that comprises two or more lots, to, if there is not a body corporate roll kept for the building, leave a copy of the building fire safety risk assessment at, or post a copy of the building fire safety risk assessment to, the address of each lot in the building. <i>NB: This provision only applies if Council owns the building jointly with one or more private entities and the private entities own more than 50% of the building.</i> <i>This provision continues in force by virtue of section 95 of the Building Regulation 2021.</i>	
Building Regulation 2006	16ZD(2)(a)	Power, as an original owner, in the circumstance set out in subsection (1), to, before the ownership changes, give the new owner:- (a) a notice, in the approved form, about the extent to which the original owner has complied with part 4A; and (b) a copy of each document given by or to the original owner under this part. <i>NB: This provision only applies if Council owns the building jointly with one or more private entities and the private entities own more than 50% of the building.</i> <i>This provision continues in force by virtue of section 95 of the Building Regulation 2021.</i>	
Building Regulation 2006	16ZD(2)(b)	Power, as an original owner, in the circumstance set out in subsection (1), to, before the ownership changes, give the QBCC a copy of the notice that is given to the new owner under subsection (2)(a)(i). <i>NB: This provision only applies if Council owns the building jointly with one or more private entities and the private entities own more than 50% of the building.</i> <i>This provision continues in force by virtue of section 95 of the Building Regulation 2021.</i>	
Building Regulation 2006	16ZF(3)	Power, as an original owner, to give the document/s referred to in subsection (1)(a) to the new owner before ownership of the building changes. <i>NB: This provision only applies if Council owns the building jointly with one or more private entities and the private entities own more than 50% of the building.</i> <i>This provision continues in force by virtue of section 95 of the Building Regulation 2021.</i>	
Building Regulation 2006	16ZM(2)	Power, as an owner, to comply with a notice given by the QBCC. <i>NB: This provision only applies if Council owns the building jointly with one or more private entities and the private entities own more than 50% of the building.</i> <i>This provision continues in force by virtue of section 95 of the Building Regulation 2021.</i>	
Building Regulation 2006	16ZQ(2)	Power, as an owner of the building, to apply to the QBCC commissioner to replace the original checklist. <i>NB: This provision only applies if Council owns the building jointly with one or more private entities and the private entities own more than 50% of the building.</i> <i>This provision continues in force by virtue of section 95 of the Building Regulation 2021.</i>	
Building Regulation 2006	16ZQ(5)	Power, as an owner of the building, comply with the notice given by the QBCC commissioner under subsections 16ZQ(3) or (4). <i>NB: This provision only applies if Council owns the building jointly with one or more private entities and the private entities own more than 50% of the building.</i> <i>This provision continues in force by virtue of section 95 of the Building Regulation 2021.</i>	
<b>Coastal Protection and Management Act 1995</b>			
<b>Legislation</b>	<b>Section of Act</b>	<b>Description of Delegated Power</b>	<b>Conditions to which the Delegation is Subject</b>
Coastal Protection and Management Act 1995	25(2)(d)	Power to make submissions to the Minister regarding a draft coastal plan.	
Coastal Protection and Management Act 1995	25(5)	Power to make a copy of a draft coastal plan available for inspection by the public.	

Coastal Protection and Management Act 1995	34(2)	Power to comply with a request from the Chief Executive to carry out particular activities necessary to implement a coastal plan.	
Coastal Protection and Management Act 1995	57	Power to:- (a) make submissions to the Minister before a regulation, pursuant to section 54(1)(b), is made declaring, changing the boundaries of or abolishing a coastal management district; and (b) when making a submission, ask the Minister for a response on the submission.	
Coastal Protection and Management Act 1995	59(5)	Power to appeal against the chief executive's decision to give a coastal protection notice to Council.	
Coastal Protection and Management Act 1995	60(7)	Power to appeal against the chief executive's decision to give a tidal works notice to Council.	
Coastal Protection and Management Act 1995	68(5), (6) and (9)	Power, as an owner of land or as a party with an interest in the land, to:- (a) give written notice to the chief executive claiming compensation at any time during, or within 3 months after, the chief executive's occupation and use of the land; and (b) make an agreement with the chief executive concerning the amount of compensation payable.	
Coastal Protection and Management Act 1995	72	Power to keep available for inspection by the public any document given to Council under section 70(2)(c) or 71(2)(b).	
Coastal Protection and Management Act 1995	73	Power to make an application to the chief executive for an allocation of quarry material in tidal water.	
Coastal Protection and Management Act 1995	75(3)(c)	Power to make a submission to the chief executive about Council's views on the removal of quarry material or placement of spoil regarding an application for allocation of quarry material.	
Coastal Protection and Management Act 1995	80(2)	Power, as an allocation notice holder, to give the chief executive written notice:- a) about the quantity of quarry material removed under the allocation in a period where a condition requires it; or b) about the quantity of quarry material removed under the allocation in a quarter within 20 business days after the end of a quarter.	
Coastal Protection and Management Act 1995	82	Power, as an allocation notice holder, to apply to the chief executive to transfer all or part of the allocation to another person.	
Coastal Protection and Management Act 1995	83	Power, as an allocation notice holder, to apply to the chief executive officer to renew the allocation notice.	
Coastal Protection and Management Act 1995	86(1)	Power, as an allocation notice holder, to make representations to the chief executive showing why the allocation notice should not be amended, suspended or cancelled.	
Coastal Protection and Management Act 1995	88	Power, as an allocation notice holder, to surrender the allocation.	
Coastal Protection and Management Act 1995	115B(5)(a)	Power to endorse a plan of subdivision with Council's acceptance of trusteeship of the reserve.	
Coastal Protection and Management Act 1995	119(2)	Power to certify a plan of subdivision which shows an artificial waterway.	
Coastal Protection and Management Act 1995	121	Power to maintain and keep clean each canal in its area and access channel for a canal in its area, whether or not the access channel is in its area.	
Coastal Protection and Management Act 1995	123(4)	Power:- (a) as an owner of freehold land; or (b) an occupier of land, other than freehold land, adjacent to State tidal land; or (c) as a public utility provider; or (d) as a trustee under any law or agreement, to occupy and use State tidal land to carry out tidal works in accordance with a development permit or to maintain and use infrastructure constructed as part of tidal works.	
Coastal Protection and Management Act 1995	124	Power:- (a) as an owner of freehold land adjacent to State tidal land; or (b) as an occupier of land, other than freehold land, adjacent to State tidal land ;or (c) as a public utility provider; or (d) as a trustee under any law or agreement, to ensure that tidal works are maintained in a safe condition.	
Coastal Protection and Management Act 1995	134(3)(a)	Power, as an owner or occupier of land, to allow an authorised person to enter the land.	
Coastal Protection and Management Act 1995	136	Power to claim compensation if Council incurs a loss or expense because of the exercise or purported exercise of a power under chapter 3, part 2, division 1 by an authorised person.	
Coastal Protection and Management Act 1995	150 and 152	Power, as an owner of an interest in land, to claim compensation if the existing use that may be made of the land is changed by a prohibition imposed by the coastal plan or the declaration of a coastal management district.	
Coastal Protection and Management Act 1995	153(3) and (4)	Power, as an owner of an interest in land, to appeal against the decision of the chief executive regarding a claim for compensation under section 150.	
Coastal Protection and Management Act 1995	159	Power to make an appeal to the Planning and Environment Court against the chief executive's decision to give Council a coastal protection or tidal works notice.	
Coastal Protection and Management Act 1995	164A	Power to bring a proceeding in the Planning and Environment Court for a declaration about a matter done, to be done or that should have been done, for chapter 2, part 3, division 2.	
Coastal Protection and Management Act 1995	165	Power to:- (a) where the chief executive has delegated powers under the <i>Coastal Protection and Management Act 1995</i> , to exercise those powers; and (b) sub-delegate the powers delegated by the chief executive under subsection (1) to an appropriately qualified entity.	
Coastal Protection and Management Act 1995	190	Power to elect not to be the assessment manager (in which case Council cannot be a referral agency) for an application to make a minor change to a deemed approval under section 177.	
Coastal Protection and Management Act 1995	193	Power to elect not to be the responsible entity for a request to make a permissible change to a deemed approval under section 177.	
Coastal Protection and Management Act 1995	206(5)	Power to elect not to be the responsible entity for a change application.	
<b>Development Assessment Rules</b>			
Legislation	Section of Act	Description of Delegated Power	Conditions to which the Delegation is Subject
Development Assessment Rules	1.2	Power, as an assessment manager, to determine if the application is a properly made application.	
Development Assessment Rules	2.3	Power, as an assessment manager, to give a confirmation notice.	
Development Assessment Rules	3.1	Power, as an assessment manager, to give an action notice.	
Development Assessment Rules	3.2	Power, as an assessment manager, to agree to a further period for the applicant to comply with all actions in the action notice and give notice to the assessment manager that it has complied.	
Development Assessment Rules	3.4	Power, as an assessment manager, to give a confirmation notice if the applicant has complied with the action notice.	
Development Assessment Rules	3.5	Power, as an assessment manager, to accept the application as a properly made application after giving an action notice.	
Development Assessment Rules	3.6(b)	Power, as an assessment manager, to agree on a further period for giving a confirmation notice.	
Development Assessment Rules	5.1	Power, as an assessment manager, to agree to a further period for the applicant to give a copy of the application to a referral agency.	
Development Assessment Rules	6.2	Power, as a referral agency, to determine if the application is a properly referred application.	
Development Assessment Rules	7.1	Power, as a referral agency, to give a referral confirmation notice.	
Development Assessment Rules	8.1(a)	Power, as a referral agency, to give the applicant an action notice	
Development Assessment Rules	8.1(b)	Power, as a referral agency, to give a copy of the action notice to the assessment manager.	
Development Assessment Rules	8.2	Power, as a referral agency, to agree to a further period for the applicant to comply with all the actions in the action notice.	
Development Assessment Rules	8.2(b)	Power, as a referral agency, where the applicant has complied with all the actions in the action notice, to give a referral confirmation notice to the applicant and a copy to the assessment manager.	
Development Assessment Rules	8.3(b)	Power, as a referral agency, to give the assessment manager notice that the application is taken to have not been referred.	
Development Assessment Rules	9.2(a) and (b)	Power, as a referral agency, to agree to a further period for the referral agency assessment period.	
Development Assessment Rules	11.2	Power, as an assessing authority, to agree to receive further information from the applicant during the development assessment process.	

Development Assessment Rules	12.1	Power, as an assessing authority, to make an information request.	
Development Assessment Rules	12.2	Power, as an assessment manager, to agree to a further period in which to make the information request.	
Development Assessment Rules	12.4	Power, as a referral agency, to agree to a further period in which to make the information request.	
Development Assessment Rules	12.5	Power, as an assessing authority, to give the applicant advice about an information request or any other matter, including how the applicant may change the application.	
Development Assessment Rules	13.1	Power, as an assessing authority, to agree to a further period for the applicant to respond to the information request.	
Development Assessment Rules	17.1, 17.3 and 17.4	Power, as an assessment manager acting under section 53(10) of the Act to comply with the public notice requirements.	
Development Assessment Rules	18.1	Power, as an assessment manager, to agree to a further period for the applicant to give notice of compliance with the public notice requirements.	
Development Assessment Rules	19.1	Power, as an assessment manager, to accept properly made submissions and not properly made submissions.	
Development Assessment Rules	19.3	Power, as an assessment manager, to agree to a further period to consider the submissions.	
Development Assessment Rules	22.1(a)	Power, as the assessment manager, to agree to a further period to assess and decide the application.	
Development Assessment Rules	25.1	Power, as the assessment manager, to:- (a) give a copy of the notice to each referral agency for the original application and any other referral agency required to be given referral; and (b) advise each referral agency, with a copy to the applicant, of the effect of the change on the development assessment process.	
Development Assessment Rules	26.1	Power, as the assessment manager, to determine whether the change:- (a) only deals with a matter raised in a properly made submission for the application; or (b) is in response to an information request for the application; or (c) is in response to further advice provided by an assessing authority about the application.	
Development Assessment Rules	26.2(a)(i)	Power, as the assessment manager, to give the applicant a confirmation notice where part 4 applies to the changed application and part 4 did not apply to the original application.	
Development Assessment Rules	26.2(b)	Power, as the assessment manager, to determine whether the change:- (a) would be likely to attract a submission objecting to the thing comprising the change if public notification were to apply to the change; (b) only addresses a matter raised in a properly made submission.	
Development Assessment Rules	26.2(c)	Power, as the assessment manager, to give notice to the applicant that public notification is required under section 26.2(b) and that it must be carried out in accordance with section 16.4.	
Development Assessment Rules	26.5	Power, as a referral agency, despite section 11.1, to make an information request as a result of a referral under section 26.	
Development Assessment Rules	27.2	Power, as an assessing authority, despite section 11.1, to make an information request about the change.	
Development Assessment Rules	27.3	Power, as the assessment manager, to determine whether the change would be likely to attract a submission objecting to the thing comprising the change, if public notification were to apply to the change.	
Development Assessment Rules	28.1	Power, as a concurrence agency, after the referral agency assessment period and any further periods has ended, to change its referral agency response or give a late referral agency response before the application is decided.	
Development Assessment Rules	28.4(a)	Power, as a concurrence agency, to give notice of its intention to change its referral agency response to the assessment manager and the applicant.	
Development Assessment Rules	28.4(b)	Power, as a concurrence agency, to agree to a further period for the giving of an amended referral agency response.	
Development Assessment Rules	29.2	Power, as a party to the application, to give notice to each other party that the applicant has not referred the application in accordance with section 54(1) of the Act.	
Development Assessment Rules	29.6	Power, as a referral agency, despite section 11.1, to make an information request as a result of a referral under section 29.	
Development Assessment Rules	33.1	Power, as a party who initiated an extension under the DA rules, to give a copy of the agreement to any other party to the application.	
Development Assessment Rules	34.1	Power, as an assessment manager or as a concurrence agency for the application, to ask any third party for third party advice.	
Development Assessment Rules	35.1 and 35.2	Power, as an assessment manager or as a concurrence agency for the application, to give further advice about the application to the applicant, including how the applicant may change the application.	
<b>Disaster Management Act 2003</b>			
<b>Legislation</b>	<b>Section of Act</b>	<b>Description of Delegated Power</b>	<b>Conditions to which the Delegation is Subject</b>
Disaster Management Act 2003	29	Power to establish a Local Disaster Management Group for the local government area.	
Disaster Management Act 2003	31	Power to agree to unite with one or more other local government/s for the purpose of establishing a local group.	
Disaster Management Act 2003	37	Power to provide, at least once a year, written notice of the members of a Local Disaster Management Group to the chief executive and the chairperson of the district group for the disaster district in which the Local Disaster Management Group is situated.	
Disaster Management Act 2003	57(1)	Power to prepare a local disaster management plan for disaster management in the local government's area.	
Disaster Management Act 2003	59	Power to review, or renew, its local disaster management plan when local government considers it appropriate.	
Disaster Management Act 2003	60	Power to, on payment of the appropriate fee, give a person a copy of the local disaster management plan.	
Disaster Management Act 2003	61	Power to agree to unite with one or more other local governments for the purpose of preparing a local disaster management plan.	
<b>Disaster Management Regulation 2014</b>			
<b>Legislation</b>	<b>Section of Act</b>	<b>Description of Delegated Power</b>	<b>Conditions to which the Delegation is Subject</b>
Disaster Management Regulation 2014	5(1)	Power to appoint a person to a district disaster management group for a disaster district.	
Disaster Management Regulation 2014	5(6)	Power to inform the chief executive of the department, and the chairperson of the district group, of an appointment under section 5(1).	
Disaster Management Regulation 2014	7(1)	Power to nominate a person to a temporary district disaster management group.	
Disaster Management Regulation 2014	9(1)	Power to appoint a person as a member of a local disaster management group.	
Disaster Management Regulation 2014	10(1)	Power to appoint a chairperson and deputy chairperson of a local disaster management group.	
<b>Economic Development Act 2012</b>			
<b>Legislation</b>	<b>Section of Act</b>	<b>Description of Delegated Power</b>	<b>Conditions to which the Delegation is Subject</b>
Economic Development Act 2012	36B	Power to make a submission about a draft provisional land use plan.	
Economic Development Act 2012	36C(3)	Power to consult with MEDQ about a draft provisional land use plan.	
Economic Development Act 2012	36I(3)	Power to make a submission about a proposed amendment of a provisional land use plan.	
Economic Development Act 2012	36I(3)	Power to consult with MEDQ about a proposed amendment of a provisional land use plan.	
Economic Development Act 2012	40I	Power, if asked by the MEDQ, to prepare the proposed instrument for the planning instrument change.	
Economic Development Act 2012	40J(a)	Power to consult with the MEDQ about a proposed instrument for a planning scheme change.	
Economic Development Act 2012	40J(b)	Power, as the proposer of the planning instrument change, to consult with any government entity, GOC or other entity it considers will be likely to be affected by the proposed planning instrument change.	
Economic Development Act 2012	40K(2)	Power, as the proposer of the planning instrument change, to give MEDQ the proposed instrument for its approval.	
Economic Development Act 2012	40K(6)	Power, as the proposer of the planning instrument change, to amend the proposed instrument for a planning instrument change in compliance with conditions imposed by MEDQ under section 40K(3)(b).	
Economic Development Act 2012	40M(2)	Power to publish on its website the planning instrument change made or approved under section 40K.	
Economic Development Act 2012	42A, 42B, 42C, 42D, 42E, 42G, 42H, 42I, 42J and 42L	Power as the proposer to prepare a proposed planning instrument change. For the avoidance of doubt this power includes all actions and all matters required to be considered under sections 42A, 42B, 42C, 42D, 42E, 42G, 42H, 42I, 42J and 42L of the <i>Economic Development Act 2012</i>	
Economic Development Act 2012	43(3)	Power to agree to the making of a regulation making an interim local law.	
Economic Development Act 2012	51AJ	Power, as the enforcement authority under the Planning Act for a Planning Act approval and where chapter 3, part 2, division 4, subdivision 3 applies, to commence proceedings in the court seeking a declaration mentioned in section 51AJ(3).	

Economic Development Act 2012	51A(2)	Power, as the enforcement authority under the Planning Act for a Planning Act approval and where chapter 3, part 2, division 4, subdivision 3 applies, to give an infrastructure charges notice if the circumstances in section 51A(2) apply.	
Economic Development Act 2012	82(1)(b)	Power as an owner of land to consent to the making of a PDA development application.	
Economic Development Act 2012	84(4)(d)	Power to make submissions to MEDQ about a PDA development application.	
Economic Development Act 2012	98(1)	Power as an owner of land to consent in writing to the cancellation of a PDA development approval.	
Economic Development Act 2012	116E(3)(b)	Power as a superseding public sector entity to continue to make and levy the infrastructure expenses recoupment charge.	
Economic Development Act 2012	116G	Power as a charging entity to give a charge notice.	
Economic Development Act 2012	117	Power to recover a charge that becomes owing under subsection (1).	
Economic Development Act 2012	169(4)	Power to subdelegate a function or power of MEDQ delegated to Council under subsection (1) to an appropriately qualified employee Council.	
Economic Development Act 2012	171B	Power, where serving a document under the <i>Economic Development Act 2012</i> , to effect service by giving the receiver a communication stating that: (a) the relevant document can be viewed on a stated website or other electronic medium; and (b) the receiver may ask for a copy of the relevant document.	
Economic Development Act 2012	171B(6)	Power, where serving a document under section 171B(1) or (2), and where the receiver has asked for a copy of the relevant document, to give the receiver a copy of the relevant document.	
<b>Environmental Offsets Act 2014</b>			
Legislation	Section of Act	Description of Delegated Power	Conditions to which the Delegation is Subject
Environmental Offsets Act 2014	12(3)	Power to make an environmental offsets policy available for inspection.	
Environmental Offsets Act 2014	14 & 15	Power, as an administering agency, to impose an offset condition if the circumstances in sections 14 and 15 apply.	
Environmental Offsets Act 2014	19(1)	Power to consider a notice of election and any offset delivery plan.	
Environmental Offsets Act 2014	19(2) & 19(3)	Power to decide whether it is appropriate to deliver the environmental offset in the way stated in the notice of election, and any offset delivery plan, or whether the offset should be delivered in a different way and to give notice of the decision.	
Environmental Offsets Act 2014	19(7)	Power to agree to amend either or both of the agreed delivery arrangement and an offset delivery plan.	
Environmental Offsets Act 2014	19A	Power to give the notice required to be given under subsection (4).	
Environmental Offsets Act 2014	20	Power to enter another agreed delivery arrangement.	
Environmental Offsets Act 2014	25A	Power to decide an application to remove duplicate conditions, make other amendments to the authority, and give notice of the decision.	
Environmental Offsets Act 2014	26	Power, as a relevant agency, to enter an environmental offset agreement.	
Environmental Offsets Act 2014	28	Power, as a relevant agency, to enter another environmental offset agreement that varies, or terminates and replaces, an earlier environmental offset agreement.	
Environmental Offsets Act 2014	35	Power, in the circumstance specified in subsection 35(1)(a), to give a compliance notice in relation to the terms of the environmental offset agreement.	
Environmental Offsets Act 2014	39	Power, where Council has given a compliance notice and the person contravenes it by not doing something, to do the thing and recover any reasonable costs or expenses incurred in doing it as a debt.	
Environmental Offsets Act 2014	89(1)	Power to credit amounts received by Council as a financial settlement offset to Council's trust fund.	
Environmental Offsets Act 2014	89(2)	Power to transfer an amount received by Council as a financial settlement offset in one of the circumstances listed in subsection (2).	
Environmental Offsets Act 2014	90	Power, as an administering agency, to keep a register of the matters listed in subsection one, make the register available for inspection and give information held on the register to the chief executive.	
Environmental Offsets Act 2014	95B	Power, as an administering agency, to decide an application to amend:- (a) an existing authority; (b) an authority granted, on or after commencement, as the result of an application that was made but not dealt with, before commencement, and to do all things authorised or required by section 95B following the making of the decision.	
<b>Environmental Offsets Regulation 2014</b>			
Legislation	Section of Act	Description of Delegated Power	Conditions to which the Delegation is Subject
Environmental Offsets Regulation 2014	11(3)(c)	Power, as an owner of land proposed to be included within a new area covered by a later environmental offset agreement, to decide whether or not to consent to the amended declaration of the environmental offset protection area.	
Environmental Offsets Regulation 2014	14	Power, as a decision maker, to decide an application for an area of land to be identified as an advanced offset and to do all things authorised or required by section 14 following the making of the decision.	
Environmental Offsets Regulation 2014	14(7)	Power, as a decision maker, to remove an advanced offset from the register kept under section 90 of the Act.	
Environmental Offsets Regulation 2014	15	Power, as a decision maker, to decide an application to vary the boundary of an area of land identified as an advanced offset and to do all things authorised or required by section 15 following the making of the decision.	
Environmental Offsets Regulation 2014	18(2)	Power, as a relevant entity, to extend the time for applying for internal review.	
Environmental Offsets Regulation 2014	19	Power, as a relevant entity, to review a reviewable decision, make an internal review decision and to do all things authorised or required by section 19 following the making of the decision.	
<b>Environment Protection Act 1994</b>			
Legislation	Section of Act	Description of Delegated Power	Conditions to which the Delegation is Subject
Environment Protection Act 1994	42 and 43	Power, as an affected person, to make written comments to the chief executive about a TOR notice.	
Environment Protection Act 1994	54	Power to make a written submission about a submitted EIS.	
Environment Protection Act 1994	128	Power, as an administering authority, to give an applicant a notice about an application that is not a properly made application.	
Environment Protection Act 1994	129	Power to agree a further period within which the applicant must give notice under section 128.	
Environment Protection Act 1994	130(3)(a)	Power, as an administering authority, to give a notice or other document relating to <del>about</del> an application made by joint applicants, to the principal applicant nominated in the application.	
Environment Protection Act 1994	130(3)(b)	Power, as an administering authority, to make a requirement under Chapter 5 relating to an application made by joint applicants, to the principal applicant nominated in the application.	
Environment Protection Act 1994	132	Power, as an administering authority, to refuse to allow a change to an application if the change would result in the application not being a properly made application and the applicant does not take action to make the remade application properly made.	
Environment Protection Act 1994	133	Power, as an administering authority, to give written agreement that a change to an application is a minor change.	
Environment Protection Act 1994	136(b)(i)	Power, as an administering authority, to determine satisfaction that the requirements under the application stage have been complied with.	
Environment Protection Act 1994	140	Power, as an administering authority, to make a written information request to the applicant to give further information needed to assess the application.	
Environment Protection Act 1994	145 and 147	Power, as an administering authority, to agree to extend the applicant's information request response period.	
Environment Protection Act 1994	148(b)(i)	Power, as an administering authority, to determine not to make an information request.	
Environment Protection Act 1994	168	Power, as an administering authority, to, by written notice to the applicant, extend the decision period and further extend the decision period with the written agreement of the applicant.	
Environment Protection Act 1994	170	Power, as an administering authority, to approve a standard application subject to the standard conditions for the relevant activity or authority.	
Environment Protection Act 1994	171	Power, as an administering authority, to approve a variation application subject to the standard conditions for the relevant activity or authority or subject to conditions which are different to the standard conditions for the activity or authority.	
Environment Protection Act 1994	172	Power, as an administering authority, to refuse a site-specific application or approve a site-specific application subject to conditions.	
Environment Protection Act 1994	181	Power, as an administering authority after making a decision under division 2, subdivision 2, to give written notice of the decision.	
Environment Protection Act 1994	194(A)	Power, as an administering authority, to make a final decision on an application for an environmental authority.	
Environment Protection Act 1994	195	Power, as an administering authority, to issue an environmental authority.	
Environment Protection Act 1994	197	Power, as an administering authority, to include a copy of an environmental authority in the relevant register.	

Environment Protection Act 1994	198(2)	Power, as an administering authority, to give an information notice to the applicant for an environmental authority.	
Environment Protection Act 1994	198(4)	Power, as an administering authority, to give an information notice about the decision to any submitter for the application.	
Environment Protection Act 1994	203	Power, as an administering authority, to impose a condition on an environmental authority or draft environmental authority to which section 115 applies.	
Environment Protection Act 1994	211	Power, as an administering authority, to amend an environmental authority to correct a clerical or formal error by giving written notice to the holder but only if the amendment does not adversely affect the interests of the holder or anyone else.	
Environment Protection Act 1994	213	Power, as an administering authority, to amend an existing environmental authority issued subject to conditions to replace the existing standard conditions with new standard conditions issued by the chief executive and to give written notice of the amendment to the environmental authority holder.	
Environment Protection Act 1994	215	Power, as an administering authority, to make an amendment to an environmental authority:- (a) which is necessary or desirable because of a matter mentioned in section 215(2) and where the procedure required by Chapter 5, Part 6, Division 2; or (b) if the holder has agreed in writing to the amendment.	
Environment Protection Act 1994	216 and 219	Power, as an administering authority, to make other amendments to an environmental authority in accordance with the procedure required by Chapter 5, Part 6, Division 2 or with the written agreement of the authority holder.	
Environment Protection Act 1994	227A	Power, as an administering authority, to refuse an amendment application to which section 227A(1) applies, to require the environmental authority holder to make a site specific application and to give written notice of the refusal to the applicant.	
Environment Protection Act 1994	227AAB(2)	Power, as an administering authority where an amendment application is not a properly made amendment application, to give the applicant a notice stating all the matter contained in the subsection.	
Environment Protection Act 1994	227AAC(2)	Power, as an administering authority where a notice has been issued under subsection 227AAB(2), to agree to a further period to take the action mentioned in subsection 227AAB(2)(c).	
Environment Protection Act 1994	228(1)	Power, as an administering authority after receiving an amendment application, to decide whether the proposed amendments is a minor or major amendment.	
Environment Protection Act 1994	234	Power, as an administering authority, to set the submission period for the application by written notice.	
Environment Protection Act 1994	237	Power, as an administering authority, to give written agreement to the continued assessment of a changed application to amend an environmental authority.	
Environment Protection Act 1994	238(3)	Power, as an administering authority, to request further information needed to assess a changed amendment application which is not a minor change and to which the information stage applies.	
Environment Protection Act 1994	238(7)	Power, as an administering authority, to decide that the notification stage be repeated in respect of a changed amendment application which would be likely to attract a submission objecting to the change.	
Environment Protection Act 1994	240 and 242	Power, as an administering authority, to:- (a) decide to approve or refuse an amendment application; (b) if the amendment is approved, to make other amendments to the conditions of the environmental authority; (c) give notice of the decision to the applicant; and (d) include a copy of any amended environmental authority in the register	
Environment Protection Act 1994	247	Power, as an administering authority, to decide to approve an application to amalgamate environmental authorities or refuse an amalgamation application to which section 247(1)(b) applies, and impose conditions on the amalgamated environmental authority.	
Environment Protection Act 1994	248	Power, as an administering authority that decides to approve an amalgamation application, to amalgamate the existing authorities, issue it to the applicant and include a copy of it in the relevant register.	
Environment Protection Act 1994	250C	Power, as an administering authority, to:- (a) de-amalgamate an environmental authority; (b) issue 2-or more de-amalgamated environmental authorities; and (b)(c) impose conditions on each de-amalgamated environmental authority to the extent necessary for the de-amalgamation; and (e)(d) include each environmental authority in the relevant register.	
Environment Protection Act 1994	254	Power, as an administering authority, to approve or refuse an application by the holder of an environmental authority to transfer all or part of the environmental authority to another entity.	
Environment Protection Act 1994	264	Power, as an administering authority, to decide whether a final rehabilitation report includes enough information to decide that the requirements in section 264(b)(i) and 264(b)(ii) have been met.	
Environment Protection Act 1994	265	Power, as an administering authority, to make a written request to an applicant to give further information needed to assess an application to surrender an environmental authority.	
Environment Protection Act 1994	266	Power, as an administering authority, to approve or refuse a surrender application.	
Environment Protection Act 1994	275	Power, as an administering authority, after deciding a surrender application to take the steps listed in subsections 275(a) or 275(b) as applicable.	
Environment Protection Act 1994	278, 279, 280, 281, 282, 283 and 284	Power, as an administering authority, to:- (a) cancel or suspend or extend the suspension of an environmental authority if an event mentioned in section 278(2) has occurred; (b) follow the procedures in Chapter 5, Part 11, Division 2; (c) give notice of the decision; and (d) record the action in the relevant register.	
Environment Protection Act 1994	284AA(2)	Power, as an administering authority in the circumstances set out in subsection 284AA(1), to cancel an environmental authority if the procedure in Chapter 5, Part 11, Division 2 is followed.	
Environment Protection Act 1994	284C and 284F	Power, as an administering authority, to:- (a) approve or refuse an application made by the holder of an environmental authority to suspend or extend the suspension of the environmental authority;- (a)(c) if the decision is to refuse, give the holder an information notice about the decision .	
Environment Protection Act 1994	308	Power, as the administering authority, to impose a condition on an environmental authority requiring the holder to give financial assurances as security for compliance with the environmental authority and for costs or expenses mentioned in section 316C.	
Environment Protection Act 1994	310	Power, as an administering authority, to decide the amount and form of financial assurance required under a condition of an environmental authority.	
Environment Protection Act 1994	311	Power, as an administering authority, to give notice of the decision under section 310.	
Environment Protection Act 1994	314	Power, as an administering authority that receives an application under section 312, to approve or refuse the application and give the applicant notice of the decision.	
Environment Protection Act 1994	315	Power, as an administering authority, to require the holder of an environmental authority for which financial assurance has been made to change the amount of financial assurance, including giving written notice to the holder.	
Environment Protection Act 1994	316D	Power, as an administering authority in the circumstances referred to in 316C, to make a claim on or realise a financial assurance.	
Environment Protection Act 1994	316E	Power, as an administering authority in the circumstances set out in subsection 316E(1) and (2) give written notice to the entity who gave the EPA assurance or the entity who paid the surety.	
Environment Protection Act 1994	316G	Power, as an administering authority, to decide whether to make a claim on, or realise, the EPA assurance, or to ask for payment of the costs and expenses mentioned in subsection 316D(2)(b) and give an information notice about the decision.	
Environment Protection Act 1994	316GD	Power, as an administering authority, to:- (a) grant or refuse the temporary authority; and (b) if the decision is refuse, give an information notice for the decision.	
Environment Protection Act 1994	316GE	Power, as an administering authority, to:- (a) impose conditions on the authority; and (b) notify the applicant of the proposed conditions.	
Environment Protection Act 1994	316GF	Power, as an administering authority, to give the temporary authority to the applicant.	
Environment Protection Act 1994	316I(2)	Power, as the administering authority, to give an annual notice.	
Environment Protection Act 1994	316I(4)	Power, as the administering authority, to recover from the holder of an environmental authority as a debt, outstanding annual fees.	
Environment Protection Act 1994	316L and 316M	Power, as an administering authority, to change the anniversary day for an environmental authority for which an annual fee is prescribed, in the circumstances provided for by section 316L(1)(a) and 316L(1)(b).	

Environment Protection Act 1994	316N	Power, as an administering authority, to give the holder:- (a) if the decision is the change the day – written notice of the decision; or (b) if the decision is not to change the day – an information notice for the decision.	
Environment Protection Act 1994	316P	Power, as an administering authority to, in the circumstances specified in section 316P(1)(a) and 316P(1)(b):- (a) require the holder of the environmental authority to make a site-specific application for a new environmental authority under Chapter 5 Part 2 or make an amendment application for the authority under Chapter 5 Part 7; (b) give written notice of the proposed requirement prior to making it.	
Environment Protection Act 1994	316Q	Power, as an administering authority, to ask any entity for advice, comment or information about an application made under Chapter 5.	
Environment Protection Act 1994	318A	Power to make submissions about a proposed ERA standard.	
Environment Protection Act 1994	320C	Power, as person aware of an event described in section 320A, to give written notice of the event, its nature and the circumstances in which it happened to the administering authority, any occupier of the affected land or any registered owner of the affected land, or by public notice.	
Environment Protection Act 1994	320D	Power, as employer aware of an event described in section 320A, to give written notice of the event, its nature and the circumstances in which it happened to the administering authority, any occupier of the affected land or any registered owner of the affected land, or by public notice.	
Environment Protection Act 1994	320DA(1)	Power, as a person mentioned in section 320A(2)(a), to within 24 hours after becoming aware of an event or change mentioned in section 320A(2)(b)(i) or (ii) give the administering authority written notice of the matters stated in subsection (2).	
Environment Protection Act 1994	320DA(3)	Power, as a person mentioned in section 320A(2)(a), to within 20 business days after becoming aware of an event or change mentioned in section 320A(2)(b)(iii) give the administering authority written notice of the activity.	
Environment Protection Act 1994	320DB(1)	Power, as a local government mentioned in section 320(3)(c), to within 20 business days after becoming aware that the activity has been, or is being, carried out on land in its area, give the administering authority written notice.	
Environment Protection Act 1994	320DB(2)	Power, as a local government mentioned in sections 320A(3)(a) or 320A(3)(b), to within 24 hours after becoming aware of <del>the event or the change in condition of the land-matter mentioned in section 320A(3)(a) or (b)</del> give the administering authority written notice.	
Environment Protection Act 1994	322 and 323	Power, as an administering authority, to require a person to conduct or commission an environmental audit and give an environmental report about the audit.	
Environment Protection Act 1994	326B	Power, as an administering authority, to require a person to conduct or commission an environmental investigation.	
Environment Protection Act 1994	326F	Power, as an administering authority, to ask for further information <del>and extend the time for making a request under subsection (2).</del>	
Environment Protection Act 1994	326G	Power, as an administering authority, to accept the report or refuse to accept the report and to give notice of the decision.	
Environment Protection Act 1994	326H	Power, as an administering authority which has accepted an environmental report under section 326G, to do 1 or more of the things listed in subsection (1).	
Environment Protection Act 1994	326I	Power, as an administering authority which has refused to accept an environmental report under section 326G(4)(b), to, by written notice, require the recipient to conduct or commission another environmental investigation and submit a report on the investigation.	
Environment Protection Act 1994	332	Power, as an administering authority, to require a person or public authority to <del>submit apply to the administering authority for the issue of a draft</del> transitional environmental program.	
Environment Protection Act 1994	333	Power to <del>submit a draft apply for the issue of a</del> transitional environmental program to the administering authority for approval.	
Environment Protection Act 1994	334(1A)	Power, as an administering authority, to by written notice require the person or public authority that submitted the draft transitional environmental authority to give further information.	
Environment Protection Act 1994	334(3) and (4)	Power to give the administering authority the requested information and ask the administering authority to extend the information response period.	
Environment Protection Act 1994	335	Power to make a submission in relation to <del>a draft an application for the issue of a</del> transitional environmental program.	
Environment Protection Act 1994	335(2)	Power to give public notice of the application for the issue of a transitional environmental program.	
Environment Protection Act 1994	336	Power, as an administering authority, to invite parties to a conference to help it determine whether or not to approve a draft transitional environmental program.	
Environment Protection Act 1994	336A	Power, as an administering authority, to seek advice, comment or information about <del>a TEP submission- application for the issue of a transitional environmental program.</del>	
Environment Protection Act 1994	337	Power, as an administering authority, to extend the period for decision about <del>a draft an application for the issue of a</del> transitional environmental program and approve <del>a draft</del> transitional environmental program.	
Environment Protection Act 1994	339(1) and (2)	Power, as an administering authority, to:- a) approve <del>a draft</del> transitional environmental program <del>as submitted or with amendments requested or agreed to by the administering authority with or without conditions;</del> or b) refuse to approve a draft transitional environmental program.	
Environment Protection Act 1994	340	Power, as an administering authority:- (a) where the administering authority approves the application issue the transitional environmental program; and (b) where the administering authority refuses the application or imposes conditions – give an information notice. <del>to give a person or public authority who submitted a draft transitional environmental program for approval written notice of the decision.</del>	
Environment Protection Act 1994	342	Power, as an administering authority, to approve <del>a draft application for a</del> transitional environmental program if there has been substantial compliance with public notice requirements.	
Environment Protection Act 1994	343A	Power, as an administering authority when issuing a transitional environmental program, to include a note in the environmental authority.	
Environment Protection Act 1994	344	Power, as an administering authority, to consider and approve or refuse an application to amend a transitional environmental program.	
Environment Protection Act 1994	344E	Power, as an administering authority, to cancel <del>the approval for a</del> transitional environmental program, give notice of the decision or record details of the decision in a register.	
Environment Protection Act 1994	344F	Power, as an administering authority, to withdraw the notice or remove the record.	
Environment Protection Act 1994	344G	Power, as an administering authority, to give the holder of the environmental authority a copy of the authority that does not include the note.	
Environment Protection Act 1994	352	Power, as an administering authority, to give written notice of the matters listed in section 352(1).	
Environment Protection Act 1994	355	Power, as an administering authority, to apply to the Court for an order that section 353(1) does not apply.	
Environment Protection Act 1994	357(2)	Power, as an administering authority who has made an application to the Court under section 355, to apply to the Court for an order pending decision on the application.	
Environment Protection Act 1994	357C, 357D and 357E and 357F	Power, as administering authority, to – - grant an application for a temporary emissions licence, with or without conditions, as submitted or on different terms than have been requested in the application; or - refuse to grant the application for a temporary emissions licence.; and <del>where necessary, give an information notice</del>	
Environment Protection Act 1994	357J	Power, as administering authority, to amend, cancel or suspend a temporary emissions licence.	
Environment Protection Act 1994	357J (b)	Power, as holder of a temporary emissions licence, to give written agreement to the amendment of the licence.	
Environment Protection Act 1994	358	Power, as an administering authority, to issue an environmental protection order.	
Environment Protection Act 1994	363AB	Power, as an administering authority, to decide a person has a relevant connection with a company.	
Environment Protection Act 1994	363AC	Power, as an administering authority, to issue an environmental protection order to a related person of the company.	
Environment Protection Act 1994	363AD	Power, as an administering authority, to issue an environmental protection order to a related person of a high risk company.	
Environment Protection Act 1994	363AI	Power, as an administering authority, to issue a cost recovery notice to the recipient.	
Environment Protection Act 1994	363AI(7)	Power, as an administering authority, to claim the amount from the recipient as a debt.	

Environment Protection Act 1994	376	Power, as the land's owner, to:- (a) make a written submission to the administering authority in response to a show cause notice issued pursuant to section 375; (b) make the declaration mentioned in section 375(2)(e); and (c) include a copy of any investigation report mentioned in section 375(4).	
Environment Protection Act 1994	379B and 379C	Power, as the owner of land, to make an inclusion request and respond to any request for further information from the administering authority.	
Environment Protection Act 1994	390	Power, to give the administering authority:- (a) a contaminated land investigation document accompanied by a declaration and a statement; and (b) a statement as owner of the land agreeing to the draft plan.	
Environment Protection Act 1994	392(1)	Power, as a prescribed responsible person, to make a written submission in response to a show cause notice issued pursuant to section 391.	
Environment Protection Act 1994	394(5)	Power, as a prescribed responsible person, to comply with a notice issued by the administering authority pursuant to this section.	
Environment Protection Act 1994	395	Power, as a prescribed responsible person, to:- (a) obtain the consent of the owner or occupier to enter the land; (b) give the owner or occupier written notice of the intention to enter the land; (c) agree with the owner or occupier about reasonable compensation because of the loss or damage; and (d) appear in any proceeding before a court of competent jurisdiction (including instructing a legal representative to appear) where agreement about compensation cannot be reached.	
Environment Protection Act 1994	397	Power, as a prescribed responsible person, to comply with a requirement of the administering authority given pursuant to this section.	
Environment Protection Act 1994	402	Power to apply to amend a site management plan and to comply with Chapter 7, Part 8, Division 3, Subdivisions 2 to 4 as they relate to the application.	
Environment Protection Act 1994	403	Power, as owner or occupier of land, to consent to the amendment of a site management plan for the land by the administering authority.	
Environment Protection Act 1994	404	Power, as the person who released the contaminant, the relevant local government or the owner of the land, to prepare a draft amendment of a site management plan if requested to do so by the administering authority and to comply with Chapter 7, Part 8, Division 3, Subdivisions 2 to 5 as they relate to the draft amendment.	
Environment Protection Act 1994	407	Power, as owner of land, to give a lessee or proposed lessee notice that particulars of the land have been recorded in the contaminated land register.	
Environment Protection Act 1994	408	Power, as an owner of land in a circumstance listed in subsection (1), to give the notice required by subsection (2).	
Environment Protection Act 1994	451	Power, as an administering authority, to require a person to provide information for the enforcement or administration of this Act.	
Environment Protection Act 1994	452	Power, as owner or occupier of land, to consent to an authorised person's entry onto the land.	
Environment Protection Act 1994	454	Power, as owner or occupier of land, to consent to an authorised person's entry onto the land.	
Environment Protection Act 1994	454(3)(b) and (4)	Power, as an administering authority, to issue a notice that an authorised person will enter land.	
Environment Protection Act 1994	455	Power, as the occupier of access land, to consent to an authorised person's entry onto the land.	
Environment Protection Act 1994	465(3)	Power, as a corporation, to comply with a written notice requiring Council to nominate an executive officer or employee who is authorised to answer a question under section 465(3).	
Environment Protection Act 1994	478	Power as a person to whom an emergency direction is given to comply with the direction and to take the steps required by subsection (b).	
Environment Protection Act 1994	489	Power, as an administering authority, to waive payment of costs of investigation or remediation work.	
Environment Protection Act 1994	501(1)(c)	Power, as an administering authority, to make an application to the court for an order against a defendant for costs.	
Environment Protection Act 1994	502A(2)	Power, as an administering authority, to carry out work or take other action reasonably necessary where a person has failed to comply with an order made under section 502.	
Environment Protection Act 1994	505	Power, as an administering authority, to make an application to the Court to remedy or restrain an offence against this Act.	
Environment Protection Act 1994	506	Power, as a person who has made an application pursuant to section 505, to seek an order of the Court pending determination of the application.	
Environment Protection Act 1994	507	Power, as the administering authority, to: (a) accept or reject an enforceable undertaking; (b) give written notice of the decision and the reasons for the decision (c) publish a copy of any undertaking on Council's website; and (d) take all reasonable steps to have any proceedings in relation to the contravention discontinued.	
Environment Protection Act 1994	509	Power, as the administering authority, to agree in writing to the withdrawal or variation of an enforceable undertaking and to publish notice of the withdrawal or variation on Council's website.	
Environment Protection Act 1994	510	Power, as the administering authority, to amend an enforceable undertaking by written agreement.	
Environment Protection Act 1994	511	Power, as the administering authority, to make an amendment to an enforceable undertaking to correct a clerical or formal error and give written notice of the amendment.	
Environment Protection Act 1994	512	Power, as the administering authority, to:- (a) amend or suspend an enforceable undertaking where satisfied one of the circumstances in subsections 512(1)(a) to (d) apply; and (b) comply with the requirements of subsection 512(2) to (7).	
Environment Protection Act 1994	513(2)	Power, as the administering authority, to apply to the Magistrates Court for an order if a person contravenes an enforceable undertaking.	
Environment Protection Act 1994	516	Power to exercise all the powers of the chief executive that have been delegated to Council. (Sub-section (2) permits sub delegation of these powers to a qualified entity).	
Environment Protection Act 1994	518(1)(a)(ii)	Power, where the chief executive has delegated the powers as an administering authority to Council, to exercise those delegated powers.	
Environment Protection Act 1994	521	Power to exercise all the powers of an administering authority when a dissatisfied person applies to Council for review of an original decision.	
Environment Protection Act 1994	521(1)	Power, as a dissatisfied person, to apply for a review of an original decision.	
Environment Protection Act 1994	524	Power, as a dissatisfied person, to appeal to the Land Court against a review decision of an original decision mentioned in schedule 2, part 1.	
Environment Protection Act 1994	526	Power, as a party to an appeal, to ask the Land Court to conduct or provide mediation for the appeal, participate in the mediation and attempt to settle the appeal at mediation.	
Environment Protection Act 1994	531	Power, as a dissatisfied person, to appeal to the Planning and Environment Court against a review decision of an original decision, other than a review decision to which Chapter 11, Part 3, Division 3, Subdivision 1 of this Act applies or a review decision that relates to an original decision mentioned in Schedule 2, Part 3.	
Environment Protection Act 1994	539A(1)	Power, as an applicant for internal review of an original decision mentioned in schedule 2, part 1 or 2, to apply for a stay of the decision.	
Environment Protection Act 1994	540, 541 and 542	Power, as an administering authority, keep the registers listed in section 540(1) and keep them available for inspection.	
Environment Protection Act 1994	546	Power, as an administering authority, to prepare and submit a report to the chief executive.	
Environment Protection Act 1994	548(3)	Power, as an administering authority, to consult with the chief executive about guidelines the chief executive proposes for administering authorities.	
Environment Protection Act 1994	549(2)	Power to consult with the chief executive about guidelines the chief executive proposes.	
Environment Protection Act 1994	574BA	Power, in the circumstance referred to in subsection 574BA(1), to recover the administering authorities reasonable costs and expenses in performing the function.	
Environment Protection Act 1994	579(4)	Power, as the owner or occupier of the land, to claim compensation for any compensatable effect in a proceeding brought in a court of competent jurisdiction.	
Environment Protection Act 1994	620	Power, as an administering authority, to change or cancel a condition of an environmental authority given continuing effect under section 619(2)(d) or 619(4)(d) of this Act.	
Environment Protection Act 1994	621	Power, as an administering authority, in relation to an activity being carried out under section 619(1) of this Act, to give the person carrying out the activity a development approval and a registration certificate.	
Environment Protection Act 1994	623	Power, as an administering authority, to give the registered operator for a level 1 approval for a level 1 chapter 4 activity taken to be a registration certificate under section 619, a notice stating that section 316 applies to the registration certificate.	
Environment Protection Act 1994	634	Power, as an administering authority, to amend a condition about financial assurance imposed under Chapter 13 Part 7.	



Environment Protection Act 1994	671(2)	Power, as an administering authority, to consider or continue to consider, a draft transitional program submitted under section 332 or 333 before 4 April 2011 and decide whether to approve it under the unamended Act.	
Environment Protection Act 1994	697	Power, as an administering authority, to approve or refuse an application made by the holder of a transitional authority, to convert the conditions of the transitional authority to the standard conditions for the authority or relevant activity.	
Environment Protection Act 1994	698B	Power, as an administering authority, to approve an application to convert a surrendered registration certificate to an environmental authority that has been suspended under Chapter 5, Part 11A of this Act.	
Environment Protection Act 1994	699	Power, as an administering authority, to amend an environmental authority to which a requirement applies to impose a condition about the financial assurance and to give written notice of the amendment to the authority holder.	
Environmental Protection Regulation 2019			
Legislation	Section of Act	Description of Delegated Power	Conditions to which the Delegation is Subject
Environmental Protection Regulation 2019	21(4)	Power, where Council is a referral agency for a development application for a material change of use for a concurrence ERA to assess the development application against the matters stated in subsection 21(2)(a) to (c).	
Environmental Protection Regulation 2019	35(1)	Power, as an administering authority making an environmental management decision relating to an environmentally relevant activity, other than a prescribed ERA to do those things required in subsections 35(1)(a) to 35(1)(e).	
Environmental Protection Regulation 2019	35(3)	Power, as an administering authority making an environmental management decision relating to a prescribed ERA to do those things required in subsections 35(3)(a) and 35(3)(b).	
Environmental Protection Regulation 2019	36(1)	Power, as an administering authority making an environmental management decision relating to an activity, to consider whether to impose conditions about each of the matters listed in subsections 36(1)(a) to 36(1)(m).	
Environmental Protection Regulation 2019	37	Power, as an administering authority making an environmental management decision relating to an activity, to consider whether to impose monitoring conditions about the release of contaminants from the activity on the receiving environment.	
Environmental Protection Regulation 2019	40	Power, as an administering authority making an environmental management decision relating to an activity that involves, or may involve, the release of water or waste to a wetland for treatment, to refuse to grant the application for a reason listed in subsection 40(2).	
Environmental Protection Regulation 2019	41	Power, as an administering authority making an environmental management decision relating to an activity that involves, or may involve, the release of water or waste directly to groundwater, to refuse to grant the application for a reason listed in subsection 40(2).	
Environmental Protection Regulation 2019	41AA(3)	Power, as an administering authority in the circumstances set out in subsection 41AA(1), to refuse to grant the application if the relevant activity will, or may have, a residual impact.	
Environmental Protection Regulation 2019	47	Power, as a person who generates waste, if required by an authorised person, to retest the waste under chapter 5, part 1, division 2.	
Environmental Protection Regulation 2019	51(2)	Power, as a generator of waste in the circumstances prescribed in subsection 51(1), to notify the administering authority of the change within 24 hours after receiving the test results for the retesting.	
Environmental Protection Regulation 2019	51(3)	Power, as a generator of waste in the circumstances prescribed in subsection 51(1), to give a written report to the administering authority containing those things prescribed in subsection 51(3).	
Environmental Protection Regulation 2019	52	Power, as a generator of tested waste in the State, to:- (a) for each load of the waste transported to a receiver, record the prescribed information for the load in the approved form; (b) give the prescribed information for the load to the receiver; and (c) keep the record mentioned in subsection 52(1) for at least 5 years.	
Environmental Protection Regulation 2019	53	Power, as a receiver in the State who is given a load of tested waste, to:- (a) record the prescribed information for the load in the approved form; (b) within 24 hours after becoming aware of an omission or inaccuracy in the prescribed information, give written notice of the omission or inaccuracy to the administering authority; and (c) keep the record mentioned in subsection 53(2) for at least 5 years.	
Environmental Protection Regulation 2019	73	Power, as a waste handler to pay the fee to the chief executive when giving prescribed information about the transportation of trackable waste to the administering authority.	
Environmental Protection Regulation 2019	78(1)	Power, as a generator, to give the transporter the prescribed information about the waste in the prescribed form and to record the prescribed information about the waste.	
Environmental Protection Regulation 2019	78(2)	Power, as a generator, to give the prescribed information about the waste to the administering authority in the prescribed way and within the prescribed period after giving the waste to the transporter.	
Environmental Protection Regulation 2019	79(2)	Power, as a transporter, to give the receiver the prescribed information about the waste and to record the prescribed information about the waste.	
Environmental Protection Regulation 2019	79(3)	Power, as a transporter, to give the administering authority notice of a discrepancy in information received from the generator.	
Environmental Protection Regulation 2019	79(4)	Power, as a transporter, to keep the record mentioned in subsection 79(2)(b) for at least 5 years.	
Environmental Protection Regulation 2019	80(1)	Power, as a receiver, to record the prescribed information about the waste.	
Environmental Protection Regulation 2019	80(2)	Power, as a receiver, to give a copy of the prescribed information about the waste to the administering authority in the prescribed way and within the prescribed period.	
Environmental Protection Regulation 2019	80(3)	Power, as a receiver, to give the administering authority written notice of a discrepancy in information received from the transporter.	
Environmental Protection Regulation 2019	80(4)	Power, as a transporter, to keep the record mentioned in subsection 80(1) for at least 5 years.	
Environmental Protection Regulation 2019	84(1)	Power, as a receiver, to record the prescribed information about the waste.	
Environmental Protection Regulation 2019	84(2)	Power, as a receiver, to give the prescribed information about the waste to the administering authority in the prescribed way and within the prescribed period.	
Environmental Protection Regulation 2019	84(3)	Power, as a receiver, to give the administering authority written notice of a discrepancy in information received from the transporter.	
Environmental Protection Regulation 2019	84(4)	Power, as a receiver, to keep the record mentioned in subsection 84(1) for at least 5 years.	
Environmental Protection Regulation 2019	87(1)	Power, as a generator, to give the transporter the prescribed information about the waste and to record the prescribed information about the waste.	
Environmental Protection Regulation 2019	87(2)	Power, as a generator, to give the prescribed information about the waste to the administering authority in the prescribed way and within the prescribed period.	
Environmental Protection Regulation 2019	87(4)	Power, as a receiver, to keep the record mentioned in subsection 87(1)(b) for at least 5 years.	
Environmental Protection Regulation 2019	88(2)	Power, as a transporter, to give the administering authority notice of a discrepancy in information received from the generator.	
Environmental Protection Regulation 2019	92	Power to apply to the administering executive for approval of a particular way of giving prescribed information to the administering authority under division 3 and to take all steps necessary to advance the application.	
Environmental Protection Regulation 2019	93	Power to apply to the administering executive for a consignment number for a load of trackable waste to be transported into Queensland and to take all steps necessary to advance the application.	
Environmental Protection Regulation 2019	94	Power to apply to the administering executive for an exemption for the transportation of trackable waste to which Chapter 5, Part 9 applies and to take all steps necessary to advance the application.	
Environmental Protection Regulation 2019	97	Power to apply to the administering executive for a generator identification number.	
Environmental Protection Regulation 2019	101(1)(b)	Power to require an owner or occupier of relevant premises to supply waste containers other than standard general waste containers.	
Environmental Protection Regulation 2019	101(2)	Power to supply premises with standard general waste containers.	
Environmental Protection Regulation 2019	103(1)(a)	Power to require a waste container to be kept at a particular place at a premises.	
Environmental Protection Regulation 2019	104(2)	Power to require a prescribed person of serviced premises, other than a detached dwelling, to supply: (a) an elevated stand at a level required by Council; or (b) an imperviously paved and drained area for the waste containers, and (c) a hose cock and hose in the vicinity of the stand or paved area; and (d) a suitable enclosure for the waste containers.	
Environmental Protection Regulation 2019	105	Power to give a written notice about the removal of general waste.	
Environmental Protection Regulation 2019	106	Power to give a written approval to the owner or occupier of relevant premises for depositing or disposing of general waste and to impose conditions on the approval.	
Environmental Protection Regulation 2019	107(1)	Power to require the occupier of relevant premises where there is industrial waste to: (a) supply industrial waste containers; (b) keep the waste containers at a place at the premises that Council requires; and (c) keep each waste container clean and in good repair.	

Environmental Protection Regulation 2019	107(2)	Power, where the occupier does not supply the waste containers required under subsection 107(1)(a), to supply industrial waste containers.	
Environmental Protection Regulation 2019	108	Power to require occupier of relevant premises where there is industrial waste, to treat the waste to the standard approved by Council for disposal of the waste at a waste facility.	
Environmental Protection Regulation 2019	117(2)	Power, as an occupier of a reporting facility that under NPI NEPM exceeds the reporting threshold for a substance in the facility's reporting period, to give the chief executive the information identified in subsection 117(2).	
Environmental Protection Regulation 2019	117(7)	Power, as an occupier of a reporting facility that under NPI NEPM exceeds the reporting threshold for a substance in the facility's reporting period, to comply with a notice issued by the chief executive pursuant to subsection 117(6).	
Environmental Protection Regulation 2019	119	Power, as an occupier of a reporting facility that under NPI NEPM exceeds the reporting threshold for a substance in the facility's reporting period, to keep the information listed in section 119.	
Environmental Protection Regulation 2019	120	Power, as an occupier of a reporting facility that under NPI NEPM exceeds the reporting threshold for a substance in the facility's reporting period, to make written representations to the Minister in response to a notice issued pursuant to subsection 120(4).	
Environmental Protection Regulation 2019	123	Power, as an occupier of a reporting facility that under NPI NEPM exceeds the reporting threshold for a substance in the facility's reporting period, to apply to the chief executive for an estimation technique approval and to respond to any request for further information.	
Environmental Protection Regulation 2019	127	Power, as an occupier of a reporting facility that under NPI NEPM exceeds the reporting threshold for a substance in the facility's reporting period, to give the chief executive a written notice claiming that the information required to be given under section 117(2) or (7) should be treated as confidential and to respond to any requests for further information.	
Environmental Protection Regulation 2019	130, 131, 132, 133, 134, 135 and 136	Power to administer and enforce those provisions of the Act devolved to Council under Chapter 8, Part 1.	
Environmental Protection Regulation 2019	155	Power, as an administering authority, to recover as a debt an unpaid fee under the Act.	
Environmental Protection Regulation 2019	166(1)	Power, as a holder, to give the chief executive the documents listed in subsection 166(1).	
Environmental Protection Regulation 2019	170	Power, as a holder, to keep the records listed in in subsections 170(a) to (d).	
Environmental Protection Regulation 2019	171(3)	Power, as a holder, to comply with a notice issued by an authorised person pursuant to subsection 171(2).	
Environmental Protection Regulation 2019	172	Power, as a holder, to give the administering authority written notice that eligibility for the reduced annual fee under subsections 165(1)(c)(i) or (ii) has stopped.	
Environmental Protection Regulation 2019	173(2)	Power, as an administering authority, to require by written notice the holder to pay the difference between the annual fee and the reduced annual fee.	
Environmental Protection Regulation 2019	174(3)	Power, as an administering authority, to recover as a debt from the holder of an environmental authority an unpaid supplementary annual fee for an amended environmental authority.	
Environmental Protection Regulation 2019	175	Power, as an administering authority, to, by written notice, require the holder of an environmental authority for regulated waste transport to pay a supplementary annual fee and if unpaid, to recover the supplementary annual fee as a debt.	
Environmental Protection Regulation 2019	177(2)	Power, as an administering authority, to, by written notice, require the holder to pay:- (a) the annual fee or the outstanding amount of the fee; and (b) the late payment fee stated in schedule 15 of the Regulation.	
Environmental Protection Regulation 2019	177(3)	Power, as a holder, to comply with a notice issued pursuant to subsection 177(2).	
Environmental Protection Regulation 2019	178(2)	Power, as a holder, to pay the administering authority a fee for its assessment of the holder's annual returns and monitoring compliance with the transitional environmental program.	

**Environmental Protection (Water and Wetland Biodiversity) Policy 2019**

Legislation	Section of Act	Description of Delegated Power	Conditions to which the Delegation is Subject
Environmental Protection (Water and Wetland Biodiversity) Policy 2019	16(2)	Power, as a recognised entity, in cooperation with the chief executive, to develop and implement a healthy waters management plan.	

**Fire and Emergency Service Act 1990**

Legislation	Section of Act	Description of Delegated Power	Conditions to which the Delegation is Subject
Fire and Emergency Service Act 1990	58D	Power to comply with a requirement issued by an authorised fire officer under subsection (2).	
Fire and Emergency Service Act 1990	59	Power, at the direction of an authorised fire officer, to exercise a power conferred upon the authorised fire officer.	
Fire and Emergency Service Act 1990	64(2)	Power as an occupier of land to ask the commissioner to give a notice under section 64(1) o an occupier of adjoining land.	
Fire and Emergency Service Act 1990	65(1)	Power to apply to the commissioner for a permit to light a fire on land.	
Fire and Emergency Service Act 1990	67	Power, as occupier of the land, to: (a)take all reasonable steps to extinguish or control the fire; and (b)report the existence and location of the fire to a person identified in subsection 67(b).	
Fire and Emergency Service Act 1990	68(1)	Power, as occupier of land, to: (a)enter the land on which the fire is burning and any other land in order to gain access to the land where the fire is burning; and (b)take on to the land, equipment for extinguishing or controlling the fire; and (c)take all reasonable measures to extinguish or control the fire.	
Fire and Emergency Service Act 1990	68(1)	Power, as occupier of land, to direct persons to:- (a)enter the land on which the fire is burning and any other land in order to gain access to the land where the fire is burning; and (b)take on to the land, equipment for extinguishing or controlling the fire; and (c)take all reasonable measures to extinguish or control the fire.	
Fire and Emergency Service Act 1990	69	Power to comply with a requisition notice.	
Fire and Emergency Service Act 1990	96	Power, as the occupier of a premises in or on which any dangerous goods are stored or to be stored, to provide information sought by the commissioner in a notice.	
Fire and Emergency Service Act 1990	97, 99 and 100	Power, as the occupier of a premises in or on which any dangerous goods are stored or to be stored, to prepare an off-site emergency plan and to amend the plan.	
Fire and Emergency Service Act 1990	98(2)	Power to pay to the commissioner charges for any advice or other assistance provided in preparation of an off-site emergency plan.	
Fire and Emergency Service Act 1990	101	Power to implement an off-site emergency plan.	
Fire and Emergency Service Act 1990	102(1)	Power to give written notice to the chief executive of a change of circumstances affecting an off-site emergency plan.	
Fire and Emergency Service Act 1990	104E	Power, as the occupier of a building, to maintain a fire and evacuation plan and to provide instructions to prescribed persons in the building concerning the action to be taken by them in the event of fire threatening the building.	
Fire and Emergency Service Act 1990	104F(2)	Power to pay to the commissioner charges for any advice or other assistance provided in preparation of a fire and evacuation plan.	
Fire and Emergency Service Act 1990	104G(2)	Power to consult with the commissioner about a notice under section 104G(1).	
Fire and Emergency Service Act 1990	104G(3)	Power, as the occupier or owner of a building, to comply with a notice issued by the commissioner under section 104G(1).	
Fire and Emergency Service Act 1990	104I(9)	Power to consult with an authorised officer about a notice under section 104I(7) or (8).	
Fire and Emergency Service Act 1990	104SI(2)(b)(ii)	Power to nominate a person to be appointed an assessor by the commissioner to help QCAT in section 104SG(1) proceedings.	Sub-delegation from CEO to Employee is not recommended.
Fire and Emergency Service Act 1990	109(1)	Power to furnish to the chief executive a return disclosing the particulars prescribed under a regulation relating to certain properties.	
Fire and Emergency Service Act 1990	111(2)	Power to collect annual contributions and other amounts imposed by the local government pursuant to Part 10 of the <i>Fire and Emergency Service Act</i> .	
Fire and Emergency Service Act 1990	112(1)	Power to, in respect of each financial year: (a) determine the prescribed properties within its area; and (b) determine the annual contributions payable in respect of prescribed properties by reference to the categories prescribed under a regulation made under section 108.	
Fire and Emergency Service Act 1990	112(2)	Power to give the owner of a prescribed property a levy notice.	
Fire and Emergency Service Act 1990	113(3)	Power to give the chief executive information which is relevant to the determination of an appeal against a local government's determination, if required by the chief executive.	

Fire and Emergency Service Act 1990	<b>113(6)</b>	Power to amend, revoke or give a new levy notice if the chief executive allows an appeal.	
Fire and Emergency Service Act 1990	<b>113(7)</b>	Power to refund to the appellant any amount paid in respect of contributions, for the financial year to which the notice relates and for any previous financial year, in excess of the amount calculated in accordance with the chief executive's determination.	
Fire and Emergency Service Act 1990	<b>117(3)</b>	Power to decide the way in which it keeps an administration fee for performing functions under Part 10 of the <i>Fire and Emergency Service Act</i> .	
Fire and Emergency Service Act 1990	<b>118(1)</b>	Power to make payments to the department, for the fund, out of its operating fund from moneys received or recovered by the local government under Part 10.	
Fire and Emergency Service Act 1990	<b>118(4)</b>	Power to prepare and submit a return in the approved form	
Fire and Emergency Service Act 1990	<b>121(2)</b>	Power to refuse or grant, subject to any conditions, an application to pay contributions by instalments.	
Fire and Emergency Service Act 1990	<b>126(1)</b>	Power to engage a debt collector (authorised to perform a debt collection activity under the <i>Debt Collectors (Field Agents and Collection Agents) Act 2014</i> ) to collect any arrears of annual contribution payable by an owner of prescribed property, and to require by notice in writing the owner to pay an amount by way of a collection fee.	
Fire and Emergency Service Act 1990	<b>128A</b>	Power to contribute amounts raised via special rates or charges, or separate rates or charges, to rural fire brigades operating in Council's local government area.	
Fire and Emergency Service Act 1990	<b>133(2)</b>	Power to consult with the commissioner about the establishment of an SES unit in Council's local government area.	
Fire and Emergency Service Act 1990	<b>134(2)</b>	Power to nominate a person to be the local controller for an SES unit.	
Fire and Emergency Service Act 1990	<b>136(3)</b>	Power as a local government affected by a disaster to request the commissioner to appoint a person as a SES coordinator.	
Fire and Emergency Service Act 1990	<b>136(4)</b>	Power to consult with the commissioner about the appointment of a person as a SES coordinator.	
Fire and Emergency Service Act 1990	<b>140</b>	Power to enter an agreement with the Department which sets out the responsibilities of each party in relation to the SES in Council's local government area.	
Fire and Emergency Service Act 1990	<b>141(2)</b>	Power to consult with the commissioner about the establishment of an ES unit in Council's local government area.	
Fire and Emergency Service Act 1990	<b>142(3)</b>	Power to consult with the commissioner about the functions of an ES unit in Council's local government area.	
Fire and Emergency Service Act 1990	<b>146(2)</b>	Power to nominate a person to be a ES unit coordinator.	
Fire and Emergency Service Act 1990	<b>152C(4)</b>	Power to produce to an authorised person any document or record mentioned in subsection (2)(b).	
<b>Food Act 2006</b>			
<b>Legislation</b>	<b>Section of Act</b>	<b>Description of Delegated Power</b>	<b>Conditions to which the Delegation is Subject</b>
Food Act 2006	<b>23(1)</b>	Power to administer and enforce the following provisions of the <i>Food Act 2006</i> : (a) section 39(1); (b) chapters 3 and 4; (c) chapter 6, other than section 159.	
Food Act 2006	<b>24</b>	Power to administer and enforce sections 32, 33, 35 and 36 of the <i>Food Act 2006</i> , in conjunction with the State.	
Food Act 2006	<b>25(1)(a)</b>	Power to agree with the chief executive that the State may do a thing that is a matter of administration and enforcement for local government under section 23(1) of the <i>Food Act 2006</i> .	
Food Act 2006	<b>25(1)(b)</b>	Power to agree with the chief executive that Council may do a thing that is a matter of administration and enforcement for the State under section 22(1) of the <i>Food Act 2006</i> .	
Food Act 2006	<b>28</b>	Power to consult with the chief executive, and provide information required by the chief executive, about the administration and enforcement of sections 24 and 25 of the <i>Food Act 2006</i> .	
Food Act 2006	<b>55</b>	Power to consider and grant, or refuse to grant, an application for a licence to carry on a licensable food business.	
Food Act 2006	<b>56(2)</b>	Power to obtain and consider the written advice of an auditor about whether a food safety program complies with section 98.	
Food Act 2006	<b>58</b>	Power to decide whether premises are suitable for carrying on a licensable food business.	
Food Act 2006	<b>59(1)(a)</b>	Power to make enquiries as to the suitability of the applicant to hold a licence, and the suitability of the premises for carrying on a licensable food business.	
Food Act 2006	<b>59(1)(b)</b>	Power to require the applicant to give Council further information or documents that Council reasonably requires.	
Food Act 2006	<b>62(2)</b>	Power to extend the time needed to make a decision about the application.	
Food Act 2006	<b>62(3)</b>	Power to agree with the applicant, at any time prior to the final consideration day, about the day upon which the application must be decided.	
Food Act 2006	<b>64</b>	Power to issue a provisional licence, at any time prior to deciding an application for a licence.	
Food Act 2006	<b>67</b>	Power to decide the term of the licence. (Note: not more than 3 years).	
Food Act 2006	<b>68(1)</b>	Power to decide the term of the provisional licence. (Note: not more than 3 months).	
Food Act 2006	<b>68(2)</b>	Power to extend, and further extend, the term of a provisional licence (to a total period of not more than 3 months after the provisional licence was issued).	
Food Act 2006	<b>69(1)(e)</b>	Power to impose reasonable conditions on the licence.	
Food Act 2006	<b>72(3)</b>	Power to consider and renew, or refuse to renew, the licence for an application made under section 72(1) of the <i>Food Act 2006</i> .	
Food Act 2006	<b>73(3)</b>	Power to consider and restore, or refuse to restore, the licence, where application has been made under section 73(1) of the <i>Food Act 2006</i> .	
Food Act 2006	<b>74(3)</b>	Power to consider and amend, or refuse to amend, a licence, where application has been made under section 74(1) of the <i>Food Act 2006</i> .	
Food Act 2006	<b>75(1)</b>	Power to require the applicant to give Council further information or documents Council reasonably requires to decide the application (for an application that is made under Chapter 3, Part 5, Division 2, Subdivision 1, i.e. sections 72(1), 73(1) and 74(1)).	
Food Act 2006	<b>77(4)</b>	Power to give an information notice where Council has failed to decide an application within 30 days of receipt under Chapter 3, Part 5, Division 2, Subdivision 1, i.e. Sections 72(1), 73(1) and 74(1).	
Food Act 2006	<b>79(2)</b>	Power to give a show cause notice.	
Food Act 2006	<b>80(2)</b>	Power to consider representations about a show cause notice.	
Food Act 2006	<b>81</b>	Power to end the show cause process after considering representations made by the licensee.	
Food Act 2006	<b>82(2)(a)</b>	Power to suspend a licence after considering representations (if any).	
Food Act 2006	<b>82(2)(b)</b>	Power to cancel a licence after considering representations (if any).	
Food Act 2006	<b>83(1)</b>	Power to suspend a licence immediately.	
Food Act 2006	<b>83(2)</b>	Power to give an information notice and show cause notice, as required, before suspending a licence pursuant to section 83(1).	
Food Act 2006	<b>90(1)</b>	Power, as the second local government, to take the same action as the first local government (except the power to cancel, suspend impose conditions or other similar action in relation to the licence).	
Food Act 2006	<b>91(2)</b>	Power, as the second local government, to advise the first local government of the thing done or omitted to be done by a licensee of a mobile food business.	
Food Act 2006	<b>92(2)</b>	Power, as the first local government, to take action, in relation to a thing done or omitted to be done by the licensee in the second local government area.	
Food Act 2006	<b>97</b>	Power to consider and grant, or refuse to grant, an application for a replacement licence.	
Food Act 2006	<b>103(1)</b>	Power to consider an application and to accredit, or refuse to accredit, the food safety program.	
Food Act 2006	<b>103(2)</b>	Power to obtain and consider the written advice of an auditor about whether or not the food safety program complies with the criteria in section 104.	
Food Act 2006	<b>105(1)</b>	Power, before deciding the application, to require the applicant to give further information or documents reasonably required to decide the application.	
Food Act 2006	<b>107(4)</b>	Power to give an information notice to the applicant where the application is refused under section 107.	
Food Act 2006	<b>108(1)</b>	Power to decide that more time is needed to make a decision about the application.	
Food Act 2006	<b>108(3)</b>	Power to agree with the applicant, at any time prior to the final consideration day, about the day upon which the application must be decided.	
Food Act 2006	<b>109(2)</b>	Power, after accrediting an applicant's food safety program, to decide how often the program must have compliance audits.	
Food Act 2006	<b>110</b>	Power to determine changes to the frequency of compliance audits for a food safety program accredited by Council.	

Food Act 2006	112(4)	Power to consider an application and approve, or refuse to approve, the amendment of an accredited food safety program.	
Food Act 2006	113(1)	Power, before deciding the application, to require the applicant to give further information or documents reasonably required to decide the application.	
Food Act 2006	114	Power, by notice, to direct the holder of a Council accredited food safety program to amend the program.	
Food Act 2006	118	Power to give the holder of a food safety program a show cause notice, and to decide the term of the show cause period.	
Food Act 2006	119	Power to consider representations about a show cause notice.	
Food Act 2006	120	Power, after considering written representations by the holder of the accredited food safety program, to take no further action.	
Food Act 2006	121(2)	Power to cancel the accreditation of a food safety program.	
Food Act 2006	160(2)	Power to conduct a nonconformance audit of a food safety program.	
Food Act 2006	210(2)	Power to approve an improvement notice where remedying the contravention would be likely to stop the food business from operating.	
Food Act 2006	237	Power, as the 'reviewer', to review an original decision under Chapter 3 or Chapter 4 of the Food Act 2006.	
Food Act 2006	238(2)	Power, as reviewer, to, at any time, extend the time to apply for a review.	
Food Act 2006	239	Power, as reviewer, to, after reviewing the original decision, make a further decision to: (a) confirm the original decision; or (b) amend the original decision; or (c) substitute another decision for the original decision.	
<b>Food Production (Safety) Act 2000</b>			
<b>Legislation</b>	<b>Section of Act</b>	<b>Description of Delegated Power</b>	<b>Conditions to which the Delegation is Subject</b>
Food Production (Safety) Act 2000	83	Power to approve the appointment of an employee of Council as an authorised officer by Safe Food Production (QLD).	Sub-delegation from CEO to Employee is not recommended.
<b>Heavy Vehicle National Law (Qld)</b>			
<b>Legislation</b>	<b>Section of Act</b>	<b>Description of Delegated Power</b>	<b>Conditions to which the Delegation is Subject</b>
Heavy Vehicle National Law (Qld)	26C	Power, as a party in the chain of responsibility for a heavy vehicle, to ensure, so far as is reasonably practicable, the safety of the party's transport activities relating to the vehicle.	
Heavy Vehicle National Law (Qld)	69	Power to apply for a vehicle standards exemption permit and to comply with any request from the Regulator for further information.	
Heavy Vehicle National Law (Qld)	75	Power, as the holder of a permit for a vehicle standards exemption (permit), to apply to the Regulator for an amendment or cancellation of the exemption and to comply with any request from the Regulator for further information.	
Heavy Vehicle National Law (Qld)	76(2)(e)	Power, as the holder of a permit for a vehicle standards exemption permit, to make written representation in response to a notice issued by the Regulator issued under subsection (2).	
Heavy Vehicle National Law (Qld)	79(1)	Power, as the holder of a permit for a vehicle standards exemption permit, to comply with a notice issued by the Regulator requiring the return of the permit.	
Heavy Vehicle National Law (Qld)	80(1)	Power, in the circumstances specified in subsection (1), to apply for a replacement permit.	
Heavy Vehicle National Law (Qld)	82(3)	Power, as a relevant party for a driver mentioned in subsection (2), to ensure the driver complies with subsection (2).	
Heavy Vehicle National Law (Qld)	83(3)	Power, as a relevant party for a driver mentioned in subsection (2), to ensure the driver complies with subsection (2).	
Heavy Vehicle National Law (Qld)	96(1)	Power, as a person who permits another person to drive a heavy vehicle on a road, to ensure the vehicle, and the vehicle's components and load, comply with the mass requirements applying to the vehicle.	
Heavy Vehicle National Law (Qld)	102(1)	Power, as a person who permits another person to drive a heavy vehicle on a road, to ensure the vehicle, and the vehicle's components and load, comply with the dimension requirements applying to the vehicle.	
Heavy Vehicle National Law (Qld)	111(1)	Power, as a person who permits another person to drive a heavy vehicle on a road, to ensure the vehicle, and the vehicle's components and load, comply with the loading requirements applying to the vehicle.	
Heavy Vehicle National Law (Qld)	118(1)(b)	Power, as a road manager, to consent to the grant of a mass or dimension exemption (notice)	
Heavy Vehicle National Law (Qld)	119(5)(b)	Power, as a road manager, to consent to the amendment of a map or list imposed on a mass or dimension exemption (notice)	
Heavy Vehicle National Law (Qld)	123	Power to apply to the Regulator for a mass or dimension exemption (permit) and to comply with a notice from the Regulator for additional information.	
Heavy Vehicle National Law (Qld)	124(1)(b)	Power, as a road manager, to consent to the grant of a mass or dimension exemption (permit)	
Heavy Vehicle National Law (Qld)	130(3)	Power, as an operator of a heavy vehicle, to ensure, so far as is reasonably practicable, the driver of the pilot vehicle or escort vehicle complies with subsection (2). the vehicle, and the vehicle's components and load, comply with the loading requirements applying to the vehicle.	
Heavy Vehicle National Law (Qld)	132(3)	Power, as a relevant party for a driver mentioned in subsection (2), to ensure the driver complies with subsection (2).	
Heavy Vehicle National Law (Qld)	133(3)	Power, as a relevant party for a driver mentioned in subsection (1), to ensure the driver complies with subsection (1).	
Heavy Vehicle National Law (Qld)	139(1)(b)	Power, as a road manager, to consent to the grant of a class 2 heavy vehicle authorisation (notice)	
Heavy Vehicle National Law (Qld)	142(6)(b)	Power, as a road manager, to consent to the amendment of a map or list imposed on a class 2 heavy vehicle authorisation (notice)	
Heavy Vehicle National Law (Qld)	145(1)(b)	Power, as a road manager, to consent to the grant of a class 2 heavy vehicle authorisation (permit)	
Heavy Vehicle National Law (Qld)	151(3)	Power, as a relevant party for a driver mentioned in subsection (2), to ensure the driver complies with subsection (2).	
Heavy Vehicle National Law (Qld)	152(3)	Power, as a relevant party for a driver mentioned in subsection (1), to ensure the driver complies with subsection (1).	
Heavy Vehicle National Law (Qld)	156(1)	Power, as a road manager, to consent or not to consent to the grant of a mass or dimension authority.	
Heavy Vehicle National Law (Qld)	156(2)	Power, as a road manager, to ask the Regulator for a longer period of time under section 156(1)(b).	
Heavy Vehicle National Law (Qld)	156A(2)	Power, as a road manager, to determine that the consent should only be given if the mass of the vehicle under the application for the authority was less than applied for, and give the consent subject to a road condition that the vehicle not exceed the mass.	
Heavy Vehicle National Law (Qld)	156A(4)	Power to give the Regulator a written statement that explains the road manager's decision and complies with section 172.	
Heavy Vehicle National Law (Qld)	159(2)	Power, as a road manager, to notify the Regulator:- (a) that a route assessment is required for the road manager deciding whether to give or not to give the consent; (b) the fee payable (if any) for the route assessment under a law of the jurisdiction in which the road is situated.	
Heavy Vehicle National Law (Qld)	s 160(1), 161(1) and 162(1)	Power, as a road manager, to consent to the grant a mass or dimension authority subject to conditions.	
Heavy Vehicle National Law (Qld)	s 160(2), 161(2) and 162(2)	Power, as a road manager for a mass or dimension authority, to give the Regulator a written statement that explains the road manager's decision and complies with section 172.	
Heavy Vehicle National Law (Qld)	167(2)(b)	Power, as a road manager for a mass or dimension authority, to give the Regulator a notice objecting to the application of section 167 to the proposed replacement authority.	
Heavy Vehicle National Law (Qld)	167(2)(b)(ii)	Power, as a road manager for a mass or dimension authority, to seek an extension of time to give a notice under section 167(2)(b).	
Heavy Vehicle National Law (Qld)	169(1)	Power, as a road manager for a mass or dimension authority, to give consent to the grant of a mass or dimension authority for a trial period of no more than 3 months.	
Heavy Vehicle National Law (Qld)	170(3)	Power, as a road manager for a mass or dimension authority, to object to the renewal of the authority for a further trial period.	
Heavy Vehicle National Law (Qld)	174(2)	Power, as a road manager for a mass or dimension authority granted by Commonwealth gazette notice, to request the Regulator to amend or cancel the authority if the circumstances of section 174(1) exist.	
Heavy Vehicle National Law (Qld)	178(2)	Power, as a road manager for a mass or dimension authority granted by permit, to request the Regulator to amend or cancel the authority if the circumstances of section 178(1) exist.	

Heavy Vehicle National Law (Qld)	264(2)	Power, as a relevant party for the driver, in the circumstances mentioned in subsection (1), to ensure, so far as is reasonably practicable, the driver:- (a) does not drive a fatigue-regulated heavy vehicle after making the change unless the driver has complied with section 263; and (b) can comply with his or her obligations in relation to the change.	
Heavy Vehicle National Law (Qld)	274	Power, as a person referred to in subsection (1), to apply to the Regulator for a work and rest hours exemption and provide any additional information sought by the Regulator.	
Heavy Vehicle National Law (Qld)	280	Power, as the holder of a permit for a work and rest hours exemption, to apply to the Regulator for an amendment or cancellation of the exemption and to provide any additional information sought by the Regulator.	
Heavy Vehicle National Law (Qld)	284	Power to comply with a notice from the Regulator regarding a work and rest hours exemption.	
Heavy Vehicle National Law (Qld)	285	Power, where a permit for a work and rest hours exemption is defaced, destroyed, lost or stolen, to apply to the Regulator for a replacement permit.	
Heavy Vehicle National Law (Qld)	287(3)	Power, as a relevant party for a driver mentioned in subsection (2), to ensure the driver complies with subsection (2).	
Heavy Vehicle National Law (Qld)	288(3)	Power, as a relevant party for a driver mentioned in subsection (1), to ensure the driver complies with subsection (1).	

**Heavy Vehicle (Mass, Dimension and Loading) National Regulation**

Legislation	Section of Act	Description of Delegated Power	Conditions to which the Delegation is Subject
Heavy Vehicle National Law Regulation 2014	4(2)	Power, as a road manager, to set the fee payable for a route assessment.	

**Heavy Vehicle (Mass, Dimension and Loading) National Regulation**

Legislation	Section of Act	Description of Delegated Power	Conditions to which the Delegation is Subject
Heavy Vehicle (Mass, Dimension and Loading) National Regulation	13(1)(b)	Power, as a road manager, to consent to the making of an HML declaration.	
Heavy Vehicle (Mass, Dimension and Loading) National Regulation	14(3)	Power, as a relevant road manager for an HML declaration, to consent to the making of the declaration subject to the condition that stated intelligent access conditions are imposed on the use of a stated type of HML heavy vehicle under the higher mass limits in an area or on a route to which the declaration applies.	
Heavy Vehicle (Mass, Dimension and Loading) National Regulation	14(4)	Power, as a relevant road manager for an HML declaration, to give written reasons for a decision made under subsection 14(3) to the Regulator.	
Heavy Vehicle (Mass, Dimension and Loading) National Regulation	18	Power, as a relevant road manager for an HML declaration in the circumstances set out in subsection 18(1), to ask the Regulator to do one or more of the things listed in subsection 18(2).	
Heavy Vehicle (Mass, Dimension and Loading) National Regulation	s 22(1)(b) and 23	Power, as a road manager, to consent to the granting of an HML permit.	
Heavy Vehicle (Mass, Dimension and Loading) National Regulation	24(1)(a)	Power, as a road manager, to consent to the granting of an HML permit subject to conditions.	
Heavy Vehicle (Mass, Dimension and Loading) National Regulation	29(4)	Power, as a road manager, to consent to amendment of an HML permit.	
Heavy Vehicle (Mass, Dimension and Loading) National Regulation	31(2)	Power, as a road manager for a HML permit, to request the regulator to amend or cancel the permit.	
Heavy Vehicle (Mass, Dimension and Loading) National Regulation	41(1)	Power, as a road manager, to consent to a declaration of the regulator pursuant to section 40.	

**Human Rights Act 2019**

Legislation	Section of Act	Description of Delegated Power	Conditions to which the Delegation is Subject
Human Rights Act 2019	49(2)	Power, as a party to a proceeding before a court, in the circumstances in subsection 49(1), to make an application to have the proceeding referred to the Supreme Court.	
Human Rights Act 2019	52(1)(a)	Power, as a party to a proceeding in the Supreme Court, <del>or</del> District Court, Land Court or Land Appeal Court, to give notice in the approved form to the Attorney-General and the commission if: (a) a question of law arises that relates to the application of the Act; or (b) a question arises in relation to the interpretation of a statutory provision in accordance with the Act.	
Human Rights Act 2019	52(1)(b)	Power, as a party to a proceeding, to give notice in the approved form to the Attorney-General and the commission if a question is referred to the Supreme Court under section 49.	
Human Rights Act 2019	77(1)	Power, where the commissioner decides to accept a human rights complaint, to comply with the actions taken by the commissioner including:- (a) making submissions to the commission in writing in response to the complaint; (b) complying with a direction to give the commission information relevant to the complaint; (c) participating in a conciliation of the complaint under part 4, division 2, subdivision 4.	
Human Rights Act 2019	78(5)	Power, as a relevant entity for a complaint, to comply with a direction given by the commissioner under subsection 78(2).	
Human Rights Act 2019	83(1)	Power, as a party to a complaint, to seek the consent of the commissioner to be represented by another person.	
Human Rights Act 2019	93(2)	Power to make submissions to the commissioner about a proposed adverse comment in a report prepared under section 88 or part 4, division 3.	
Human Rights Act 2019	98(3)	Power to comply with a notice, issued by the commissioner pursuant to subsection 98(1), to provide information.	

**Industrial Relations Act 2016**

Legislation	Section of Act	Description of Delegated Power	Conditions to which the Delegation is Subject
Industrial Relations Act 2016	23(2)	Power, as the employer, to ask or require an employee to work additional hours if the hours are reasonable under section 26.	
Industrial Relations Act 2016	25(1)	Power, as the employer, to agree with an employee who is not covered by an applicable industrial instrument, to an averaging arrangement.	
Industrial Relations Act 2016	28(1) and (2)	Power, as the employer, to decide an employee's request for flexible working arrangements with or without conditions.	
Industrial Relations Act 2016	28(3)	Power, as the employer, to give written notice of the decision on an employee's request for flexible working arrangements.	
Industrial Relations Act 2016	33(1)	Power, as the employer, to agree when an employee is to take annual leave.	
Industrial Relations Act 2016	33(3)	Power, as the employer, and where the employer and employee cannot agree when the employee is to take annual leave, to decide when the employee is to take the leave and give the applicable notice to the employee.	
Industrial Relations Act 2016	33(4)	Power, as the employer, to agree that an employee may take annual leave before becoming entitled to it.	
Industrial Relations Act 2016	35(1)	Power, as the employer, to agree to pay the employee for annual leave otherwise than in advance.	
Industrial Relations Act 2016	37(2)	Power, as the employer, to agree that an employee may cash out a particular amount of annual leave.	
Industrial Relations Act 2016	38(3)	Power, as the employer, to pay an employee for annual leave not taken on termination of employment.	
Industrial Relations Act 2016	42(4)	Power, as the employer, to agree to an employee taking additional unpaid carer's leave.	
Industrial Relations Act 2016	43(3)	Power, as the employer, to agree to an employee who is a short term casual taking additional unpaid carer's leave.	
Industrial Relations Act 2016	44(3)	Power, as the employer, to agree to an employee who is a long term casual taking additional unpaid carer's leave.	
Industrial Relations Act 2016	45(1)	Power, as the employer, to require an employee to give a doctor's certificate or statutory declaration as evidence of the need to take carer's leave for more than 2 consecutive days.	
Industrial Relations Act 2016	45(2)	Power, as the employer, to require an employee to give a statutory declaration or evidence mentioned in section 45(3)(a) to (d) as evidence of the need to take carer's leave to care for or support a person who has experienced domestic violence.	
Industrial Relations Act 2016	49(1)	Power, as the employer, to require an employee to give a copy of a funeral notice or other evidence as evidence of a death resulting in the taking of bereavement leave.	
Industrial Relations Act 2016	49(2)	Power, as the employer, to require an employee to give evidence to satisfy a reasonable person that the employee was taking compassionate leave because a member of the employee's family or household's life was threatened by personal illness or personal injury.	
Industrial Relations Act 2016	50	Power, as the employer, to agree to an employee taking additional unpaid bereavement leave or compassionate leave.	

Industrial Relations Act 2016	51(2)	Power, as the employer, to agree to an employee taking unpaid cultural leave.	
Industrial Relations Act 2016	52(3)	Power, as the employer, to agree to an employee taking additional unpaid domestic and family violence leave.	
Industrial Relations Act 2016	54(1)	Power, as the employer, and where an employee has claimed domestic and family violence leave, to ask the employee for evidence that the employee has experienced domestic violence and needs to take leave as a result.	
Industrial Relations Act 2016	63(3)(a)	Power, as the employer, to require the employee to provide sufficient evidence to satisfy a reasonable person that the employee is pregnant and the expected date of birth.	
Industrial Relations Act 2016	64(3)(a)	Power, as the employer, to require the employee to provide sufficient evidence to satisfy a reasonable person that the employee's spouse is pregnant and the expected date of birth.	
Industrial Relations Act 2016	71(2)	Power, as the employer, to inform the employee his/her entitlements and obligations under chapter 2, part 3, division 8.	
Industrial Relations Act 2016	72	Power, as the employer that has decided to implement significant change at a workplace, to advise employees on parental leave about the proposed change before it is implemented and give each employee reasonable opportunity to discuss any significant effect the change will have on the employee's position.	
Industrial Relations Act 2016	73(2)	Power, as the employer, to agree to an employee entitled to parental leave under subdivision 2, or who is taking parental leave, making more than 1 application under subsection (1) within a 12-month period in relation to a particular instance of parental leave.	
Industrial Relations Act 2016	74(3)	Power, as the employer, to agree to an employee on parental leave, making more than 1 application under subsection (1) within a 12-month period.	
Industrial Relations Act 2016	76	Power, as the employer, to decide an application by an employee entitled to or taking parental leave to extend parental leave if the circumstances of section 73 exist, to discuss the application and to give written notice of that decision.	
Industrial Relations Act 2016	76	Power, as the employer, to decide an application by an employee on parental leave to return to work on a part-time basis pursuant to section 74, to discuss the application and to give written notice of that decision.	
Industrial Relations Act 2016	78(3)	Power, as the employer, to nominate a time for the employee to resume work.	
Industrial Relations Act 2016	79(3)	Power, as the employer, to agree to an employee taking paid sick leave or other paid leave whilst the employee is on unpaid parental leave.	
Industrial Relations Act 2016	80(1)(b)	Power, as the employer, to agree to an employee on parental leave performing work on a keeping in touch day.	
Industrial Relations Act 2016	81	Power, as the employer, to agree that an employee break the period of parental leave by returning to work.	
Industrial Relations Act 2016	83	Power, as the employer, to agree to an employee on parental leave shortening the period of leave.	
Industrial Relations Act 2016	84	Power, as the employer, to give notice to the employee of the day on which the employee must return to work and, if the employee returns to work, to cancel the rest of the parental leave.	
Industrial Relations Act 2016	89	Power, as the employer of an employee whose present work is, because of pregnancy or breastfeeding, a risk to the health or safety of the employee or their unborn or newborn child, to:- (a) temporarily adjust the employee's working conditions or hours of work, or (b) transfer the employee to other appropriate work; or (c) in the circumstances in subsection 89(5), grant the employee birth-related leave, or any available paid sick leave.	
Industrial Relations Act 2016	92(1)	Power, as the employer of a replacement employee, to give the replacement employee written notice of the temporary nature of the employment and the parent's right to return to work.	
Industrial Relations Act 2016	97(2)	Power, as the employer, to agree when an employee is to take long service leave.	
Industrial Relations Act 2016	97(3)	Power, as the employer, and where the employer and employee cannot agree when the employee is to take long service leave, to decide when the employee is to take the leave and give the applicable notice to the employee.	
Industrial Relations Act 2016	98(4)	Power, as the employer, where the employee is on long service leave and where the ordinary rate is increased or reduced, to pay the employee at the increased or reduced rate for the leave period to which the increased or reduced rate applies.	
Industrial Relations Act 2016	101	Power, as the employer, to agree on when, and the way in which, the employee will be paid for long service leave.	
Industrial Relations Act 2016	104	Power, as the employer of a casual or regular part-time employee, to agree that the employee's entitlement to long service leave may be taken in the form of its full time equivalent.	
Industrial Relations Act 2016	110(2)	Power, as the employer, to agree in writing with the employee that the employee be paid for all or part of an entitlement to long service leave instead of taking the leave.	
Industrial Relations Act 2016	111(2)	Power, as the employer, upon an employee's death, to pay the employee's legal personal representative any amount payable for the employee's entitlement to long service leave that has not already been paid.	
Industrial Relations Act 2016	116(2)	Power, as the employer, to ask an employee to work on a public holiday if the request is reasonable.	
Industrial Relations Act 2016	121(1)	Power, as the employer, to dismiss an employee if the circumstances of section 121(1) exist.	
Industrial Relations Act 2016	127(2)	Power, as the employer who obtains other acceptable employment for the employee or cannot pay the amount, to apply to the commission for an order reducing the amount of the redundancy pay to a stated amount the commission considers appropriate.	
Industrial Relations Act 2016	129	Power, as the employer, to give each employee before, or as soon as practicable after, the employee starts working for the employer, the information and documents required by section 129(1).	
Industrial Relations Act 2016	137(9)	Power, as the employer, where a magistrate has made an order about an offence against section 137(4) and that order states both alternatives of section 137(8), to decide how to comply with that order in terms of the alternatives.	
Industrial Relations Act 2016	147(2)(b)	Power, as an employer, to apply to the commission to:- (a) make a modern award; or (b) make an order varying a modern award.	
Industrial Relations Act 2016	150(3)(b)(iii)	Power, as an employer, to apply to the commission to make an order revoking a modern award.	
Industrial Relations Act 2016	156(1)(b)(i)	Power, as a person to whom a modern award applies, to apply to the commission to review the award.	
Industrial Relations Act 2016	165	Power, as an employer, to make a certified agreement with 1 or more employee organisations that represent, or are entitled to represent, Council's employees, or the employees of Council at the time the agreement is made.	
Industrial Relations Act 2016	167(a)	Power, as an employer, to consent to the making of a bargaining award.	
Industrial Relations Act 2016	169(2)	Power, as a proposer, to give a notice of intention to:- (a) the other proposed parties to the negotiations; (b) if the negotiations relate to a project agreement—all relevant employee organisations and the commission.	
Industrial Relations Act 2016	170(2)	Power, as a recipient of a notice of intention where the negotiations:- (a) relate to a project agreement; or (b) involve a multi-employer agreement, to give written notice of Council's intention to be a party to the negotiations to the proposer and the commission.	
Industrial Relations Act 2016	171(2)	Power, as the employer and where the circumstances of section 171(1) exist, to take reasonable steps to ensure compliance with section 171(2).	
Industrial Relations Act 2016	171(4)	Power, as the employer and where the circumstances of section 171(1) exist, to give the relevant employee organisation a reasonable opportunity to represent the employee as required by section 171(4).	
Industrial Relations Act 2016	172(2)	Power, as the employer and where the circumstances of section 172(1) exist, to negotiate with the single bargaining unit.	
Industrial Relations Act 2016	173	Power, as negotiating party, to negotiate in good faith and do all things listed in subsections (2) <del>and to (35)</del> .	
Industrial Relations Act 2016	175(1)(b)	Power, as negotiating party, where the peace obligation period has ended, to ask the commission to help the parties reach an agreement.	
Industrial Relations Act 2016	175(2)	Power, as one of the negotiating parties, to notify the commission that the parties intend to resume negotiating without the commission's help.	
Industrial Relations Act 2016	176(2)	Power, as a negotiating party, to comply with an attendance notice and negotiate on Council's behalf at a conciliation conference.	
Industrial Relations Act 2016	178(1)	Power, as one of the negotiating parties, to apply to the commission for arbitration of the matter.	
Industrial Relations Act 2016	179A(2)	Power, as one of the negotiating parties, to consent to the full bench referring arbitration of the matter to a commissioner sitting alone.	
Industrial Relations Act 2016	181(1)	Power, as one of the negotiating parties, to agree matters with the other negotiating parties before or during an arbitration of the matter.	
Industrial Relations Act 2016	183(1)	Power, as a negotiating party, to agree with the other negotiating parties the nominal expiry date for the arbitration determination.	
Industrial Relations Act 2016	184(1)	Power, as a negotiating party, to apply to the commission for a scope order.	
Industrial Relations Act 2016	189(1)	Power, as a party to an agreement, to apply to the commission to certify the agreement.	

Industrial Relations Act 2016	<b>190(2)</b>	Power, as a party to a proposed bargaining award, to apply to the commission to:- (a) make the bargaining award; and (b) terminate the relevant modern award.
Industrial Relations Act 2016	<b>194</b>	Power, as a person who will be covered by a proposed bargaining instrument, to take action that may be necessary to enable the commission to grant the application, including participating in a conciliation on Council's behalf.
Industrial Relations Act 2016	<b>196(1)(b)</b>	Power, as a party to a proposed bargaining instrument, to sign it on Council's behalf.
Industrial Relations Act 2016	<b>213(3)</b>	Power, as an employer in the circumstances set out in subsection (1), to apply to the commission for a decision under subsection (3).
Industrial Relations Act 2016	<b>223(1)</b>	Power, as the employer, on or before the nominal expiry date of a bargaining instrument, to apply to the commission to extend the nominal expiry date.
Industrial Relations Act 2016	<b>225(1)</b>	Power, as an employer, to apply to the commission to amend a bargaining instrument.
Industrial Relations Act 2016	<b>225(2)(a)(i)</b>	Power, as an approving party, to approve an amendment to a bargaining instrument.
Industrial Relations Act 2016	<b>225(5)</b>	Power, as a person to whom a bargaining instrument applies, to apply to the commission to amend the instrument in one of the ways set out in subsection (5) and to agree to any amendment.
Industrial Relations Act 2016	<b>226(2)</b>	Power, as a party to a bargaining award or a proposed new party to the award, to, in the circumstances set out in subsection (1), apply to the commission to amend the bargaining award so the award applies to the proposed new party.
Industrial Relations Act 2016	<b>227(1)</b>	Power, as the employer, on or before the nominal expiry date of a certified agreement or arbitration determination, to apply to the commission to terminate the agreement or determination.
Industrial Relations Act 2016	<b>228(1)</b>	Power, as the employer, after the nominal expiry date of a certified agreement or arbitration determination, to apply to the commission to terminate the agreement or determination.
Industrial Relations Act 2016	<b>228(2)</b>	Power, as the person who intends to terminate the agreement or determination to give all other persons to whom the agreement or determination applies, notice of the intention.
Industrial Relations Act 2016	<b>228(3)(b)(i)</b>	Power, as a party to an agreement or determination that does not provide for the way it may be terminated, to agree to the agreement or determination being terminated.
Industrial Relations Act 2016	<b>232</b>	Power, as a negotiating party for a proposed bargaining instrument, to take protected industrial action for the proposed instrument subject to the requirements of Chapter 4, Part 8.
Industrial Relations Act 2016	<b>236</b>	Power, as the employer intending to take the industrial action, to give notice of the intention to all of the negotiating parties for the proposed bargaining instrument, either in writing or by taking other reasonable steps to notify employees of the intended action.
Industrial Relations Act 2016	<b>237(3)</b>	Power, as the employer taking industrial action that is the lockout of an employee, to refuse to pay the employee for the period of the lockout.
Industrial Relations Act 2016	<b>240(1)</b>	Power, as a negotiating party for a proposed bargaining instrument, to apply to the commission for an order to suspend or terminate protected industrial action for the proposed bargaining instrument being engaged in, or threatened to be engaged in.
Industrial Relations Act 2016	<b>241(1)</b>	Power, as a negotiating party for a proposed bargaining instrument, to apply to the commission for an order to suspend or terminate protected industrial action for the proposed bargaining instrument being engaged in, where the industrial action has threatened, is threatening or would threaten:- (a) to endanger the life, personal safety or health, or welfare of the State's population or part of it; or (b) to cause significant damage to the State's economy or an important part of it.
Industrial Relations Act 2016	<b>242(2)</b>	Power, as the employer, to apply to the registrar for a certificate stating that the employer need not negotiate with an employee organisation under chapter 4 because of a circumstance in section 171(5).
Industrial Relations Act 2016	<b>250(3)</b>	Power, as a party to a certified agreement or a bargaining award, to sign the affidavit prepared pursuant to subsection (2) on behalf of Council.
Industrial Relations Act 2016	<b>251(4)</b>	Power, as a relevant party subject to a direction of the commission, to comply with the direction on behalf of Council, including signing any affidavit required under subsection (3).
Industrial Relations Act 2016	<b>261(1)</b>	Power, as a party to an industrial dispute, in the circumstances referred to in subsection (1), to give the registrar written notice of the dispute.
Industrial Relations Act 2016	<b>263(a)</b>	Power, as a party directly involved in an industrial cause, to request the registrar act as mediator in the cause.
Industrial Relations Act 2016	<b>264(1)</b>	Power, as a person served with an attendance notice, to attend the compulsory conference and agree to measures which attempt to prevent or settle the dispute.
Industrial Relations Act 2016	<b>265(3)</b>	Power, as a person the subject of an order, to prepare, file and sign an affidavit under subsection (3)(c).
Industrial Relations Act 2016	<b>265(7)</b>	Power, as a person served with a show cause notice, to show cause to the full bench at the stated time why Council should not be dealt with under section 266.
Industrial Relations Act 2016	<b>268(1)</b>	Power, as the employer, to pay or refuse to pay, an employee for a period when the employee engages in a strike.
Industrial Relations Act 2016	<b>269(2)</b>	Power, as an employer against whom the strike was organised, engaged in or threatened, to make an application to the commission for an order for a contravention of section 268.
Industrial Relations Act 2016	<b>309(1)</b>	Power, as a person who has been affected by a contravention of Chapter 8, Part 1, to apply to the commission for the commission to deal with the dispute.
Industrial Relations Act 2016	<b>312(2)</b>	Power, as an applicant or an employer, to attend a conciliation conference at a stated time and place and attempt to settle the matter on behalf of Council.
Industrial Relations Act 2016	<b>318(2)</b>	Power, as an employer, to attend a conciliation conference at a stated time and place and attempt to settle the matter on behalf of Council.
Industrial Relations Act 2016	<b>318(5)</b>	Power, as a party, to seek further conciliation, or settle the matter, at any time before an order is made under section 321 or 322.
Industrial Relations Act 2016	<b>329(1)</b>	Power, as the employer that has decided to dismiss 15 or more employees for economic, technological or structural reasons, to dismiss the employees if the circumstances of section 329(1) apply and give the requisite notices.
Industrial Relations Act 2016	<b>330</b>	Power, as the employer, to give each employee organisation the opportunity to consult on the ways listed in section 330(1).
Industrial Relations Act 2016	<b>333</b>	Power, as the employer, to stand down an employee if the circumstances of section 333 apply.
Industrial Relations Act 2016	<b>338(1)</b>	Power, as the employer, to apply to the commission for an authorised officer's authority under section 337 to be revoked or suspended.
Industrial Relations Act 2016	<b>339(1)</b>	Power, as the employer, to keep a time and wages record for each industrial instrument employee as required by section 339.
Industrial Relations Act 2016	<b>339(5)</b>	Power, as the employer and upon request by the employee, to give the employee a certificate stating the total hours recorded under section 339(1)(d) for the employee, worked out to the previous 30 June.
Industrial Relations Act 2016	<b>340(1)</b>	Power, as the employer, to keep a time and wages record for each non-industrial instrument employee as required by section 340.
Industrial Relations Act 2016	<b>340(5)</b>	Power, as the employer and upon request by the employee, to give the employee a certificate stating the total hours recorded under section 340(1)(d) for the employee, worked out to the previous 30 June.
Industrial Relations Act 2016	<b>341(1)</b>	Power, as the employer, to keep an employee register as required by section 341.
Industrial Relations Act 2016	<b>343(1)</b>	Power, as the employer, when paying an employee wages, to give the employee a written statement as required by section 343(2).
Industrial Relations Act 2016	<b>344(2)</b>	Power, as the employer, when asked by the inspector to inspect, or for electronic access to, the time and wages record, to comply with the request.
Industrial Relations Act 2016	<b>346(2)</b>	Power, as the employer, when asked by the registrar to inspect, or for electronic access to, the time and wages record, to comply with the request.
Industrial Relations Act 2016	<b>346(4)</b>	Power, as the employer, when directed by the registrar, to give the employee register or index to a stated person, at a stated reasonable time and place.
Industrial Relations Act 2016	<b>347</b>	Power, as the employer, to agree to an employee inspecting the time and wages record for that employee's particulars, as permitted by section 347(2)(a) and (b), and to give the particulars to the employee in writing.
Industrial Relations Act 2016	<b>347(2)</b>	Power, as the employer, to agree to an employee inspecting the time and wages record:- (a) more than once in any 12-month period; or (b) outside the employer's business hours; or (c) during the employee's working time.
Industrial Relations Act 2016	<b>348(2)</b>	Power, as the employer, to require an authorised officer to produce the officer's authorisation.
Industrial Relations Act 2016	<b>348(5)</b>	Power, as the employer, where an authorised officer fails to produce the officer's authorisation, to treat the office as a trespasser.
Industrial Relations Act 2016	<b>350</b>	Power, as the employer, when asked by the authorised officer for an item in section 350(1), to comply with the request and to refuse to comply if the circumstances of section 350(3) or 350(5) exist.
Industrial Relations Act 2016	<b>354B</b>	Power, as the employer, keep an authorisation given under this section at, or in a place where it can be accessed from, a workplace of the employer in Queensland.

Industrial Relations Act 2016	354C(2)	Power, as the employer in the circumstances set out in subsection 354C(1), to give the information referred to in subsection 354C(2).	
Industrial Relations Act 2016	354C(5)	Power, as an employer who has given information to the registered employee organisation under subsection 354C(2)(a), to notify the employee.	
Industrial Relations Act 2016	359(4)	Power, as the employer, to keep an accurate written account of the amounts received from the prime contractor, and of the way the amounts have been disbursed or disposed of.	
Industrial Relations Act 2016	359(5) and (6)	Power, as the employer, to produce the account for inspection to an employee in the circumstances set out in subsection (a) to (c) and allow the employee to make a copy of the account.	
Industrial Relations Act 2016	361(2)	Power, as a prime contractor served with an attachment notice, to keep from the amounts payable, or to become payable, by the prime contractor to the employer for the contracted work, an amount sufficient to satisfy:- (a) the claim for wages stated in the notice; and (b) all further claims for wages stated in notices of attachment served on the prime contractor within 7 days after the service of the first notice.	
Industrial Relations Act 2016	361(4)	Power, as a prime contractor served with an attachment notice, to pay the amount to which the notice relates to a clerk of the Magistrates Court.	
Industrial Relations Act 2016	362(4)	Power, as a prime contractor, to pay the amount stated in the relevant order to the employee from the amounts attached and kept in the hands of the prime contractor.	
Industrial Relations Act 2016	366	Power, as a prime contractor, to ask the employee to sign a discharge for the amount paid for a claim for wages to which an order under section 362 relates.	
Industrial Relations Act 2016	371(5)	Power, as the employer, where an employee's consent authorising a deduction to be made from wages is not written, to, before making the deduction, give the employee written acknowledgement of the consent.	
Industrial Relations Act 2016	373(1)	Power, as the employer, to pay each employee's wages at least monthly to the employee.	
Industrial Relations Act 2016	375(2)	Power, as the employer, where the circumstances in subsection (1) apply, to immediately at the end of the 30 days, pay the wages payable to the former employee to the public trustee.	
Industrial Relations Act 2016	376(2)	Power, as the employer, to recover an amount to which the employee is not entitled by deducting amounts from the employee's wages for a subsequent pay period or periods.	
Industrial Relations Act 2016	377	Power, as the employer, where an employee ceases employment without giving the employer the notice required by an industrial instrument, to deduct from the employee's wages an amount stated by an industrial instrument.	
Industrial Relations Act 2016	394(1)	Power, as the employer, to contribute, for eligible employees, to the approved superannuation fund at the level required by the relevant industrial instrument.	
Industrial Relations Act 2016	463(1)	Power, as a person who may be directly affected by the declaration, to apply to the commission for a declaration about an industrial matter.	
Industrial Relations Act 2016	467(1) and 468(1)	Power, as an employer, to apply to the commission for an interpretation of an industrial instrument, other than a certified agreement or bargaining award.	
Industrial Relations Act 2016	467(1) and 468(2)	Power, as a person bound by the agreement, to apply to the commission for an interpretation of a certified agreement or bargaining award.	
Industrial Relations Act 2016	469(1) and (2)	Power, as a party to an industrial cause, to agree in writing to the parties requesting the commission to assist the parties in negotiating or resolving a matter relevant to the industrial cause, whether or not the matter is within the jurisdiction of the commission and to agree that the request being amended.	
Industrial Relations Act 2016	469(4)	Power, as a party to an industrial cause, to agree, in writing, for the decision of the commission to bind the parties.	
Industrial Relations Act 2016	470(1)(b)	Power, as a party to a dispute, to make a referral agreement with the other parties to the dispute.	
Industrial Relations Act 2016	470(2)	Power, as a party to a dispute, in the circumstances set out in subsection (1), to apply to the commission for the commission to perform its dispute resolution functions.	
Industrial Relations Act 2016	471(1)	Power, as a party to a contract, in the circumstances set out in subsection (1), to apply to the commission for the commission to amend or declare void (wholly or partly) the contract.	
Industrial Relations Act 2016	473(1)	Power, as a person under section 474, to apply to the commission for the commission to grant an injunction:- (a) to compel compliance with an industrial instrument, a permit or this Act; or (b) to restrain or prevent a contravention, or continuance of a contravention, of an industrial instrument, a permit or this Act. (c) for the prevention or settlement of an industrial dispute involving allegations of sexual harassment or sex or gender-based harassment.	
Industrial Relations Act 2016	479	Power, as an employer, to apply to the full bench for the orders set out in section 479 about a demarcation dispute.	
Industrial Relations Act 2016	483B	Power, as an employer, to apply to the Commission for an order declaring an entity, other than an organisation, to be an ineligible entity.	
Industrial Relations Act 2016	484(1)	Power, as a person mentioned in section 485, to apply to the full bench or the commission for proceedings to be reopened.	
Industrial Relations Act 2016	529(1)(e)	Power, as a party to proceedings, to appoint in writing, an agent to represent Council in the proceedings.	
Industrial Relations Act 2016	554(1)	Power, as a person aggrieved by a decision of the court or the full bench constituted by the president and 2 or more other members, to appeal to the Court of Appeal.	
Industrial Relations Act 2016	554(2)	Power, as a person aggrieved by a decision of the full bench constituted by the president and 2 or more other members, to seek the leave of the Court of Appeal to appeal.	
Industrial Relations Act 2016	556	Power, as a person aggrieved by a decision of a magistrate, to appeal to the court.	
Industrial Relations Act 2016	557(1)	Power, as a person aggrieved by a decision of the commission, to appeal to the court.	
Industrial Relations Act 2016	557(2)	Power, as a person aggrieved by a decision of the commission, to seek the leave of the court to appeal.	
Industrial Relations Act 2016	560(1)	Power, as a person aggrieved by a decision of the registrar, to appeal to the full bench.	
Industrial Relations Act 2016	560(2)	Power, as a person aggrieved by a decision of the registrar, to seek the leave of the full bench to appeal.	
Industrial Relations Act 2016	564(2)	Power to apply to the industrial tribunal to allow a longer period in which to start an appeal.	
Industrial Relations Act 2016	572	Power, as a person mentioned in column 2 of schedule 3 to apply to the relevant industrial tribunal for an order in relation to a contravention, or alleged contravention, of a civil penalty provision.	
Industrial Relations Act 2016	912(2)	Power, as a person subject to a requirement from an inspector to produce a document, to comply with the requirement.	
Industrial Relations Act 2016	915(2)	Power, as an employer subject to a written demand by an inspector under subsection (1), to comply with the demand.	
Industrial Relations Act 2016	928(1)(b)	Power, as an employer, to pay wages payment to an employee under the Act, a relevant industrial instrument or a permit, in accordance with the employee's written direction.	
Industrial Relations Act 2016	934(2)	Power, as the employer in a workplace where an industrial instrument applies, to display a copy of the industrial instrument as required by section 934(2).	
Industrial Relations Act 2016	935(2)	Power, as the employer, where a person whose employment with the employer has been terminated has asked for a certificate described in section 935(1), to give the certificate.	
<b>Industrial Relations Regulation 2018</b>			
<b>Legislation</b>	<b>Section of Act</b>	<b>Description of Delegated Power</b>	<b>Conditions to which the Delegation is Subject</b>
Industrial Relations Regulation 2018	4(1)(c)	Power, as the employer, when working out continuous service under section 123(1) of the <i>Industrial Relations Act 2016</i> , to notify the employee that another absence from work breaks the employee's continuous service.	
Industrial Relations Regulation 2018	4(5)(b)	Power, as the employer, when working out continuous service under section 123(1) of the <i>Industrial Relations Act 2016</i> , to withdraw a notice to the employee given under section 4(1)(c).	
<b>Information Privacy Act 2009</b>			
<b>Legislation</b>	<b>Section of Act</b>	<b>Description of Delegated Power</b>	<b>Conditions to which the Delegation is Subject</b>
Information Privacy Act 2009	33	Power, as agency, to transfer an individual's personal information to an entity outside Australia under certain circumstances.	
Information Privacy Act 2009	34	Power, as agency, to enter into a service arrangement with an entity other than an agency to provide services.	
Information Privacy Act 2009	47	Power, as agency, to give access to a document created after the application for access is received.	
Information Privacy Act 2009	49	Power, as agency, to search for a document on a backup system if it considers the search is appropriate.	
Information Privacy Act 2009	50(5)(b)	Power, as agency, to appoint an appropriately qualified healthcare professional to make a healthcare decision in relation to an access or amendment application.	
Information Privacy Act 2009	53(2)	Power, as agency, to contact the person and tell them how the application does not comply with a relevant application requirement.	



Information Privacy Act 2009	53(3)	Power, as agency, to refuse to deal with an access or amendment application if: (a) the application does not comply with all relevant application requirements; and (b) the applicant has been afforded a reasonable opportunity to consult with a view to making the application comply.
Information Privacy Act 2009	53(6)	Power, as agency, to give prescribed written notice of the decision.
Information Privacy Act 2009	54	Power, as agency, to refuse to deal with an access application if: (a) the application should have been made under the <i>Right to Information Act</i> (because it is for access to a document other than to the extent it contains the applicant's personal information); and (b) reasonable efforts have been made to inform the applicant that the application: (i) can not be made under the <i>Information Privacy Act</i> ; and (ii) should be made under the <i>Right to Information Act</i> ; and (iii) may be changed so it can be made under the <i>Information Privacy Act</i> , or may be dealt with under the <i>Right to Information Act</i> by paying the application fee.
Information Privacy Act 2009	55(1)	Power, as agency, at any time before a deemed decision is taken to have been made in relation to an access or amendment application, to ask applicant for a further specified period to consider the application. Note: more than one request can be made (section 55(2) <i>Information Privacy Act</i> )
Information Privacy Act 2009	55(3)	Power, as agency, to continue to consider an access or amendment application, if a further specified period has been requested under section 55(1), the applicant has not refused the request, and no notice that the applicant has applied for review has been received.
Information Privacy Act 2009	56(1)	Power, as agency, to give access to a document that contains information the disclosure of which may reasonably be expected to be of concern to a government, agency, or person (a "relevant third party"), <u>only if</u> reasonably practicable steps are taken to obtain the relevant third party's views on whether: (a) the document is a document for Chapter 3 of the <i>Information Privacy Act</i> (document of an agency or a Minister under the <i>Right to Information Act</i> ); or (b) the information is exempt information or contrary to public interest information.
Information Privacy Act 2009	57(2)	Power, as agency, to transfer an access or amendment application to another agency if the document is not in the original agency's possession, but is, to the original agency's knowledge, in the other agency's possession, and the other agency consents.
Information Privacy Act 2009	59	Power, as agency, to refuse to deal with the application without having identified any or all of the documents, if the documents contain information of a stated kind or relate to a stated subject matter and it appears that all of the documents are comprised of exempt information (as defined in Schedule 3 of the <i>Right to Information Act</i> ).
Information Privacy Act 2009	60(1)	Power, as agency, to refuse to deal with an access or amendment application, or, if considering two or more access or amendment applications by the applicant, all the applications, if the work involved in dealing with the application, or all the applications, would substantially and unreasonably divert the resources of Council from use in performance of Council functions.
Information Privacy Act 2009	61(1)	Power, as agency, to give the applicant: (a) written notice of the refusal to deal with an access or amendment application under section 60(1) <i>Information Privacy Act</i> ; and (b) a reasonable opportunity to consult.
Information Privacy Act 2009	62(3)	Power, as agency, to refuse to deal with a later access application for one or more of the same documents sought under the first access application by the same applicant, to the extent it is for access to documents in the first application, if the later application does not disclose any reasonable basis for seeking such access.
Information Privacy Act 2009	63(3)	Power, as agency, to refuse to deal with a later amendment application for one or more of the same documents sought to be amended under the first access application by the same applicant, to the extent it is for amendment to documents in the first application, if the later application does not disclose any reasonable basis for seeking such access.
Information Privacy Act 2009	65	Power, as agency, after considering an access application, to decide whether to give access to the document and whether any access charge must be paid by the applicant.
Information Privacy Act 2009	67(1)	Power, as agency, to refuse access to a document in the same way and to the extent access can be refused under section 47 <i>Right to Information Act</i> , were access to the document applied for under that Act.
Information Privacy Act 2009	68(1)	Power, as agency, to give a prescribed written notice to an applicant, for an access application, of: (a) the decision on the application, including a decision to refuse to deal with the application; and (b) the fact that the document is not a document in the possession, or under the control, of Council, if this is the case.
Information Privacy Act 2009	68(3)	Power, as agency, to not include any exempt information or contrary to public interest information in the notice given under section 68(1) <i>Information Privacy Act</i> .
Information Privacy Act 2009	69(2)	Power, as agency, to give prescribed written notice to an applicant that does not include details required to be in a prescribed written notice under section 199(a) and (b) <i>Information Privacy Act</i> , but states that Council neither confirms nor denies the existence of the document, but assuming the document does exist, it would be a document to which access would be refused under section 67 <i>Information Privacy Act</i> to the extent it comprised prescribed information.
Information Privacy Act 2009	70	Power, as agency, after considering an amendment application, to decide whether amendment of the document is permitted.
Information Privacy Act 2009	73(1)	Power, as agency, to give an applicant for an amendment application a prescribed written notice of the decision on the application.
Information Privacy Act 2009	73(2)	Power, as agency, to not include reasons for a decision to permit amendment of the document in the notice given under section 73(1) <i>Information Privacy Act</i> .
Information Privacy Act 2009	73(3)	Power, as agency, to not include any exempt information or contrary to public interest information in the notice given under section 73(1) <i>Information Privacy Act</i> .
Information Privacy Act 2009	74	Power, as agency, if a decision to amend the document is made, to make the amendment by altering the personal information or adding an appropriate notation to the personal information.
Information Privacy Act 2009	80, 81 and 82	Power, as agency, to waive an access charge.
Information Privacy Act 2009	83(4)	Power, as agency, to refuse to give access to a document in a form requested, if it would: (a) interfere unreasonably with Council's operations, or (b) be detrimental to the preservation of the document, or (c) be inappropriate having regard to the physical nature of the document; or (d) involve an infringement of the copyright of a person other than the State, and give access in another form.
Information Privacy Act 2009	84(2)	Power, as agency, to extend the period in which an applicant may access a document.
Information Privacy Act 2009	87	Power, as agency, to defer giving access to a document for a reasonable period if the document was prepared: (a) for presentation to the Assembly or a committee of the Assembly; or (b) for release to the media; or (c) solely for inclusion in a document prepared for a purpose in (a) or (b).
Information Privacy Act 2009	88	Power, as agency, to delete irrelevant information from a copy of a requested document when giving access to that requested document, if the agency considers it is reasonably practicable to give access to the copy.
Information Privacy Act 2009	89	Power, as agency, to give access to a copy of a document from which the exempt information has been deleted.
Information Privacy Act 2009	90	Power, as agency, to give access to a copy of a document from which the contrary to public interest information has been deleted.
Information Privacy Act 2009	92(2)	Power, as agency, to direct access to the document be given instead to an appropriately qualified healthcare professional nominated by the applicant and approved by the agency, where access was refused under section 47(3)(d) of the <i>Right to Information Act</i> , as applied under the <i>Information Privacy Act</i> .
Information Privacy Act 2009	115	Power, as agency, to conduct a particular further search or to conduct further searches directed by the information commissioner.
Information Privacy Act 2009	127	Power, as agency, to apply to the information commissioner for declaration that a person is a vexatious applicant.
Information Privacy Act 2009	157	Power, as agency, to apply to the information commissioner for approval to waive or modify the obligation to comply with the privacy principles.
Information Privacy Act 2009	159	Power, as agency, to ask the information commissioner to extend the time within which to take action stated in a compliance notice.

Information Privacy Act 2009	161(1)	Power, as agency, to apply to QCAT, as provided under the QCAT Act, for review of the information commissioner's decision to give a compliance notice.	
<b>Justices Act 1886</b>			
<b>Legislation</b>	<b>Section of Act</b>	<b>Description of Delegated Power</b>	<b>Conditions to which the Delegation is Subject</b>
Justices Act 1886	42(1)	Power to commence a proceeding under the <i>Justices Act 1886</i> by a complaint in writing.	
Justices Act 1886	222(1)	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.	
<b>Land Act 1994</b>			
<b>Legislation</b>	<b>Section of Act</b>	<b>Description of Delegated Power</b>	<b>Conditions to which the Delegation is Subject</b>
Land Act 1994	13A(4)	Power, as a person who may take water under the Water Act 2000, section 96, to exercise a right of access, a right of grazing and a right to bring action for trespass over the adjacent land.	
Land Act 1994	13AC(1)(a)	Power, as a person an adjacent owner for the land, to consent to the dedication of non-tidal watercourse land or non-tidal lake land as a reserve.	
Land Act 1994	13B(1)	Power, as owner of land having a non-tidal boundary (watercourse) (the relevant land), to apply to the chief executive (water) to have land adjoining the relevant land (the watercourse land) declared to be former watercourse land.	
Land Act 1994	13B(2)	Power to give notice of the person's intention to make an application pursuant to section 13B to the owners of any land that adjoins the watercourse land	
Land Act 1994	13B(6)	Power, as an applicant under section 13B(1), to appeal against the refusal of the application.	
Land Act 1994	18(1)	Power, as registered owner of land, to enter an agreement with the Governor in Council to exchange all or part of the freehold land for the grant of unallocated State land.	
Land Act 1994	18(2)	Power, as lessee of a freeholding lease, to enter an agreement with the Governor in Council to exchange all or part of the freeholding lease for a freeholding lease over unallocated state land.	
Land Act 1994	18(3)	Power, as lessee of a term lease (other than a State lease or a perpetual lease), to enter an agreement with the Minister to exchange all or part of the term lease for a lease of unallocated State land for a term of years or in perpetuity.	
Land Act 1994	23A(1)	Power, as a person seeking to have a plan of subdivision registered in relation to the land contained in a deed of grant, deed of grant in trust or lease, to apply to the chief executive for the allocation of a floating reservation to some or all of the lots created by the plan.	
Land Act 1994	23A(6)	Power, as an applicant under section 23A(1), to appeal against the chief executive's decision.	
Land Act 1994	24(3)	Power, as registered owner of the deed of grant or lessee of a freeholding lease of a reservation for a public purpose to be sold under section 24(1), to apply to the Governor in Council to buy the land.	
Land Act 1994	25(2)	Power to appeal against the Minister's determination of the unimproved value of land to be sold under section 24(1) of the <i>Land Act 1994</i> .	
Land Act 1994	26(2)	Power, as trustee, lessee or registered owner, to agree to the Minister's proposal to change the boundaries of a lease, deed of grant or deed of grant in trust where the Governor in Council is resuming possession of all or part of a reservation and the boundaries of the reservation are not stated in the lease, deed of grant or deed of grant in trust.	
Land Act 1994	26(4)	Power, as lessee, registered owner or trustee, to appeal the Minister's decision to change the boundaries of a lease, deed of grant or deed of grant in trust where the Governor in Council is resuming possession of all or part of a reservation and the boundaries of the reservation are not stated in the lease, deed of grant or deed of grant in trust.	
Land Act 1994	26B(2)	Power, as lessee or registered owner, to buy a forest entitlement area under sections 24 and 25.	
Land Act 1994	26B(8)	Power, as lessee or registered owner, to appeal against the value decided by the Minister for commercial timber on a forest entitlement area that the local government is buying.	
Land Act 1994	31C(1)	Power, to apply to the Minister for the dedication of a reserve.	
Land Act 1994	31C(2) and 31C(3)	Power to give notice of the intention to apply for the dedication of a reserve.	
Land Act 1994	31D(1)	Power, as trustee, to apply to the Minister to change the boundary of a reserve or the purpose of a reserve.	
Land Act 1994	31D(2) and 31D(3)	Power to give notice of the intention to change the boundary of a reserve or the purpose of a reserve.	
Land Act 1994	32	Power, as trustee, to consult with the Minister in response to a proposed State lease over a reserve.	
Land Act 1994	34(1)	Power to apply to the Minister to revoke the dedication of all or part of a reserve.	
Land Act 1994	34(2) and 34(3)	Power to give notice of the intention to apply to the Minister to revoke the dedication of all or part of a reserve.	
Land Act 1994	34H(1)	Power, as owner of improvements on a reserve the dedication to which has been revoked, to apply, in writing to the chief executive, to remove improvements on the reserve.	
Land Act 1994	34H(2)	Power, as owner of improvements on a reserve the dedication to which has been revoked, to remove improvements with the written approval of the chief executive.	
Land Act 1994	34I(1)	Power, as trustee of an operational reserve, to apply for a deed of grant over the reserve.	
Land Act 1994	34I(3) and 34I(4)	Power, as trustee of an operational reserve, to give notice of the intention to apply for a deed of grant over the reserve.	
Land Act 1994	38A(1)	Power, as trustee, to apply for an additional community purpose or to amalgamate land with common purposes.	
Land Act 1994	38A(2)	Power, as trustee, to apply for the cancellation of a deed of grant in trust under section 38.	
Land Act 1994	38A(3) and 38A(4)	Power, as trustee, to give notice of the intention to apply under section 38A.	
Land Act 1994	38G(1)	Power, as owner of improvements on a deed of grant in trust that has been cancelled, to apply, in writing to the chief executive, to remove the improvements on the deed of grant in trust.	
Land Act 1994	38G(2)	Power, as owner of improvements on a deed of grant in trust that has been cancelled, to remove the improvements with the chief executive's approval.	
Land Act 1994	44	Power to accept appointment as trustee.	
Land Act 1994	45	Power, as trustee, to advise the chief executive of change in details.	
Land Act 1994	46 and 47	Power, as trustee, to comply with the administrative, accounting function and other directions provided by Minister.	
Land Act 1994	48	Power, as trustee, to:- (a) comply with a request of the chief executive to apply for the approval of a management plan for the trust land; and (b) comply with a request of the chief executive to make all records available for inspection by the chief executive and allow copies and notes of the records to be made; (c) register any management plan in the appropriate register	
Land Act 1994	49	Power, as trustee, to:- (a) allow the auditor-general, a person mentioned in section 47(1)(a) to (d), or a person authorised by the chief executive of a department, to audit the trust's financial accounts; and (b) help the conduct of the audit, including the disclosure of financial institution accounts necessary for the audit.	
Land Act 1994	50(1)(b) and 50(2)	Power, as trustee, to resign by signed notice of resignation given to the Minister and agree with the Minister on the day the resignation takes effect	
Land Act 1994	50(1)(b) and 50(2)	Power, as trustee, to resign by signed notice of resignation given to the Minister and agree with the Minister on the day the resignation takes effect.	
Land Act 1994	52(1)	Power to take all necessary action for the maintenance and management of trust land.	
Land Act 1994	55(1)	Power, as trustee, to surrender all or part of a deed of grant in trust on terms agreed with the Minister and with the Minister's written approval.	
Land Act 1994	55A(1)	Power, as trustee, to apply to surrender all or part of a deed of grant in trust.	
Land Act 1994	55A(2) and 55A(3)	Power, as trustee, to give notice of the intention to apply to surrender all or part of a deed of grant in trust.	
Land Act 1994	55H(1)	Power, as owner of improvements on a deed of grant in trust that has been surrendered, to apply, in writing to the chief executive, to remove the improvements on the deed of grant in trust.	
Land Act 1994	55H(2)	Power, as owner of improvements on a deed of grant in trust that has been surrendered, to remove the improvements on the deed of grant in trust with the written approval of the chief executive.	

Land Act 1994	57(1)	Power, as trustee, to lease all or part of the trust land if the trustee first obtains the Minister's written "in principle" approval to the lease.	
Land Act 1994	57(3)	Power as trustee to, without the Minister's approval, grant a trustee lease (construction) or a trustee lease (State or statutory body) over all or part of the trust land.	
Land Act 1994	57(7)	Power, as trustee, to register a trustee lease in the appropriate register.	
Land Act 1994	57A(1)	Power to seek the Minister's approval to amend a trustee lease.	
Land Act 1994	58(1)	Power, as trustee lessee, to transfer, mortgage or sublease a trustee lease subject to the written approval of:- (a) the Minister for a sublease; or (b) otherwise, the chief executive.	
Land Act 1994	58(7)	Power to appeal against the Minister's or chief executive's decision to refuse to allow a transfer, mortgage or sublease of a trustee lease.	
Land Act 1994	60(1)	Power, as trustee, to issue a trustee permit to use all or part of the trust land.	
Land Act 1994	60(3)	Power to lodge a trustee permit in the appropriate register.	
Land Act 1994	62	Power to seek consent to group trust land reserved for similar purposes together.	
Land Act 1994	63(3)	Power to seek the Minister's approval for rent from a trustee lease or trustee permit to be applied to costs other than on maintenance and enhancement of the trust land.	
Land Act 1994	64(1)	Power, as a relevant person, to apply to the Minister for written authority dispensing with the need to obtain the Minister's or chief executive's approval for relevant leases.	
Land Act 1994	64(4)	Power, as a relevant person, to apply for approval to lease, sublease or sub-sublease trust land even if an authority is in force.	
Land Act 1994	65(1)	Power, as trustee, to cancel a trustee lease or trustee permit if the lessee or permittee does not comply with the conditions of the lease or permit.	
Land Act 1994	66(1)	Power to allow the trustee lessee or trustee permittee to remove the trustee lessee's or trustee permittee's improvements on the land within a reasonable time stated by the trustee.	
Land Act 1994	67(2)	Power, as trustee of a deed of grant in trust, to mortgage a deed of grant in trust issued prior the commencement of the Land Act 1994, subject to the Minister's approval under section 67(4).	
Land Act 1994	67(3)	Power to mortgage a deed of grant in trust issued after the commencement of the Land Act 1994 subject to section 67(3)(a) and (b) and the Minister's approval under section 67(4).	
Land Act 1994	80(1)	Power, as trustee of trust land for cemetery purposes, to repair or remove structures, monuments or tombstones from a cemetery on trust land.	
Land Act 1994	81(1)	Power to ask the Minister that a cemetery on trust land be closed to further burials.	
Land Act 1994	81(4)	Power to ask the Minister to re-open a cemetery previously closed for further burials.	
Land Act 1994	82	Power to agree to take on the trusteeship of a cemetery from trustees of the cemetery, and to agree on the terms of the transfer.	
Land Act 1994	83(1)	Power to seek approval from the Minister to exhume a body from a cemetery, in the absence of any local law covering the matter.	
Land Act 1994	84(1)	Power to apply to the Minister seeking approval to surrender land granted for an estate in fee simple for some community, public or similar purpose, the land to the State, and for the issue of a deed of grant in trust under this Act for a community or public purpose.	
Land Act 1994	94(2)	Power to apply for land to be dedicated as a road for public use.	
Land Act 1994	99(1)	Power to apply to the Minister to permanently close a road.	This power cannot be exercised where Council is to provide advice as the Road Manager, these applications are to be presented to Council for consideration. As per resolution dated 15/08/2023. This power can not be exercised for making any application to permanently close any road reserve that is used for another public purpose (for example a public park or recreation area whether named or not), without a resolution of Council.
Land Act 1994	99(3)	Power to apply to the Minister to temporarily close a road.	This power cannot be exercised where Council is to provide advice as the Road Manager, these applications are to be presented to Council for consideration.
Land Act 1994	99(4)	Power, as an adjoining owner of land who makes an application to permanently close a road pursuant to section 99(1) of the Land Act 1994, to ask that the land be amalgamated with the adjoining owner's adjoining land upon its closure.	This power cannot be exercised where Council is to provide advice as the Road Manager, these applications are to be presented to Council for consideration. As per resolution dated 15/08/2023. This power can not be exercised for making any application to permanently close any road reserve that is used for another public purpose (for example a public park or recreation area whether named or not), without a resolution of Council.
Land Act 1994	100	Power to object to a road closure application in response to a public notice.	As per resolution dated 20/06/2019, agenda item 12.6, this power is to remain with Council.
Land Act 1994	105(3)	Power, as a road licensee, to surrender all or part of a road licence.	
Land Act 1994	109A(1)	Power, as registered owner of land, to apply for the simultaneous opening and closing of roads subject to the conditions in section 109A(1)(a), (b) and (c).	This power cannot be exercised where Council is to provide advice as the Road Manager, these applications are to be presented to Council for consideration.
Land Act 1994	109A(2)	Power, as registered owner, to ask the Minister to include certain matters in the deed of grant in trust issued under section 358.	
Land Act 1994	109A(3)	Power, as registered owner, to appeal against any conditions the Minister imposes under section 420I.	
Land Act 1994	109B(1)	Power, as trustee or lessee, to apply for the simultaneous opening or closing of roads subject to section 109B(1)(a), (b) and (c).	This power cannot be exercised where Council is to provide advice as the Road Manager, these applications are to be presented to Council for consideration.
Land Act 1994	109B(2)	Power to ask the Minister to include certain matters in the deed of grant in trust issued under section 358 or dedicated as a reserve under section 31A (whichever is applicable).	

Land Act 1994	109B(3)	Power, as lessee, to ask that the land in the road being closed be amalgamated in accordance with section 109B(3)(a) or (b) (whichever is applicable).	This power cannot be exercised where Council is to provide advice as the Road Manager, these applications are to be presented to Council for consideration.
Land Act 1994	109B(4)	Power, as trustee or lessee, to appeal against any conditions the Minister imposes under section 420I.	
Land Act 1994	120A(1)	Power to apply for an interest in land that may be granted without competition.	
Land Act 1994	154	Power, as lessee, to apply to the Minister that a lease be used for additional or fewer purposes.	
Land Act 1994	155A(2)	Power, as lessee, to apply for extension of a term lease (40 years).	
Land Act 1994	155B(2)	Power, as lessee, to apply for extension of a term lease (50 years).	
Land Act 1994	155BA(2)	Power, as lessee, to apply for extension of a term lease (75 years).	
Land Act 1994	156(2) and (4)	Power, as lessee, to:- (a) provide the Minister with an improvements report; (b) give the Minister information, or further information, about a building or other structure on the lease land; and (c) give the Minister a report about the condition of the buildings and other structures on the lease land.	
Land Act 1994	157B(2)(a)(III)	Power, as lessee, to within the reasonable period stated in the notice, make written submissions about any matter relevant to the reasons for the chief executive's proposal.	
Land Act 1994	158	Power, as lessee, to apply for an offer of a new lease (a renewal application).	
Land Act 1994	159A	Power, as trustee, to consult with the Chief Executive.	
Land Act 1994	160(3)	Power, as an applicant for a renewal application, to appeal against the chief executive's decision to refuse the renewal application if the only reason for the refusal was that the applicant had not fulfilled-complied with the conditions of the lease.	
Land Act 1994	164C(1)	Power, as a lessee under a rolling term lease, to apply to the Minister for an extension of the term.	
Land Act 1994	164C(7)	Power, as a lessee under a rolling term lease, to appeal to the Minister's refusal of an extension of the term.	
Land Act 1994	166(1)	Power, as lessee, to apply to convert a perpetual lease to freehold land and a term lease to a perpetual lease or to freehold land.	
Land Act 1994	168(5)	Power, as applicant for a conversion application, to appeal against the chief executive's decision to refuse the conversion application if the only reason for the refusal was that the applicant had not fulfilled-complied with the conditions of the lease.	
Land Act 1994	170(2)	Power to appeal against the chief executive's decision on the purchase price for the conversion of a lease to a deed of grant.	
Land Act 1994	176(1)	Power, as lessee, to apply for approval to subdivide the lease.	
Land Act 1994	176(2)(b)	Power to provide a statement of Council's views on the proposed subdivision.	
Land Act 1994	176E	Power to appeal against the Minister's decision to refuse an application for approval to subdivide a lease.	
Land Act 1994	176K(1)	Power, as lessee of 2 or more leases, to apply to the Minister for approval to amalgamate the leases.	
Land Act 1994	176K(3)(b)	Power, as a local government, to prepare a statement of Council's views on the amalgamation of 2 or more leases.	
Land Act 1994	176N	Power to give the chief executive an opinion in respect of a proposed road closure.	This power cannot be exercised where Council is to provide advice as the Road Manager, these applications are to be presented to Council for consideration.
Land Act 1994	177	Power to consult with the chief executive regarding the issue of a permit to occupy unallocated State land, a road or a reserve.	
Land Act 1994	177A(1)	Power to apply for a permit to occupy unallocated State land, a reserve or a road.	
Land Act 1994	177A(2)	Power to give notice of an intention to apply for a permit to occupy unallocated State land, a reserve or a road.	
Land Act 1994	179	Power, as an applicant for a permit, to enter an agreement with an adjoining owner about the maintenance of a fence.	
Land Act 1994	180(2)	Power, as a permittee, to surrender a permit to occupy on terms agreed to between the chief executive and the permittee and with the chief executive's written approval.	
Land Act 1994	180A	Power, as a relevant entity, to apply to surrender or cancel a permit to occupy.	
Land Act 1994	180H(1)	Power, as a permittee for a permit that is cancelled or surrendered, to apply to remove the permittee's improvements on the permit land.	
Land Act 1994	180H(2)	Power, as a permittee, to remove improvements with the chief executive's written approval.	
Land Act 1994	201	Power, as lessee, licensee or permittee, to give the Minister the information asked for about the lease, licence or permit.	
Land Act 1994	210	Power, as lessee, licensee or permittee, to apply to change an imposed condition of the lease, licence or permit.	
Land Act 1994	212(3)	Power to appeal against the Minister's decision to change an imposed condition about the protection and sustainability of the lease land.	
Land Act 1994	214A	Power to make submissions to the Minister in response to a warning notice.	
Land Act 1994	214B	Power, as a lessee or licensee to whom a remedial action notice has been given, to appeal against the decision to give the notice.	
Land Act 1994	214D	Power, as a lessee or licensee to whom a remedial action notice has been given, to comply with the notice.	
Land Act 1994	214F(3)	Power, as lessee, to appeal against the Minister's decision to reduce the term of, or impose additional conditions on, a lease.	
Land Act 1994	219(3)	Power, as a person who has a lawful interest in the matters listed at section 219(3)(a), (b) and (c), to claim compensation as prescribed by the <i>Acquisition of Land Act 1967</i> .	
Land Act 1994	222(6)	Power, as a compensation claimant, to appeal the Minister's decision about the amount of loss, costs and expenses the claimant is entitled to claim.	
Land Act 1994	225(2)	Power, as owner of lawful improvements on a lease or part of lease resumed under the division, to claim compensation.	
Land Act 1994	226(5)	Power, as lessee, to appeal against the Minister's decision on compensation payable.	
Land Act 1994	230(2)	Power, as owner of lawful improvements on all or part of a reservation resumed, to claim compensation.	
Land Act 1994	232(5)	Power, as owner, to appeal against the Minister's decision on compensation payable.	
Land Act 1994	239(4)	Power, as a relevant local government of a term or a perpetual lease, to appeal against a decision under subsection (2)(b)(iv) to allow an entity other than the relevant local government to sell the lease.	
Land Act 1994	240E(1)	Power, after receiving a notice under section 235(1) or 238(3), as a lessee of a lease, to apply in writing to the chief executive for permission to sell the lease.	
Land Act 1994	240G	Power, as a local government, to apply to the Minister to sell a lease.	
Land Act 1994	243(1A)	Power, as lessee of a forfeited lease, to apply, in writing to the chief executive, to remove the lessee's improvements on the lease.	
Land Act 1994	243(1)	Power, as lessee of a forfeited lease, to remove the improvements with the written approval of the chief executive.	
Land Act 1994	288(1)	Power, as a transferor or a person creating the interest, or the transferee or the person in whose favour the interest is to be created, to sign a document transferring a lease, sublease or licence or creating an interest in a lease or sublease.	
Land Act 1994	288(1)(b)	Power, as a transferee or the person in whose favour the interest is to be created, to authorise a legal practitioner to sign a document transferring a lease, sublease or licence or creating an interest in a lease or sublease on Council's behalf.	
Land Act 1994	318 and 319	Power to lodge a standard terms document and amend the standard terms document by lodging a further document.	
Land Act 1994	322(3)	Power, as a lessee, licensee or the holder of a sublease, to apply to transfer a lease, sublease or licence under the Act with the approval of the chief executive.	
Land Act 1994	322(5)	Power, as a lessee, licensee or the holder of a sublease, to apply to the chief executive to extend the time mentioned in subsection 322(4).	
Land Act 1994	322(8)	Power, as a lessee, licensee or the holder of a sublease, to appeal a decision of the chief executive not to grant the transfer of a lease, sublease or licence.	
Land Act 1994	327	Power to surrender freehold land on terms agreed between the chief executive and the registered owner and with the chief executive's written approval.	
Land Act 1994	327A	Power to surrender a lease or part of a lease on terms agreed between the chief executive and the lessee and with the chief executive's written approval.	

Land Act 1994	327B	Power, as a registered owner, to apply in writing to the chief executive to surrender freehold land.
Land Act 1994	327C(1)	Power, as a lessee, to apply in writing to the chief executive to surrender all or part of a lease.
Land Act 1994	327C(2) and 327C(3)	Power, as a lessee, to give notice of an intention to apply to any other person with a registered interest in the lease.
Land Act 1994	327I(1)	Power, as owner of improvements on a lease that has been surrendered, to apply in writing to the chief executive to remove the owner's improvements on the lease.
Land Act 1994	327I(2)	Power, as owner of improvements on a lease that has been surrendered, to remove the owner's improvements with the chief executive's written approval.
Land Act 1994	329(1)	Power, as lessee, to give notice of the intention to surrender a lease.
Land Act 1994	332(1) and 332(2)	Power to seek the Minister's approval to sublease a lease issued under the Act.
Land Act 1994	332(7)	Power to appeal against the Minister's refusal to approve the sublease of a lease issued under the Act.
Land Act 1994	336	Power to seek the Minister's approval to amend a sublease.
Land Act 1994	339F	Power, as party to a sublease, to give another party to the sublease a dispute notice and ask the responder to give information reasonably required for resolving the dispute.
Land Act 1994	339G	Power, as a party to a sublease who has received a dispute notice, to respond to the dispute notice and ask for further information reasonably required for resolving the dispute.
Land Act 1994	339H(2)	Power, as a party to a sublease and where the circumstances of section 339H(1) apply, to attempt to resolve the dispute by mediation.
Land Act 1994	339I(1)	Power, as a party to a sublease and a party to a dispute, to jointly appoint a mediator to mediate the dispute.
Land Act 1994	339I(2)	Power, as a party to a sublease and a party to a dispute, and where the circumstances of section 339I(2) apply, to request the prescribed dispute resolution entity to appoint a mediator to mediate the dispute.
Land Act 1994	339J(1)	Power, as a party to a sublease and a party to a dispute, to agree to a time for the mediation.
Land Act 1994	339J(2)	Power, as a party to a sublease and a party to a dispute, and where the circumstances of section 339J(2) apply, to request the prescribed dispute resolution entity to set a time for the mediation of the dispute.
Land Act 1994	339K	Power, as a party to a sublease and a party to a dispute that is the subject of mediation, to participate in the mediation, agree to adjourn the mediation, and agree to a later time for the mediation.
Land Act 1994	339L	Power, as a party to a sublease and a party to a dispute that is the subject of mediation, to pay Council's share of the mediator's costs of the mediation or otherwise agree with the other parties to the dispute how the costs of the mediator will be paid.
Land Act 1994	339O(1)	Power, as a party to a sublease and a party to a dispute, to jointly appoint an arbitrator to decide the dispute.
Land Act 1994	339O(2)	Power, as a party to a sublease and a party to a dispute, and where the circumstances of section 339O(2) apply, to request the prescribed dispute resolution entity to appoint an arbitrator to decide the dispute.
Land Act 1994	339Q(3)(c)	Power, as a party to a sublease and a party to a dispute, to agree to extend the period for the arbitrator to decide the dispute by issuing an award.
Land Act 1994	339R(1)(b)	Power, as a party to a sublease and a party to a dispute, and where the arbitrator has required, to give an appointed expert access to or copies of any relevant information, documents or other property.
Land Act 1994	339R(2)	Power, as a party to a sublease and a party to a dispute, to request that an appointed expert participate in a hearing.
Land Act 1994	339T	Power, as a party to a sublease and a party to a dispute that has been decided by arbitration, to apply to the Supreme Court to set aside the decision in certain circumstances.
Land Act 1994	339U	Power, as a party to a sublease and a party to a dispute that is the subject of arbitration, to pay Council's share of the arbitration costs or otherwise agree with the other parties to the dispute how the arbitration costs will be paid.
Land Act 1994	358(1)	Power, as the registered owner or trustee, to surrender land if the description of the land is no longer correct, because of the reasons listed in section 358(1)(a) to (f).
Land Act 1994	358(2)	Power, as registered owner or trustee, to surrender the land contained in the registered owner's deed of grant or trustee's deed of grant in trust if, on resurvey of the land, the boundaries of the land do not agree with the boundaries described in the existing deed or appropriate plan, and no doubt exists about the boundaries of the land, with the written approval of the chief executive.
Land Act 1994	360C(1)	Power to apply to amend the description in a freeholding lease if the description of the lease may be amended under section 360(1)(a) or (d).
Land Act 1994	360C(2)	Power to apply to amend the description in a term lease or a perpetual lease, other than a State lease, if the description of the lease may be amended under section 360A(2)(a), (b) or (c).
Land Act 1994	360C(3)	Power to apply to amend the description in a State lease if the description of the lease may be amended under section 360B(1)(a), (b), (c) or (d).
Land Act 1994	360D	Power, as a lessee or a person acting for a lessee, to give notice of an intention to make an application under section 360C to amend the description of a lease.
Land Act 1994	363(1)(b)	Power to sign the document creating an easement where Council is the public utility provider or the owner of the land to be burdened.
Land Act 1994	371(2)	Power to sign a document surrendering an easement in favour of Council, where Council is one or more of the entities listed in subsections 371(2)(a) to (c).
Land Act 1994	372(2)	Power to apply to the Minister for approval for a public utility easement to continue over unallocated State land when the deed of grant in trust, lease or licence ends or the dedication of the reserve is revoked.
Land Act 1994	372(5)	Power to apply to the Minister for approval for a public utility easement to continue over unallocated State land when the freehold land is surrendered.
Land Act 1994	373A	Power, as the trustee, lessee or sublessee of nonfreehold land the subject of a trust, lease or sublease, to consent to the creation of a covenant on the land.
Land Act 1994	373D(2)	Power, as covenantee, to sign a document wholly or partly discharging the covenant.
Land Act 1994	373U(c)	Power, as a holder of a registered interest in the land whose interest may be affected by the proposed carbon abatement interest, to consent to the proposed grant.
Land Act 1994	389C	Power, as caveator, to sign the caveat.
Land Act 1994	403R(3)	Power, as an offeree, to apply for an extension.
Land Act 1994	415	Power, as trustee of trust land, or as a lessee, licensee or permittee to start a proceeding in the Magistrates Court for unlawful occupation or trespass of the trust land, or a lease, licence or permit.
Land Act 1994	420CB	Power to make a submission in response to a notice received under the Act about a proposed application.
Land Act 1994	420E	Power to respond to a request from the Chief Executive for information listed in sections 420E(1)(a) and 420E(1)(b).
Land Act 1994	423	Power to apply to the Minister for a review of a decision.
Land Act 1994	427	Power to appeal to the Court against a decision.
Land Act 1994	431V(2)	Power to consult with the Minister about whether Council wishes to be the manager of a declared beach area.  NB. this power only applies to the proposed easements A, B and C on SP143259 situated in lots 69, 71 and 72 on plan FD395, which are in the Gladstone Regional Council area (see section 79 of the Land Regulation 2020).
Land Act 1994	431V(3)	Power to consult with the public and the owner of the lot about the use conditions to be contained in a local law applying to a declared beach area.  NB. this power only applies to the proposed easements A, B and C on SP143259 situated in lots 69, 71 and 72 on plan FD395, which are in the Gladstone Regional Council area (see section 79 of the Land Regulation 2020).
Land Act 1994	431ZG	Power, as an interested person and owner of adjacent land, and where the circumstances of section 431ZG(1) apply, to give the chief executive written notice of the damage.
Land Act 1994	431ZH(2)	Power, as an interested person and owner of adjacent land, and where the circumstances of section 431ZH(1) apply, to enter a remediation agreement with the chief executive.
Land Act 1994	431ZH(5)	Power, as an interested person and owner of adjacent land, and where the circumstances of section 431ZH(1) apply and a remediation agreement has not been made, to apply to the court to decide what remediation action, if any, will be taken.
Land Act 1994	481A	Power, as licensee, to surrender all or part of an occupation licence, on terms agreed to between the Minister and the licensee and with the Minister's written approval.

Land Act 1994	481B(1) and 481B(2)	Power, as a public utility provider or a licensee to apply to cancel or surrender all or part of an occupation licence.	
Land Act 1994	481B(4) and 481B(5)	Power, to give notice of an intention to, as a public utility provider or a licensee, apply to cancel or surrender all or part of an occupation licence.	
Land Act 1994	481J(1)	Power, as a licensee of an occupation licence that is cancelled or surrendered absolutely, to apply to remove the licensee's improvements on the licence.	
Land Act 1994	481J(2)	Power, as a licensee, to remove the licensee's improvements on the licence with the written approval of the Minister.	
Land Act 1994	482	Power, as licensee of an occupation licence, to carry out improvements or development work on the licence only with the Minister's written approval.	
Land Act 1994	492(1)	Power, as a local government, to apply to exchange the conditional deed for a reserve or deed of grant in trust with the local government as trustee or a lease granted under the <i>Land Act 1994</i> .	
Land Act 1994	505(2)	Power to agree to an allocation or dedication of land from the State, where the land has become an asset of the State by virtue of section 231 (repealed) of the <i>Transport Infrastructure Act 1994</i> .	
<b>Land Access Ombudsman Act 2017</b>			
Legislation	Section of Act	Description of Delegated Power	Conditions to which the Delegation is Subject
Land Access Ombudsman Act 2017	32(1)	Power to refer a land access dispute to the land access ombudsman.	
Land Access Ombudsman Act 2017	32(2)	Power to resolve a land access dispute.	
Land Access Ombudsman Act 2017	35(2)	Power, as a party to a land access dispute, to provide reasonable help to the land access ombudsman in the conduct of reasonably necessary inquiries.	
Land Access Ombudsman Act 2017	37(2)	Power to comply with a direction from the land access ombudsman to make a reasonable attempt to resolve the land access dispute with the other party.	
Land Access Ombudsman Act 2017	39(1) & (2)	Power, by notice given to the land access ombudsman, and in compliance with the requirements for withdrawal under a procedural guideline made under section 65, to withdraw a land access dispute referral.	
Land Access Ombudsman Act 2017	42(4)	Power, as a party to a land access dispute, to comply with a request from the land access ombudsman, to give the ombudsman a stated document or information at a stated reasonable time and place; or access to a stated document or information.	
Land Access Ombudsman Act 2017	43(2)	Power, as a party to a land access dispute, to comply with a notice from the land access ombudsman, requiring attendance at a meeting with the land access ombudsman at a stated reasonable time and place, and answer questions.	
Land Access Ombudsman Act 2017	43(4)	Power, as a party to a land access dispute, to seek the leave of the land access ombudsman to be represented by someone at a meeting.	
Land Access Ombudsman Act 2017	45(1)	Power to consent to the land access ombudsman entering land the subject of a dispute about a conduct and compensation agreement.	
Land Access Ombudsman Act 2017	45(2)	Power to consent to the land access ombudsman entering land the subject of a dispute about a make good agreement.	
Land Access Ombudsman Act 2017	45(3)	Power to impose conditions upon the land access ombudsman's entry to the disputed land and to withdraw consent for the land access ombudsman to enter disputed land.	
Land Access Ombudsman Act 2017	49(1)	Power, if consent is given for the land access ombudsman to enter disputed land, to sign an acknowledgement of the consent.	
Land Access Ombudsman Act 2017	51(4)	Power to make submissions to the land access ombudsman in response to the draft notice about the investigation.	
Land Access Ombudsman Act 2017	53(4)	Power to make submissions to the land access ombudsman about the proposed action.	
Land Access Ombudsman Act 2017	54(4)	Power to make a submissions to the land access ombudsman about action to be taken under section 54(2).	
Land Access Ombudsman Act 2017	55(4)	Power to make a submission to the land access ombudsman about action to be taken under section 55(2).	
Land Access Ombudsman Act 2017	57(2)	Power to inspect a document within the custody of the land access ombudsman.	
Land Access Ombudsman Act 2017	59(2)	Power, when giving a document or information to the land access ombudsman, to inform the land access ombudsman of a belief that the document or information to be provided is confidential or that the disclosure of the document or information to the ombudsman might be detrimental to the party's commercial activities.	
Land Access Ombudsman Act 2017	60(3)(b)	Power to consent to the use of, recording of, or disclosure of confidential information by a person who is, or has been, the land access ombudsman or an officer.	
<b>Land Regulation 2020</b>			
Legislation	Section of Act	Description of Delegated Power	Conditions to which the Delegation is Subject
Land Regulation 2020	4(3)	Power, as trustee, to:- (a) give a public notice of the decision to adopt the model by-law; and (b) notify the chief executive. NB - for the avoidance of doubt, this section does not include the power to adopt the model by-law.	
Land Regulation 2020	4(6)	Power, as trustee, while the model by-law has effect, to keep a copy of the public notice available for inspection free of charge.	
Land Regulation 2020	19(2)	Power, as lessee, to appeal against the purchase price decision.	
Land Regulation 2020	31(3)	Power, as prospective lessee or licensee, to appeal against the rental category decision.	
Land Regulation 2020	32(3)	Power, as prospective permittee, to appeal against the rental category decision.	
Land Regulation 2020	48(1)	Power, as a tenure holder, to pay the rent or instalments for the tenure when and where required under Part 5, Division 5.	
Land Regulation 2020	60(2)	Power, as a tenure holder in the circumstances set out in subsection 60(1), to apply to the Minister for a deferral of all or part of the rent or instalments payable for the tenure.	
Land Regulation 2020	60(4)	Power, as a tenure holder who has lodged an application under subsection 60(2), to give the Minister any further information needed to help decide the application.	
Land Regulation 2020	65(3) and (4)	Power, as a tenure holder in the circumstances set out in subsections 65(1) and (2), to pay the penalty interest.	
<b>Land Titles Act 1994</b>			
Legislation	Section of Act	Description of Delegated Power	Conditions to which the Delegation is Subject
Land Titles Act 1994	18	Power, as a person served with a written notice by the registrar, to give public notice of a request listed in subsection (1) and to satisfy the registrar that the public notification has been given.	
Land Titles Act 1994	35(1)	Power to undertake the searches and obtain copies of the documents described in section 35(1).	
Land Titles Act 1994	50(1)(b)	Power, as the registered owner, to agree to a plan of subdivision and dedicating the public use land.	
Land Titles Act 1994	50(1)(h)	Power, as the relevant planning body, to approve a plan of subdivision.	
Land Titles Act 1994	50(1)(j)	Power, as the registered proprietor whose interests are affected by the plan, to consent to a plan of subdivision.	
Land Titles Act 1994	54(1)	Power, as the registered owner of a lot, to dedicate the lot as a road for public use.	
Land Titles Act 1994	54(3)	Power, as the relevant planning body, to approve a dedication notice to dedicate a lot as a road for public use.	
Land Titles Act 1994	54B(1)	Power, as the registered owner, to sign a building management statement for registration.	
Land Titles Act 1994	54E(2)	Power, as the registered owner, to sign an instrument of amendment for a building management statement.	
Land Titles Act 1994	54G	Power, as the registered owner of all lots to which a building management statement applies, to ask the registrar to extinguish the building management statement.	
Land Titles Act 1994	54H(3)	Power, as the registered owner, to sign an instrument of extinguishment or partial extinguishment for a building management statement.	
Land Titles Act 1994	57	Power, as the registered owner of a lot with two or more registered owners, to request the registrar create separate a indefeasible title for the interest of each owner.	
Land Titles Act 1994	59(1)	Power, as a registered owner subject to a joint tenancy, to unilaterally sever the joint tenancy.	
Land Titles Act 1994	59(2)	Power, as a registered owner subject to a joint tenancy, to give notice of the severing of the joint tenancy in the way prescribed by subsection (2).	
Land Titles Act 1994	60(1)	Power to register an instrument of transfer for the transfer of a lot or interest to or from Council.	

Land Titles Act 1994	64	Power to register an instrument of lease for the lease of a lot, or part of a lot, to or from Council.	
Land Titles Act 1994	67(1)	Power to register an instrument of amendment of a lease to or from Council.	
Land Titles Act 1994	65(3A)	Power, as the relevant local government, to approve the instrument of lease where it is for reconfiguring a lot within the meaning of the <i>Planning Act 2016</i> .	
Land Titles Act 1994	68(1)	Power, as a lessor under a registered lease who has lawfully re-entered and taken possession under the lease, to lodge a request for the registrar to register the re-entry.	
Land Titles Act 1994	69(1)	Power, as a lessor or lessee under a registered lease, to execute and register an instrument of surrender of the lease.	
Land Titles Act 1994	69(2)	Power, as a sublessee, to consent to the surrender of the lease.	
Land Titles Act 1994	69(3)	Power, as a lessor or lessee under a registered lease, to give written notice of the surrender of the lease to every registered mortgagee and registered sublessee.	
Land Titles Act 1994	82(1)	Power to register an instrument of easement benefiting or burdening land owned by Council.	
Land Titles Act 1994	83(1)(b)	Power, as the registered owner, lessee, person entitled to the land or public utility provider, to sign an instrument of easement for particular easements.	
Land Titles Act 1994	83(2)	Power, as the relevant local government, to approve the plan of survey for the creation of an easement giving access to a lot from a constructed road where it is the reconfiguring of a lot under the <i>Planning Act 2016</i> .	
Land Titles Act 1994	85B(2)	Power, as the registered owner of a lot burdened by an easement in favour of a public utility provider that is not a public thoroughfare easement, to recover from the public utility provider a reasonable contribution towards the cost of keeping the part of the lot affected by the easement in a condition appropriate for enjoyment of the easement.	
Land Titles Act 1994	87	Power, as the registered owner of the lot benefited and the lot burdened by an easement, to ask the registrar to extinguish the easement.	
Land Titles Act 1994	90(1)	Power to register an instrument of surrender of an easement benefiting or burdening land owned by Council.	
Land Titles Act 1994	90(2)	Power to sign an instrument of surrender of an easement.	
Land Titles Act 1994	90(3)	Power, as a lessee or sublessee of a lot benefited by an easement, to consent to surrender of the easement.	
Land Titles Act 1994	91(1)	Power to register an instrument of amendment of an easement benefiting or burdening land owned by Council.	
Land Titles Act 1994	97A	Power, as a local government and covenantee, to register an instrument of covenant.	
Land Titles Act 1994	97C	Power, as a local government and covenantee, to register an instrument of amendment of a covenant.	
Land Titles Act 1994	97D	Power, as a local government and covenantee, to sign and register an instrument of surrender of a covenant.	
Land Titles Act 1994	97E	Power to register an instrument of profit a prendre benefiting or burdening land owned by Council.	
Land Titles Act 1994	97I	Power, as the registered owner of the lot benefited and the lot burdened by a profit a prendre, to ask the registrar to extinguish the profit a prendre.	
Land Titles Act 1994	97K	Power to register an instrument of amendment of a profit a prendre benefiting or burdening land owned by Council.	
Land Titles Act 1994	97L	Power to register an instrument of release of a profit a prendre benefiting or burdening land owned by Council.	
Land Titles Act 1994	97O	Power to register instrument of carbon abatement interest for a lot owned by Council or over which Council has an interest.	
Land Titles Act 1994	97P(c)	Power, as a holder of a registered interest in land affected by a proposed grant of a carbon abatement interest, to consent to the proposed grant.	
Land Titles Act 1994	97S(1)	Power to register instrument of amendment of a carbon abatement interest for a lot owned by Council or over which Council has an interest.	
Land Titles Act 1994	97U(1)	Power to register instrument of surrender of a carbon abatement interest for a lot owned by Council or over which Council has an interest.	
Land Titles Act 1994	99(1)	Power to apply to be registered as owner of a lot as an adverse possessor.	
Land Titles Act 1994	100	Power to withdraw an application to be registered as owner of a lot as an adverse possessor and request that all documents lodged in support of the claim be returned.	
Land Titles Act 1994	104	Power, as a person claiming an interest in a lot the subject of an adverse possession claim, to lodge a caveat.	
Land Titles Act 1994	106(2)	Power, as a caveator given a written notice under subsection (1), to:- (a) start a proceeding in the Supreme Court to recover the lot; and (b) give written notice, in the way the registrar requires, to the registrar that the proceeding has started.	
Land Titles Act 1994	107(2) and (3)	Power, as a caveator that does not agree to the registration of the applicant for a lesser interest in the lot, to:- (a) start a proceeding in the Supreme Court to recover the lot; and (b) give written notice, in the way the registrar requires, to the registrar that the proceeding has started.	
Land Titles Act 1994	108A	Power, as an applicant, to sign the plan of subdivision as if the applicant were the registered owner of the relevant lot.	
Land Titles Act 1994	110(1)	Power, as the registered owner holding the interest in the lot as trustee, to lodge an instrument of transfer to register the interest as being held as trustee	
Land Titles Act 1994	112(1)	Power, as a person who is beneficially entitled under a will to a lot or an interest in a lot of a deceased registered proprietor, to apply to the registrar to be registered as proprietor of the lot.	
Land Titles Act 1994	114(2)	Power, as a person mentioned in section 114(1), to apply to the Supreme Court for an order to be registered as proprietor of the lot.	
Land Titles Act 1994	122	Power to lodge a caveat.	
Land Titles Act 1994	125	Power to withdraw a caveat.	
Land Titles Act 1994	126(2) and (3)	Power, as a caveatee, to serve on the caveator a notice requiring the caveator to start a proceeding in a court of competent jurisdiction to establish the interest claimed under the caveat and to notify the registrar of service of the notice.	
Land Titles Act 1994	126(4)	Power, as a caveator served with a notice under subsection (2), to:- (a) start a proceeding in a court of competent jurisdiction to establish the interest claimed under the caveat; and (b) notify the registrar that a proceeding has been started and the identity of the proceeding.	
Land Titles Act 1994	127(1)	Power, as a caveatee, to apply to the Supreme Court for an order that a caveat be removed.	
Land Titles Act 1994	128(1)	Power to lodge a request to cancel a caveat.	
Land Titles Act 1994	129(2)	Power to seek the leave of a court of competent jurisdiction to lodge a further caveat.	
Land Titles Act 1994	139(1)	Power to deposit a priority notice for a lot.	
Land Titles Act 1994	141(1)	Power to deposit a request to extend a priority notice.	
Land Titles Act 1994	143(1)	Power to deposit a request to withdraw a priority notice.	
Land Titles Act 1994	144(1)	Power, as an affected person for a lot to which a priority notice applies, to apply to the Supreme Court for an order that the priority notice be removed.	
Land Titles Act 1994	145(1)(a)	Power to deposit a request to cancel a priority notice.	
Land Titles Act 1994	149(1)	Power, as the depositor of a priority notice, to request a correction to the priority notice.	
Land Titles Act 1994	156(3)	Power to comply with a requisition given to Council by the registrar.	
Land Titles Act 1994	159(4)	Power to apply to the registrar to re-lodge an instrument that the registrar has permitted to be withdrawn.	
Land Titles Act 1994	160	Power to comply with a requirement of the registrar to deposit an instrument for correction or cancellation.	
Land Titles Act 1994	165	Power to comply with a requirement of the registrar to lodge a plan of survey for the lot	
Land Titles Act 1994	169(1)	Power to lodge a standard terms document and amend a standard terms document on Council's behalf.	
Land Titles Act 1994	172(1)	Power to request the registrar to withdraw a standard terms document on Council's behalf.	
Land Titles Act 1994	186(2)	Power, as a person affected by a correction, to apply to the Supreme Court for an order that the correction be amended or set aside.	
Land Titles Act 1994	188B(1)	Power, as a person with an entitlement to compensation under section 188 or 188A, to apply to the Supreme Court for an order:- (a) for compensation to be paid by the State; (b) directing the registrar to take stated action.	
<b>Liquor Act 1992</b>			
<b>Legislation</b>	<b>Section of Act</b>	<b>Description of Delegated Power</b>	<b>Conditions to which the Delegation is Subject</b>
Liquor Act 1992	30	Power to apply, as provided under the QCAT Act, to the tribunal for a review of a decision of a commissioner.	

Liquor Act 1992	35	Power to apply appeal a decision of the tribunal to the Court of Appeal.	
Liquor Act 1992	105B	Power to consent to the making of an application for an adult entertainment permit or to abstain from consenting to the application.	
Liquor Act 1992	107D(2)	Power to make comments in regard to the grant of an adult entertainment permit.	
Liquor Act 1992	110(4)(a)	Power to raise a matter and make comment to the chief executive, where Council is consulted in relation to an application for an extended hours permit.	
Liquor Act 1992	117(2)	Power to: (a) comment on the reasonable requirements of the public in the locality; or (b) object in respect of the grant of a relevant application.	
Liquor Act 1992	117A	Power to comment about an application relating to a restricted area.	
Liquor Act 1992	118A	Power to make a submission about an application which requires a notice to be published under section 118 and a community impact statement to be given under section 116.	
Liquor Act 1992	173C(1) and (2)	Power to designate a "public place" as a "designated area", for the purposes of permitting the consumption of liquor, and power to set the period or times during which the designation will have effect.	
Liquor Act 1992	173D(1) and (3)	Power to advertise the designation made under section 173C(1), and power to erect signs advising of the designation, the period and times of the designation.	
Liquor Act 1992	173E(1) and (3)	Power to repeal or amend the designation under section 173C, and power to advertise the repeal or amendment; erect signs that the designation has been amended; or remove signs if the designation has been repealed	
Liquor Act 1992	173M(1)	Power to display a notice regarding a designation at or near each entrance to a place within a restricted area.	
Liquor Act 1992	173N(3) and (4)	Power to: (a) display a notice about the suspension of a restricted area designation on each of the section 173M notices displayed for the restricted area whilst the suspension is in force; and (b) notify the Queensland Police Service about the suspension.	
<b>Local Government Act 2009</b>			
<b>Legislation</b>	<b>Section of Act</b>	<b>Description of Delegated Power</b>	<b>Conditions to which the Delegation is Subject</b>
Local Government Act 2009	10	Power to conduct a joint government activity.	
Local Government Act 2009	11 (c)	Power to start a legal proceeding in the name of Council.	
Local Government Act 2009	16	Power to:- (a) review whether each 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.	
Local Government Act 2009	19	Power to make submissions to the change commission in response to a request for submissions in relation to a proposed local government change.	
Local Government Act 2009	29(1)	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> .	
Local Government Act 2009	29A(3)	Power to consult with relevant government entities about the overall State interest in a proposed local law.	
Local Government Act 2009	46(2)	Power to conduct a public benefit assessment of a new significant business activity	
Local Government Act 2009	46(5)	Power to prepare a report on the public benefit assessment in accordance with section 46(5) of the <i>Local Government Act 2009</i> .	
Local Government Act 2009	47(9)	Power to apply a code of competitive conduct to a business activity other than a business activity prescribed under a regulation.	
Local Government Act 2009	60	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.	
Local Government Act 2009	61	Power to give the owner of land a notice of intention to acquire land.	
Local Government Act 2009	61(6)	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.	
Local Government Act 2009	62	Power to decide a claim for compensation for a notice of intention to acquire land.	
Local Government Act 2009	64	Power to acquire land after service of notice of intention to acquire instead of paying compensation for injurious affection.	
Local Government Act 2009	64	Power to assess compensation for acquisition of land.	
Local Government Act 2009	65(3)	Power to serve notice of decision not to proceed to acquire land the subject of a notice of intention to acquire.	
Local Government Act 2009	65(4)	Power to withdraw notice of intention to acquire land.	
Local Government Act 2009	65(4)	Power to lodge with Registrar of Titles for registration a notice of a decision not to proceed with, or to withdraw, notice of intention of realignment of road or part of road.	
Local Government Act 2009	66	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.	
Local Government Act 2009	67	Power to acquire land that adjoins a road for use as a footpath.	
Local Government Act 2009	68	Power to submit objection to application for opening or closing of road in local government area by someone other than the local government.	As per resolution dated 20/06/2019, agenda item 12.6, this power is to remain with Council.
Local Government Act 2009	69(1)	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.	
Local Government Act 2009	69(2)	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).	
Local Government Act 2009	69(3)	Power to publish notice of closing of road.	
Local Government Act 2009	69(4)	Power to do everything necessary to stop traffic using the road after it is closed.	
Local Government Act 2009	69(5)	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.	
Local Government Act 2009	70(2)	Power to make a temporary road through land adjoining the road to be used while the road is being remade or repaired.	
Local Government Act 2009	70(3) and (4)	Power to agree with owner or occupier of 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> .	
Local Government Act 2009	70(7) and (8)	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> .	
Local Government Act 2009	71(1) and (3)	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> .	
Local Government Act 2009	71(4)	Power to agree the amount of compensation payable under section 71 of the <i>Local Government Act 2009</i> .	
Local Government Act 2009	72(2)	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.	
Local Government Act 2009	72(3)	Power, in the circumstances set out in subsection 72(1), to assess impact of the activity on the road.	
Local Government Act 2009	72(3)(a) and (b)	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.	
Local Government Act 2009	72(5)	Power to recover an amount of compensation payable under subsection 72(3)(b)(ii) in a court.	
Local Government Act 2009	73	Power to categorise the roads in the local government area according to the surface of the road.	
Local Government Act 2009	74(1)	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.	
Local Government Act 2009	75	Power to approve the carrying out of works on a road or interference with a road or its operation subject to conditions.	



Local Government Act 2009	77	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.	
Local Government Act 2009	77	Power to give approval for the connection of a stormwater installation to the local government's stormwater drain (including the imposition of conditions) in accordance with section 77 of the <i>Local Government Act 2009</i> .	
Local Government Act 2009	78	Power to give a notice requiring the owner of a property to perform sewerage installation works.	
Local Government Act 2009	79	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.	
Local Government Act 2009	80B	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.	
Local Government Act 2009	90B	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.	
Local Government Act 2009	95	Power to register a charge over land for overdue rates and charges under section 95 of the <i>Local Government Act 2009</i> .	
Local Government Act 2009	95	Power to lodge documents with the Registrar of Titles for release of the charge if overdue rates and charges are paid.	
Local Government Act 2009	104(1)	Power to establish a system of financial management, except those parts of the system that must be adopted by resolution (e.g. 5-year corporate plan, budget and operational plan).	
Local Government Act 2009	104(6)	Power to regularly review and update the financial policies of Council.	
Local Government Act 2009	104(7)	Power to carry out a review of the implementation of the annual operational plan annually.	
Local Government Act 2009	105(1)	Power to establish an efficient and effective internal audit function.	
Local Government Act 2009	105(2)	Power, as a large local government, to establish an audit committee.	
Local Government Act 2009	107(1)	Power to maintain public liability insurance and professional indemnity insurance.	
Local Government Act 2009	107(3)	Power to enter into a contract of insurance with WorkCover Queensland or another insurer to cover its councillors.	
Local Government Act 2009	110	Power to give the public notice of the disbursement of funds not provided for in the local government's budget.	
Local Government Act 2009	120(3)(d)	Power to make submission to the Minister about the Minister's proposed exercise of the power.	
Local Government Act 2009	133	Power to give or to attempt to give an occupier of a property a written notice that informs the occupier of the local government's intention to enter the property.	
Local Government Act 2009	134(5)	Power to give the public notice of the approval of an inspection program.	
Local Government Act 2009	137	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> .	
Local Government Act 2009	138(5)	Power to authorise an employee or agent of the local government to act as a local government worker.	
Local Government Act 2009	138A(1)	Power to give each local government worker an identity card.	
Local Government Act 2009	142(2)	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.	
Local Government Act 2009	142(4)	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.	
Local Government Act 2009	142(7)	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.	
Local Government Act 2009	143	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.	
Local Government Act 2009	147	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> .	
Local Government Act 2009	1500(1)	Power to make a complaint to the assessor about the conduct of a councillor.	
Local Government Act 2009	150P(2)	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.	
Local Government Act 2009	150Q(2)	Power, as the person who made the complaint, to comply with a notice to give the assessor further information about the complaint.	
Local Government Act 2009	150S(2)	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.	
Local Government Act 2009	150SC(4)	Power as an entity referred to in section 150SC(2) to comply with a request from the assessor for information.	
Local Government Act 2009	150AE(4)	Power to publish Council's investigation policy on Council's website.	
Local Government Act 2009	150AF(1)	Power to investigate the councillor's conduct.	
Local Government Act 2009	150AF(4)	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.	
Local Government Act 2009	150AFA(3)	Power to prepare a summary of the investigation report and make the investigation report publicly available.	
Local Government Act 2009	150AGA(1)	Power after making a decision under section 150AG, to make the investigation report for the investigation publicly available.	
Local Government Act 2009	150AHA(1)	Power, in the circumstances referred to in section 150AHA(1), to give the assessor a notice.	
Local Government Act 2009	150BI(1) & (2)	Power, as an occupier of a place, to consent to the entry of the investigator and to impose conditions on the entry.	
Local Government Act 2009	150BM(1)	Power, as an occupier of a place, to sign an acknowledgement of the consent.	
Local Government Act 2009	150BV(1)	Power, as an occupier of a place, to comply with a help requirement.	
Local Government Act 2009	150CE(3)	Power to apply to the assessor for the return of a seized item.	
Local Government Act 2009	150CH(2)	Power to comply with a notice from the investigator requiring information to be provided.	
Local Government Act 2009	150CN	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.	
Local Government Act 2009	150CO	<del>Power, as a person given, or entitled to be given, an information notice under section 150CC, to apply for an internal review.</del>	
Local Government Act 2009	150CP(2)	<del>Power to ask the assessor to extend the time for making the application.</del>	
Local Government Act 2009	150CR	<del>Power, as an applicant dissatisfied with a review decision made by the assessor, to apply to QCAT for a review of the decision.</del>	
Local Government Act 2009	150DL	<del>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; and (b) make recommendations to the local government about dealing with the conduct.</del>	
Local Government Act 2009	150DU	Power to pay the costs of the conduct tribunal in relation to the conduct tribunal:- (a) conducting a hearing about the misconduct of a councillor under part 3, division 6; or about the misconduct or a councillor or the conduct breach of a councillor. (b) at the request of the local government, investigating the suspected inappropriate conduct of a councillor and making recommendations to the local government about dealing with the conduct.	
Local Government Act 2009	150DX	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.	
Local Government Act 2009	166A(4)	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.	
Local Government Act 2009	166B(6)	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.	
Local Government Act 2009	195	Power to appoint a qualified person to act as chief executive officer during:- (a) any vacancy, or all vacancies, in the position; or (b) any period, or all periods, when the chief executive officer is absent from duty or can not, for another reason, perform the chief executive officer's responsibilities.	Council conditions the delegation granted under s195 of the Act to appoint an Acting Chief Executive Officer to be limited to internal personnel only.
Local Government Act 2009	196(2)	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.	This power does not include the power to appoint employees which is separately dealt with under sections 196(3) of the Act.
Local Government Act 2009	198	Power to agree with other local governments about the joint employment of a local government employee.	
Local Government Act 2009	219(1)	Power, as a prescribed employee's employer, to pay superannuation contributions payable for the employee into LGIASuper.	

Local Government Act 2009	219(2)	Power, as a prescribed employee's employer, to pay superannuation contributions payable for the employee into another fund directed by the employee.	
Local Government Act 2009	219A	Power, as a local government other than the Brisbane City Council, to comply with a notice giving by the LGIA Super Trustee under subsection 219A(1).	
Local Government Act 2009	220	Power to pay a yearly superannuation contribution in the circumstances prescribed in section 220.	
Local Government Act 2009	220A(4)	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.	
Local Government Act 2009	220B(2)	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.	
Local Government Act 2009	220B(3)	Power, where the pre-agreement contributions are reduced under subsection 220B(2), to pay the amount of the reduction to the employee as salary.	
Local Government Act 2009	221(2)	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.	
Local Government Act 2009	221(4)	Power, as an employer, to give a copy of the agreement made under subsection 220(2) to the relevant trustee.	
Local Government Act 2009	222(3)	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.	
Local Government Act 2009	224(2)	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.	
Local Government Act 2009	226(1)	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.	
Local Government Act 2009	226(2)	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.	
Local Government Act 2009	226(4)	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.	
Local Government Act 2009	228(4)	Power to make a submission as a local governing body within the meaning of the Local Government (Financial Assistance) Act to assist the Local Government Grants Commission to make a decision about funding under the Local Government (Financial Assistance) Act.	
Local Government Act 2009	236	Power to sign a document on behalf of a local government as a delegate of the local government.	To be sub-delegated on a case by case basis.
Local Government Act 2009	239	Power to effect substituted service.	
Local Government Act 2009	240(1)	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.	
Local Government Act 2009	250	The power to verify a copy of a document that purports to be made under the authority of a local government or its mayor.	
Local Government Act 2009	262	Power to do anything that is necessary or convenient for performing the responsibilities of the local government under a Local Government Act.	
<b>Local Government Regulation 2012</b>			
Legislation	Section of Act	Description of Delegated Power	Conditions to which the Delegation is Subject
Local Government Regulation 2012	6(6)	Power to make available for inspection at its public office, a copy of the local government's area map.	
Local Government Regulation 2012	14(2)	Power to give an extract or certified copy of a local law from the local government's register of local laws where the person has paid the applicable fee.	
Local Government Regulation 2012	14(4)	Power to publish the register of local laws on Council's website.	
Local Government Regulation 2012	18	Power to identify and assess each new significant business activity for possible reform involving full cost pricing, commercialising, or corporatizing the activity.	
Local Government Regulation 2012	41(1)	Power, when conducting a relevant business activity, to carry out all functions described in subsections (a), and (c) to (f).	
Local Government Regulation 2012	45(3)	Power to give the competitive neutrality complaint to the competition authority as soon as is practicable.	
Local Government Regulation 2012	50(3)	Power to comply with an information requirement notice given by the competition authority.	
Local Government Regulation 2012	53	Power to ensure the public can inspect a copy of the report given to Council under section 52.	
Local Government Regulation 2012	55(4)	Power to give notice of the resolution made pursuant to section 55(1) to the entities listed in subsection (4).	
Local Government Regulation 2012	55A(2)	Power to give the competition authority a confidentiality request.	
Local Government Regulation 2012	56(1)	Power to establish a register of business activities to which the competitive neutrality principle applies.	
Local Government Regulation 2012	58(2)	Power in relation to a mall to do any of the following: (a) anything necessary or desirable for developing, managing, maintaining (including cleaning), promoting or using a mall; (b) permit the use of any part of the mall on conditions it considers appropriate; (c) anything incidental to its powers mentioned in (a) or (b).	
Local Government Regulation 2012	59	Power to : (a) construct, maintain, manage and regulate the use of harbours for small vessels in or over tidal waters; (b) construct, maintain, manage and regulate the use of jetties, breakwaters and ramps in or over tidal waters; and (c) to occupy and use foreshore, tidal land or tidal waters to undertake work in exercising those powers.	
Local Government Regulation 2012	63	Power to take all necessary steps for: (a) construction on, maintenance of or improvement of the land; and (b) regulation of the use of the land, where the land is subject to a public thoroughfare easement in Council's favour.	
Local Government Regulation 2012	64(3)	Power to enter into arrangements necessary to perform the joint responsibility of the local government where a road or other work is to be, or has been, built: (a) along the boundary between two or more local government areas; and (b) partly in each of the areas.	
Local Government Regulation 2012	77(2)	Power to identify, in any way considered appropriate, parcels of rateable land to which a minimum amount of general rates apply.	
Local Government Regulation 2012	81(4)	Power to identify, in any way considered appropriate, the rating category to which each parcel of rateable land in the local government area belongs. NB: This section is only required where Council is levying differential general rates.	
Local Government Regulation 2012	82(2)	Power to decide what rating category the land referred to in subsection (1) should be in. NB: this section is only required where Council is levying differential general rates.	
Local Government Regulation 2012	88(2)	Power to ensure that each relevant rate notice is accompanied by, or contains, a rating category statement. NB: This section is only required where Council is levying differential general rates.	
Local Government Regulation 2012	90(5)(b)	Power to allow a longer period within which an owner of rateable land must give an objection notice. NB: This section is only required where Council is levying differential general rates.	
Local Government Regulation 2012	96(2)	Power, in the circumstances referred to in subsection (1), to pay unspent special rates or charges to the current owners of the land on which the special rates or charges were levied. NB: This section is only required where Council is levying special rates or charges.	

Local Government Regulation 2012	97(2)	Power, in the circumstances referred to in subsection (1), to pay unspent special rates or charges (in the proportions stipulated in subsection (3)) to the current owners of the land on which the special rates or charges were levied. NB: This section is only required where Council is levying special rates or charges.
Local Government Regulation 2012	97(2)	Power, in the circumstance referred to in subsection (1), to return paid special rates or charges to the person who paid them.
Local Government Regulation 2012	104	Power to levy rates or charges by a rate notice.
Local Government Regulation 2012	105	Power to include on a rate notice an amount, other than an amount for rates or charges, payable to Council.
Local Government Regulation 2012	107(1)	Power to determine a period considered appropriate for the issue of a rate notice.
Local Government Regulation 2012	108	Power to give a rate notice and, if required, a rating category statement, electronically.
Local Government Regulation 2012	110	Power, where land becomes, or stops being, rateable land, to adjust the rates so that the rates are calculated only on the period when the land was rateable land.
Local Government Regulation 2012	111	Power, if the value of the land changes under the Land Valuation Act, to adjust the rates so that the rates are calculated on the new value of the land for the period that starts on the day the change takes effect.
Local Government Regulation 2012	112	Power, if the land is given a rating category, including a change of rating category, to adjust the general rates so that the rates are calculated on the new or changed rating category for the period that starts on the day the land was given the new or changed rating category.
Local Government Regulation 2012	113	Power, if the land becomes, or stops being, land on which the local government may levy special rates or charges, to adjust the rates or charges so that the rates or charges are calculated on the period when the land was land on which the local government could levy special rates or charges.
Local Government Regulation 2012	114	Power, in the circumstances of subsection (1) to adjust the rates or charges so that the rates or charges are calculated only for the person was entitled to occupy the land.
Local Government Regulation 2012	115	Power, when rates or charges are paid before they are adjusted, to refund the overpaid amount of rates or charges or recover the amount of rates or charges owing.
Local Government Regulation 2012	117	Power to levy rates or charges, or adjust a rates or charges levy in a financial year, even though the resolution for making the rates or charges was made for a previous financial year.
Local Government Regulation 2012	122(3)	Power to accept an application from a ratepayer made under subsection (1)(a).
Local Government Regulation 2012	122(4)	Power to be satisfied that a ratepayer is eligible for a concession granted pursuant to a resolution made under subsection (1)(b).
Local Government Regulation 2012	123	Power, in the relevant circumstances of section 123, to grant a rebate of rates or charges for land occupied by pensioners.
Local Government Regulation 2012	124(2)	Power, in the circumstances referred to in subsection (1), to refund the amount of the rebated rates or charges to the ratepayer.
Local Government Regulation 2012	130(10)	Power to still allow a discount where satisfied that the ratepayer has been prevented, by circumstances beyond their control, from paying the rates or charges in time to get the discount.
Local Government Regulation 2012	131	Power to give a benefit that is not a discount as an inducement for payment of rates or charges before the due date for payment.
Local Government Regulation 2012	133(1)(a)	Power, for interest on overdue rates or charges, to decide a later day from which interest is payable.
Local Government Regulation 2012	133(2)(b)	Power, for interest on overdue rates or charges, to decide another way to calculate interest, if an equal or lower amount will be payable.
Local Government Regulation 2012	133(3)(a)	Power, for interest on overdue rates or charges, to, for a day before 1 July 2019, decide the rate of interest payable.
Local Government Regulation 2012	134	Power to recover overdue rates or charges by bringing court proceedings for a debt.
Local Government Regulation 2012	138(3)	Power to give the State or government entity that has an interest in the land under a State encumbrance a notice of Council's intention to sell the land.
Local Government Regulation 2012	140(3)	Power, where Council has by resolution decided to sell the land, to give all interested parties a notice of intention to sell the land.
Local Government Regulation 2012	141(3)	Power to end sale procedures at the earliest of the following: (a) Council has been paid the amount of the overdue rates or charges, and all expenses that Council has incurred in attempting to sell the land; or (b) the land has been sold; or (c) 1 year after the notice of intention to sell was given to the registered owner.
Local Government Regulation 2012	141(4)	Power, in circumstances where Council has ended sale procedures, to decide to sell the land again under section 140(2).
Local Government Regulation 2012	142	Power to carry out the procedures to sell land for overdue rates or charges.
Local Government Regulation 2012	143(1)	Power to set a reserve price for the sale by auction of land for overdue rates and charges.
Local Government Regulation 2012	143(2)	Power, if the reserve price for the land is not reached at the auction, to enter into negotiations with any bidder who attended the auction to sell the land by agreement (for a price not less than the reserve price).
Local Government Regulation 2012	144(1)	Power, after the day of the auction, to decide to continue to offer the land for sale by another auction, or sale by negotiation.
Local Government Regulation 2012	144(2)	Power to end any negotiations entered into under section 143(2) when a decision is made under section 144(1).
Local Government Regulation 2012	144(4)	Power to prepare a sales notice if Council decides to offer the land for sale by negotiation under section 144.
Local Government Regulation 2012	144(5)	Power to: (a) give a copy of the sales notice to each interested party who was given a notice of intention to sell the land; and (b) publish the sales notice on Council's website; and (c) display the sales notice in a conspicuous place in Council's public office; and (d) display the sales notice in a conspicuous place on the land unless it is not reasonably practicable to do so because the land is in a remote location or difficult to access; and (e) take all reasonable steps to publish the sales notice in another way to notify the public about the sale of the land.
Local Government Regulation 2012	144(6)	Power, if the land is a building unit and it is not practicable to display the sales notice in a conspicuous place on the land, to display the notice in a conspicuous part of the common property for the building units.
Local Government Regulation 2012	144(7)	Power to ensure that the price for land offered for sale by negotiation is at least - (a) the market value of the land; or (b) the higher of the following - (i) the amount of the overdue rates or charges on the land; (ii) the value of the land.
Local Government Regulation 2012	145(2)	Power, in the circumstances set out in subsection (1), to give the registrar of titles an appropriate form.
Local Government Regulation 2012	146	Power to use the proceeds of sale of the land for the purposes and in the order specified.
Local Government Regulation 2012	149(2)	Power, where Council has by resolution decided to acquire the land for overdue rates or charges, to give all interested parties a notice of intention to acquire the land.
Local Government Regulation 2012	150(2)	Power, in the circumstances set out in subsection (1), to start the procedures to acquire land for overdue rates or charges.
Local Government Regulation 2012	150(3)	Power, where Council has been paid the amount of the overdue rates or charges, and all expenses that Council has incurred in attempting to acquire the land, to end the procedures for acquiring the land.
Local Government Regulation 2012	151	Power to carry out the procedures to acquire land for overdue rates or charges.
Local Government Regulation 2012	154(1)	Power to keep a land record.
Local Government Regulation 2012	154(2)(e)	Power to include in a land record any other information considered appropriate.
Local Government Regulation 2012	155(4)	Power to provide access to or give copies of the land record kept by Council (including parts of the land record).
Local Government Regulation 2012	162	Power to record the details of the new owner in the land record.
Local Government Regulation 2012	164	Power to keep a written record, in the way required by subsection (2), which states the matters identified in subsection (1).
Local Government Regulation 2012	165(4)	Power to discharge Council's responsibilities in a way that is consistent with the adopted 5-year corporate plan.
Local Government Regulation 2012	173(1)	Power to spend money in a financial year before the budget is adopted if Council provides for that spending in the budget for the financial year.
Local Government Regulation 2012	174(5)	Power to discharge Council's responsibilities in a way that is consistent with the adopted annual operational plan.
Local Government Regulation 2012	175(3)	Power to omit information from the copies of the annual performance plan (which is part of the annual operational plan) made available to the public if subsections (3)(a) and (b) are satisfied.

Local Government Regulation 2012	<b>182(4)</b>	Power to publish Council's annual report on Council's website.	
Local Government Regulation 2012	<b>194</b>	Power to give a grant to a community organisation in the public interest and consistent with the local government's community grants policy.	
Local Government Regulation 2012	<b>196(2)</b>	Power to spend money on entertainment or hospitality consistent with the local government's entertainment and hospitality policy.	
Local Government Regulation 2012	<b>197(2)</b>	Power to spend money on advertising to provide information or education that is in the public interest and consistent with the local government's advertising spending policy.	
Local Government Regulation 2012	<b>199(2)</b>	Power to allow the public to inspect and purchase copies of the documents referred to in subsection (1).	
Local Government Regulation 2012	<b>200</b>	Power to:- 1. establish a trust fund; 2. deposit trust money in a financial institution account; and 3. reconcile the assets of the trust fund with the liabilities of the trust fund at least monthly.	
Local Government Regulation 2012	<b>201</b>	Power to transfer money to or from a trust fund in accordance with section 201.	
Local Government Regulation 2012	<b>201B(4)</b>	Power to make publicly available an availability notice.	
Local Government Regulation 2012	<b>202A(2)</b>	Power to publish a notice given under subsection 202A(1) on Council's website.	
Local Government Regulation 2012	<b>203</b>	Power to establish separate accounting records for Council's:- (a) operations; and (b) its trust fund.	
Local Government Regulation 2012	<b>204</b>	Power to prepare a financial report.	
Local Government Regulation 2012	<b>207</b>	Power to:- (a) prepare an internal audit plan; (b) carry out an internal audit; (c) prepare a progress report for the internal audit; (d) assess compliance with the internal audit plan; and (e) give the documents referred to in subsection (3) to the audit committee.	
Local Government Regulation 2012	<b>210(1)</b>	Power to appoint the members of the audit committee.	
Local Government Regulation 2012	<b>210(3)</b>	Power to appoint one of the members of the audit committee as chairperson.	
Local Government Regulation 2012	<b>212</b>	Power to give the financial statements referred to in subsections (1) and (2) to the auditor-general.	
Local Government Regulation 2012	<b>213A(2)</b>	Power, in the circumstances set out in subsection (1), to give the Minister a notice and any documents about a controlled entity that Council considers to be relevant to a notifiable event.	
Local Government Regulation 2012	<b>213A(3)</b>	Power, if a governing document of a Council controlled entity changes, to give the Minister a notice stating details of the change and a copy of the governing document as amended.	
Local Government Regulation 2012	<b>213B(2)</b>	Power, in the circumstances set out in subsection (1), to obtain a copy of the audited financial statements of the controlled entity.	
Local Government Regulation 2012	<b>213B(4)</b>	Power to ensure that a copy or a link to a copy of the controlled entity's audited financial statements is published on Council's website.	
Local Government Regulation 2012	<b>215</b>	Power to give the department's chief executive a notice stating that the Council has paid notional GST for the previous financial year.	
Local Government Regulation 2012	<b>218(2)(b)</b>	Power to give the public notice of a proposed resolution to apply Chapter 6, part 2 to its contracts.	
Local Government Regulation 2012	<b>220(8)</b>	Power to allow the public to inspect and buy copies of the contracting plan that has been adopted.	
Local Government Regulation 2012	<b>224(7)(b)</b>	Power to set the value limit for valuable non-current assets other than land.	
Local Government Regulation 2012	<b>225(1)</b>	Power to invite written quotes for a medium-sized contractual arrangement.	
Local Government Regulation 2012	<b>225(3) and (4)</b>	Power to decide to accept a quote or to decide not to accept any of the quotes it receives for a medium-sized contractual arrangement.	
Local Government Regulation 2012	<b>225</b>	Power to enter a medium sized contractual arrangement after first inviting written quotes for the contract.	
Local Government Regulation 2012	<b>226(1)</b>	Power to invite written tenders for a large-size contractual arrangement.	Prior to inviting written tenders in relation to leases for a large-size contractual arrangement Council must resolve if it will retain the decision making authority over the contract as per s 228(8) and 228(9).
Local Government Regulation 2012	<b>226</b>	Power to enter a large sized contractual arrangement after first inviting written tenders for the contract.	
Local Government Regulation 2012	<b>227(1)</b>	Power to invite written tenders for a valuable non-current asset contract or to offer a non-current asset for sale by auction.	Prior to inviting written tenders in relation to leases for a valuable non-current asset contract Council must resolve if it will retain the decision making authority over the contract as per s 228(8) and 228(9).
Local Government Regulation 2012	<b>227</b>	Power to enter a valuable non-current asset contract after first inviting written tenders for the contract or offering the non-current asset for sale by auction.	
Local Government Regulation 2012	<b>228(2)(b)</b>	Power to invite expressions of interest, pursuant to section 228.	The local government: (a) decides, by resolution, that it would be in the public interest to invite expressions of interest before inviting written tenders; and (b) records its reasons for making the resolution in the minutes of the meeting at which the resolution was made.
Local Government Regulation 2012	<b>228(6)</b>	Power to take all reasonable steps to publish an invitation for tenders or expressions of interest in another way to notify the public about the tender process.	
Local Government Regulation 2012	<b>228(7)</b>	Power to prepare a shortlist of people from the persons who responded to the invitation for expressions of interest and to invite written tenders from those persons.	
Local Government Regulation 2012	<b>228(8)</b>	Power to invite all persons who submitted a tender to change their tender to take account of a change in the tender specifications.	
Local Government Regulation 2012	<b>228(9) and (10)</b>	Power to decide to accept a tender or not to accept any tenders it receives.	This power can only be exercised if Council has not resolved to retain the decision making process prior to inviting written tenders in relation to leases for a large size contractual arrangement or a valuable non-current asset contract.
Local Government Regulation 2012	<b>230(1)</b>	Power to enter into a medium-sized contractual arrangement or large-sized contractual arrangement in accordance with a quote or tender consideration plan adopted by local government resolution.	
Local Government Regulation 2012	<b>231(2)</b>	Power to enter into a medium-sized contractual arrangement or large-sized contractual arrangement for services with a person on an approved contractor list.	
Local Government Regulation 2012	<b>231(4)</b>	Power to put together an approved contractor list in accordance with section 231(4).	
Local Government Regulation 2012	<b>232(2)</b>	Power to enter into a contract for a medium-sized contractual arrangement or large-sized contractual arrangement for the supply of goods or services with a supplier from a register of pre-qualified suppliers.	
Local Government Regulation 2012	<b>232(3)</b>	Power to establish a register of pre-qualified suppliers of particular goods or services.	
Local Government Regulation 2012	<b>232(4)</b>	Power to invite suppliers to tender to be on a register of pre qualified suppliers.	
Local Government Regulation 2012	<b>232(6)</b>	Power to take all reasonable steps to publish an invitation in another way to notify the public about establishing the register of pre-qualified suppliers.	
Local Government Regulation 2012	<b>233(2)</b>	Power to enter into a medium-sized contractual arrangement or large-sized contractual arrangement for goods or services with a preferred supplier under a preferred supplier arrangement.	
Local Government Regulation 2012	<b>233(2)</b>	Power to enter a preferred supplier arrangement.	
Local Government Regulation 2012	<b>232(3)</b>	Power to invite persons to tender for a preferred supplier arrangement.	
Local Government Regulation 2012	<b>233(5)</b>	Power to take all reasonable steps to publish an invitation to tender in another way to notify the public about the tender process.	
Local Government Regulation 2012	<b>234(1)</b>	Power to enter into a contract for goods and services under an LGA arrangement.	

Local Government Regulation 2012	235	Power to enter into a medium-sized contractual arrangement or large-sized contractual arrangement in circumstances specified in section 235. <i>NB: For subsections 235(a) and 235(b) it is a legislative precondition to the exercise of the power that Council first pass the resolution referred to in the respective subsection.</i>	Section 235(a) & (b) requires a resolution from Council therefore cannot be exercised.
Local Government Regulation 2012	236	Power to dispose of a valuable non-current asset other than by tender or auction in circumstances specified in section 236. <i>NB: For subsections 236(1)(a) to 236(1)(e) it is a legislative precondition to the exercise of the power that Council first pass the resolution referred to in subsection 236(2).</i>	Section 236(2) requires a resolution from Council therefore cannot be exercised.
Local Government Regulation 2012	237	Power to publish and display relevant details of a contractual arrangement worth \$200,000.00 or more (exclusive of GST).	
Local Government Regulation 2012	247(1)	Power to pay remuneration to each councillor.	
Local Government Regulation 2012	248(2)	Power, in the circumstance identified in subsection (1), to make a submission to the remuneration commission for approval to pay a councillor an amount of remuneration of more than the maximum amount.	
Local Government Regulation 2012	251	Power to make the adopted expenses reimbursement policy available for inspection and purchase by the public and to publish that policy on Council's website.	
Local Government Regulation 2012	254B(1) and (2)	Power to publish a notice of the days and times when ordinary meetings will be held on Council's website and in other ways considered appropriate (Council and standing committee meetings).	
Local Government Regulation 2012	254B(3)	Power to display in a conspicuous place in Council's public office a notice of the days and times when meetings will be held (Council and committee meetings).	
Local Government Regulation 2012	254B(4)	Power to notify of any change to the days and times of meetings mentioned in section 254B(1) and (3) in the same way as the meetings were previously notified.	
Local Government Regulation 2012	254C(1) and (2)	Power to give notice of each meeting or adjourned meeting to each councillor or committee member in accordance with section 254C(1) and (2).	
Local Government Regulation 2012	254D(1)	Power to make the agenda for a Council or committee meeting publicly available in accordance with section 254D(1).	
Local Government Regulation 2012	254D(2)	Power to make a related report for a Council or committee meeting publicly available in accordance with section 254D(2).	
Local Government Regulation 2012	254F(6)	Power to make a copy of the minutes of each Council or committee meeting publicly available in accordance with section 254F(6).	
Local Government Regulation 2012	254F(7)	Power to make a copy of the confirmed minutes publically available, and available for purchase at Council's public office in accordance with section 254F(7).	
Local Government Regulation 2012	254K	Power to allow a person to take part in a meeting (Council and committee meetings) by audio link or audio visual link.	
Local Government Regulation 2012	262	Power to give written notice of the intention to propose the repeal or amendment of a resolution.	
Local Government Regulation 2012	287(1)	Power, as a former employer, to pay the new employer an amount for the number days of long service leave that the person is entitled to take because of the person's period of employment with the former employer.	
Local Government Regulation 2012	287(3)	Power, as a former employer, to provide the new employer with the information specified in subsection (3).	
Local Government Regulation 2012	295(1)(2) and (3)	Power to make a copy of the register of interests of each councillor available for inspection by the public at Council's public office and an extract of the register available on its website.	
Local Government Regulation 2012	295(4)	Power where a register of interests for a councillor changes, to amend the copy and the extract to reflect the changes.	
Local Government Regulation 2012	296A(2)	Power to ensure a register of interests kept under section 296A(1)(a) is available for inspection by the public at Council's public office for the period Council must keep the register.	
Local Government Regulation 2012	306(4)	Power to do all things specified in subsection (4) in relation to Council's complaints management process and administrative action complaints.	
Local Government Regulation 2012	364(1)	Power to ensure that an extract of the register of interests for each councillor is made available for inspection under section 295 within 35 days after the commencement.	
Local Government Regulation 2012	Schedule 4, section 5	Power to make a reasonable allocation of its administrative and overhead costs to each relevant activity, having regard to all of a local government's relevant activities.	
Local Government Regulation 2012	Schedule 4, Section 6	Power to ensure the terms on which the cost of resources is based are similar to the terms on which they are made available in conducting the relevant activity.	
Local Government Regulation 2012	Schedule 4, section 7	Power to decide an amount for depreciation of an asset used in conducting a relevant activity that is appropriate in the circumstances.	
Local Government Regulation 2012	Schedule 4, section 8	Power to work out tax equivalents for Commonwealth or State taxes Council is not liable to pay as a local government and keep details of the calculations.	
Local Government Regulation 2012	Schedule 4, Section 9	Power to take account of amounts equivalent to the cost of funds advantage obtained over commercial interest rates because of a State guarantee.	
Local Government Regulation 2012	Schedule 4, section 10	Power to decide the amount for the return on capital used by a local government in conducting a relevant activity.	
<b>Medicines and Poisons Act 2019</b>			
<b>Legislation</b>	<b>Section of Act</b>	<b>Description of Delegated Power</b>	<b>Conditions to which the Delegation is Subject</b>
Medicines and Poisons Act 2019	73(1)	Power, as the holder of a substance authority, to notify the chief executive of a change in circumstances in relation to the authority.	
Medicines and Poisons Act 2019	73(2)	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.	
Medicines and Poisons Act 2019	75	Power to apply for a substance authority and pay the fee prescribed by regulation.	
Medicines and Poisons Act 2019	78	Power, as the holder of a substance authority, to apply to amend the authority and pay the fee prescribed by regulation.	
Medicines and Poisons Act 2019	82	Power, as the holder of a substance authority, to make a renewal application and pay the fee prescribed by regulation.	
Medicines and Poisons Act 2019	87(4)	Power, as an applicant, to comply with a notice received from the chief executive.	
Medicines and Poisons Act 2019	88(1)	Power, as an applicant, to agree with the chief executive on a later day by which the application is to be decided.	
Medicines and Poisons Act 2019	93	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.	
Medicines and Poisons Act 2019	97(2)(d)	Power, as the holder of an authority notice, to respond to a show cause notice.	
Medicines and Poisons Act 2019	Sections 103(1) and (2)	Power, as a relevant person or the holder for an authority, to agree to the chief executive taking administrative action.	
Medicines and Poisons Act 2019	103(4)	Power, as a relevant person, to agree with the chief executive to a review day for the administrative action.	
Medicines and Poisons Act 2019	105	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.	
Medicines and Poisons Act 2019	106(2)	Power, as a relevant person or the holder for an authority, to agree to the chief executive taking further administrative action.	
Medicines and Poisons Act 2019	110	Power to comply with a compliance notice.	
Medicines and Poisons Act 2019	116	Power to comply with an emerging risk declaration.	
Medicines and Poisons Act 2019	120(2)	Power, as a responsible person, to give the chief executive written submissions about why the proposed recall order should not be made.	
Medicines and Poisons Act 2019	121(3)	Power, as a responsible person, to give the chief executive written submissions about why the proposed recall order should be revoked.	
Medicines and Poisons Act 2019	125	Power to comply with a recall order.	
Medicines and Poisons Act 2019	128(1)	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.	
Medicines and Poisons Act 2019	145	Power, as an occupier, to consent to the entry by an inspector, with or without conditions, and sign an acknowledgement of the consent.	
Medicines and Poisons Act 2019	160	Power, as a person of whom a help requirement has been made, to comply with the requirement.	
Medicines and Poisons Act 2019	165	Power to comply with a requirement made under section 164(2)(c).	
Medicines and Poisons Act 2019	169(3)	Power, as the owner of a thing that was seized, to apply to the chief executive for its return.	
Medicines and Poisons Act 2019	178(1)	Power to comply with a document production requirement.	
Medicines and Poisons Act 2019	179(1)	Power to comply with a document certification requirement.	
Medicines and Poisons Act 2019	181(1)	Power to comply with a requirement to give information made under section 180(2).	

Medicines and Poisons Act 2019	184(1)	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.	
Medicines and Poisons Act 2019	198(1)	Power, as an affected person for an original decision, to apply to the chief executive for internal review.	
Medicines and Poisons Act 2019	198(2)	Power, as an affected person for an original decision, to ask the chief executive for an information notice for the decision.	
Medicines and Poisons Act 2019	200(2)	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).	
Medicines and Poisons Act 2019	201(1)	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.	
Medicines and Poisons Act 2019	202(2)	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.	
Medicines and Poisons Act 2019	203	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.	
Medicines and Poisons Act 2019	204(1)	Power to apply to the Magistrates Court for a stay of a property decision.	

**Medicines and Poisons (Pest Management Activities) Regulation 2021**

Legislation	Section of Act	Description of Delegated Power	Conditions to which the Delegation is Subject
Medicines and Poisons (Pest Management Activities) Regulation 2021	41	Power, as a qualified person, to use a fumigant or pesticide for a pest management activity in accordance with the approved label.	
Medicines and Poisons (Pest Management Activities) Regulation 2021	42	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.	
Medicines and Poisons (Pest Management Activities) Regulation 2021	43	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.	
Medicines and Poisons (Pest Management Activities) Regulation 2021	44(1)	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.	
Medicines and Poisons (Pest Management Activities) Regulation 2021	44(2)	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.	
Medicines and Poisons (Pest Management Activities) Regulation 2021	45	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.	
Medicines and Poisons (Pest Management Activities) Regulation 2021	46	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.	
Medicines and Poisons (Pest Management Activities) Regulation 2021	47	Power, after becoming aware of the leakage or escape of a fumigant or pesticide, to take the action required by the section.	
Medicines and Poisons (Pest Management Activities) Regulation 2021	48	Power, as a qualified person, to dispose of a contained used for a fumigant or pesticide in the way required by the section.	
Medicines and Poisons (Pest Management Activities) Regulation 2021	49	Power, as a qualified person, to notify the chief executive of an incident referred to in subsection 49(1),	
Medicines and Poisons (Pest Management Activities) Regulation 2021	50	Power, as a qualified person, to notify the chief executive of a suspicious product.	
Medicines and Poisons (Pest Management Activities) Regulation 2021	52	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.	
Medicines and Poisons (Pest Management Activities) Regulation 2021	53	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.	
Medicines and Poisons (Pest Management Activities) Regulation 2021	55	Power, as a business operator, to ensure a pest management vehicle used for a fumigant or pesticide complies with the requirements of the section.	
Medicines and Poisons (Pest Management Activities) Regulation 2021	56	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.	
Medicines and Poisons (Pest Management Activities) Regulation 2021	57	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.	
Medicines and Poisons (Pest Management Activities) Regulation 2021	58	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.	
Medicines and Poisons (Pest Management Activities) Regulation 2021	59	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.	
Medicines and Poisons (Pest Management Activities) Regulation 2021	60(2)	Power, as the manager of a place who a pre-treatment pest control advice for a pest control activity, to give notice to the attendees of the matters stated in the advice.	
Medicines and Poisons (Pest Management Activities) Regulation 2021	60(3)	Power, as the manager of a place who 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.	
Medicines and Poisons (Pest Management Activities) Regulation 2021	70(2)	Power, as a person a hard copy document evidencing a pest management licence, to apply to the chief executive for a replacement of the document if the document.	

**Medicines and Poisons (Poisons and Prohibited Substances) Regulation 2021**

Legislation	Section of Act	Description of Delegated Power	Conditions to which the Delegation is Subject
Medicines and Poisons (Poisons and Prohibited Substances) Regulation 2021	22(1)	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.	
Medicines and Poisons (Poisons and Prohibited Substances) Regulation 2021	22(2)	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.	
Medicines and Poisons (Poisons and Prohibited Substances) Regulation 2021	23	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'.	
Medicines and Poisons (Poisons and Prohibited Substances) Regulation 2021	43	Power, as the holder of a substance authority, to notify the chief executive 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.	
Medicines and Poisons (Poisons and Prohibited Substances) Regulation 2021	38	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.	
Medicines and Poisons (Poisons and Prohibited Substances) Regulation 2021	40	Power, as the holder of a substance authority, to give the chief executive notice of the changes proposed by the holder.	
Medicines and Poisons (Poisons and Prohibited Substances) Regulation 2021	41	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.	
Medicines and Poisons (Poisons and Prohibited Substances) Regulation 2021	43	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.	
Medicines and Poisons (Poisons and Prohibited Substances) Regulation 2021	47	Power, as a buyer of a regulated poison, to give a written purchase order for the poison to the supplier.	
Medicines and Poisons (Poisons and Prohibited Substances) Regulation 2021	49	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.	
Medicines and Poisons (Poisons and Prohibited Substances) Regulation 2021	50	Power, as a buyer of a regulated poison, to keep the invoice received from the supplier.	

Medicines and Poisons (Poisons and Prohibited Substances) Regulation 2021	56(1)	Power, as a buyer of a restricted S7 poison or high-risk poison, to sign a document confirming receipt of the poison.	
Medicines and Poisons (Poisons and Prohibited Substances) Regulation 2021	62	Power, as a person authorised to apply a regulated poison, to comply with the requirements of the section.	
Medicines and Poisons (Poisons and Prohibited Substances) Regulation 2021	64	Power, as a person authorised to possess an S7 substance, to comply with the requirements of the section.	
Medicines and Poisons (Poisons and Prohibited Substances) Regulation 2021	65	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 <del>the departmental standard called "Dealing with restricted S7 poisons for invasive animal control"</del> Section 65.	
Medicines and Poisons (Poisons and Prohibited Substances) Regulation 2021	83(2)	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.	
<b>Mineral and Energy Resources (Common Provisions) Act 2014</b>			
Legislation	Section of Act	Description of Delegated Power	Conditions to which the Delegation is Subject
Mineral and Energy Resources (Common Provisions) Act 2014	57(3)	Power, as a public land authority, to agree in writing to a longer entry period.	
Mineral and Energy Resources (Common Provisions) Act 2014	59(2)	Power, as a public land authority, to impose reasonable and relevant conditions on the resource authority holder about the entry to the public land or the carrying out of the authorised activity.	
Mineral and Energy Resources (Common Provisions) Act 2014	59(7)	Power, as a public land authority, to vary any condition it has imposed.	
Mineral and Energy Resources (Common Provisions) Act 2014	59(8)	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.	
Mineral and Energy Resources (Common Provisions) Act 2014	60(1)	Power, as a public land authority for land, to give a waiver of entry notice.	
Mineral and Energy Resources (Common Provisions) Act 2014	63(1)(b)(i)	Power, as a public road authority, to sign a compensation agreement for the use of a public road for a notifiable road use.	
Mineral and Energy Resources (Common Provisions) Act 2014	63(1)(b)(ii)	Power, as a public road authority, to give written consent to the carrying out of a notifiable road use on a public road.	
Mineral and Energy Resources (Common Provisions) Act 2014	64(1)	Power, as a public road authority for a public road, to give a road use direction.	
Mineral and Energy Resources (Common Provisions) Act 2014	64(4)(b)	Power, as a public road authority for a public road to give an information notice about the decision to give a road use direction.	
Mineral and Energy Resources (Common Provisions) Act 2014	70	Power, as an owner of restricted land, to give written consent to the resource authority holder carrying out the activity and to impose conditions on the consent.	
Mineral and Energy Resources (Common Provisions) Act 2014	72(1)	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.	
Mineral and Energy Resources (Common Provisions) Act 2014	83(1)	Power, as an eligible claimant, to enter a conduct and compensation agreement with the resource authority holder.	
Mineral and Energy Resources (Common Provisions) Act 2014	83A(2)	Power, as an eligible claimant, to give a conference election notice to the resource authority holder.	
Mineral and Energy Resources (Common Provisions) Act 2014	83B(4)	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.	
Mineral and Energy Resources (Common Provisions) Act 2014	85(1)	Power, as an eligible claimant, to use all reasonable endeavours to negotiate a conduct and compensation agreement or a deferral agreement.	
Mineral and Energy Resources (Common Provisions) Act 2014	85(2)(b)	Power, as an eligible claimant, to agree to a longer negotiation period.	
Mineral and Energy Resources (Common Provisions) Act 2014	85(4)	Power, as an eligible claimant, to enter an opt-out agreement.	
Mineral and Energy Resources (Common Provisions) Act 2014	87(2)	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.	
Mineral and Energy Resources (Common Provisions) Act 2014	88(2)	Power, as an eligible claimant, to give an ADR election notice.	
Mineral and Energy Resources (Common Provisions) Act 2014	88(5)	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.	
Mineral and Energy Resources (Common Provisions) Act 2014	88(6)	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.	
Mineral and Energy Resources (Common Provisions) Act 2014	88(7)	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.	
Mineral and Energy Resources (Common Provisions) Act 2014	89(2)	Power, as a party given or giving an ADR election notice to participate in the conference, and enter a conduct and compensation agreement.	
Mineral and Energy Resources (Common Provisions) Act 2014	89(3)	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.	
Mineral and Energy Resources (Common Provisions) Act 2014	90	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.	
Mineral and Energy Resources (Common Provisions) Act 2014	91A(2)	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.	
Mineral and Energy Resources (Common Provisions) Act 2014	91A(4)	Power, as a party given an arbitration election notice, to accept or refuse the request for arbitration.	
Mineral and Energy Resources (Common Provisions) Act 2014	91A(5)	Power, as a party to an arbitration, to jointly appoint the arbitrator proposed in the arbitration election notice or another arbitrator.	
Mineral and Energy Resources (Common Provisions) Act 2014	91A(6)	Power, as the party giving an arbitration election notice, to require a prescribed arbitration institute to appoint an arbitrator.	
Mineral and Energy Resources (Common Provisions) Act 2014	91E(2)	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.	
Mineral and Energy Resources (Common Provisions) Act 2014	91E(3)	Power, as a party to an arbitration, to agree with the other party about the payment of each party's costs.	
Mineral and Energy Resources (Common Provisions) Act 2014	94(1)	Power, as a public road authority for a public road, to enter a road compensation agreement.	
Mineral and Energy Resources (Common Provisions) Act 2014	96(2)	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.	
Mineral and Energy Resources (Common Provisions) Act 2014	96B(1)(a)	Power to apply to the Land Court for a declaration that all or part of the stated costs are payable under section 91.	
Mineral and Energy Resources (Common Provisions) Act 2014	96B(1)(b)	Power, as an eligible claimant, to apply to the Land Court for an order requiring payment of negotiation and preparation costs under section 91.	
Mineral and Energy Resources (Common Provisions) Act 2014	99A(2)	Power, as a party to a compensation agreement, to apply to the Land Court for an order about the alleged breach.	
Mineral and Energy Resources (Common Provisions) Act 2014	100(1)	Power, as a public road authority, to apply to the Land Court for the Court to decide a resource authority holder's compensation liability.	
Mineral and Energy Resources (Common Provisions) Act 2014	101(2)	Power, as a public road authority or an eligible claimant, to apply to the Land Court for a review of the original compensation.	
Mineral and Energy Resources (Common Provisions) Act 2014	101D(1)	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.	
Mineral and Energy Resources (Common Provisions) Act 2014	101E(2) and 101F(3)	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.	
Mineral and Energy Resources (Common Provisions) Act 2014	101F(4)(b)	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.	
Mineral and Energy Resources (Common Provisions) Act 2014	205(1)	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.	

<b>Mineral Resources Act 1989</b>			
<b>Legislation</b>	<b>Section of Act</b>	<b>Description of Delegated Power</b>	<b>Conditions to which the Delegation is Subject</b>
Mineral Resources Act 1989	<b>4B(3)</b>	Power to make a note on each relevant map in Council's planning scheme.	
Mineral Resources Act 1989	<b>10AAA(9)</b>	Power to give the chief executive a written notice for the taking of land for which mining interests are extinguished.	
Mineral Resources Act 1989	<b>10AAC(1)</b>	Power to consult with the decision-maker about the granting of a new mining tenement for an area that includes acquired land.	
Mineral Resources Act 1989	<b>19(1) and 20</b>	Power, as the owner of a reserve, to give written consent, with or without conditions, to a parcel prospecting permit holder entering the surface of the reserve.	
Mineral Resources Act 1989	<b>19(2) and 20</b>	Power, as the owner of occupied land, to give written consent, with or without conditions, to a district prospecting permit holder entering the surface of the land.	
Mineral Resources Act 1989	<b>19(3) and 20</b>	Power, as the owner of occupied land, to give written consent, with or without conditions, to a prospecting permit holder entering the land for hand mining.	
Mineral Resources Act 1989	<b>26(3)</b>	Power, as the owner of land, to apply to the chief executive to rectify the damage referred to in subsection (1) that has been caused by any activity allegedly authorised under a prospecting permit in respect of the land.	
Mineral Resources Act 1989	<b>26(9)</b>	Power, as the owner of land, to give written approval to the chief executive for the refund of security for a parcel prospecting permit.	
Mineral Resources Act 1989	<b>34(1)</b>	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.	
Mineral Resources Act 1989	<b>46(1)</b>	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.	
Mineral Resources Act 1989	<b>47(1) &amp; (5)</b>	Power, as the owner of occupied land, to give written consent, including conditions on the consent, to a person entitled to enter the land under a prospecting permit to enter the land at night.	
Mineral Resources Act 1989	<b>47(2) &amp; (5)</b>	Power, as the owner of occupied land, 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.	
Mineral Resources Act 1989	<b>51(2)</b>	Power, as the relevant owner of restricted land, to give written consent to an application for a mining claim on the land.	
Mineral Resources Act 1989	<b>54(a)</b>	Power, as the owner of land that is a reserve, to consent to the granting of a mining claim over the land.	
Mineral Resources Act 1989	<b>65(1)(a)</b>	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.	
Mineral Resources Act 1989	<b>66 and 69</b>	Power to attend a section 65 conference and to reach agreement about something discussed at the conference.	
Mineral Resources Act 1989	<b>71</b>	Power, as the owner of relevant land and/or as a relevant local government, 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.	
Mineral Resources Act 1989	<b>71A</b>	Power to withdraw an objection to a mining claim by giving written notice to the entities specified in subsection (1).	
Mineral Resources Act 1989	<b>85(1)(a) &amp; (3)</b>	Power, as an interested party, to agree with the applicant for a mining claim about the amount of compensation to be paid to Council and to sign the agreement.	
Mineral Resources Act 1989	<b>85(4)</b>	Power, as an interested party, 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.	
Mineral Resources Act 1989	<b>86</b>	Power, as a party aggrieved by a determination of the Land Court made under section 85, to appeal to the Land Appeal Court against the Land Court's decision.	
Mineral Resources Act 1989	<b>86A(5)</b>	Power, as an appellant pursuant to section 86, to lodge the security in the decided form and amount.	
Mineral Resources Act 1989	<b>124(2)</b>	Power, as the owner of land that is a reserve, to give the Minister the land owner's views about further prospecting or exploration on the land.	
Mineral Resources Act 1989	<b>125(10)</b>	Power, as the owner of land, to agree an amount of compensation payable in respect of the proposed use of the land as access in respect of a mining claim as a result of a variation under section 125, sign the agreement and file the agreement.	
Mineral Resources Act 1989	<b>167(1)</b>	Power, as the owner of land 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.	
Mineral Resources Act 1989	<b>190(8)(a)</b>	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.	
Mineral Resources Act 1989	<b>216(1)</b>	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.	
Mineral Resources Act 1989	<b>237(2)(d)(i)</b>	Power, as the owner of land, 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.	
Mineral Resources Act 1989	<b>238(1)(a)</b>	Power, as the owner of restricted land, to consent to the making of an application for a mining lease over the land.	
Mineral Resources Act 1989	<b>260(1) and (2)</b>	Power to lodge an objection to an application for grant of a mining lease.	
Mineral Resources Act 1989	<b>260(4)</b>	Power to serve a copy of the objection lodged against an application for grant of a mining lease on the applicant.	
Mineral Resources Act 1989	<b>261(1)</b>	Power to withdraw an objection lodged against an application for grant of a mining lease.	
Mineral Resources Act 1989	<b>271A(2)(a)</b>	Power, as the owner of land that is a reserve, to give written consent to the grant of a mining lease over the surface area of the reserve.	
Mineral Resources Act 1989	<b>275A(2)(a)</b>	Power, as the owner of restricted land, to give written consent to the application for the surface of restricted land for the mining lease to be included in the mining lease.	
Mineral Resources Act 1989	<b>275A(2)(c)</b>	Power, as the owner of restricted land, to agree with the applicant about the compensation payable to Council for the inclusion of the surface of the land in the mining lease.	
Mineral Resources Act 1989	<b>279(1)(a) and (3)</b>	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.	
Mineral Resources Act 1989	<b>280</b>	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.	
Mineral Resources Act 1989	<b>281(1)</b>	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.	
Mineral Resources Act 1989	<b>282(1)</b>	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.	
Mineral Resources Act 1989	<b>282A(5)</b>	Power, as an appellant pursuant to section 282, to lodge the security in the decided form and amount.	
Mineral Resources Act 1989	<b>283A(2)</b>	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.	
Mineral Resources Act 1989	<b>283B(2)</b>	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.	
Mineral Resources Act 1989	<b>317(10)</b>	Power, as the owner of land, 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.	
Mineral Resources Act 1989	<b>334ZZO</b>	Power, as a landowner to whom a water monitoring bore is being transferred, to consent to the transfer.	
Mineral Resources Act 1989	<b>344G</b>	Power, as the owner of affected land, 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.	
Mineral Resources Act 1989	<b>345(2)</b>	Power, as the owner of land, to enter a compensation agreement, to sign the agreement and to file it.	
Mineral Resources Act 1989	<b>345(3)</b>	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.	



Mineral Resources Act 1989	Schedule 1, Section 2(1)	Power as the owner or occupier of restricted land to consent, with or without conditions, to the entry of the land under section 386V.	
Mineral Resources Act 1989	Schedule 1, Section 3(1)	Power as the owner of occupied land to consent, with or without conditions, to the entry of the land under section 386V at night.	
Mineral Resources Act 1989	Schedule 1, Section 4	Power as the owner of a reserve to impose conditions on the entry of the surface of the reserve under section 386V.	
<b>Mining and Quarry Safety and Health Act 1999</b>			
Legislation	Section of Act	Description of Delegated Power	Conditions to which the Delegation is Subject
Mining and Quarry Safety and Health Act 1999	38	Power, as an operator of a mine, to comply with the operator's obligations contained in subsections (1) and (2).	
Mining and Quarry Safety and Health Act 1999	47(1)(a)	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.	
Mining and Quarry Safety and Health Act 1999	47(1)(b)	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.	
Mining and Quarry Safety and Health Act 1999	47(3)	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.	
Mining and Quarry Safety and Health Act 1999	47(4)	Power, as an operator of a mine, to give the inspector for the region in which the mine is situated notice of the appointments specified in subsection (4).	
Mining and Quarry Safety and Health Act 1999	47(5)	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.	
Mining and Quarry Safety and Health Act 1999	52(1)	Power, as an operator of a mine, to appoint a person to act as the site senior executive during the absence.	
Mining and Quarry Safety and Health Act 1999	58(3)	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.	
Mining and Quarry Safety and Health Act 1999	59	Power, as an operator of a mine, to keep a mine record and make it available for inspection.	
Mining and Quarry Safety and Health Act 1999	59(5)	Power, as a former operator, to give the new operator the mine record for the mine.	
Mining and Quarry Safety and Health Act 1999	61(1)	Power, as an operator of a mine that has been abandoned, to ensure that the abandoned mine is safe and made secure.	
Mining and Quarry Safety and Health Act 1999	116(2)	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).	
Mining and Quarry Safety and Health Act 1999	116(3)	Power, as a person with an obligation under the Act with access to the documents, to produce the documents.	
Mining and Quarry Safety and Health Act 1999	131(3)	Power, as an occupier, to consent to the entry of a place by an officer and sign an acknowledgement of the consent.	
Mining and Quarry Safety and Health Act 1999	137	Power, as a person required to give reasonable help under section 136(3)(f), to comply with the requirement..	
Mining and Quarry Safety and Health Act 1999	143(3)	Power, as a person of whom the requirement is made, to comply with the requirement.	
Mining and Quarry Safety and Health Act 1999	146(2)	Power, as the owner of a thing that has been seized and not returned, to apply to the chief inspector for its return.	
Mining and Quarry Safety and Health Act 1999	152	Power, as a person of whom a document production requirement has been made, to comply with the requirement.	
Mining and Quarry Safety and Health Act 1999	153	Power, as a person of whom a document certification requirement has been made, to comply with the requirement.	
Mining and Quarry Safety and Health Act 1999	171(2)	Power, as a person to whom a directive is given, to comply with the directive.	
Mining and Quarry Safety and Health Act 1999	172, 173, 174 and 175	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.	
Mining and Quarry Safety and Health Act 1999	195A(3)	Power, as a person required to give primary information under subsection (1), to comply with the requirement.	
Mining and Quarry Safety and Health Act 1999	216A(b)	Power as a corporation on which a civil penalty is imposed to appeal against the chief executive's decision.	
Mining and Quarry Safety and Health Act 1999	218(1)	Power to file a notice of appeal with an Industrial Magistrates Court and serve a copy of the notice.	
Mining and Quarry Safety and Health Act 1999	223 and 224	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.	
Mining and Quarry Safety and Health Act 1999	234	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.	
Mining and Quarry Safety and Health Act 1999	246H	Power, as a relevant corporation, to make a written submission to the chief executive to show why the civil penalty should not be imposed.	
Mining and Quarry Safety and Health Act 1999	253(4)	Power, as an operator, to advise a subsequent worker that the original worker exercised rights under subsection (1).	
Mining and Quarry Safety and Health Act 1999	254	Power, as a person with obligation under the Act, to make a representation to an inspector or inspection officer.	
Mining and Quarry Safety and Health Act 1999	255(1)(a)	Power, as the person from whom the information was obtained, to consent to the disclosure of information concerning Council.	
Mining and Quarry Safety and Health Act 1999	259(3)	Power, as a person given a notice by the CEO under subsection 259(1), to comply with the notice.	
<b>Mining and Quarry Safety and Health Regulation 2017</b>			
Legislation	Section of Act	Description of Delegated Power	Conditions to which the Delegation is Subject
Mining and Quarry Safety and Health Regulation 2017	6(2)	Power, as an operator, to ensure hazard identification for the mine's operations is done during the operations' planning and design.	
Mining and Quarry Safety and Health Regulation 2017	8(1)	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).	
Mining and Quarry Safety and Health Regulation 2017	9(1)	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.	
Mining and Quarry Safety and Health Regulation 2017	11C(1)	Power, as a responsible person for a mine, to pay a safety and health fee.	
Mining and Quarry Safety and Health Regulation 2017	11D(1)	Power, as a responsible person for a mine, to give the chief executive a safety and health census.	
Mining and Quarry Safety and Health Regulation 2017	11D(2)(a)	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.	
Mining and Quarry Safety and Health Regulation 2017	11DA(2)	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.	
Mining and Quarry Safety and Health Regulation 2017	11DB(3)	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.	
Mining and Quarry Safety and Health Regulation 2017	11DC(2)	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.	
Mining and Quarry Safety and Health Regulation 2017	11DC(5)	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.	
Mining and Quarry Safety and Health Regulation 2017	11E(3)	Power, as a responsible person for a mine, to make submissions to the chief executive.	
Mining and Quarry Safety and Health Regulation 2017	11E(6)	Power, as a responsible person for a mine, to pay the amount of the safety and health fee stated in the invoice.	

Mining and Quarry Safety and Health Regulation 2017	22	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.	
Mining and Quarry Safety and Health Regulation 2017	23	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.	
Mining and Quarry Safety and Health Regulation 2017	24	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).	
Mining and Quarry Safety and Health Regulation 2017	25	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.	
Mining and Quarry Safety and Health Regulation 2017	26	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.	
Mining and Quarry Safety and Health Regulation 2017	27(1)	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.	
Mining and Quarry Safety and Health Regulation 2017	27(2)	Power, as an operator, to ensure the isolator is clearly marked or labelled and compatible with the mine's isolation and lock-out procedures.	
Mining and Quarry Safety and Health Regulation 2017	29	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.	
Mining and Quarry Safety and Health Regulation 2017	30	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.	
Mining and Quarry Safety and Health Regulation 2017	31	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.	
Mining and Quarry Safety and Health Regulation 2017	35(3)	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.	
Mining and Quarry Safety and Health Regulation 2017	44	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.	
Mining and Quarry Safety and Health Regulation 2017	45	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.	
Mining and Quarry Safety and Health Regulation 2017	46	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.	
Mining and Quarry Safety and Health Regulation 2017	48	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.	
Mining and Quarry Safety and Health Regulation 2017	56	Power, as a person who has an obligation under the Act to manage risk in relation to storing and handling hazardous chemicals or dangerous goods, to ensure they are handled and stored in the manner prescribed under section 56.	
Mining and Quarry Safety and Health Regulation 2017	65	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.	
Mining and Quarry Safety and Health Regulation 2017	100, 101 and 102	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.	
Mining and Quarry Safety and Health Regulation 2017	104(1)	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.	
Mining and Quarry Safety and Health Regulation 2017	104(2)	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.	
Mining and Quarry Safety and Health Regulation 2017	105	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).	
Mining and Quarry Safety and Health Regulation 2017	106	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.	
Mining and Quarry Safety and Health Regulation 2017	108	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.	
Mining and Quarry Safety and Health Regulation 2017	109	Power, as an operator, to ensure plant in use at the mine is serviced and maintained in accordance with section 109.	
Mining and Quarry Safety and Health Regulation 2017	131(6)	Power, as a worker's employer, to pay for the worker's health surveillance and health surveillance reports.	
Mining and Quarry Safety and Health Regulation 2017	145D(4)	Power, as a worker's employer, to pay for the worker's health surveillance, respiratory health examination and health surveillance reports.	

**Nature Conservation Act 1992**

Legislation	Section of Act	Description of Delegated Power	Conditions to which the Delegation is Subject
Nature Conservation Act 1992	43A(6)	Power, as a person given written notice about a proposal to declare an area of land a special wildlife reserve, to make a submission to the Minister about the proposal.	
Nature Conservation Act 1992	43B(1)	Power, as a landholder, to enter a conservation agreement with the Minister for a proposed special wildlife reserve.	
Nature Conservation Act 1992	43E(1)	Power, as a landholder, to agree with the Minister to amend a conservation agreement for a special wildlife reserve.	
Nature Conservation Act 1992	43F(1)	Power, as a landholder of land in a special wildlife reserve, to consent to the Minister giving a lease, agreement, licence, permit or other authority over or in relation to the land.	
Nature Conservation Act 1992	43F(1)(c)	Power, as a landholder of land in a special wildlife reserve, to give a lease or sublease over the land, to obtain the consent of the chief executive for that lease or sublease, and to lodge the lease for registration with the entity required by section 43F(3).	
Nature Conservation Act 1992	43L	Power, where a special wildlife reserve is declared over freehold land or land in a lease under the <i>Land Act 1994</i> , and Council intends, under the <i>Land Act 1994</i> to surrender all or part of the freehold land or lease, allow the lease to expire at the end of its term or transfer the lease, to obtain the chief executive's written consent.	
Nature Conservation Act 1992	44(4)	Power, as a landholder, to make a submission to the Minister about the proposed declaration of a nature refuge.	
Nature Conservation Act 1992	45(1) & 48(1)	Power, as a landholder, to enter a conservation agreement with the Minister about the declaration of a nature refuge.	
Nature Conservation Act 1992	47(2)	Power, as a landholder, to request the cancellation of a conservation agreement.	
Nature Conservation Act 1992	49(2)(c)	Power, as a landholder, to make an objection to a proposed compulsory declaration of a nature refuge.	
Nature Conservation Act 1992	67(5)	Power, as a landholder, to claim compensation for injurious affection arising out of the declaration of a nature refuge under section 49 of the Act.	
Nature Conservation Act 1992	100K	Power, as a local government, to prepare a statement of management intent for protected wildlife required by the Minister and publish it on Council's website.	
Nature Conservation Act 1992	108(1)	Power, as a landholder of land subject to an interim conservation order, to claim compensation.	
Nature Conservation Act 1992	115A(3)(c)	Power, as a landholder, to make a submission about a draft management plan.	

Nature Conservation Act 1992	120EA	Power, as a landholder intending to enter a conservation agreement for a special wildlife reserve, to prepare and give the Minister a management program for the reserve.	
Nature Conservation Act 1992	120EF(1)	Power, as a landholder of land in a special wildlife reserve, to prepare an amended management program for the reserve and give it to the chief executive for approval.	
Nature Conservation Act 1992	120GA	Power, as a landholder of land in a special wildlife reserve, to jointly review the management program for the reserve with the chief executive, and agree to prepare an amended management program under section 120EF or leave the management program unchanged.	
Nature Conservation Act 1992	137A(5)	Power, as a landholder, to claim compensation for injurious affection arising where:- (a) a regulation is made, or a conservation plan is approved, for an area identified under the regulation or plan as, or including, a critical habitat or an area of major interest; and (b) a landholder's interest in land in the area is injuriously affected by a restriction or prohibition imposed under the regulation or plan on the landholder's existing use of the land.	
Nature Conservation Act 1992	143E(1)	Power, as an affected person for an original decision, to apply to the chief executive for a review of the decision.	
Nature Conservation Act 1992	143E(2)	Power, as an affected person for an original decision, to ask the chief executive for an information notice for the decision.	
Nature Conservation Act 1992	143G(2)	Power, as an affected person, to agree with the chief executive to a longer period for the chief executive to comply with section 143G(1).	
Nature Conservation Act 1992	143H(2)	Power, as an affected person, to apply to QCAT for a stay of the operation of the decision.	
Nature Conservation Act 1992	143I(2)	Power, as an affected person, to apply to QCAT for a review of the internal review decision.	
<b>Planning Act 2016</b>			
<b>Legislation</b>	<b>Section of Act</b>	<b>Description of Delegated Power</b>	<b>Conditions to which the Delegation is Subject</b>
Planning Act 2016	10	Power to make submissions to the Minister about the making or amending of a State Planning instrument.	
Planning Act 2016	18, 20 and 26	Power to give notice of a proposed planning scheme or proposed amendment to the chief executive and follow the process for making or amending a planning scheme. For avoidance of doubt, the power delegated includes the power to take all actions as detailed in sections 18, 20 and 26 and as required under a notice give by the chief executive or in the Minister's rules.	This delegation does not include any powers that are required to be exercised by Council pursuant to a resolution of Council.
Planning Act 2016	19	Power to apply a planning scheme as a categorising instrument in relation to prescribed tidal works in the tidal area for Council's local government area	
Planning Act 2016	21 and 26	Power to follow the process for the making or amending of an LGIP as set out in the Minister's rules. For avoidance of doubt, the power delegated includes the power to take all actions as detailed in sections 21 and 26 and as required in the Minister's rules.	This delegation does not include any powers that are required to be exercised by Council pursuant to a resolution of Council.
Planning Act 2016	22 and 26	Power to follow the process for the making or amending of a planning scheme policy as set out in the Minister's rules. For avoidance of doubt, the power delegated includes the power to take all actions as detailed in sections 22 and 26 and as required in the Minister's rules.	This delegation does not include any powers that are required to be exercised by Council pursuant to a resolution of Council.
Planning Act 2016	23 and 26	Power to follow the process for the making or amending of a TLPI as set out in the Minister's rules. For avoidance of doubt, the power delegated includes the power to take all actions as detailed in sections 23 and 26 and as required in the Minister's rules.	This delegation does not include any powers that are required to be exercised by Council pursuant to a resolution of Council.
Planning Act 2016	24	Power to follow the process for repealing a TLPI or planning scheme policy. For avoidance of doubt, the power delegated includes the power to take all actions as detailed in section 24.	This delegation does not include the power to decide to repeal the TLPI or planning scheme policy which is required to be exercised by Council pursuant to a resolution of Council (see subsection (1)).
Planning Act 2016	25 and 26	Power to review a planning scheme and a LGIP and follow the process for the review as set out in the Minister's rules. For avoidance of doubt, the power delegated includes the power to take all actions as detailed in sections 25 and 26 and as required in the Minister's rules.	This delegation does not include any powers that are required to be exercised by Council pursuant to a resolution of Council.
Planning Act 2016	29	Power to decide whether or not to agree to a superseded planning scheme request and give notice of the decision.	
Planning Act 2016	32 and 33	Power to decide a compensation claim. For avoidance of doubt, the power delegated includes the power to take all actions and consider all matters detailed in sections 32 and 33.	
Planning Act 2016	35, 36, 37 and 38	Power to make or amend a designation and follow the process in the designation process rules. For avoidance of doubt, the power delegated includes the power to take all actions and consider all matters detailed in sections 35, 36, 37, 38 and the designation process rules.	This delegation does not include any powers that are required to be exercised by Council pursuant to a resolution of Council.
Planning Act 2016	37(4)	Power, as an affected party, to make submissions about the proposal to the Minister.	
Planning Act 2016	39	Power to extend the duration of a designation. For avoidance of doubt, the power delegated includes the power to take all actions as detailed in section 39.	
Planning Act 2016	40 and 41	Power to repeal a designation made by Council. For avoidance of doubt, the power delegated includes the power to take all actions and consider all matters as detailed in sections 40 and 41.	
Planning Act 2016	41(1)	Power, as an owner of an interest in designated premises, to request a designator to repeal a designation made by the designator on the basis that the designation is causing the owner hardship.	
Planning Act 2016	42	Power to include a note about the making, amendment, extension or repeal of a designation in Council's planning scheme. For avoidance of doubt, the power delegated includes the power to take all actions as detailed in section 42.	
Planning Act 2016	45(8)	Power, as the assessment manger and where the circumstances of section 45(6) apply, to give the weight considered appropriate in the circumstances to the documents referenced in section 45(8).	
Planning Act 2016	46	Power to give an exemption certificate for the development. For avoidance of doubt, the power delegated includes the power to take all actions as detailed in section 46.	
Planning Act 2016	48, 51, 53, 54, 59, 60, 61, 62, 63, 64, 65, 67, 71, 75, 76, 84, 85, 86, 87, 93, 100, 101, 105, 107 and 109	Power to act as the "assessment manager" for all development applications, change representations, cancellation applications and extension applications received by Council under Chapter 3 of the <i>Planning Act 2016</i> . For avoidance of doubt, the power delegated includes the power to take all actions of an assessment manager and consider all matters as detailed in sections 48, 51, 53, 54, 59, 60, 61, 62, 63, 64, 65, 67, 71, 75, 76, 84, 85, 86, 87, 93 100, 101, 105, 107 and 109 of the <i>Planning Act 2016</i> .	
Planning Act 2016	48(3)(b)	Power to keep a list of persons who are appropriately qualified to be an assessment manager in relation to a particular type of development.	
Planning Act 2016	48(3)(d)	Power to enter an agreement with a person on Council's list of persons who are appropriately qualified to be an assessment manager in relation to a particular type of development.	
Planning Act 2016	51(2)	Power, as the owner of premises, to give written consent to the making of the development application.	
Planning Act 2016	46, 54, 55, 56, 57, 65, 66, 67, 84, 85 100, 107 and 109	Power to act as a "referral agency" for all development applications and cancellation applications received by Council as a referral agency under Chapter 3 of the <i>Planning Act 2016</i> . For avoidance of doubt, the power delegated includes the power to take all actions of a referral agency and consider all matters as detailed in sections 46, 54, 55, 56, 57, 65, 66, 67, 84, 85, 100, 107 and 109 of the <i>Planning Act 2016</i> .	
Planning Act 2016	48(3)(b)	Power to keep a list of persons who are appropriately qualified to be an assessment manager in relation to a particular type of development.	
Planning Act 2016	48(3)(d)	Power to enter an agreement with a person on Council's list of persons who are appropriately qualified to be an assessment manager in relation to a particular type of development.	
Planning Act 2016	51(2)	Power, as the owner of premises, to give written consent to the making of the development application.	

Planning Act 2016	<b>46, 54, 55, 56, 57, 65, 66, 67, 84, 85, 100, 107 and 109</b>	Power to act as a "referral agency" for all development applications and cancellation applications received by Council as a referral agency under Chapter 3 of the Planning Act 2016. For avoidance of doubt, the power delegated includes the power to take all actions of a referral agency and consider all matters as detailed in sections 46, 54, 55, 56, 57, 65, 66, 67, 84, 85, 100, 107 and 109 of the <i>Planning Act 2016</i> .	
Planning Act 2016	<b>64(9)</b>	Power to consult with the Minister about making or amending the instrument mentioned in subsection (8)(c).	
Planning Act 2016	<b>78A, 79, 80, 81, 82, 83, 93 and 100, 105, 107 and 109</b>	Power to act as a "responsible entity" for all change applications received by Council as a responsible entity under Chapter 3 of the <i>Planning Act 2016</i> . For avoidance of doubt, the power delegated includes the power to take all actions of a responsible entity and consider all matters as detailed in sections 78A, 79, 80, 81, 82, 83, 93, 100, 105, 107 and 109 of the <i>Planning Act 2016</i> .	
Planning Act 2016	<b>80</b>	Power to act as an "affected entity" for all change applications received by Council as an affected entity under Chapter 3 of the <i>Planning Act 2016</i> . For avoidance of doubt, the power delegated includes the power to take all actions of an affected entity and consider all matters as detailed in section 80 of the <i>Planning Act 2016</i> .	
Planning Act 2016	<b>82A</b>	Power to act as an "additional referral agency" for a change application where section 82A applies. For the avoidance of doubt, the power delegated includes the power to take all actions of an additional referral agency and consider all matters as detailed in section 82A of the <i>Planning Act 2016</i> .	
Planning Act 2016	<b>84(3)(b)(i)</b>	Power, as the owner of land, to give written consent to the cancellation application.	
Planning Act 2016	<b>84(3)(b)(iii)</b>	Power, as a public utility, to give written consent to the cancellation application.	
Planning Act 2016	<b>86(2)(b)(ii)</b>	Power, as the owner of land, to give written consent to the extension application.	
Planning Act 2016	<b>89</b>	Power to note an approval referred to in subsection (1) on Council's planning scheme and give notice of the approval to the chief executive.	
Planning Act 2016	<b>93(2)</b>	Power to comply with a direction given by the Minister.	
Planning Act 2016	<b>102</b>	Power to make submissions in response to a proposed call in notice received by Council.	
Planning Act 2016	<b>105(3)</b>	Power, as the decision-maker, to give the Minister reasonable help.	
Planning Act 2016	<b>115</b>	Power, as a participating local government for a distributor-retailer, to enter a break-up agreement about the charges break-up and publish a copy of the agreement on the local government's website.	
Planning Act 2016	<b>118</b>	Power to carry out the steps required after making a charges resolution.	
Planning Act 2016	<b>119, 120, 121 and 129</b>	Power to give an infrastructure charges notice. For avoidance of doubt, the power delegated includes the power to take all actions and consider all matters as detailed in sections 119, 120, 121 and 129.	
Planning Act 2016	<b>123</b>	Power, as a local government that gave an infrastructure charges notice, to agree with the recipient about:- a) whether the levied charge may be paid other than as required under section 122, including whether it may be paid by instalments; and/or b) whether infrastructure may be provided instead of paying all or part of the levied charge.	
Planning Act 2016	<b>125</b>	Power, as a local government, to consider representations made on an infrastructure charges notice and, issue a negotiated notice or give a decision notice.	
Planning Act 2016	<b>128(1)</b>	Power, as a local government with a LGIP that identifies adequate trunk infrastructure to service the subject premises, to impose a development condition requiring either or both of the following to be provided at a stated time: a) the identified infrastructure; and/or b) different trunk infrastructure delivering the same desired standard of service.	
Planning Act 2016	<b>128(2)</b>	Power, as a local government with a LGIP that does not identify adequate trunk infrastructure to service the subject premises, to impose a development condition requiring development infrastructure necessary to service the premises to be provided at a stated time.	
Planning Act 2016	<b>130, 131, 132, 133, 134 and 135</b>	Power, as a local government, to impose an extra payment condition. For avoidance of doubt, the power delegated includes the power to take all actions and consider all matters as detailed in sections 130, 131, 132, 133, 134 and 135.	
Planning Act 2016	<b>137</b>	Power in the circumstances referred to in subsection (1) to, by notice given to the applicant, amend the infrastructure charges notice.	
Planning Act 2016	<b>140, 141 and 142</b>	Power, as a local government, to consider and decide a conversion application. For avoidance of doubt, the power delegated includes the power to take all actions and consider all matters as detailed in sections 140, 141 and 142	
Planning Act 2016	<b>144(2)</b>	Power, as a local government, to agree with an applicant that a levied charge, for the purpose of its recovery, is not taken to be rates.	
Planning Act 2016	<b>145</b>	Power, as a local government, to impose a development condition about non-trunk infrastructure.	
Planning Act 2016	<b>149</b>	Power in the circumstances referred to in subsection (1) to:- (a) pay the amount of the levied charge to the State infrastructure provider; and (b) agree with the State infrastructure provider and the person who provided the replacement infrastructure about when the amount of the levied charge will be paid.	
Planning Act 2016	<b>Chapter 4, Part 4</b>	Power, as a local government, to enter an infrastructure agreement. For avoidance of doubt, the power delegated includes the power to take all actions and consider all matters as detailed in Chapter 4, Part 4.	
Planning Act 2016	<b>167</b>	Power, as an enforcement authority, to give a show cause notice.	
Planning Act 2016	<b>168</b>	Power, as an enforcement authority, to give an enforcement notice.	
Planning Act 2016	<b>169</b>	Power to consult with a private certifier before giving an enforcement notice.	
Planning Act 2016	<b>170</b>	Power to give notice of the giving or withdrawal of an enforcement notice to the chief executive.	
Planning Act 2016	<b>174</b>	Power to bring offence proceedings for an offence against the Act.	
Planning Act 2016	<b>175(1)(a)</b>	Power to consent to proceedings being brought on behalf of the corporation.	
Planning Act 2016	<b>176(10)</b>	Power, as an enforcement authority, to:- (a) take the action required under the enforcement order; and (b) recover the reasonable cost of taking the action as a debt to the authority from the defendant.	
Planning Act 2016	<b>178(1)(b)</b>	Power, as an enforcement authority in an offence proceeding, to apply for an order for the payment of the expenses.	
Planning Act 2016	<b>180</b>	Power to start proceedings in the P&E Court for an enforcement order.	
Planning Act 2016	<b>180(13)</b>	Power, as an enforcement authority, to:- (a) take the action required under the enforcement order; and (b) recover the reasonable cost of taking the action as a debt to the authority from the respondent.	
Planning Act 2016	<b>181(4)</b>	Power to apply to the P&E Court to cancel or change an enforcement order or interim enforcement order.	
Planning Act 2016	<b>214</b>	Power, as an enforcement authority in an offence proceeding, to apply for a disposal order.	
Planning Act 2016	<b>221</b>	Power to make a claim for compensation from the State where Council incurs loss because of the exercise, or purported exercise, of a power by or for an inspector.	
Planning Act 2016	<b>229(2) and 230</b>	Power as an appellant to start an appeal.	
Planning Act 2016	<b>229(4)</b>	Power as a respondent or co-respondent to be heard in an appeal.	
Planning Act 2016	<b>229(5)</b>	Power, where an appeal is only about a referral agency's response, to apply to the tribunal or P&E Court to withdraw from the appeal.	
Planning Act 2016	<b>230(6)</b>	Power to elect to be a co-respondent in an appeal.	
Planning Act 2016	<b>239(1), 240 and 241</b>	Power to start proceedings for a declaration by a tribunal. For avoidance of doubt, the power delegated includes the power to take all actions detailed in sections 239(1), 240 and 241.	
Planning Act 2016	<b>246(2)</b>	Power to give the registrar information that the registrar reasonably requires for the proceedings.	
Planning Act 2016	<b>248</b>	Power to appear as a party to a tribunal proceeding.	
Planning Act 2016	<b>249</b>	Power to make submissions to the tribunal.	
Planning Act 2016	<b>257</b>	Power to give notice to the Registrar once a tribunal's direction or order has been complied with.	
Planning Act 2016	<b>265</b>	Power to give an applicant the planning and development certificate applied for.	
Planning Act 2016	<b>267(13)</b>	Power to note the registration of premises on Council's planning scheme.	
Planning Act 2016	<b>270</b>	Power, as an owner of premises in an affected area, before entering into a lease of the premises with a person, to give a notice that states :- (a) the premises are in an affected area; and (b) that restrictions may apply to the person in taking proceedings about emissions from registered premises in the affected area.	
Planning Act 2016	<b>275B</b>	Power to serve a document and give a copy of the document as permitted by section 275B.	
Planning Act 2016	<b>293(5)</b>	Power to make an amendment of a type specified in subsection (1) by following the process set out in the rules. For avoidance of doubt, the power delegated includes the power to take all actions as detailed in the rules.	This delegation does not include any powers that are required to be exercised by Council pursuant to a resolution of Council.

<b>Planning Regulation 2017</b>			
<b>Legislation</b>	<b>Section of Act</b>	<b>Description of Delegated Power</b>	<b>Conditions to which the Delegation is Subject</b>
Planning Regulation 2017	<b>Section 12(b)</b>	Power to extend the period mentioned in subparagraph (a).	
Planning Regulation 2017	<b>Schedule 11, Section 10(1)</b>	Power, as an assessment manager, to make the requested decision.	
Planning Regulation 2017	<b>Schedule 11, Section 10(2)</b>	Power, as an assessment manager, to give notice of the decision.	
Planning Regulation 2017	<b>Schedule 11, Section 10(3)</b>	Power, as an assessment manager, to give notice of the decision, including the reasons for the decision.	
Planning Regulation 2017	<b>Schedule 18, Section 3(1)</b>	Power, where the request complies with the criteria stated in section 2, to approve the request.	
Planning Regulation 2017	<b>Schedule 18, Section 3(2)</b>	Power to give notice of the approval to the person making the request.	
Planning Regulation 2017	<b>Schedule 22, Section 1</b>	Power to keep the documents listed in subsection (1) available for inspection and purchase.	
Planning Regulation 2017	<b>Schedule 22, Section 2</b>	Power to keep the documents listed in subsection (1) available for inspection only.	
Planning Regulation 2017	<b>Schedule 22, Section 3</b>	Power to publish the documents listed in subsections (1) and (4) on Council's website.	
Planning Regulation 2017	<b>Schedule 22, Section 3A</b>	Power, in the circumstances prescribed in Schedule 22, Section 3A, to publish the documents listed in subsections (2), (4) and (5) on Council's website.	
Planning Regulation 2017	<b>Schedule 22, Section 3B</b>	Power, in the circumstance prescribed in Schedule 22, Section 3B(1), to keep available for inspection and purchase a document that includes the trunk infrastructure information the local government publishes on its website from time to time under section 3A(4) or (5).	
Planning Regulation 2017	<b>Schedule 22, Section 5</b>	Power, as an assessment manager, to keep the documents listed in subsections (1) and (2) available for inspection and purchase.	
Planning Regulation 2017	<b>Schedule 22, Section 6</b>	Power, as an assessment manager, to keep the documents listed in subsection (1) available for inspection only.	
Planning Regulation 2017	<b>Schedule 22, Section 7</b>	Power, as an assessment manager, to publish the documents listed in subsections (1) and (4) on Council's website.	
Planning Regulation 2017	<b>Schedule 22, Section 8</b>	Power, as a referral agency, to keep the documents listed in subsections (a) to (d) available for inspection and purchase.	
Planning Regulation 2017	<b>Schedule 22, Section 9</b>	Power, as a referral agency, to keep a register for all development applications and change applications given to the referral agency under section 54 of the Act and to make it available for inspection only.	
Planning Regulation 2017	<b>Schedule 22, Section 10</b>	Power, as a referral agency, to publish the documents listed in subsections (a) to (d) on Council's website.	
<b>Planning and Environment Court Act 2016</b>			
<b>Legislation</b>	<b>Section of Act</b>	<b>Description of Delegated Power</b>	<b>Conditions to which the Delegation is Subject</b>
Planning and Environment Court Act 2016	<b>11(1)</b>	Power to start a declaratory proceeding.	
Planning and Environment Court Act 2016	<b>12(2)</b>	Power, as the assessment manager, to start a declaratory proceeding for a matter done, to be done or that should have been done in relation to the call in.	
Planning and Environment Court Act 2016	<b>16</b>	Power, as a party to a P&E Court proceeding, to participate in an ADR process.	
Planning and Environment Court Act 2016	<b>16(3)</b>	Power, as a party, to confer with the ADR registrar about the way to conduct the P&E Court proceeding.	
Planning and Environment Court Act 2016	<b>18(1)</b>	Power, as a party to a P&E Court proceeding, to agree to the resolution of all or part of the dispute in an ADR process.	
Planning and Environment Court Act 2016	<b>18(1)</b>	Power, as a party to a P&E Court proceeding who has agreed on resolution of the dispute, to sign the resolution agreement.	
Planning and Environment Court Act 2016	<b>20(1)</b>	Power, as a party to a P&E Court proceeding, to apply to the P&E Court for an order giving effect to an agreement reached as a result of an ADR process.	
Planning and Environment Court Act 2016	<b>21(2)(a)</b>	Power, as a party to a P&E Court proceeding, to agree to the ADR registrar or mediator disclosing information acquired as part of the ADR process.	
Planning and Environment Court Act 2016	<b>26(2)</b>	Power, as a party to a P&E Court proceeding for which the ADR registrar is exercising, or has exercised, a power, to apply for a court review.	
Planning and Environment Court Act 2016	<b>27(1)(a)</b>	Power, as a party to a P&E Court proceeding, to consent in writing to the ADR registrar making an order or direction in the proceeding.	
Planning and Environment Court Act 2016	<b>41(2)(a)</b>	Power to consent to a person starting a declaratory proceeding or a proceeding for an enforcement order under the Planning Act on behalf of Council.	
Planning and Environment Court Act 2016	<b>41(3)</b>	Power to pay the expenses, including legal costs, incurred by the representative in relation to the proceeding.	
Planning and Environment Court Act 2016	<b>63(1)</b>	Power, as a party to a P&E Court proceeding, to appeal a decision in the proceeding.	
Planning and Environment Court Act 2016	<b>64(1)</b>	Power to apply to the Court of Appeal for leave to appeal.	
Planning and Environment Court Act 2016	<b>64(2)</b>	Power to file and serve a Notice of Appeal following the granting of leave by the Court of Appeal.	
<b>Plumbing and Drainage Act 2018</b>			
<b>Legislation</b>	<b>Section of Act</b>	<b>Description of Delegated Power</b>	<b>Conditions to which the Delegation is Subject</b>
Plumbing and Drainage Act 2018	<b>75(4)(e)</b>	Power to approve a maximum temperature for a substance to be a prohibited substance for section 75.	
Plumbing and Drainage Act 2018	<b>77</b>	Power to approve the disposal of the contents of a greywater treatment plant into the sewerage system for the area in which the plant is located.	
Plumbing and Drainage Act 2018	<b>83(7)(c)</b>	Power, where an explanatory statement given under section 83 states that Council may contact an occupier to arrange inspection of the work, to contact the occupier.	
Plumbing and Drainage Act 2018	<b>90</b>	Power to start a prosecution for an offence against the Act.	
Plumbing and Drainage Act 2018	<b>135</b>	Power, generally, to administer the Act within Council's local government area.	
Plumbing and Drainage Act 2018	<b>135(4)</b>	Power to administer the Act those areas not under Council's control that it has been requested to administer by the entity that has control of the area.	
Plumbing and Drainage Act 2018	<b>136</b>	Power to monitor greywater use facilities in Council's local government area.	
Plumbing and Drainage Act 2018	<b>137</b>	Power to monitor an on-site sewage facility in Council's local government area.	
Plumbing and Drainage Act 2018	<b>139(1)</b>	Power to appoint an authorised person as an inspector under the Act, with or without conditions.	
Plumbing and Drainage Act 2018	<b>142</b>	Power to notify the QBCC commissioner of the appointment of an inspector and give the commissioner a list of Council's inspectors.	
Plumbing and Drainage Act 2018	<b>143(1)</b>	Power to give an enforcement notice to a person who carried out plumbing or drainage work requiring the person to take stated action.	
Plumbing and Drainage Act 2018	<b>143(2)</b>	Power to give an enforcement notice to the owner of premises requiring the owner to take stated action.	
Plumbing and Drainage Act 2018	<b>143(3)</b>	Power to give an enforcement notice to an owner of premises requiring the owner to take stated action.	
Plumbing and Drainage Act 2018	<b>144(1)</b>	Power to give a show cause notice to a person who Council proposes to give an enforcement notice.	
Plumbing and Drainage Act 2018	<b>144(2)</b>	Power to form the reasonable belief that the plumbing or drainage is a danger to persons or a risk to public health.	
Plumbing and Drainage Act 2018	<b>144(3)</b>	Power to receive written submissions from a person given a show cause notice.	
Plumbing and Drainage Act 2018	<b>145(2)</b>	Power to form the reasonable belief that it is not possible or practical to take steps stated in section 145(2).	
Plumbing and Drainage Act 2018	<b>146(2)(b)</b>	Power to consider written submissions from a person given a show cause notice.	
Plumbing and Drainage Act 2018	<b>150</b>	Power to give an action notice if provided for in a regulation.	
Plumbing and Drainage Act 2018	<b>157(2)(m)</b>	Power to recover costs from the owner of premises for costs incurred in carrying out plumbing or drainage work on the premises if provided for in a regulation.	
Plumbing and Drainage Act 2018	<b>157(2)(n)</b>	Power to keep a register if provided for in a regulation.	
<b>Plumbing and Drainage Regulation 2019</b>			
<b>Legislation</b>	<b>Section of Act</b>	<b>Description of Delegated Power</b>	<b>Conditions to which the Delegation is Subject</b>
Plumbing and Drainage Regulation 2019	<b>16(1)</b>	Power to apply to the chief executive for a treatment plant approval.	
Plumbing and Drainage Regulation 2019	<b>16(2)</b>	Power to apply to the chief executive to amend a treatment plant approval.	
Plumbing and Drainage Regulation 2019	<b>17(3)</b>	Power to give the chief executive the information asked for under subsection (2).	
Plumbing and Drainage Regulation 2019	<b>24(2)</b>	Power, as the new holder, to give the chief executive notice of the transfer in the approved form.	
Plumbing and Drainage Regulation 2019	<b>26(2)</b>	Power to comply with a notice issued by the chief executive under subsection (1).	
Plumbing and Drainage Regulation 2019	<b>27(c)</b>	Power, as the owner of premises, to consent to the entry of the premises to carry out the inspection of the treatment plant.	

Plumbing and Drainage Regulation 2019	29(1)	Power, as the holder of a treatment plant approval, to make written representations about the show cause notice to the chief executive.	
Plumbing and Drainage Regulation 2019	34(1)	Power, as the holder of an existing treatment plant approval, to apply to the chief executive to renew the approval.	
Plumbing and Drainage Regulation 2019	41	Power, where Council makes a fast-track work declaration or fast-track opt-out declaration, to:- (a) publish the declaration on Council's website; (b) give a copy of the declaration to the chief executive; (c) if Council is a participating local government for a distributor retailer – give a copy of the declaration to the distributor retailer; (d) ensure a copy of the declaration may be inspected, free of charge, at Council's public office.	
Plumbing and Drainage Regulation 2019	45(2)	Power, in a circumstance listed in subsection (1), to give the applicant an information request.	
Plumbing and Drainage Regulation 2019	46	Power to consider each properly made application and decide to:- (a) approve the application with or without conditions; or (b) refuse the application.	
Plumbing and Drainage Regulation 2019	48	Power, where Council decides to approve an application, to:- (a) issue a permit, or an amended permit, to the applicant; and (b) give a copy of the permit, or amended permit, to each entity listed in subsection (b).	
Plumbing and Drainage Regulation 2019	50(2)	Power, in a circumstance listed in subsection (1), to give an information notice about the decision.	
Plumbing and Drainage Regulation 2019	53(f)(i)	Power to give written consent for an application relating to SEQ water work.	
Plumbing and Drainage Regulation 2019	53(g)(i)	Power to give written consent for an application relating to SEQ sewerage work.	
Plumbing and Drainage Regulation 2019	59(3)	Power, where Council has issued a permit and has not given a final inspection certificate for the work carried out under the permit at least 3 months before the permit is to end, to give notice of the day the permit is to end to the entities listed in subsection (3).	
Plumbing and Drainage Regulation 2019	67(2)	Power in the circumstances listed in the subsection (1), to allow the responsible person to give a covered work declaration for the work.	
Plumbing and Drainage Regulation 2019	68(3)	Power to inspect the work if the public sector entity asks Council to inspect the work under subsection (2).	
Plumbing and Drainage Regulation 2019	69(2)	Power to, instead of inspecting on-site sewage work, allow an appropriate person to give Council an on-site sewage work declaration.	
Plumbing and Drainage Regulation 2019	71(2)	Power, where Council has passed a resolution under subsection (1), to:- (a) publish each declaration on its website; (b) give the chief executive a copy of the declaration; (c) ensure the declaration may be inspected, free of charge, at the local government's public office; and (d) ensure each remote area declaration includes a map identifying the remote area	
Plumbing and Drainage Regulation 2019	73(2)	Power, in the circumstances identified in subsection (1), to decide to:- (a) accept the remote area compliance notice; or (b) otherwise, refuse to accept the notice.	
Plumbing and Drainage Regulation 2019	73(3)	Power, in the circumstances identified in subsection (1) and where Council has made a decision under subsection (2), to give the responsible person a decision notice.	
Plumbing and Drainage Regulation 2019	73(4)	Power, in the circumstances identified in subsection (1) and where Council has refused to accept the remote area compliance notice, to ensure the decision notice includes, or is accompanied by, an information notice.	
Plumbing and Drainage Regulation 2019	73(6)	Power, where Council is taken to have decided to refuse to accept the remote area compliance notice, to give an information notice about the decision.	
Plumbing and Drainage Regulation 2019	75(2)	Power, in the circumstances identified in subsection (1), to amend the approved plan so that it correctly represents the work carried out under the permit.	
Plumbing and Drainage Regulation 2019	83(1)	Power to give an inspection certificate for the work to the responsible person for the work.	
Plumbing and Drainage Regulation 2019	84(1)	Power to give a final inspection certificate for the work to the responsible person for the work.	
Plumbing and Drainage Regulation 2019	86(1)	Power to give a copy of the final inspection certificate to the entities listed in subsection (1).	
Plumbing and Drainage Regulation 2019	86(3)	Power, where Council receives a notice under subsection (2), to comply with the notice.	
Plumbing and Drainage Regulation 2019	87(3)	Power, where Council is taken under subsection (2) to have decided to refuse to give an inspection certificate or final inspection certified, to give an information notice about the decision.	
Plumbing and Drainage Regulation 2019	98(3)	Power, where Council considers that a responsible person has not complied with the action notice, to give a copy of the notice to the owner of the premises.	
Plumbing and Drainage Regulation 2019	101	Power to establish a program for:- (a) registering each testable backflow prevention device installed at premises in Council's area; (b) monitor the maintenance and testing of each device.	
Plumbing and Drainage Regulation 2019	107(2)	Power, in the circumstances listed in subsection (1), to:- (a) remove the obstruction or fix the damage; and (b) fairly apportion the reasonable cost of removing the obstruction or fixing the damage between the owners; and (c) recover as a debt from each owner, the owner's share of the cost.	
Plumbing and Drainage Regulation 2019	108(2)	Power, in the circumstances listed in subsection (1), to require by notice to the owner of the old building and the owner of the new building:- (a) the owner of the old building to change the affected vents; and (b) the owner of the new building to pay the owner of the old building the reasonable cost of changing the affected vents.	
Plumbing and Drainage Regulation 2019	112	Power to keep a register containing each document listed in subsection (1).	
Plumbing and Drainage Regulation 2019	113	Power to keep a register containing each notice given to Council under section 102(2) or 103(3).	
Plumbing and Drainage Regulation 2019	114	Power to keep a register containing each service report for a greywater use facility or on-site sewage facility given to Council under section 106.	
Plumbing and Drainage Regulation 2019	115(1)	Power to keep a register containing a copy of each show cause notice and enforcement notice given by Council.	
Plumbing and Drainage Regulation 2019	115(2)	Power to remove a notice mentioned in subsection (1) from the register if the premises to which the notice relates are demolished or removed.	
Plumbing and Drainage Regulation 2019	116	Power, in relation to each register kept under part 8, division 2, to allow a person to:- (a) inspect the register, free of charge, at Council's public office; or (b) buy a copy of an entry in the register for not more than the reasonable cost of producing the copy.	

**Public Health (Infection Control for Personal Appearance Services) Act 2003**

Legislation	Section of Act	Description of Delegated Power	Conditions to which the Delegation is Subject
Public Health (Infection Control for Personal Appearance Services) Act 2003	9	Power to administer and enforce the Act for Council's area.	
Public Health (Infection Control for Personal Appearance Services) Act 2003	33	Power to consider all applications for licences, and determine whether to grant or refuse the application.	
Public Health (Infection Control for Personal Appearance Services) Act 2003	34	Power to grant an application for a licence only if Council is satisfied— (a) the applicant is a suitable person to hold a licence; and (b) the premises at which the higher risk personal appearance services are to be provided are suitable for providing the services.	
Public Health (Infection Control for Personal Appearance Services) Act 2003	35	Power to have regard to the matters listed in this section in deciding whether a person is a suitable person to hold a licence.	
Public Health (Infection Control for Personal Appearance Services) Act 2003	36	Power to have regard to all the matters listed in this section in deciding whether the premises at which higher risk personal appearance services are to be provided are suitable for providing the services.	
Public Health (Infection Control for Personal Appearance Services) Act 2003	37	Power to make inquiries before making a decision regarding sections 35 and 36 and, by giving notice to the applicant, require the applicant to give Council, within the reasonable time of at least 40 days stated in the notice, further information or a document Council reasonably requires to decide the application.	
Public Health (Infection Control for Personal Appearance Services) Act 2003	38(2) and 41(1)(c)	Power to impose conditions on a licence.	
Public Health (Infection Control for Personal Appearance Services) Act 2003	40	Power to decide the earlier ending date of a licence.	
Public Health (Infection Control for Personal Appearance Services) Act 2003	44	Power to consider all applications for renewals of licences, and determine whether to grant or refuse the application for renewal.	
Public Health (Infection Control for Personal Appearance Services) Act 2003	45	Power to give a notice to a licensee requiring the licensee to give Council, within a reasonable period of at least 40 days stated in the notice, further information or a document Council reasonably requires to decide a licence renewal application.	

Public Health (Infection Control for Personal Appearance Services) Act 2003	46A	Power to consider an application for restoration of a licence and decide to:- (a)restore the licence; or (b)restore the licence subject to conditions; or (c)refuse to restore the licence.	
Public Health (Infection Control for Personal Appearance Services) Act 2003	46B	Power to give the applicant a notice requiring the applicant to give further information or a document reasonably required to decide the application for restoration of a licence.	
Public Health (Infection Control for Personal Appearance Services) Act 2003	47	Power to consider all applications for amendments to licences, and determine whether to grant or refuse the application to amend the licence.	
Public Health (Infection Control for Personal Appearance Services) Act 2003	48	Power to give a notice to the licensee requiring the licensee to give Council, within a reasonable period of at least 40 days stated in the notice, further information or a document Council reasonably requires to decide an licence amendment application.	
Public Health (Infection Control for Personal Appearance Services) Act 2003	49	Power to determine whether to grant or refuse the application to transfer the licence by having regard to whether the transferee is a suitable person to hold a licence and whether the premises are suitable for providing higher risk personal appearance services.	
Public Health (Infection Control for Personal Appearance Services) Act 2003	50	Power to give a notice to the licensee requiring the licensee to give Council, within a reasonable period of at least 40 days stated in the notice, further information or a document Council reasonably requires to decide a licence transfer application.	
Public Health (Infection Control for Personal Appearance Services) Act 2003	51(2)	Power to, for forming a belief that the ground for suspending or cancelling a licence mentioned in subsection (1)(a) exists, have regard to the matters to which Council may have regard in deciding whether a proposed licensee is a suitable person to hold the licence	
Public Health (Infection Control for Personal Appearance Services) Act 2003	52	Power to issue a 'show cause notice'.	
Public Health (Infection Control for Personal Appearance Services) Act 2003	54 and 55	Power to determine whether grounds continue to exist for the suspension or cancellation of a licence after issuing the licensee with a 'show cause' notice, and if so, determine whether to suspend or cancel the licence.	
Public Health (Infection Control for Personal Appearance Services) Act 2003	56	Power to suspend a licence immediately if Council believes-- (a) a ground exists to suspend or cancel the licence; and (b) it is necessary to suspend the licence immediately because there is an immediate and serious risk of infection to the licensee's clients.	
Public Health (Infection Control for Personal Appearance Services) Act 2003	62	Power to consider all applications for a replacement licence, and determine whether to grant or refuse the application for the replacement licence.	
Public Health (Infection Control for Personal Appearance Services) Act 2003	65(3)	Power to make an agreement with a licensee intending to provide higher risk personal appearance services from mobile premises to allow a lesser period for notification to Council of the licensee's intentions.	
Public Health (Infection Control for Personal Appearance Services) Act 2003	68	Power to, where Council is the second local government for a licence under the Act, notify the first local government where it is reasonable to believe that a mobile licensee or operator has contravened their licence.	
Public Health (Infection Control for Personal Appearance Services) Act 2003	69	Power to, where Council is the first local government and has been notified by a second local government of their reasonable belief that a mobile license holder or operator has breached their licence conditions, take action under the Act.	
Public Health (Infection Control for Personal Appearance Services) Act 2003	70	Power to appoint authorised persons.	
Public Health (Infection Control for Personal Appearance Services) Act 2003	72	Power to apply conditions to an authorised person's powers under the Act by giving the person a signed notice.	
Public Health (Infection Control for Personal Appearance Services) Act 2003	74	Power to issue an identity card to an authorised person.	
Public Health (Infection Control for Personal Appearance Services) Act 2003	105	Power to monitor compliance with the Act by having authorised persons inspect places of business in Council's areas and recover monitoring costs from business proprietors.	
Public Health (Infection Control for Personal Appearance Services) Act 2003	110	Power to charge a business proprietor an inspection fee to check if the remedial notice given by an authorised person acting for Council to the proprietor has been complied with.	
Public Health (Infection Control for Personal Appearance Services) Act 2003	111(7)	Power to prosecute a business proprietor or operator for the contravention of a relevant provision for which a remedial notice has been issued without an authorised person first issuing a remedial notice for the contravention.	
Public Health (Infection Control for Personal Appearance Services) Act 2003	121(2)	Power to, at any time, extend the time for applying for a review of Council's original decision relating to a licence application.	
Public Health (Infection Control for Personal Appearance Services) Act 2003	Part 7, Division 1	Power to, upon request, review an original decision and make a determination according to section 122 of the Act.	
Public Health (Infection Control for Personal Appearance Services) Act 2003	137	Power to, following the conviction of a person of an offence against this Act, apply to the court for an order against the person for the payment of the costs Council has incurred in taking a thing or doing something else during the investigation of the offence.	
Public Health (Infection Control for Personal Appearance Services) Act 2003	140	Power to deal with a thing forfeited to Council, including destroying the thing.	
Public Health (Infection Control for Personal Appearance Services) Act 2003	143	Power to commence proceedings against a person who has committed an offence against the Act.	
Public Health (Infection Control for Personal Appearance Services) Act 2003	147	Power to approve forms to be used in the administration and enforcement of the Act.	
Public Health (Infection Control for Personal Appearance Services) Act 2003	153	Power to, with regard to an application for registration of premises made under part 15 of the former regulation, assess the suitability of the application and the premises under this Act, and make inquiries and require further information or a document under section 37 of the Act.	
Public Health (Infection Control for Personal Appearance Services) Act 2003	154	Power to, with regard to an application for renewal of registration of premises made under part 15 of the former regulation, assess the suitability of the applicant and the premises under this Act, and make inquiries and require further information or a document under section 45 of the Act.	
Public Health (Infection Control for Personal Appearance Services) Act 2003	155	Power to, with regard to an application for registration or renewal of registration of 2 or more premises to which sections 153(2) and 154(2) apply, issue a single licence to cover all the premises.	
<b>Public Health Act 2005</b>			
<b>Legislation</b>	<b>Section of Act</b>	<b>Description of Delegated Power</b>	<b>Conditions to which the Delegation is Subject</b>
Public Health Act 2005	13	Power to administer and enforce the Act regarding local government public health risks and a regulation made under section 61 stating that the regulation is to be administered and enforced by local governments only.	
Public Health Act 2005	24(2)	Power, as an issuing authority, to apply to a magistrate for an order enforcing a public health order (an enforcement order).	
Public Health Act 2005	27(2)(b)	Power, as an issuing authority, to enter a place to take steps to remove or reduce the risk to public health from the public health risk or prevent the risk to public health from recurring, if ordered by a magistrate.	
Public Health Act 2005	31	Power, as an issuing authority, to recover the amount, plus interest, a person has been ordered to pay under an enforcement order as an overdue rate payable to Council under the <i>Local Government Act 2009</i> .	
Public Health Act 2005	32	Power to lodge a request to register with the registrar of titles, in the appropriate form over the land, an unpaid amount, including interest, that is payable to Council under an enforcement order relating to a public health risk on land owned by a person as a charge on the land.	
Public Health Act 2005	36(5)	Power to consult with the chief executive before the chief executive authorises a prevention and control program which relates to Council's local government area.	
Public Health Act 2005	57B	Power, as a water service provider <sup>1</sup> , to inform the authorised person that Council believes that it has complied with an improvement notice issued under this division.	
Public Health Act 2005	84(1)(b)(i) and (2)(a), 226(1)(b)(i) and (2)(a), 244(1)(b)(i) and (2)(a), and 269(1)(b)(i) and (2)(a)	Power to enter into an agreement with the chief executive for the disclosure of confidential information.	
Public Health Act 2005	160B	Power, as a person in charge of an education and care service or QEC approved service to take any of the actions mentioned in subsection 160B(1).	
Public Health Act 2005	160C	Power, as a person in charge of an education and care service or QEC approved service to take any of the actions mentioned in subsection 160C(1).	

Public Health Act 2005	313E(3)	Power, where given a notice under section 313E(2), to publish the pollution notice.	
Public Health Act 2005	313H	Power, where Council incurs loss because of the exercise or purported exercise of a power by or for the chief executive under chapter 7A, to claim compensation from the State.	
Public Health Act 2005	362MAF(4)	Power, as a relevant person, to take all reasonable steps to ensure a person who works at a business, activity or undertaking owned, controlled or operated by the relevant person does not disclose the relevant information to anyone else, or use the relevant information, unless the relevant information is disclosed in compliance with the subsection.	
Public Health Act 2005	362MAH(2)	Power, as a relevant person in the circumstances listed in subsection 362MAH(1), to disclose the relevant information in compliance with the subsection.	
Public Health Act 2005	388(2)	Power, as an issuing authority, to enter the place, at reasonable times, to take the steps stated in a public health order where the person has failed to comply the order.	
Public Health Act 2005	393(2)	Power, as an issuing authority, to give the occupier and owner of a place a notice required under the section, where an authorised person intends to enter the place to take steps required under a public health order.	
Public Health Act 2005	406	Power, as an issuing authority, to recover the amount payable, including interest, of the reasonable costs and expenses incurred by Council in exercising powers under section 388 or 405 as an overdue rate payable to Council under the <i>Local Government Act 2009</i> .	
Public Health Act 2005	407	Power, as an issuing authority, to lodge with the registrar of titles, in the appropriate form over the land, a request to register an unpaid amount, including interest, that is payable to Council for steps taken by it on land owned by a person as a charge on the land.	
Public Health Act 2005	415	Power, as an owner of a thing seized by an authorised person, to inspect the thing and, if it is a document, to copy it.	
Public Health Act 2005	443(1)(b)	Power to apply to the court for an order against a person convicted of an offence against the Act for the payment of the costs Council has incurred in taking a thing or doing something else during the investigation of the offence.	
Public Health Act 2005	446	Power to deal with a thing forfeited as Council considers appropriate, including destroying the thing.	
Public Health Act 2005	450	Power, as an owner of a thing forfeited to a relevant entity under section 413(1), to appeal against a decision resulting in the forfeiture of the thing.	
Public Health Act 2005	454B(3)	Power to recover contribution from a prescribed person.	
Public Health Act 2005	454C(2)	Power to comply with the indemnity conditions in relation to each asbestos-related event to which the official conduct relates.	
Public Health Act 2005	454CA(2)	Power to give notice of the proceeding to the State.	
Public Health Act 2005	454G	Power to ensure each authorised person who exercises powers under the Act in relation to an asbestos-related event has satisfactorily completed the training prescribed by regulation.	
Public Health Act 2005	454I	Power to keep the records prescribed in subsections 454I(1), (2) for each asbestos-related event.	
<b>Public Health Regulation 2018</b>			
<b>Legislation</b>	<b>Section of Act</b>	<b>Description of Delegated Power</b>	<b>Conditions to which the Delegation is Subject</b>
Public Health Regulation 2018	6,16, and 22	Power to administer and enforce Part 2, Divisions 1, 2 and 3.	
Public Health Regulation 2018	12(2)(c)	Power to approve a site for the disposal of asbestos waste.	
<b>Public Interest Disclosure Act 2010</b>			
<b>Legislation</b>	<b>Section of Act</b>	<b>Description of Delegated Power</b>	<b>Conditions to which the Delegation is Subject</b>
Public Interest Disclosure Act 2010	30(1) and (2)	Power to: (a) decide not to investigate or deal with a public interest disclosure in certain circumstances; and (b) give written reasons for a decision not to investigate.	
Public Interest Disclosure Act 2010	31(1) and (2)	Power to refer a disclosure to another public sector entity in certain circumstances.	
Public Interest Disclosure Act 2010	32(1) and (2)	Power to give a person making a disclosure, or an entity referring a disclosure, reasonable information about the disclosure.	
<b>Public Records Act 2002</b>			
<b>Legislation</b>	<b>Section of Act</b>	<b>Description of Delegated Power</b>	<b>Conditions to which the Delegation is Subject</b>
Public Records Act 2002	7(1)(a)	Power to make and keep records of Council's activities.	
Public Records Act 2002	7(1)(b)	Power to have regard to any relevant policy, standards and guidelines made by the archivist about the making and keeping of public records.	
Public Records Act 2002	8(1)	Power to ensure the safe custody and preservation of Council's records.	
Public Records Act 2002	10(1)(a)	Power to give written notice to the State archivist of the existence of a public record in Council's possession which is more than 25 years old.	
Public Records Act 2002	10(1)(b)	Power to give a public record in Council's possession, which is more than 25 years old, to the State archivist.	
Public Records Act 2002	11(2)	Power to give a public record in Council's possession, which is 25 years old or less, to the State archivist.	
Public Records Act 2002	14(2)	Power to take action to ensure that a public record remains able to be produced or made available.	
Public Records Act 2002	16	Power to give written notice to the State archivist of a restricted access period for a public record.	
Public Records Act 2002	18(2)(b)	Power as a responsible public authority to give the State archivist a written notice stating— (a) the public authority has classified a record which has a restricted access period as a record to which unrestricted access is allowed; or (b) access to a record which has a restricted access period may be given on conditions stated in the notice.	
Public Records Act 2002	19(2)	Power as a responsible public authority to give the State archivist written notice of a change to the restricted access notice for a record.	
Public Records Act 2002	19(4)	Power as a responsible public authority to refer a dispute about a restricted access notice for a public record to the committee.	
Public Records Act 2002	26(1)	Power to apply to the State archivist for, or consent to, an authorisation for the disposal of particular public records or classes of public records.	
Public Records Act 2002	28	Power to make an arrangement with the State archivist for the storage of public records.	
Public Records Act 2002	39(1)	Power as a public authority to make a written application to the committee for a review of a decision by made by the archivist refusing to authorise the disposal of particular public records or classes of public records.	
<b>Queensland Heritage Act 1992</b>			
<b>Legislation</b>	<b>Section of Act</b>	<b>Description of Delegated Power</b>	<b>Conditions to which the Delegation is Subject</b>
Queensland Heritage Act 1992	36, 36A, 43, 46, 48	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.	
Queensland Heritage Act 1992	41 and 42	Power to make a heritage submission (including power to agree to a later day for making the submission).	
Queensland Heritage Act 1992	43	Power to make written representations to the chief executive about the place the subject of an application under Part 4 of the Act.	
Queensland Heritage Act 1992	46(2)(a)	Power to make oral representations to the Heritage Council about the recommendation.	
Queensland Heritage Act 1992	46(2)(b)	Power, as the owner, to make a written response to the Heritage Council about the recommendation.	
Queensland Heritage Act 1992	46A(1)(c)	Power, as the owner, to consult with the chief executive about a proposed destroyed place recommendation.	
Queensland Heritage Act 1992	48	Power to make written representations to the Heritage Council about the place the subject of an application under Part 4 of the Act.	
Queensland Heritage Act 1992	49 and 50	Power to request and make oral representations to the Heritage Council about the recommendation.	
Queensland Heritage Act 1992	50A	Power, as the owner, to give the Council a heritage response to the heritage recommendation.	
Queensland Heritage Act 1992	50B(3)	Power, as the owner, to agree in writing with the Heritage Council on a later day by which the heritage response must be given.	
Queensland Heritage Act 1992	52	Power, as the owner of a place the subject of a heritage recommendation to agree to extend the day for making the decision.	
Queensland Heritage Act 1992	56B	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.	
Queensland Heritage Act 1992	58	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.	
Queensland Heritage Act 1992	59	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.	
Queensland Heritage Act 1992	71	Power to make a submission about development the State proposes to carry out on a Queensland heritage place.	



Queensland Heritage Act 1992	72 and 73	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.	
Queensland Heritage Act 1992	80	Power to enter into a heritage agreement for a Queensland heritage place and to agree to the changing or ending of a heritage agreement.	
Queensland Heritage Act 1992	80(1)(b) and 80(2)(b)	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.	
Queensland Heritage Act 1992	82	Power, as a party to a heritage agreement, to apply to the Planning and Environment Court for the orders required to secure compliance with the agreement.	
Queensland Heritage Act 1992	84(6)	Power, as the owner of a Queensland heritage place, to comply with a repair and maintenance notice.	
Queensland Heritage Act 1992	89	Power to give the chief executive notice of the discovery of an archaeological artefact or underwater cultural heritage artefact.	
Queensland Heritage Act 1992	94 and 95	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.	
Queensland Heritage Act 1992	98	Power to apply to QCAT for an external review of a compensation decision.	
Queensland Heritage Act 1992	105 and 106	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.	
Queensland Heritage Act 1992	110	Power to respond to a show cause notice in relation to a proposal to cancel a permit to enter a protected area.	
Queensland Heritage Act 1992	111	Power to appeal to the Planning & Environment Court in relation to those matters listed in subsection (1).	
Queensland Heritage Act 1992	112, 112B, 113, 114, 116, 117, 118, 120, 122	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. ##Please note that section 112B and Part 11 division 2 to 5 does not apply to those local governments identified in section 199##.	
Queensland Heritage Act 1992	161	Power, as a person identified in subsection (1), to appeal to the Planning & Environment Court against the decision.	
Queensland Heritage Act 1992	165	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.	
<b>Queensland Reconstruction Authority Act 2011</b>			
Legislation	Section of Act	Description of Delegated Power	Conditions to which the Delegation is Subject
Queensland Reconstruction Authority Act 2011	42(5)	Power to request the Minister to declare a project for proposed development to be a declared project.	
Queensland Reconstruction Authority Act 2011	43(7)	Power to agree about the declaration of acquisition land.	
Queensland Reconstruction Authority Act 2011	43(8)	Power to request the Minister to declare a part of the State to be a reconstruction area and/or acquisition land.	
Queensland Reconstruction Authority Act 2011	49	Power, as a decision-maker for a prescribed decision, to comply with a progression notice given by the authority.	
Queensland Reconstruction Authority Act 2011	50	Power, as a decision-maker for a prescribed decision, to comply with a notice to decide given by the authority.	
Queensland Reconstruction Authority Act 2011	53(1)	Power, as a decision-maker for a prescribed decision, to give the authority all reasonable assistance or materials it requires.	
Queensland Reconstruction Authority Act 2011	53(2)	Power, as a decision-maker for a prescribed decision, to give the authority a written report containing the information prescribed in subsection 53(2).	
Queensland Reconstruction Authority Act 2011	53(4)	Power to give the authority a written recommendation to impose a condition for infrastructure.	
Queensland Reconstruction Authority Act 2011	80(2) and 80(6)	Power, as a referral agency for a relevant application, to assess the application having regard to the development scheme and give the weight considered appropriate to any amendment or replacement of the development scheme.	
Queensland Reconstruction Authority Act 2011	80(3) and 80(6)	Power, as an assessment manager for a relevant application, to assess the application against the matters stated in the development scheme as assessment benchmarks for the Planning Act and give the weight considered appropriate to any amendment or replacement of the development scheme.	
Queensland Reconstruction Authority Act 2011	81	Power, as a responsible entity for a change application, to assess the application against the development scheme and give the weight considered appropriate to any amendment or replacement of the development scheme.	
Queensland Reconstruction Authority Act 2011	92(3)	Power, as an assessment manager, to comply with the requirements under the Planning Act about giving public access to development approvals, as if the notice were a development approval.	
Queensland Reconstruction Authority Act 2011	111(2)	Power to request the Minister to direct the local government to take particular action about a local planning instrument.	
Queensland Reconstruction Authority Act 2011	111(3)	Power to make submissions to the Minister about a proposal to direct the local government to take particular action about a local planning instrument.	
Queensland Reconstruction Authority Act 2011	112	Power to comply with a direction of the Minister given under section 112.	
<b>Residential Services (Accreditation) Act 2002</b>			
Legislation	Section of Act	Description of Delegated Power	Conditions to which the Delegation is Subject
Residential Services (Accreditation) Act 2002	29(1) and (3)	Power, on application by a person conducting, or proposing to conduct, a residential service in premises, to assess and determine whether a building complies with the prescribed building requirements.	
Residential Services (Accreditation) Act 2002	29(3)(b)	Power, where a building complies with the prescribed building requirements, to issue a building compliance notice.	
Residential Services (Accreditation) Act 2002	29(2)(a)	Power to approve the form to be used for an application under section 29(1) <i>Residential Services (Accreditation) Act 2002</i> .	
Residential Services (Accreditation) Act 2002	29(4)	Power, where a building does not comply with the prescribed building requirements, to give notice of the decision stating those matters required by section 29(4).	
Residential Services (Accreditation) Act 2002	189(3)(a)	Power to issue a notice stating the extent to which the premises comply with the prescribed building requirements.	
<b>Residential Tenancies and Rooming Accommodation Act 2008</b>			
Legislation	Section of Act	Description of Delegated Power	Conditions to which the Delegation is Subject
Residential Tenancies and Rooming Accommodation Act 2008	58(1)	Powers to give a prospective tenant for a residential tenancy the documents prepared for section 61 (the written residential tenancy agreement) and any other information prescribed by regulation.	
Residential Tenancies and Rooming Accommodation Act 2008	61	Power to prepare a residential tenancy agreement in the way required by section 61.	
Residential Tenancies and Rooming Accommodation Act 2008	62(1)	Power to give to the tenant a residential tenancy agreement prepared for section 61 for signing.	
Residential Tenancies and Rooming Accommodation Act 2008	62(3)	Power to sign a residential tenancy agreement signed by the tenant and to return a copy signed by both parties to the tenant.	
Residential Tenancies and Rooming Accommodation Act 2008	64(3)	Power to apply to a tribunal if the Council as lessor reasonably believes the tenant has contravened section 62(2).	
Residential Tenancies and Rooming Accommodation Act 2008	65(2)	Power to prepare, in the approved form, a condition report for premises and any inclusions, to sign the condition report, and to give a copy of the condition report to the tenant.	
Residential Tenancies and Rooming Accommodation Act 2008	66(3)	Power to sign the copy of a condition report received from the tenant at the end of the tenancy and, if not agreeing with the report, show the parts of the condition report that are disagreed with by marking the copy in an appropriate way, and to make a copy of the condition report and return it to the tenant at the tenant's given forwarding address.	
Residential Tenancies and Rooming Accommodation Act 2008	67	Power to give to a tenant an information statement in the approved form containing information for the benefit of the tenant, by the period specified in section 67.	
Residential Tenancies and Rooming Accommodation Act 2008	68(2)	Power to give to the tenant a copy of the park rules in a moveable dwelling park and a copy of the rules as changed.	
Residential Tenancies and Rooming Accommodation Act 2008	69(1)	Power to give a tenant a copy of body corporate by-laws when giving the written agreement to the tenant for signing.	
Residential Tenancies and Rooming Accommodation Act 2008	76B	Power to give a prospective resident the information prescribed by regulation.	

Residential Tenancies and Rooming Accommodation Act 2008	77	Power to prepare a rooming accommodation agreement in the way required by section 77.	
Residential Tenancies and Rooming Accommodation Act 2008	78(1)	Power to give the document prepared for section 77 to the resident for signing.	
Residential Tenancies and Rooming Accommodation Act 2008	78(2)	Power to sign a rooming accommodation agreement signed by the resident and to return a copy signed by both parties to the resident.	
Residential Tenancies and Rooming Accommodation Act 2008	81(1)	Power to prepare, in the approved form, a condition report for the room and the facilities in the room, to sign the condition report and to give a copy of the condition report to the resident.	
Residential Tenancies and Rooming Accommodation Act 2008	83(3)	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.	
Residential Tenancies and Rooming Accommodation Act 2008	83(3)	Power to agree in writing to payments of rent being made in the way stated in a written notice received from the tenant.	
Residential Tenancies and Rooming Accommodation Act 2008	84(2)	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.	
Residential Tenancies and Rooming Accommodation Act 2008	85(2)	Power to give a written notice stating a place, or a different place, as the place at which rent is required to be paid.	
Residential Tenancies and Rooming Accommodation Act 2008	88	Power to give and sign a receipt for payment of rent.	
Residential Tenancies and Rooming Accommodation Act 2008	88(5)	Power to make a written record of the payment of rent.	
Residential Tenancies and Rooming Accommodation Act 2008	91(2)	Power to give written notice of a proposal to increase rent for a periodic agreement or a fixed term agreement during the term of the agreement.	
Residential Tenancies and Rooming Accommodation Act 2008	98(3)	Power to give a written notice stating an approved way, or a different approved way, to pay rent under a rooming accommodation agreement.	
Residential Tenancies and Rooming Accommodation Act 2008	98(3)	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.	
Residential Tenancies and Rooming Accommodation Act 2008	99(2)	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.	
Residential Tenancies and Rooming Accommodation Act 2008	100(2)	Power to give a written notice stating a place, or a different place, as the place where rent is required to be paid.	
Residential Tenancies and Rooming Accommodation Act 2008	102	Power to give a receipt for the payment of rent.	
Residential Tenancies and Rooming Accommodation Act 2008	102(5)	Power to make a written record of the payment of rent paid.	
Residential Tenancies and Rooming Accommodation Act 2008	105(2)	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.	
Residential Tenancies and Rooming Accommodation Act 2008	106	Power to agree on the amount and time for the decrease of rent for matters including loss of amenity or service.	
Residential Tenancies and Rooming Accommodation Act 2008	107	Power to agree to a reduction in rent because of the resident's absence.	
Residential Tenancies and Rooming Accommodation Act 2008	116(1)	Power to pay a rental bond to the authority and to give the authority a notice, in the approved form, about the rental bond.	
Residential Tenancies and Rooming Accommodation Act 2008	117	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 the instalments.	
Residential Tenancies and Rooming Accommodation Act 2008	118(2)	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.	
Residential Tenancies and Rooming Accommodation Act 2008	118(3)	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.	
Residential Tenancies and Rooming Accommodation Act 2008	118(4)	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.	
Residential Tenancies and Rooming Accommodation Act 2008	119	Power to pay to the Residential Tenancies Authority an amount equal to the maximum rental bond for the agreement if financial protection against breach of the agreement by the tenant is given to Council.	
Residential Tenancies and Rooming Accommodation Act 2008	119(2)	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.	
Residential Tenancies and Rooming Accommodation Act 2008	125	Power to apply to the authority for payment of a rental bond.	
Residential Tenancies and Rooming Accommodation Act 2008	136(A)	Power to make a dispute resolution request to the authority about an application for payment of a rental bond.	
Residential Tenancies and Rooming Accommodation Act 2008	136B(2)	Power to make an application to the tribunal for an order about the payment of a rental bond.	
Residential Tenancies and Rooming Accommodation Act 2008	136B(4)	Power, where an application has been made to the tribunal, to give the authority written notice of the application.	
Residential Tenancies and Rooming Accommodation Act 2008	136C(2)	Power, as an interested person, to make a written request to the authority for an extension of the claim period.	
Residential Tenancies and Rooming Accommodation Act 2008	136(3)(c)(iv)(A) or 136(4)(c)(iv)(A)	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.	
Residential Tenancies and Rooming Accommodation Act 2008	136(5)	Power to give the Residential Tenancies Authority a written application requesting it to extend the 7 day period by not more than 3 days.	
Residential Tenancies and Rooming Accommodation Act 2008	140	Power to withdraw an application to the Residential Tenancies Authority for the payment of a rental bond.	
Residential Tenancies and Rooming Accommodation Act 2008	145	Power to sign and give a receipt for a rental bond.	
Residential Tenancies and Rooming Accommodation Act 2008	145(4)	Power to keep a copy of the receipt for a rental bond.	
Residential Tenancies and Rooming Accommodation Act 2008	154	Power to give written notice to the tenant to increase the rental bond if the rent payable under the agreement increases.	
Residential Tenancies and Rooming Accommodation Act 2008	155(3)	Power to apply to a tribunal disputing the amount being treated as a rental bond.	
Residential Tenancies and Rooming Accommodation Act 2008	156	Power to require a prospective tenant to pay a key deposit.	
Residential Tenancies and Rooming Accommodation Act 2008	157	Power to give a receipt for a key deposit that was paid by a prospective tenant.	
Residential Tenancies and Rooming Accommodation Act 2008	158	Power to refund a key deposit in full when the key is returned.	
Residential Tenancies and Rooming Accommodation Act 2008	159	Power to require a prospective tenant to pay a holding deposit for a tenancy of premises.	
Residential Tenancies and Rooming Accommodation Act 2008	160	Power to give a receipt for a holding deposit.	
Residential Tenancies and Rooming Accommodation Act 2008	161(2)	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.	
Residential Tenancies and Rooming Accommodation Act 2008	168(3)	Power to agree a reduced rent amount attributable to a service or facility becoming unavailable for use by the tenant.	
Residential Tenancies and Rooming Accommodation Act 2008	168(4)	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.	
Residential Tenancies and Rooming Accommodation Act 2008	169(2)	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	
Residential Tenancies and Rooming Accommodation Act 2008	192, 193, 194, 195, 196, 197, 198, 199	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.	
Residential Tenancies and Rooming Accommodation Act 2008	184D(2)	Power to respond to the tenant's request to keep a pet at the premises.	

Residential Tenancies and Rooming Accommodation Act 2008	201	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.	
Residential Tenancies and Rooming Accommodation Act 2008	205	Power to ask the tenant the tenant's name or place of employment.	
Residential Tenancies and Rooming Accommodation Act 2008	205(1)	Power to ask the tenant the tenant's name or place of employment.	
Residential Tenancies and Rooming Accommodation Act 2008	205(3)(a)	Power to ask the tenant in writing to state the new address.	
Residential Tenancies and Rooming Accommodation Act 2008	206	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.	
Residential Tenancies and Rooming Accommodation Act 2008	207 and 208	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.	
Residential Tenancies and Rooming Accommodation Act 2008	209	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.	
Residential Tenancies and Rooming Accommodation Act 2008	210	Power to supply and maintain the locks and keys that are necessary to ensure the premises are reasonably secure.	
Residential Tenancies and Rooming Accommodation Act 2008	211	Power to change a lock to the premises or to agree to the tenant changing a lock to the premises.	
Residential Tenancies and Rooming Accommodation Act 2008	211(1)	Power to agree to not being given a key for a lock to the premises changed by the tenant.	
Residential Tenancies and Rooming Accommodation Act 2008	213(1)	Power to apply to a tribunal about a lock or key for the premises.	
Residential Tenancies and Rooming Accommodation Act 2008	216	Power to nominate a nominated repairer and to provide written notice to the tenant stating the nominated repairer and to give written notice of any change in a nominated repairer.	
Residential Tenancies and Rooming Accommodation Act 2008	220(2)	Power to apply to a tribunal for an order about the reimbursement or payment of an amount for emergency repairs to the tenant.	
Residential Tenancies and Rooming Accommodation Act 2008	221B(1)	Power to apply to the tribunal for an extension of time to comply with a repair order.	
Residential Tenancies and Rooming Accommodation Act 2008	223	Power to give a notice to relocate to another site in the moveable dwelling park to the tenant.	
Residential Tenancies and Rooming Accommodation Act 2008	227	Power to apply to a tribunal for an order about the relocation of a tenant to another site in the moveable dwelling park.	
Residential Tenancies and Rooming Accommodation Act 2008	228	Power to make rules about the use, enjoyment, control and management of a moveable dwelling park owned by Council.	
Residential Tenancies and Rooming Accommodation Act 2008	229	Power to give a notice proposing a change to a park rule to residents of the park.	
Residential Tenancies and Rooming Accommodation Act 2008	231	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.	
Residential Tenancies and Rooming Accommodation Act 2008	231(3)(b)	Power to be Council's nominee on the park liaison committee.	
Residential Tenancies and Rooming Accommodation Act 2008	231(6)	Power to give a non-resolution notice to each of the objectors objecting to a change of a park rule.	
Residential Tenancies and Rooming Accommodation Act 2008	233(2)	Power to apply to a tribunal for an order declaring the proposal to change a park rule to be reasonable or unreasonable.	
Residential Tenancies and Rooming Accommodation Act 2008	237(2)	Power to agree in writing to the transfer or subletting of the tenant's interest under an agreement.	
Residential Tenancies and Rooming Accommodation Act 2008	238(2)(a)	Power to agree in writing to the transfer or subletting of all or a part of the tenant's interests under the agreement.	
Residential Tenancies and Rooming Accommodation Act 2008	240	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.	
Residential Tenancies and Rooming Accommodation Act 2008	241(2)	Power to require a tenant to pay a fee for the sale or attempted sale of a caravan on the premises.	
Residential Tenancies and Rooming Accommodation Act 2008	242(1)(a)	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.	
Residential Tenancies and Rooming Accommodation Act 2008	242(1)(b)	Power to give a written notice of the transfer (the attornment notice) to the tenant if the lessor's interest is transferred.	
Residential Tenancies and Rooming Accommodation Act 2008	243(7)	Power to be heard on an application by a person occupying the premises to be recognised as a tenant under an agreement.	
Residential Tenancies and Rooming Accommodation Act 2008	245(8)	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.	
Residential Tenancies and Rooming Accommodation Act 2008	246(6)	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.	
Residential Tenancies and Rooming Accommodation Act 2008	247(2)	Power to agree about cleaning common areas for a common area used by the resident and a minority of other residents of the provider.	
Residential Tenancies and Rooming Accommodation Act 2008	248(1)	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.	
Residential Tenancies and Rooming Accommodation Act 2008	250(1)	Power to supply and maintain the locks that are necessary to ensure the resident's room is reasonably secure.	
Residential Tenancies and Rooming Accommodation Act 2008	251	Power to agree to change or repair a lock at the request of a resident.	
Residential Tenancies and Rooming Accommodation Act 2008	252	Power to apply to a tribunal for an order relating to a lock or key mentioned in section 250.	
Residential Tenancies and Rooming Accommodation Act 2008	254 and 255	Power to agree to the resident attaching a fixture, or making a structural change, to rental premises including setting the terms of the agreement.	
Residential Tenancies and Rooming Accommodation Act 2008	256(1)	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.	
Residential Tenancies and Rooming Accommodation Act 2008	256D(2)	Power to respond to a resident's request to keep a pet.	
Residential Tenancies and Rooming Accommodation Act 2008	257(1)	Power to enter a resident's room, for any reason, if the resident agrees.	
Residential Tenancies and Rooming Accommodation Act 2008	258(1)	Power to enter a resident's room, at a reasonable time, to inspect the room and to give notice of the entry.	
Residential Tenancies and Rooming Accommodation Act 2008	259	Power to give at least 24 hours prior written notice of a proposed entry to a resident's room for a purpose mentioned in the section.	
Residential Tenancies and Rooming Accommodation Act 2008	260	Power to enter a resident's room without notice for one of the reasons set out in section 260.	
Residential Tenancies and Rooming Accommodation Act 2008	264	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.	
Residential Tenancies and Rooming Accommodation Act 2008	268(1)	Power to make house rules for rental purposes for any of the matters specified in section 268(1).	
Residential Tenancies and Rooming Accommodation Act 2008	270(1)	Power to give a written notice of proposed rule change for rental premises.	
Residential Tenancies and Rooming Accommodation Act 2008	271	Power to give a written notice withdrawing the proposed rule change.	
Residential Tenancies and Rooming Accommodation Act 2008	272(4)(b)	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.	
Residential Tenancies and Rooming Accommodation Act 2008	273(2)	Power to apply to a tribunal for an order declaring the proposed rule change to be reasonable.	
Residential Tenancies and Rooming Accommodation Act 2008	273(7)	Power to give a written notice of the tribunal's decision regarding an application under section 273 to each resident of the rental premises.	
Residential Tenancies and Rooming Accommodation Act 2008	274(7)	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.	

Residential Tenancies and Rooming Accommodation Act 2008	275	Power to give a person a copy of the house rules for the premises.	
Residential Tenancies and Rooming Accommodation Act 2008	276	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.	
Residential Tenancies and Rooming Accommodation Act 2008	277(2)	Power to end a residential tenancy agreement by written agreement with the tenant.	
Residential Tenancies and Rooming Accommodation Act 2008	277(3)	Power to give a notice to leave the premises to the tenant.	
Residential Tenancies and Rooming Accommodation Act 2008	277(7)(c)	Power to agree with the tenant's personal representative or relative on a day for the residential tenancy agreement to end.	
Residential Tenancies and Rooming Accommodation Act 2008	280	Power to give a tenant a notice to remedy breach.	
Residential Tenancies and Rooming Accommodation Act 2008	281(1), 282(1), 283(2), 284(1), 285(2), 286(1), 287(2), 288(1), 289(2), 290(2), 290A(1), 290B(1), 290C(1), 290D(1), 290E(1), 290F(1), 290G(1) and 291(1)	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).	
Residential Tenancies and Rooming Accommodation Act 2008	293, 294, 295, 296, 296A, 297, 297A, 297B 298 and 299	Power to apply to a tribunal for a termination order because of any of the reasons set out in sections 293 to 299 (inclusive).	
Residential Tenancies and Rooming Accommodation Act 2008	300	Power to apply to a tribunal for an interim order to restrain tenant from causing further damage or injury.	
Residential Tenancies and Rooming Accommodation Act 2008	303	Power to remedy a lessor's breach following receipt of a notice to remedy breach from the tenant.	
Residential Tenancies and Rooming Accommodation Act 2008	308C(2)	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.	
Residential Tenancies and Rooming Accommodation Act 2008	308C(3)	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).	
Residential Tenancies and Rooming Accommodation Act 2008	308E	Power, in the circumstances set out in subsection 308E(1), to give each remaining tenant for the agreement a continuing interest notice.	
Residential Tenancies and Rooming Accommodation Act 2008	308H(2)	Power to apply to the tribunal for an order setting aside the notice because it does not comply with section 308B.	
Residential Tenancies and Rooming Accommodation Act 2008	324A(1)	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.	
Residential Tenancies and Rooming Accommodation Act 2008	333(1)	Power to withdraw a notice to leave for unremedied breach.	
Residential Tenancies and Rooming Accommodation Act 2008	334(2)	Power to agree to the tenant withdrawing a notice of intention to leave the premises.	
Residential Tenancies and Rooming Accommodation Act 2008	335(1)	Power to apply to the tribunal for a termination order without giving a notice to leave the premises to the tenant.	
Residential Tenancies and Rooming Accommodation Act 2008	350(1)	Power to apply to the tribunal for the issue of a warrant of possession.	
Residential Tenancies and Rooming Accommodation Act 2008	355(1)	Power to give an abandonment termination notice to the tenant terminating the agreement.	
Residential Tenancies and Rooming Accommodation Act 2008	357(1)	Power to apply to a tribunal for an order about the abandonment by the tenant of the premises.	
Residential Tenancies and Rooming Accommodation Act 2008	358	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.	
Residential Tenancies and Rooming Accommodation Act 2008	359	Power to apply to a tribunal for an order for compensation following the giving of an abandonment termination notice.	
Residential Tenancies and Rooming Accommodation Act 2008	362	Power to take all reasonable steps to mitigate loss or expense incurred because of the matters set out in section 362(1).	
Residential Tenancies and Rooming Accommodation Act 2008	363(2) and 363(4)	Power to sell tenant's goods left on premises or dispose of them in another way.	
Residential Tenancies and Rooming Accommodation Act 2008	363(8)	Power to pay any balance from the sale of goods of a former tenant to the public trustee.	
Residential Tenancies and Rooming Accommodation Act 2008	363(10)	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> .	
Residential Tenancies and Rooming Accommodation Act 2008	364	Power to give documents left on the premises in the ways prescribed under section 364.	
Residential Tenancies and Rooming Accommodation Act 2008	366(a)	Power to agree with a resident, by written agreement, to end a rooming accommodation agreement.	
Residential Tenancies and Rooming Accommodation Act 2008	366(b)	Power to end a rooming accommodation agreement by giving a notice under Part 2.	
Residential Tenancies and Rooming Accommodation Act 2008	368(2)	Power to give a resident notice requiring the resident to remedy a breach of a rooming accommodation agreement.	
Residential Tenancies and Rooming Accommodation Act 2008	369(1)	Power to give a resident a notice requiring the resident to leave the rental premises because of failure to remedy breach.	
Residential Tenancies and Rooming Accommodation Act 2008	369(5)	Power to withdraw a notice requiring the resident to leave the rental premises because of failure to remedy breach.	
Residential Tenancies and Rooming Accommodation Act 2008	370(1), 371(1), 371A, 371B(1), 371C(1), 371D(1), 371E(2), 372(2) and 374(1)	Power to give a notice to leave the rental premises to a resident because of any of the reasons set out in sections 370(1) to 374(1) (inclusive).	
Residential Tenancies and Rooming Accommodation Act 2008	375(2)	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.	
Residential Tenancies and Rooming Accommodation Act 2008	376(2)	Power to apply to a tribunal for a termination order for repeated breaches by resident.	
Residential Tenancies and Rooming Accommodation Act 2008	377(1)	Power to apply to a tribunal for an order terminating a fixed term agreement because of excessive hardship.	
Residential Tenancies and Rooming Accommodation Act 2008	378	Power to remedy a provider's breach following receipt of a notice requiring remedy of breach from the resident.	
Residential Tenancies and Rooming Accommodation Act 2008	381C(2)	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.	
Residential Tenancies and Rooming Accommodation Act 2008	381C(3)	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).	
Residential Tenancies and Rooming Accommodation Act 2008	381E(3)	Power, in the circumstances set out in subsection 381E(1), to give each remaining resident for the agreement a continuing interest notice.	
Residential Tenancies and Rooming Accommodation Act 2008	381H(2)	Power to apply to the tribunal for an order setting aside the notice because it does not comply with section 381B.	

Residential Tenancies and Rooming Accommodation Act 2008	387A(1)	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; apply to the tribunal to decide the day for the agreement to end.	
Residential Tenancies and Rooming Accommodation Act 2008	388(1)	Power to apply to the tribunal for a termination order without giving a notice to leave the rental premises to the resident.	
Residential Tenancies and Rooming Accommodation Act 2008	392(2)	Power to make reasonable efforts to contact a former resident about property left at the rental premises.	
Residential Tenancies and Rooming Accommodation Act 2008	392	Power to deal a with personal document or money in the ways stated in the section.	
Residential Tenancies and Rooming Accommodation Act 2008	393(2), 393(4) and 393(5)	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.	
Residential Tenancies and Rooming Accommodation Act 2008	393(7)	Power to apply the proceeds from the sale of property under section 393 in the ways stated in the section.	
Residential Tenancies and Rooming Accommodation Act 2008	395(4)	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.	
Residential Tenancies and Rooming Accommodation Act 2008	402, 404, 405, 406, 408 and 410	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.	
Residential Tenancies and Rooming Accommodation Act 2008	418	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.	
Residential Tenancies and Rooming Accommodation Act 2008	419(2)	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.	
Residential Tenancies and Rooming Accommodation Act 2008	424(1)	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).	
Residential Tenancies and Rooming Accommodation Act 2008	425(2)	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).	
Residential Tenancies and Rooming Accommodation Act 2008	429(1)	Power to apply to a tribunal for an order about a general dispute between parties to a residential tenancy agreement or rooming accommodation agreement.	
Residential Tenancies and Rooming Accommodation Act 2008	430(2)	Power to be heard before the tribunal on an application regarding a dispute between cotenants or coresidents about a rental bond for an agreement.	
Residential Tenancies and Rooming Accommodation Act 2008	449	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.	
Residential Tenancies and Rooming Accommodation Act 2008	455(1)	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.	
Residential Tenancies and Rooming Accommodation Act 2008	458A(2)	Power to give an applicant a written notice.	
Residential Tenancies and Rooming Accommodation Act 2008	458B(2)	Power to give an applicant a written notice.	
Residential Tenancies and Rooming Accommodation Act 2008	459	Power to list personal information about a person in a tenancy database after complying with the requirements of section 459(2)..	
Residential Tenancies and Rooming Accommodation Act 2008	459(2)	Power to give the other person a copy of the personal information and consider any submissions made by the other person.	
Residential Tenancies and Rooming Accommodation Act 2008	459A(2)	Power, in the circumstances listed in subsection (1), to give a database operator written notice.	
Residential Tenancies and Rooming Accommodation Act 2008	459A(4)	Power to keep a copy of a written notice given under this section.	
Residential Tenancies and Rooming Accommodation Act 2008	459C(2)	Power to give a copy of a person's personal information listed about the person.	
Residential Tenancies and Rooming Accommodation Act 2008	527D	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.	
Residential Tenancies and Rooming Accommodation Act 2008	527E	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.	

**Retail Shop Leases Act 1994**

Legislation	Section of Act	Description of Delegated Power	Conditions to which the Delegation is Subject
Retail Shop Leases Act 1994	21B(1)	Power, as a lessor, to give the prospective lessee:- (a) a draft of the lease; and (b) a disclosure statement.	
Retail Shop Leases Act 1994	21B(2)	Power, as a prospective lessee, to give the lessor a waiver notice.	
Retail Shop Leases Act 1994	21C(1) & (2)(b)	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.	
Retail Shop Leases Act 1994	21C(2)(a)	Power, as a lessor, to give the prospective sublessor a head lessor disclosure statement	
Retail Shop Leases Act 1994	21E(2)	Power, as a lessor, to give the lessee a current disclosure statement.	
Retail Shop Leases Act 1994	21E(3)	Power, as a lessee, to give a renewal notice with or without a waiver notice.	
Retail Shop Leases Act 1994	21E(4)	Power, as a lessee, upon receiving the current disclosure statement, to give the lessor a written notice stating that the renewal notice is withdrawn.	
Retail Shop Leases Act 1994	21F(1)	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.	
Retail Shop Leases Act 1994	21F(5)	Power, as a lessor, to pay to the lessee the reasonable compensation decided by way of the dispute resolution process.	
Retail Shop Leases Act 1994	22	Power, as a lessor, to give the lessee the signed lease document or a certified copy of the signed lease.	
Retail Shop Leases Act 1994	22B	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.	
Retail Shop Leases Act 1994	22B(1A)(b)	Power, as a prospective assignee, to give the assignor a waiver notice.	
Retail Shop Leases Act 1994	22B(2)	Power, as a prospective assignee, to give a disclosure statement to the assignor.	
Retail Shop Leases Act 1994	22B(3)	Power, as an assignor, to give the lessor a copy of the disclosure statement given to the assignee to the lessor.	
Retail Shop Leases Act 1994	22C(1)	Power, as a lessor, to give the prospective assignee a disclosure statement and a copy of the lease.	
Retail Shop Leases Act 1994	22C(2)(b)	Power, as a prospective assignee, to give the lessor a waiver notice.	
Retail Shop Leases Act 1994	26(2)	Power, as a lessor, to disclose the information permitted by the section.	
Retail Shop Leases Act 1994	26(3)(b) & 4(b)	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.	
Retail Shop Leases Act 1994	27(8)(b)	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.	
Retail Shop Leases Act 1994	27A(1A)(b)	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	
Retail Shop Leases Act 1994	27A(2)	Power, as a lessee, to give written notice to the lessor asking or the current market rent to be determined.	
Retail Shop Leases Act 1994	27A(2)	Power, as a lessee or a lessor, to agree on the current market rent.	
Retail Shop Leases Act 1994	28(2)	Power, as a lessee or a lessor, to agree on the specialist retail valuer.	
Retail Shop Leases Act 1994	28A(5)	Power, as a lessee or a lessor, to give a submission to the valuer and give a copy to the other party.	
Retail Shop Leases Act 1994	28A(6)	Power, as a lessee or a lessor, who receives a copy of a submission to give the valuer a written response to it.	
Retail Shop Leases Act 1994	30(1)	Power, as a lessor, to give the valuer the relevant information required by the valuer.	
Retail Shop Leases Act 1994	34	Power, as a lessee or a lessor, to pay to the specialist retail valuer one-half of the valuer's fee.	
Retail Shop Leases Act 1994	35(1)(b)	Power, as a lessee or a lessor, to agree to the valuer disclosing the information obtained under section 28A or 30 to someone else.	
Retail Shop Leases Act 1994	35(3)	Power, as a lessee or a lessor, to agree with the valuer about the reasonable compensation to be paid by the valuer.	
Retail Shop Leases Act 1994	38A	Power, as a lessor, to give the lessee an outgoings estimate.	
Retail Shop Leases Act 1994	38B	Power, as a lessor, to give the lessee an audited annual statement.	
Retail Shop Leases Act 1994	38C(2)	Power, as a lessee in the circumstances set out in subsection 38C(1), to withhold payment of apportionable outgoings.	

Retail Shop Leases Act 1994	40(3)	Power, as a lessor, to pay maintenance amounts paid by the lessee for the credit of the sinking fund into an interest bearing account.	
Retail Shop Leases Act 1994	40(4)	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).	
Retail Shop Leases Act 1994	40A(2)	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.	
Retail Shop Leases Act 1994	41(2)	Power, as a lessor, to apply amounts for promotion and advertising directly attributable to the centre.	
Retail Shop Leases Act 1994	41(4)	Power, as a lessor, to make available to the audited annual statement.	
Retail Shop Leases Act 1994	41(6)	Power, as a lessor, to carry forward the unspent promotion amount to be applied towards spending on promotion and advertising of the centre.	
Retail Shop Leases Act 1994	43(2)	Power, as a lessee, to give the lessor written notice of the loss or damage mentioned in subsection 43(1)	
Retail Shop Leases Act 1994	44	Power, as a lessor or a lessee, to agree on the amount of compensation payable under part 6, division 7.	
Retail Shop Leases Act 1994	44A(2)	Power, as a lessor, to give the lessee a written notice that complies with subsection 44A(3).	
Retail Shop Leases Act 1994	45(2)	Power, as a lessor, to agree with the prospective secured creditor about the matters listed in subsection 45(2).	
Retail Shop Leases Act 1994	46(2)	Power, as a lessor, to give the lessee written notice of the option date.	
Retail Shop Leases Act 1994	46AA(2)	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.	
Retail Shop Leases Act 1994	46AA(3)	Power, as a lessor, to revoke an offer made under subsection 46AA(2)(a).	
Retail Shop Leases Act 1994	46AA(4A)	Power, as a lessee, to, by written notice to the lessor, ask for an extension of the lease.	
Retail Shop Leases Act 1994	46AA(5)	Power, as a lessee, to terminate the lease before the extended period ends by giving written notice.	
Retail Shop Leases Act 1994	46D	Power, as a lessor, to give the lessee a relocation notice.	
Retail Shop Leases Act 1994	46E(1)	Power, as a lessee who has received a relocation notice, to give the lessor a written notice terminating the lease.	
Retail Shop Leases Act 1994	46E(2)(a)	Power, as a lessor or lessee, to agree on the day the lease terminates.	
Retail Shop Leases Act 1994	46E(3)	Power, as a lessor or lessee, to agree on an alternative retail shop.	
Retail Shop Leases Act 1994	46E(3)(a)	Power, as a lessor or lessee, to agree on the terms and conditions of an alternative retail shop lease.	
Retail Shop Leases Act 1994	46G(2)	Power, as a lessor or lessee, to agree on the lessee's reasonable costs of relocation.	
Retail Shop Leases Act 1994	46I	Power, as a lessor, to give a lessor's termination notice.	
Retail Shop Leases Act 1994	46J	Power, as a lessee who has received a lessor's termination notice, to give the lessor a lessee's termination notice.	
Retail Shop Leases Act 1994	46K(3)(a)	Power, as a lessor or lessee, to agree on reasonable compensation for loss or damage suffered by the lessee.	
Retail Shop Leases Act 1994	48(3)(d)	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.	
Retail Shop Leases Act 1994	50(1)(b)	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.	
Retail Shop Leases Act 1994	50(1)(c)	Power, as a lessor, to respond to a proposed assignment of the lease by the lessee.	
Retail Shop Leases Act 1994	52(c)	Power, as an eligible lessee, to cast a vote in a secret ballot.	
Retail Shop Leases Act 1994	55	Power, as a party to a retail tenancy dispute that is within a mediator's jurisdiction under section 97, to lodge the dispute notice with the commissioner and pay the fee.	
Retail Shop Leases Act 1994	56A	Power to apply to the commissioner to be joined as a party to a mediation of a retail tenancy dispute and pay the fee.	
Retail Shop Leases Act 1994	57	Power, as a party to a retail tenancy dispute, to represent Council at the mediation conference and conduct Council's case.	
Retail Shop Leases Act 1994	61	Power, as a party to a retail tenancy dispute, to reach an agreement on the solution of the dispute and sign the mediation agreement.	
Retail Shop Leases Act 1994	64(1)	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	
Retail Shop Leases Act 1994	91(1)	Power to, by written notice given to the commissioner, withdraw a dispute notice lodged for a retail tenancy dispute	
Retail Shop Leases Act 1994	113(2)(a)	Power, as a party to the dispute resolution process, to agree to the mediator or former tribunal member disclosing information coming to the knowledge of the mediator or member during the dispute resolution process or the hearing	
<b>Retail Shop Leases Regulation 2016</b>			
Legislation	Section of Act	Description of Delegated Power	Conditions to which the Delegation is Subject
Retail Shop Leases Regulation 2016	9A(2)	Power, as a party who receives a notice under the Act, section 56(1)(b)(ii), to ask the mediatory in writing to change the mediation conference date	
Retail Shop Leases Regulation 2016	9B(1)	Power, as a party who receives a notice under section 9A(1), to ask the mediator in writing to mediate related disputes together at the mediation conference.	
Retail Shop Leases Regulation 2016	9B(2)	Power, as a party to a related dispute, to agree to the mediator mediating the related disputes together at the mediation conference.	
Retail Shop Leases Regulation 2016	9C	Power, as a party to a dispute, to agree with the mediator to the mediation being held using technology.	
<b>Right to Information Act 2009</b>			
Legislation	Section of Act	Description of Delegated Power	Conditions to which the Delegation is Subject
Right to Information Act 2009	22	Power to disclose information under a publication scheme, without limiting another way Council may disclose information.	
Right to Information Act 2009	27(2)	Power to give access to a document created after the application is received but before notice is given under section 54.	
Right to Information Act 2009	29(2)	Power to search for a document from a backup system if Council considers the search appropriate.	
Right to Information Act 2009	30(5)(b)	Power to appoint an appropriately qualified healthcare professional to make a healthcare decision in relation to an access application.	
Right to Information Act 2009	89(1)	Power, as an agency, to participate in an external review.	
Right to Information Act 2009	89(2)	Power to apply to the information commissioner to participate in an external review if Council is affected by the decision the subject of the external review.	
Right to Information Act 2009	93(1)	Power to apply to the information commissioner to allow Council further time to deal with the access application which has become the subject of an application for an external review concerning a deemed decision in relation to an access application.	
Right to Information Act 2009	96(1)	Power to comply with a reasonable request from the Commissioner for further assistance with an external review.	
Right to Information Act 2009	97(2)(b)	Power to make oral or written submissions to the Commissioner in an external review.	
Right to Information Act 2009	97(3)	Power to seek the approval of the Commissioner for Council to be represented by another person in an external review and to appoint the representative.	
Right to Information Act 2009	98	Power to respond to a preliminary inquiry from the Commissioner.	
Right to Information Act 2009	99(1)	Power to give the applicant for external review and the commissioner an additional statement containing further and better particulars of the reasons for the decision.	
Right to Information Act 2009	100	Power to give the commissioner full and free access at all reasonable times to the documents of the agency or Minister concerned, including documents protected by legal professional privilege.	
Right to Information Act 2009	101(2)	Power to give the commissioner a written transcript of the words recorded or contained in a document and a written document created using equipment that is usually available to Council for retrieving or collating stored information.	
Right to Information Act 2009	102	Power to conduct a particular further search, or further searches, for a document when required to by the commissioner.	
Right to Information Act 2009	103	Power to comply with a notice issued by the commissioner pursuant to this section.	
Right to Information Act 2009	111(2)	Power, as a participant in an external review, to apply to the information commissioner to correct an error in a written decision of the commissioner.	
Right to Information Act 2009	114(1)	Power, as an agency, to apply to the information commissioner for the declaration of an applicant as a vexatious applicant.	

Right to Information Act 2009	118(1)	Power, as a participant in an external review, to make a request to the information commissioner to refer a question of law arising on an external review to the Queensland Civil and Administrative Tribunal.	
Right to Information Act 2009	119	Power, as a participant in an external review, to appeal to the appeal tribunal against a decision of the information commissioner on the external review.	
Right to Information Act 2009	Schedule 4, Part 4, 1(3)	Power to make an application to the information commissioner to extend the 10 year period during which disclosure of certain information cannot be made.	
<b>River Improvement Trust Act 1940</b>			
Legislation	Section of Act	Description of Delegated Power	Conditions to which the Delegation is Subject
River Improvement Trust Act 1940	3(3)	Power to, either singly or jointly, apply to the Minister for the establishment, change or abolition of a river improvement trust area.	
River Improvement Trust Act 1940	5(1)(a), 5(1A)(a) and 5(2)	Power to appoint a councillor to a river improvement trust.	
River Improvement Trust Act 1940	5(3)	Power to decide the term of appointment for a councillor appointed pursuant to subsection (1)(a) or (2).	
River Improvement Trust Act 1940	5A(1)	Power to appoint a councillor to a river improvement trust where the office becomes vacant.	
River Improvement Trust Act 1940	5A(2)	Power to comply with a notice from the Minister requiring Council to appoint a councillor to a vacant office.	
River Improvement Trust Act 1940	5A(5B)	Power to give the Minister the local government's views on the recommendation of an appointment to the Governor in Council.	
River Improvement Trust Act 1940	5K	Power to remove a person from office as a member of a trust.	
River Improvement Trust Act 1940	6(1A)	Power to consent for the trust to appoint the chief executive officer to be its secretary.	
River Improvement Trust Act 1940	12A	Power to enter into a written arrangement with a trust to use the accounts and the accounting systems of Council.	
River Improvement Trust Act 1940	14A(1A)	Power to pay to the trust the amount of revenue estimated by the trust in the budget adopted by it for such year.	
River Improvement Trust Act 1940	14A(1B)	Power to negotiate and agree for each financial year the amount to contribute to the trust and to pay the amount to the trust.	
<b>State Penalties Enforcement Act 1999</b>			
Legislation	Section of Act	Description of Delegated Power	Conditions to which the Delegation is Subject
State Penalties Enforcement Act 1999	15(1)	Power, as administering authority, to approve a form for an infringement notice.	
State Penalties Enforcement Act 1999	23	Power, as administering authority, to approve (or refuse where the conditions in this section have not been complied with) an application for payment of a fine by instalments.	
State Penalties Enforcement Act 1999	24(1)	Power, as administering authority, to submit particulars required for registration of approval of instalment payments with the State Penalties Enforcement Registry.	
State Penalties Enforcement Act 1999	28(1) and (2)	Power, as administering authority, to withdraw an infringement notice at any time before the fine is satisfied in full and take the steps required by subsection (2).	
State Penalties Enforcement Act 1999	32J(1)	Power, as an approved sponsor, to apply to the registrar on behalf of the subject applicant for a work and development order to satisfy all or part of the enforceable amount of the applicant's SPER debt.	
State Penalties Enforcement Act 1999	32K(1)	Power, as an approved sponsor, to undertake an eligibility assessment.	
State Penalties Enforcement Act 1999	32K(2)	Power, as an approved sponsor, to give the registrar evidence to support the eligibility assessment.	
State Penalties Enforcement Act 1999	32O(1)	Power, as an approved sponsor, to apply to SPER on behalf of the individual for an increase in the order amount.	
State Penalties Enforcement Act 1999	32P(1)	Power, as an approved sponsor, to withdraw the work and development order because the approved sponsor is unable to continue as the approved sponsor.	
State Penalties Enforcement Act 1999	32S	Power, as the recipient of a notice under section 32L, 32O or 32Q, to apply, as provided under the QCAT Act, to QCAT for a review of the decision.	
State Penalties Enforcement Act 1999	33(1)	Power, as administering authority in the circumstance listed in subsections 33(1)(a) to (d), to give the State Penalties Enforcement Registry a default certificate for the infringement notice offence.	
State Penalties Enforcement Act 1999	33(3)	Power, as administering authority who has given a default certificate under subsection 33(1), to pay the registration fee.	
State Penalties Enforcement Act 1999	33(7)	Power, as administering authority who has given a default certificate under subsection 33(1), to give an amended default certificate to the State Penalties Enforcement Registry.	
State Penalties Enforcement Act 1999	41(2)	Power, as an approved sponsor who has the agreement of the debtor, to apply on behalf of the debtor under part 3B for- (a) work and development order to satisfy the amount of the order; or (b) if the debtor is subject to a work and development order - a variation of the order.	
State Penalties Enforcement Act 1999	57	Power, as administering authority, to (a) accept payment of the fine in full; or (b) issue a fresh infringement notice where the registrar has cancelled an enforcement notice and referred the matter back to Council.	
State Penalties Enforcement Act 1999	81	Power, as an employer who pays earnings to an employee for whom a fine collection notice for redirection of the enforcement debtor's earnings is in force, to when paying the earnings, deduct an amount from the earnings as required under Part 5, Division 4.	
State Penalties Enforcement Act 1999	84(1)	Power, as an employer who deducts an amount from an employee's earnings under a fine collection notice, to pay the amount to the registrar and give to the registrar a return in the approved form.	
State Penalties Enforcement Act 1999	84(2)	Power, as an employer who does not deduct an amount from an employee's earnings under a fine collection notice, give to the registrar a return in the approved form.	
State Penalties Enforcement Act 1999	84(3)	Power, as an employer who pays earnings to an employee while a fine collection notice relating to the employee is in force, to give the employee the written notice required under the subsection.	
State Penalties Enforcement Act 1999	84(4)	Power, where an employee to whom a fine collection notice relates stops being an employee while the notice is in force, to give the registrar the written notice of that fact.	
State Penalties Enforcement Act 1999	94	Power, as an employer, to keep the records required to be kept by this section.	
State Penalties Enforcement Act 1999	157(2)	Power, as an administering authority, to state any matter in subsection (2) is evidence of the matter.	
State Penalties Enforcement Act 1999	157(4)	Power, as an administering authority, to request the Registrar to give a certificate under subsection (3).	
State Penalties Enforcement Act 1999	162	Power to approve forms for use as infringement notices.	
<b>State Penalties Enforcement Regulation 2014</b>			
Legislation	Section of Act	Description of Delegated Power	Conditions to which the Delegation is Subject
State Penalties Enforcement Regulation 2014	19AG	Power to apply to the registrar for the approval of Council as an approved sponsor.	
State Penalties Enforcement Regulation 2014	19AH(1)	Power to comply with a request of the registrar for additional information.	
State Penalties Enforcement Regulation 2014	19AM(1)	Power, as an approved sponsor, to agree with the registrar to an amendment of the approval.	
State Penalties Enforcement Regulation 2014	19AN(1)	Power, as an approved sponsor, to keep the records listed in subsection 19AN(1).	
State Penalties Enforcement Regulation 2014	19AO(2)	Power, as an approved sponsor, to comply with a request of the registrar to give copies of all documents relevant to the work and development orders for which Council is an approved sponsor.	
State Penalties Enforcement Regulation 2014	19AQ(1)	Power, as an approved sponsor, to surrender the approval as an approved sponsor.	
State Penalties Enforcement Regulation 2014	19AU(2)(d)	Power, as an approved sponsor, to make written representations to the registrar in response to a show cause notice.	
State Penalties Enforcement Regulation 2014	19AX(1)(a)	Power, as an approved sponsor, to take the remedial action, to the satisfaction of the registrar.	
State Penalties Enforcement Regulation 2014	19AZ(2)	Power, in the circumstances specified in subsection 19AZ(1), to apply to QCAT for a review of the decision.	
<b>Statutory Bodies Financial Arrangements Act 1982</b>			
Legislation	Section of Act	Description of Delegated Power	Conditions to which the Delegation is Subject
Statutory Bodies Financial Arrangements Act 1982	31(1)	Power, as a statutory body, to operate a deposit and withdrawal account with a financial institution.	
Statutory Bodies Financial Arrangements Act 1982	31(2)	Power, as a statutory body, to seek the approval of the Treasurer to operate a deposit and withdrawal account with an overdraft facility.	

Statutory Bodies Financial Arrangements Act 1982	<b>34(1)</b>	Power, as a statutory body, to borrow money and to seek the treasurer's approval for the borrowing.	
Statutory Bodies Financial Arrangements Act 1982	<b>35(3)</b>	Power, as a statutory body, to, (a) create an encumbrance; and (b) otherwise transfer property, or assign income, by way of security, and to seek the treasurer's approval for same.	
Statutory Bodies Financial Arrangements Act 1982	<b>42 and 44</b>	Power, as a statutory body, to exercise category 1 investment powers.	
Statutory Bodies Financial Arrangements Act 1982	<b>42 and 45</b>	Power, as a statutory body, to exercise category 2 investment powers.	
Statutory Bodies Financial Arrangements Act 1982	<b>46</b>	Power, as a statutory body, to exercise category 3 investment powers.	
Statutory Bodies Financial Arrangements Act 1982	<b>47(2)</b>	Power, as a statutory body, to keep records that show Council has invested in the way most appropriate in all the circumstances.	
Statutory Bodies Financial Arrangements Act 1982	<b>52(2)</b>	Power, as a statutory body, to:- (a) obtain the Treasurer's approval for continuing with an investment arrangement referred to in section 52(1); or (b) liquidate an investment arrangement referred to in section 52(1).	
Statutory Bodies Financial Arrangements Act 1982	<b>53(1)</b>	Power, as a statutory body, to enter a derivative transaction.	
Statutory Bodies Financial Arrangements Act 1982	<b>53(1)(b)</b>	Power, as a statutory body, to appoint a person as an agent for Part 7, Division 1 and obtain the treasurer's approval for the appointment.	
Statutory Bodies Financial Arrangements Act 1982	<b>53(2)</b>	Power, as a statutory body, to obtain the treasurer's approval for the entering of a derivative transaction.	
Statutory Bodies Financial Arrangements Act 1982	<b>55 and 56</b>	Power, as a statutory body, to give the treasurer a report about a derivative transaction and give a copy of the report to the Minister that administers the <i>Local Government Act 2009</i> .	
Statutory Bodies Financial Arrangements Act 1982	<b>59</b>	Power, as a statutory body, to appoint a person as a funds manager and obtain the treasurer's approval for the appointment.	
Statutory Bodies Financial Arrangements Act 1982	<b>60A</b>	Power, as a statutory body, to enter a type 1 financial arrangement and obtain the treasurer's approval for the arrangement.	
Statutory Bodies Financial Arrangements Act 1982	<b>61A</b>	Power, as a statutory body to which section 61 applies, to enter a type 2 financial arrangement and obtain the treasurer's approval for the arrangement.	
Statutory Bodies Financial Arrangements Act 1982	<b>62(1)</b>	Power, as a statutory body, to sign documents for a financial arrangement under the Act.	
Statutory Bodies Financial Arrangements Act 1982	<b>62(2)</b>	Power, as a statutory body, to obtain the treasurer's approval before signing for a financial arrangement that:- (a) creates an encumbrance; or (b) otherwise transfers Council's property, or assigns Council's income, by way of security.	
Statutory Bodies Financial Arrangements Act 1982	<b>71</b>	Power, as a statutory body, to apply to the treasurer for approval of the exercise of a power under the Act.	
Statutory Bodies Financial Arrangements Act 1982	<b>72</b>	Power, as a statutory body, to respond to a request from the Treasurer for a document or information the Treasurer considers necessary for considering Council's application under section 71 of the Act.	
Statutory Bodies Financial Arrangements Act 1982	<b>74</b>	Power, as a statutory body, to keep a register of the Treasurer's approvals under Part 9, Division 3 of the Act for Council's exercise of a power.	
<b>Stock Route Management Act 2002</b>			
<b>Legislation</b>	<b>Section of Act</b>	<b>Description of Delegated Power</b>	<b>Conditions to which the Delegation is Subject</b>
Stock Route Management Act 2002	<b>105 to 109 inclusive</b>	Power to:- (a) prepare a stock route network management plan; (b) consult on the stock route network management plan as required by sections 107 and 108; and (c) carry out public notification as required by section 109.-	This power does not include the power to adopt the stock route network management plan.
Stock Route Management Act 2002	<b>113</b>	Power to review, amend or renew, its stock route network management plan when the chief executive officer of the local government considers it appropriate.	This power does not include the power to adopt the stock route network management plan the subject of the review, amendment or renewal.
Stock Route Management Act 2002	<b>115</b>	Power to:- (a) publish a copy of the stock route network management plan on Council's website; and (b) keep an electronic copy of the plan available for inspection at Council's public office.	
Stock Route Management Act 2002	<b>116(2)(c)(ii)</b>	Power, as an issuing entity, to give notice that a person may apply for a permit for the land.	
Stock Route Management Act 2002	<b>116(5)</b>	Power, as an issuing entity, to waive payment of the application fee if satisfied the applicant is experiencing financial hardship	
Stock Route Management Act 2002	<b>117</b>	Power to by written notice, ask the applicant of a stock route permit to give further reasonable information or documents about the application by the reasonable date stated in the notice and refuse the application if the applicant does not comply.	
Stock Route Management Act 2002	<b>118</b>	Power to grant or refuse an application for a stock route agistment permit.	
Stock Route Management Act 2002	<b>122(3)</b>	Power, as an issuing entity, to waive payment of the renewal application fee if satisfied the applicant is experiencing financial hardship	
Stock Route Management Act 2002	<b>123</b>	Power to grant or refuse an application to renew a stock route agistment permit.	
Stock Route Management Act 2002	<b>126</b>	Power to impose on a stock route agistment permit the reasonable conditions it decides.	
Stock Route Management Act 2002	<b>127</b>	Power to amend the conditions of a stock route agistment permit.	
Stock Route Management Act 2002	<b>128</b>	Power to cancel a stock route agistment permit.	
Stock Route Management Act 2002	<b>130</b>	Power to require the holder of a stock route agistment permit to return the permit.	
Stock Route Management Act 2002	<b>134(3)</b>	Power, as an issuing entity, to waive payment of the application fee if satisfied the applicant is experiencing financial hardship	
Stock Route Management Act 2002	<b>135</b>	Power to ask the applicant to give the further reasonable information or documents about the application, and to refuse the application if the applicant does not comply.	
Stock Route Management Act 2002	<b>136</b>	Power to grant or refuse an application for for a stock route travel permit.	
Stock Route Management Act 2002	<b>141</b>	Power to require a stock route travel permit holder who gives a notice of the correct particular to return the permit.	
Stock Route Management Act 2002	<b>142</b>	Power to impose on a stock route travel permit the reasonable conditions it decides.	
Stock Route Management Act 2002	<b>143</b>	Power to amend a stock route travel permit.	
Stock Route Management Act 2002	<b>144</b>	Power to cancel a stock route travel permit.	
Stock Route Management Act 2002	<b>146</b>	Power to require the holder of a stock route travel permit to return the permit for an amendment under a decision made under certain sections of the Act.	
Stock Route Management Act 2002	<b>148</b>	Power to consider it necessary to build a stock-proof fence on the boundary of land adjoining a stock route network.	
Stock Route Management Act 2002	<b>149</b>	Power to issue a fencing notice.	
Stock Route Management Act 2002	<b>156</b>	Power to give a mustering notice.	
Stock Route Management Act 2002	<b>160</b>	Power to manager and conserve pasture on its stock route network.	
Stock Route Management Act 2002	<b>161(2)</b>	Power to require an owner to reduce the number of stock on the land.	
Stock Route Management Act 2002	<b>180</b>	Power to consent to the burning or removal of pasture.	
Stock Route Management Act 2002	<b>184(3)</b>	Power to consult with the Minister about the performance of the function or obligation under the <i>Stock Route Management Act 2002</i> .	
Stock Route Management Act 2002	<b>184(5)</b>	Power to take action to comply with any notice given by the Minister in relation to the administration and enforcement of the <i>Stock Route Management Act 2002</i> .	
Stock Route Management Act 2002	<b>187(5)</b>	Power to pay the amount to the chief executive in the stated period.	
Stock Route Management Act 2002	<b>188</b>	Power to provide any information that the Minister may required in relation to: (a) details of amounts payable to received by Council under the <i>Stock Route Management Act 2002</i> ; and (b) functions or powers performed or exercised or required to be performed or exercised by Council under the <i>Stock Route Management Act 2002</i> .	



Stock Route Management Regulation 2023			
Legislation	Section of Act	Description of Delegated Power	Conditions to which the Delegation is Subject
Stock Route Management Regulation 2023	8	Power to set a reasonable stock route agistment permit fee having regard to the factors listed in subsection 8(2).	
Stock Route Management Regulation 2023	9(3)	Power, in the circumstances listed in subsection 9(1), where the original permit had included the correct particular and the revised permit fee would have been less than the original permit fee, to:- (a)refund the amount of the difference between the fees to the holder; or (b)reduce the original permit fee by the amount of the difference between that fee and the revised permit fee.	
Summary Offences Act 2005			
Legislation	Section of Act	Description of Delegated Power	Conditions to which the Delegation is Subject
Summary Offences Act 2005	32(3)	Power to recover from the owner of a place, as a debt, any damages, including costs, paid by Council under section 32(2), if the breach of duty by the owner that caused the injury to, or death of, a local graffiti removal officer amounts to gross negligence.	
Summary Offences Act 2005	33(2)	Power to make an agreement with the owner of a place in relation to the fee payable by Council to the owner for the removal of public graffiti by the owner.	
Summary Offences Regulation 2016			
Legislation	Section of Act	Description of Delegated Power	Conditions to which the Delegation is Subject
Summary Offences Regulation 2016	10(1)(a)	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.	
Summary Offences Regulation 2016	14(3)	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.	
Tobacco and Other Smoking Products Act 1998			
Legislation	Section of Act	Description of Delegated Power	Conditions to which the Delegation is Subject
Tobacco and Other Smoking Products Act 1998	26ZPB 155	Power to consult with the Department about a proposed local law under section 26ZPA154.	
Tobacco and Other Smoking Products Act 1998	26ZPC156	Power to respond to a request for information from the chief executive about a local law made under section 26ZPA154.	
Tobacco and Other Smoking Products Act 1998	26ZU165 and 26ZV166	Power to administer and enforce Part 2BB7, divisions 4 to 8 and Part-2C8, division 34 of the Act.	
Tobacco and Other Smoking Products Act 1998	26ZW167	Power to respond to a request for information from the chief executive about the local government's administration and enforcement.	
Tobacco and Other Smoking Products Act 1998	33181(1)(a)	Power, as an occupier of a place, to give consent to an authorised person to enter the place.	
Tobacco and Other Smoking Products Act 1998	34182(3)	Power, as an occupier of a place, to sign an acknowledgement confirming that consent to enter the place was given to an authorised person.	
Tobacco and Other Smoking Products Act 1998	188(1)	Power, as <del>the owner or occupier of a place</del> a person required, to give the authorised person reasonable help <del>or information</del> under section 187(3)(f), to comply with the requirement.	
Tobacco and Other Smoking Products Act 1998	189(1)	Power, as a person given a requirement under section 187(3)(g), to comply with the requirement.	
Tobacco and Other Smoking Products Act 1998	44B209(1)	Power, as an owner of a seized thing, to inspect the thing seized by an authorised person and, if it is a document, to copy it.	
Transport Infrastructure Act 1994			
Legislation	Section of Act	Description of Delegated Power	Conditions to which the Delegation is Subject
Transport Infrastructure Act 1994	11(4)	Power to consult with the chief executive concerning the development of a roads implementation program if the chief executive believes that Council would be affected by the program.	
Transport Infrastructure Act 1994	14(3)(a)	Power to consult with the chief executive concerning the development of a rail implementation program if the chief executive believes that Council would be affected by the program.	
Transport Infrastructure Act 1994	17(4)	Power to consult with the chief executive concerning the development of implementation programs for miscellaneous transport infrastructure if the chief executive believes that Council would be affected by the programs.	
Transport Infrastructure Act 1994	25(b)	Power to prepare and make submissions to the Minister in relation to any declaration, or revocation of a declaration that a road or route, or part of road or route, is a State-controlled road.	
Transport Infrastructure Act 1994	27(3)(b)	Power to prepare and make submissions to the Minister in relation to any declaration or revocation of declaration that the whole or a part of a State- controlled road is a motorway.	
Transport Infrastructure Act 1994	29	Power to enter into contracts with the chief executive in respect of road works, other works or the operation of State-controlled roads within and outside Council's local government area.	
Transport Infrastructure Act 1994	32	Power to make a sharing arrangement with the chief executive for the costs of:- (a) acquisition of land for transport infrastructure; (b) road works on a State-controlled road; (c) other works that contribute to the effectiveness and efficiency of the road network; or (d) the operation of a State-controlled road; including all necessary preliminary costs associated with acquisition, works, or operation.	
Transport Infrastructure Act 1994	33(2)	Power to apply for an approval to carry out road works on a State-controlled road or interfere with a State-controlled road or its operation.	
Transport Infrastructure Act 1994	36(1)	Power, as an owner or occupier of land, to provide written approval agreeing to the proposed temporary occupier occupying or using the land under section 35.	
Transport Infrastructure Act 1994	Section 36(4)	Power, as an owner or occupier of land, to make submissions to the proposed temporary occupier about the accommodation works or land management activities proposed to be carried out on the land.	
Transport Infrastructure Act 1994	37	Power, as an owner of land, to give notice to the chief executive claiming compensation for physical damage caused by the temporary entry, occupation, or use, or for the taking or consumption of material.	
Transport Infrastructure Act 1994	40	Power to enter into agreements with the chief executive in relation to funding for road works on Council's roads.	
Transport Infrastructure Act 1994	41	Power to enter into a financial arrangement with the chief executive for improvements to State-controlled roads that would be beneficial to Council's road network.	
Transport Infrastructure Act 1994	42	Power to obtain the chief executive's written approval for consent to carry out road works or make changes to the management of a Council road if conditions under subsection (1) apply and exceptions under subsections (2) or (5) do not apply.	
Transport Infrastructure Act 1994	42(5)	Power to apply and enforce conditions to proposed road works or changes to the management of a Council road.	
Transport Infrastructure Act 1994	43	Power to obtain the chief executive's written consent to the erection, alteration or operation of an advertising sign or device that would be:- (a) visible from a motorway; (b) beyond the boundaries of the motorway; and (c) reasonably likely to create a traffic hazard; and on conditions that comply with fixed criteria.	
Transport Infrastructure Act 1994	43(4)	Power to apply conditions to the erection, alteration or operation of an advertising sign or device.	
Transport Infrastructure Act 1994	45	Power to exercise all the powers Council may exercise for a local government road in its area in relation to State-controlled roads in its area.	
Transport Infrastructure Act 1994	50(3)	Power to apply for an approval to construct, maintain, operate or conduct ancillary works and encroachments on a State-controlled road.	
Transport Infrastructure Act 1994	52(6)	Power, as an owner of ancillary works and encroachments, to enter into an agreement with the chief executive for a contribution towards the cost of the alteration, relocation, making safe or removal of the ancillary works and encroachments.	
Transport Infrastructure Act 1994	55	Power to make submissions to the chief executive concerning a proposal to publish a gazette notice to make, amend or revoke a declaration or to make, amend or replace a policy for limited access roads.	

Transport Infrastructure Act 1994	62(1)	Power to make an application to the chief executive to make a written decision stating any of the matters provided in sub-sections (a)-(k) concerning access between 1 or more State-controlled roads and particular adjacent land which Council has an interest in.	
Transport Infrastructure Act 1994	67A	Power to ask the chief executive, in writing, to give Council a copy of any decision in force under section 62(1) for land that Council has an interest in.	
Transport Infrastructure Act 1994	72(2)	Power, as an owner or occupier of land, to enter into an agreement with the chief executive for:- (a) the supply by the chief executive of, or a contribution towards the supply by the chief executive of, alternative road access works between a State-controlled road and Council's land or between Council's land and another road; or (b) the carrying out, or contributions towards the carrying out of, other works in relation to Council's land.	
Transport Infrastructure Act 1994	73(4)	Power, as an owner or occupier of land, to recover, as a debt from the chief executive, compensation for the diminution in land value because of the prohibition or change made to the access between a State-controlled road and Council's land.	
Transport Infrastructure Act 1994	76	Power to enter into an agreement with the chief executive for the supply of roadside service centres, roadside rest facilities and other roadside businesses adjacent to or near State-controlled roads.	
Transport Infrastructure Act 1994	81	Power, as the owner of a public utility plant, to give the chief executive written notice of Council's intention to take action mentioned in section 80 on a State controlled road.	
Transport Infrastructure Act 1994	83	Power, as the owner of a public utility plant (whether existing or proposed), to arrange with the chief executive for the sharing of the costs, including preliminary costs, of all or any of the following:- (a) acquisition of land associated with the plant; or (b) construction, augmentation alteration or maintenance of the plant; or (c) construction of road works affected by the plant.	
Transport Infrastructure Act 1994	458	Power to help, or attempt to help, in a situation in which an accident or emergency involving dangerous goods happens or is likely to happen.	
Transport Infrastructure Act 1994	462	Power, as the manager of a public marine facility, to exercise all its functions, powers and obligations under the <i>Local Government Act 2009</i> and do anything considers necessary or convenient for the facility's effective and efficient management.	
Transport Infrastructure Act 1994	466	Power, as the manager of a public marine facility, to impose fees for the use of the facility, whether a a condition of an approval to use the facility or otherwise, and recover the fee as a debt owing to Council.	
Transport Infrastructure Act 1994	468	Power, as the manager of a public marine facility, to remove, within 3 months of its resignation or the revocation of the appointment any improvements to the facility added by Council that do not form an integral part of the facility.	
Transport Infrastructure Act 1994	477G	Power, as a holder, or proposed holder, of a licence to construct or establish transport infrastructure under the Act, to:- (a) seek consent from the chief executive allowing Council to submit a compliance management plan; and (b) submit a compliance management plan addressing 1 or more compliance matters for the licence.	
Transport Infrastructure Act 1994	480(8)	Power, as the manager of a public marine facility, to retain fees or other amounts recovered by Council pursuant to section 466 and not paid into the consolidated fund.	
Transport Infrastructure Act 1994	485	Power to ask the chief executive to review a decision described in schedule 3 that has affected Council's interests.	
Transport Infrastructure Act 1994	485A	Power to apply to the Queensland Civil and Administrative Tribunal ("QCAT"), as provided under the <i>QCAT Act</i> , for a review of the chief executive's decision on a review under section 485.	
Transport Infrastructure Act 1994	485B	Power to enter an appeal to the Planning and Environment Court against the chief executive's decision on a review under section 485.	

**Transport Infrastructure (Public Marine Facilities) Regulation 2023**

Legislation	Section of Act	Description of Delegated Power	Conditions to which the Delegation is Subject
Transport Infrastructure (Public Marine Facilities) Regulation 2023	5,7,9 and Schedule 1	Power to manage the public marine facilities listed in schedule 1 for which Council is appointed as manager.	
Transport Infrastructure (Public Marine Facilities) Regulation 2023	7(c)(i)	Power, as a manager of a public marine facility, to give written approval for the use of the facility for another purpose.	
Transport Infrastructure (Public Marine Facilities) Regulation 2023	8(1)	Power, as a manager of a non-State managed boat harbour, to pay to the chief executive the fees stated in schedule 2 for each mooring in the boat harbour.	

**Transport Operations (Road Use Management) Act 1995**

Legislation	Section of Act	Description of Delegated Power	Conditions to which the Delegation is Subject
Transport Operations (Road Use Management) Act 1995	69	Power to install and remove official traffic signs on Council's roads, off-street regulated parking areas and, with the chief executive's written consent, on declared roads.	
Transport Operations (Road Use Management) Act 1995	71	Power to install official traffic signs where reasonably satisfied that there is a danger, hindrance, obstruction to traffic or other emergency.	
Transport Operations (Road Use Management) Act 1995	74(2)	Power to take proceedings against a person who has committed an offence under section 74(1) of <i>Transport Operations (Road Use Management) Act</i> .	
Transport Operations (Road Use Management) Act 1995	75(1)	Power to remove unauthorised traffic signs.	
Transport Operations (Road Use Management) Act 1995	76(1)	Power to commence proceedings against a person who has injured one of Council's official traffic signs.	
Transport Operations (Road Use Management) Act 1995	100	Power to remove and detain at a place for safe keeping any vehicles, trams and animals and any goods, equipment or thing contained in, on or about the vehicle, tram or animal, where the requirements of section 100(1) are satisfied.	
Transport Operations (Road Use Management) Act 1995	101(1)	Power to regulate parking in its area on a road (other than a declared road), on a declared road (with the chief executive's written permission) or on an off-street regulated parking area.	
Transport Operations (Road Use Management) Act 1995	102(1)	Power to regulate parking by installing official traffic signs indicating how parking is regulated.	
Transport Operations (Road Use Management) Act 1995	104	Power to exercise control over land for use as an off-street parking area under an arrangement with a person who owns or has an interest in the land.	
Transport Operations (Road Use Management) Act 1995	105(5)	Power to install a parking meter or parkatarea for a designated parking space if it is installed in a way specified by the MUTCD or approved by the chief executive.	
Transport Operations (Road Use Management) Act 1995	109(1)	Power to enter into an agreement with the commissioner of police in respect of annual or periodical payments to the commissioner of police for costs incurred in the carrying out of duties by police officers enforcing parking regulations.	

**Transport Operations (Road Use Management - Road Rules) Regulation 2009**

Legislation	Section of Act	Description of Delegated Power	Conditions to which the Delegation is Subject
Transport Operations (Road Use Management - Road Rules) Regulation 2009	179(1)(c)	Power to issue a commercial vehicle identification label for the purposes of stopping in a loading zone.	
Transport Operations (Road Use Management - Road Rules) Regulation 2009	301(4)	Power to issue a permit to lead more than one animal on a road.	

**Trusts Act 1973**

Legislation	Section of Act	Description of Delegated Power	Conditions to which the Delegation is Subject
Trusts Act 1973	116	Power, where appointed trustee for certain purposes, to administer trust property.	

**Waste Reduction and Recycling Act 2011**

Legislation	Section of Act	Description of Delegated Power	Conditions to which the Delegation is Subject
Waste Reduction and Recycling Act 2011	28	Power to make an exempt waste application to the chief executive.	
Waste Reduction and Recycling Act 2011	29	Power to provide further information or documents for an exempt waste application if required by the chief executive.	

Waste Reduction and Recycling Act 2011	29(2)	Power to agree with the chief executive about extending the time for providing further information or documents for an exempt waste application.
Waste Reduction and Recycling Act 2011	33	Power, as the holder of an approval of waste as exempt waste, to request an amendment of the approval, and agree with the chief executive to the amendment of the approval.
Waste Reduction and Recycling Act 2011	34(3)(e)	Power, as the holder of an approval of waste as exempt waste, to make submissions in response to a notice from the chief executive about cancelling or amending the approval.
Waste Reduction and Recycling Act 2011	44(1)	Power, in conducting a recycling activity prescribed by regulation, to make a residue waste discounting application to the chief executive.
Waste Reduction and Recycling Act 2011	45	Power, as the applicant for a residue waste discounting application, to provide further information or documents for the application if required by the chief executive.
Waste Reduction and Recycling Act 2011	45(2)	Power to agree with the chief executive about extending the time for providing further information or documents for a waste residue discounting application.
Waste Reduction and Recycling Act 2011	49	Power, as the holder of an approval of a discounted rate for the waste levy for residue waste, to request an amendment of the approval, and agree with the chief executive to the amendment of the approval.
Waste Reduction and Recycling Act 2011	50(3)(e)	Power, as the holder of an approval of a discounted rate for the waste levy for residue waste, to make submissions in response to a notice from the chief executive about cancelling or amending the approval.
Waste Reduction and Recycling Act 2011	53	Power, as the operator of a waste disposal site, to receive and request delivery information for waste.
Waste Reduction and Recycling Act 2011	54	Power, as the operator of a resource recovery and transfer facility, to receive and request delivery information for waste.
Waste Reduction and Recycling Act 2011	56	Power, as the operator of a levyable waste disposal site, to pay the chief executive the waste levy, including any interest.
Waste Reduction and Recycling Act 2011	56 and 57	Power, as the operator of a waste disposal site in the waste levy zone, to ensure a weighbridge is installed and operates at the site, is brought back into operation if out of operation, and give notice to the chief executive where the weighbridge is out of operation and brought back into operation, as required by sections 56 and 57. NOTE: an exemption may apply until 30 June 2029 pursuant to chapter 16, part 3, division 2.
Waste Reduction and Recycling Act 2011	59, 60 and 61	Power to measure and record waste as required by sections 59, 60 and 61. NOTE: an exemption may apply until 30 June 2029 pursuant to chapter 16, part 3, division 2.
Waste Reduction and Recycling Act 2011	60(3)	Power, as the operator of a waste disposal site, to agree with the chief executive about an alternative way to measure and record the waste.
Waste Reduction and Recycling Act 2011	63, 64, 65 and 66	Power, as the operator of a waste disposal site and where the chief executive has given Council a notice under section 63(2), to install, maintain and operate a monitoring system as required by the notice, and comply with sections 64, 65 and 66.
Waste Reduction and Recycling Act 2011	67, 68 and 69	Power, as the operator of a levyable waste disposal site, to carry out volumetric surveys, ensure volumetric surveys are carried out, and give the chief executive copies of the results of the volumetric surveys as required by sections 67, 68 and 69.
Waste Reduction and Recycling Act 2011	72	Power, as the operator of a levyable waste disposal site, to give the chief executive a waste data return.
Waste Reduction and Recycling Act 2011	72A	Power, as the operator of a levyable waste disposal site, to keep the documents stipulated in section 72A.
Waste Reduction and Recycling Act 2011	72C	Power, as the operator of a levyable waste disposal site, to apply to the chief executive to enter a waste levy instalment agreement, and enter the agreement.
Waste Reduction and Recycling Act 2011	72D	Power, as the operator of a levyable waste disposal site, to apply to the chief executive for an amendment of a waste levy instalment agreement, and enter the amendment agreement.
Waste Reduction and Recycling Act 2011	72G	Power, as the operator of a levyable waste disposal site, to apply to the chief executive for an extension of time to pay a waste levy amount.
Waste Reduction and Recycling Act 2011	72H	Power, as the operator of a levyable waste disposal site, to apply to the chief executive for an extension of time to submit a waste data return and pay a waste levy amount.
Waste Reduction and Recycling Act 2011	72J(3)(c)	Power, as the operator of a levyable waste disposal site where the chief executive has decided an estimated waste levy amount under section 72J, to adjust the waste levy amount payable if a different amount is decided under a review of the chief executive's decision on the estimated waste levy amount.
Waste Reduction and Recycling Act 2011	72L	Power, as the operator or former operator of a waste disposal site who is eligible for a bad debt credit, to apply to the chief executive for relief.
Waste Reduction and Recycling Act 2011	72M(1)	Power to respond to a notice from the chief executive requiring further reasonable information or documents about the application for a bad debt credit.
Waste Reduction and Recycling Act 2011	72M(2)	Power to agree with the chief executive about extending the time for providing the further information or documents.
Waste Reduction and Recycling Act 2011	72R and 72S	Power, as the operator of a waste disposal site, to declare an area within the site as a resource recovery area by giving the chief executive notice of a proposed resource recovery area.
Waste Reduction and Recycling Act 2011	72U	Power, as the operator of a waste disposal site with a resource recovery area, to amend the declaration as a resource recovery area by giving the chief executive notice of the proposed amendment.
Waste Reduction and Recycling Act 2011	72V	Power, as the operator of a waste disposal site with a resource recovery area, to cancel the declaration as a resource recovery area by giving the chief executive notice of the proposed cancellation.
Waste Reduction and Recycling Act 2011	72VA(3)(e)	Power, as the operator of a waste disposal site with a resource recovery area, to:- (a) make a written submission to the chief executive; or (b) take stated actions.
Waste Reduction and Recycling Act 2011	72W	Power, as the operator of a waste disposal site with a resource recovery area and where the chief executive proposes to revoke the declaration, to make submissions to the chief executive to show why the declaration should not be revoked.
Waste Reduction and Recycling Act 2011	72X	Power, as the operator of a waste disposal site with a resource recovery area, to keep the documents and results stipulated in section 72X.
Waste Reduction and Recycling Act 2011	72Y	Power, as the operator of a resource recovery area at a waste disposal site in the waste levy zone, to carry out volumetric surveys, ensure volumetric surveys are carried out and give the chief executive a copy of the results of the volumetric survey as required by section 72Y.
Waste Reduction and Recycling Act 2011	72Z	Power, as the operator of a resource recovery area at a waste disposal site not in the waste levy zone, to carry out volumetric surveys, ensure volumetric surveys are carried out and give the chief executive a copy of the results of the volumetric survey as required by section 72Z.
Waste Reduction and Recycling Act 2011	73A	Power, as the operator of a waste disposal site that has declared, or claims to have declared, a resource recovery area under section 72S, to ensure that the resource recovery area complies with section 73A(2).
Waste Reduction and Recycling Act 2011	73C(2)	Power, as the operator of a waste disposal site that has declared a resource recovery area and there is a change to the physical barrier or points of access for the resource recovery area that does not change the boundaries of the area, to amend the plan of the waste disposal site, and give the chief executive notice and a copy of the amended plan.
Waste Reduction and Recycling Act 2011	73C(3)	Power, as the operator of a waste disposal site that has declared a resource recovery area and there is a change to the recycling activities, to advise the chief executive of the change.
Waste Reduction and Recycling Act 2011	73C(4)	Power, as the operator of a waste disposal site that has declared a resource recovery area and there is a change to the entity having responsibility for the operation of the resource recovery area, to advise the chief executive of the change.
Waste Reduction and Recycling Act 2011	73DB(1)	Power to request payment of an additional amount for the financial year to further mitigate the direct effects of the waste levy on households.
Waste Reduction and Recycling Act 2011	73DC(1)	Power to use a relevant payment to mitigate the direct effects of the waste levy on households in the local government's local government area.
Waste Reduction and Recycling Act 2011	73DD(1)	Power to ensure the first rates notice issued to an entity after receiving a relevant payment state the matters listed in subsection 73DD(1).
Waste Reduction and Recycling Act 2011	73DE(2)	Power to satisfy the Chief Executive that Council has informed the intended recipients of the misinformation of how the misinformation is false or misleading.
Waste Reduction and Recycling Act 2011	89	Power to apply to the chief executive for accreditation as scheme manager for a voluntary product stewardship scheme.
Waste Reduction and Recycling Act 2011	95	Power, as a participant in an accredited stewardship scheme, to amend the scheme by agreement with all other participants in the scheme.
Waste Reduction and Recycling Act 2011	97	Power, as scheme manager of an accredited stewardship scheme that the minister is proposing to revoke, to make written submissions to show why the proposed action to revoke the accreditation should not be taken.
Waste Reduction and Recycling Act 2011	99S(1) & 99U(1)	Power to claim a refund amount for an empty container under chapter 4, part 3B, division 3, subdivision 1.
Waste Reduction and Recycling Act 2011	99S(2)	Power, as the operator of a container refund point, to accept the container and pay the person the refund amount for the container.

Waste Reduction and Recycling Act 2011	<b>99Y(1)</b>	Power, as the operator of a container refund point, to:- (a) keep each refund declaration given to the operator for at least 5 years after the declaration was given; (b) for the proof of identity document mentioned in section 99T(3)(c) that accompanied the declaration, make a copy of the proof of identity document and keep the copy with the declaration for at least 5 years after the declaration was given; (c) if asked by an authorised person - produce the declaration and copy of the proof of identity document for inspection by the authorised person.	
Waste Reduction and Recycling Act 2011	<b>99ZA</b>	Power, as the operator of a container refund point, to enter a container collection agreement with the Organisation.	
Waste Reduction and Recycling Act 2011	<b>99ZB</b>	Power, as the operator of a container refund point, to claim a collection amount from the Organisation for containers collected.	
Waste Reduction and Recycling Act 2011	<b>99ZF</b>	Power, as the operator of a material recovery facility, to enter a material recovery agreement with the Organisation.	
Waste Reduction and Recycling Act 2011	<b>99ZH</b>	Power, as the operator of a material recovery facility, to claim the recovery amount from the Organisation.	
Waste Reduction and Recycling Act 2011	<b>99ZL</b>	Power, as the operator of a material recovery facility, to comply with the recovery amount protocol.	
Waste Reduction and Recycling Act 2011	<b>110</b>	Power, as delegate of the chief executive administering the Act, to give a notice to an adult person.	As this power relates to Chapter 5, Part 2 of the Act.
Waste Reduction and Recycling Act 2011	<b>111</b>	Power, as delegate of the chief executive administering the Act, to give a notice to an adult person.	As this power relates to Chapter 5, Part 2 of the Act.
Waste Reduction and Recycling Act 2011	<b>112</b>	Power, as delegate of the chief executive administering the Act, to direct a responsible entity to collect material from premises.	As this power relates to Chapter 5, Part 2 of the Act.
Waste Reduction and Recycling Act 2011	<b>123</b>	Power, as a local government, to prepare and implement a waste reduction and recycling plan (Nb. this obligation does not commence until 30 June 2015).	
Waste Reduction and Recycling Act 2011	<b>128</b>	Power to make written submissions where the chief executive intends to prepare a waste reduction and recycling plan for the local government to address an aspect that is relevant to the local government.	
Waste Reduction and Recycling Act 2011	<b>147</b>	Power, as a local government, to give the chief executive a report about the operation, in the financial year, of all the local government's waste reduction and recycling plans in force in its local government area (Nb. this obligation does not commence until 2 months after 30 June 2015).	
Waste Reduction and Recycling Act 2011	<b>152</b>	Power, as a reporting entity, to give the chief executive a report about the entity's receiving, sorting, recycling, treatment or disposal of waste in the financial year.	
Waste Reduction and Recycling Act 2011	<b>160</b>	Power to make a submission about a potential end of waste code	
Waste Reduction and Recycling Act 2011	<b>165</b>	Power to make a submission about a draft end of waste code	
Waste Reduction and Recycling Act 2011	<b>168</b>	Power to apply to amend an end of waste code	
Waste Reduction and Recycling Act 2011	<b>172</b>	Power, in relation to an end of waste code which the chief executive proposes to amend, cancel or suspend, to make written submissions about the proposed action.	
Waste Reduction and Recycling Act 2011	<b>173B(1)</b>	Power to give the chief executive a notice stating that Council intends to become a registered resource producer for the code.	
Waste Reduction and Recycling Act 2011	<b>173B(3)</b>	Power to give the chief executive a notice in the approved form.	
Waste Reduction and Recycling Act 2011	<b>173D</b>	Power to respond to a notice issued by the chief executive.	
Waste Reduction and Recycling Act 2011	<b>173H</b>	Power to respond to a request for advice, comment or information about the operation of an end of waste code issued by the chief executive.	
Waste Reduction and Recycling Act 2011	<b>173I</b>	Power to apply to the chief executive for an end of waste approval to conduct a trial for 1 kind of waste.	
Waste Reduction and Recycling Act 2011	<b>173K</b>	Power to comply with the conditions of an end of waste approval.	
Waste Reduction and Recycling Act 2011	<b>173L</b>	Power to apply to the chief executive to extend an end of waste approval.	
Waste Reduction and Recycling Act 2011	<b>173M</b>	Power to apply to the chief executive to amend an end of waste approval.	
Waste Reduction and Recycling Act 2011	<b>173O</b>	Power to apply to the chief executive to transfer an end of waste approval.	
Waste Reduction and Recycling Act 2011	<b>173Q</b>	Power to respond to a request from the chief executive for advice, comment or information about the operation of Chapter 8, Part 3.	
Waste Reduction and Recycling Act 2011	<b>173T</b>	Power to respond to a request from the chief executive for further information or documents required to decide an application under Chapter 8A.	
Waste Reduction and Recycling Act 2011	<b>173ZB</b>	Power to respond to a show cause notice from the chief executive.	
Waste Reduction and Recycling Act 2011	<b>173ZE</b>	Power to surrender an approval by giving notice to the chief executive officer.	
Waste Reduction and Recycling Act 2011	<b>173ZF</b>	Power to respond to a notice from the chief executive requiring information about an approval.	
Waste Reduction and Recycling Act 2011	<b>175</b>	Power, where given, or entitled to be given, an information notice for a decision, to apply to the chief executive for an internal review of the decision.	
Waste Reduction and Recycling Act 2011	<b>175</b>	Power to, as delegate of the chief executive administering the Act, apply for an internal review of the decision.	As this power relates to sections 248(2) and 253(3) of the Act.
Waste Reduction and Recycling Act 2011	<b>176(2)</b>	Power to, as delegate of the chief executive administering the Act, extend the time for making an internal review application.	As this power relates to sections 248(2) and 253(3) of the Act.
Waste Reduction and Recycling Act 2011	<b>177</b>	Power, where an internal review application has been made, to apply for a stay of the original decision.	
Waste Reduction and Recycling Act 2011	<b>178</b>	Power to, as delegate of the chief executive administering the Act, conduct an internal review of the original decision and decide the internal review application.	As this power relates to sections 248(2) and 253(3) of the Act.
Waste Reduction and Recycling Act 2011	<b>179</b>	Power to, as delegate of the chief executive administering the Act, give notice of an internal review decision.	As this power relates to sections 248(2) and 253(3) of the Act.
Waste Reduction and Recycling Act 2011	<b>180</b>	Power, where given, or entitled to be given, a QCAT information notice under section 179 of the <i>Waste Reduction and Recycling Act 2011</i> , to apply to QCAT, under the QCAT Act, for external review of the decision.	
Waste Reduction and Recycling Act 2011	<b>183</b>	Power, as delegate of the chief executive administering the Act, to appoint a person as an authorised person.	Any appointment of an authorised person must be subject to the limitation that an authorised person can only exercise the powers in section 117 and Chapter 10 of the Act in relation to the following offences: - Chapter 5, Parts 1, 2 and 3, Division 1 and 2 of the Act; - Section 251(a); - Section 251(c); - Section 254; and - Section 264.
Waste Reduction and Recycling Act 2011	<b>187</b>	Power, as delegate of the chief executive administering the Act, to issue an identity card to an authorised person.	
Waste Reduction and Recycling Act 2011	<b>246</b>	Power, as delegate of the chief executive administering the Act, to give a show cause notice.	As this power relates to sections 103(1), 104(1), 107(1), 108, 109(1) or (2) and 112(2) of the Act.
Waste Reduction and Recycling Act 2011	<b>248 and 249</b>	Power, as delegate of the chief executive administering the Act, to give a compliance notice.	As this power relates to sections 103(1), 104(1), 107(1), 108, 109(1) or (2) and 112(2) of the Act.
Waste Reduction and Recycling Act 2011	<b>253</b>	Power, as delegate of the chief executive administering the Act, to give a notice requiring the person to commission a waste audit and to provide a waste report on the audit.	As this power relates to section 104 of the Act.
Waste Reduction and Recycling Act 2011	<b>261</b>	Power to bring a proceeding in a Magistrates Court for an order to remedy or restrain an offence against the Act, or a threatened or anticipated offence against the Act.	
Waste Reduction and Recycling Act 2011	<b>317(2)</b>	Power, as an operator of a levyable waste disposable site, to apply to the chief executive for an exemption during the transition period from the requirements of section 57.	

Waste Reduction and Recycling Act 2011	323	Power, as an operator of a levyable waste disposable site in the waste levy zone, to carry out a volumetric survey, ensure a volumetric survey is carried out, give a copy of the results of the volumetric survey to the chief executive, and keep a copy of the results as required by section 323.	
Waste Reduction and Recycling Act 2011	324	Power, as an entity having responsibility for the operation of a resource recovery area for a waste disposal site in the waste levy zone, to carry out a volumetric survey, ensure a volumetric survey is carried out, give a copy of the results of the volumetric survey to the chief executive, and keep a copy of the results as required by section 324.	
<b>Waste Reduction and Recycling Regulation 2023</b>			
<b>Legislation</b>	<b>Section of Act</b>	<b>Description of Delegated Power</b>	
Waste Reduction and Recycling Regulation 2023	5(b)	Power, where Council has, by resolution, designated areas to conduct general waste or green waste collection, to decide the frequency of the collection of general waste or green waste in the designated areas.	
Waste Reduction and Recycling Regulation 2023	56	Power to prepare an emergency plan and keep it up to date.	
Waste Reduction and Recycling Regulation 2023	83(1)	Power as a local government recycling provider who operates or provides a kerbside recycling collection service to give the chief executive the information prescribed in subsection 83(1) for the financial year	
Waste Reduction and Recycling Regulation 2023	83(2)	Power as a local government recycling provider who operates or provides a recycling service other than a kerbside recycling collection service to give the chief executive information about the percentage of households within the service area with access to the service.	
<b>Water Act 2000</b>			
<b>Legislation</b>	<b>Section of Act</b>	<b>Description of Delegated Power</b>	<b>Conditions to which the Delegation is Subject</b>
Water Act 2000	25C(d)(iii)	Power, as a service provider directed to impose water restrictions under section 25D, to provide the Minister with a response stating the way it intends to ensure the restrictions are complied with.	
Water Act 2000	25C(d)(v)	Power, as a service provider directed to achieve outcomes, to provide the Minister with a response stating: 1. its intended actions to achieve those outcomes; and 2. if the actions include restrictions; how it intends to ensure compliance with the restrictions.	
Water Act 2000	25E	Power, as a service provider, to comply with a direction given under a water supply emergency declaration.	
Water Act 2000	250	Power, as a service provider and to the extent stated in a declaration or regulation, to recover, as a debt due, from Council's customers or other service providers: (a) contributions made by the State; and (b) costs in section 250(1) <i>Water Act 2000</i> to the extent approved by the Minister; and (c) the rate of return.	
Water Act 2000	25R	Power, as a service provider, to apply to the Minister for compensation for loss or damage because of actions taken under Chapter 1A, Part 1 <i>Water Act 2000</i> and to provide other relevant information required by the Minister.	
Water Act 2000	25T	Power, as a service provider who has made an application under section 25R, to provide the information the Minister requires to decide the application.	
Water Act 2000	25Y	Power, as a service provider, to comply with a notice requiring information issued by the chief executive.	
Water Act 2000	25ZA(1)	Power, as a service provider, to apply for written approval to restrict the use of subartesian water by a customer of the water service provider in an area if the water is taken, other than for stock purposes, for a purpose mentioned in subsections 25ZA(1)(a) or (b).	
Water Act 2000	25ZA(3)	Power, as a service provider, to respond to a request for further information about the application from the chief executive.	
Water Act 2000	25ZE	Power, as a water service provider in the circumstances provided in subsection (1), to impose a restriction on the use of subartesian water by a customer of the water service provider in an area.	
Water Act 2000	30(3)(d)	Power, as a person who is completing works that have been started, to give the chief executive notice about the works by the day stated in the moratorium notice.	
Water Act 2000	33(2)	Power, as an owner of land, to stop construction of the work by the completion day and apply to the Minister for an extension of the completion day.	
Water Act 2000	35	Power, as person who is authorised, or has an entitlement to take or interfere with water, to provide information requested by the chief executive under section 35.	
Water Act 2000	36	Power, as an owner of land, to give the chief executive an owner's notice.	
Water Act 2000	40B(3)	Power, as a resource operations licence holder, to consult with the chief executive about the proposed temporary release of water from the reserve.	
Water Act 2000	44	Power to respond to a notice of public consultation on a proposed water plan.	
Water Act 2000	46	Power to make a submission on a draft water plan.	
Water Act 2000	54	Power to make a submission in response to a notice of the Minister's intention to postpone the expiry of a water plan.	
Water Act 2000	61	Power to make submissions in response to a notice of the making of a draft water use plan.	
Water Act 2000	69(2)(c)	Power to consult with the chief executive about the amendment or replacement of a water management protocol.	
Water Act 2000	72	Power to make submissions in response to a notice of the making of a draft water entitlement notice.	
Water Act 2000	93	Power to take water for any of the purposes referred to in section 93.	
Water Act 2000	94	Power to interfere with water for any of the purposes referred to in section 94.	
Water Act 2000	96	Power as owner of land to take water for stock or domestic purposes.	
Water Act 2000	97(1)	Power to take overland flow water that is not more than the volume necessary to satisfy the requirements of:- (a) an environmental authority; or (b) a development permit for carrying out an environmentally relevant activity.	
Water Act 2000	97(2)	Power to interfere with the flow water by impoundment if the interference is not more than is necessary to satisfy the requirements of an environmental authority.	
Water Act 2000	99(1)	Power, as a constructing authority or water service provider, to take water to operate public showers or toilets.	
Water Act 2000	99(2)	Power, as a constructing authority, to take water to construct or maintain infrastructure.	
Water Act 2000	101(1)	Power, subject to any relevant alteration or limitation prescribed under a moratorium notice, water plan or a regulation under section 1046 to:- (a) take water to carry out an activity prescribed by regulation; (b) take overland flow water; (c) take or interfere with underground water; (d) take water that has been collected in a dam other than a dam across a watercourse or lake.	
Water Act 2000	102(1)	Power to, in a water plan area, subject to any relevant alteration or limitation prescribed under a moratorium notice:- (a) take water up to a volume stated in the water plan for the area; (b) take water if doing so is necessary to carry out an activity stated in the water plan for the area; (c) interfere with water to the extent stated in the water plan for the area.	
Water Act 2000	102(3)	Power to, where there is no water plan or where the water plan for the area does not provide for the taking or interfering with water up to a volume stated in the plan, subject to any relevant alteration or limitation prescribed under a moratorium notice:- (a) take water up to a volume prescribed by regulation; (b) interfere with water to the extent prescribed by regulation.	
Water Act 2000	103	Power, as an owner of land, to take water from a watercourse, lake or spring for stock or domestic purposes in the circumstances described in subsections (a) or (b).	
Water Act 2000	107	Power, as an owner of a parcel or parcels of land, to apply for a water licence for the parcel or parcels.	
Water Act 2000	107(4)	Power, as a prescribed entity, to apply for a water licence for taking water or interfering with the flow of water.	
Water Act 2000	108	Power, as an entity mentioned in subsection (1), to apply for a transmission water licence.	
Water Act 2000	111	Power to comply with a requirement for additional information received from the chief executive and to verify the information by statutory declaration.	
Water Act 2000	112(3), (4) & (5)	Power to give public notice of an application for a water licencepublic a copy of the public submissions notice in compliance with a notice received from the chief executive.	
Water Act 2000	112(6)	Power to give the chief executive evidence of the publication.	
Water Act 2000	121, 122, 123, 126 and 127	Power to apply for 1 or more dealings with a water licence, take all steps to progress the application and give notice of the application (if required).	
Water Act 2000	125	Power to apply to have a water licence reinstated.	

Water Act 2000	128	Power to comply with a requirement for additional information received from the chief executive and to verify the information by statutory declaration.
Water Act 2000	134	Power to respond to a show cause notice issued by the chief executive pursuant to subsection (3).
Water Act 2000	136	Power to surrender a water licence.
Water Act 2000	137	Power to apply for a water permit for an activity.
Water Act 2000	137A	Power, as an allocation holder and as a resource operations licence holder to enter a supply contract for the allocation.
Water Act 2000	147(4)	Power, as a allocation holder and as a resource operations licence holder to enter a supply contract for the allocation.
Water Act 2000	149	Power, licence holder, to require the allocation holder to give reasonable security for supplying and storing the allocation.
Water Act 2000	151	Power to respond to a requirement from the chief executive to give additional information about the correction and to verify the information by statutory declaration.
Water Act 2000	154(2)	Power, as a licence holder in a circumstance prescribed in subsection (1), to agree that the obligation on the water allocation holder to pay a charge has been satisfied.
Water Act 2000	154(3)	Power, as a licence holder in a circumstance prescribed in subsection (1), to give notice in the approved form to the chief executive of an agreement reached under subsection (2).
Water Act 2000	155	Power, as an allocation holder in a circumstance prescribed in subsection (1), to give a disclosure statement and acknowledgement notice for the water allocation before entering a contract for the transfer or lease of the water allocation.
Water Act 2000	157	Power, as a water allocation holder who proposes to transfer or lease a water allocation not managed under a resource operations licence, to give the chief executive notice of the proposed transfer or lease.
Water Act 2000	159	Power, as a water allocation holder, to apply to the chief executive for a water allocation dealing, other than a transfer or lease, under the water allocation dealing rules and to take all steps to comply with the rules.
Water Act 2000	161	Power, as a water allocation holder, given a certificate under sections 157 or 159 to lodge it with the registrar.
Water Act 2000	162(1)	Power, as a water allocation holder, to surrender the water allocation by agreement with the chief executive.
Water Act 2000	162(2)	Power, as the holder of a water allocation managed under a resource operations licence or a distribution operations licence, to consent to the surrender of the water allocation with or without conditions.
Water Act 2000	162(3)	Power, as the holder of a resource operations licence or distribution operations licence, to otherwise agree with the chief executive about the liability for fees under the supply contract or distribution arrangements.
Water Act 2000	164(2)	Power, as the holder of water allocation, to respond to a show cause notice as to why the allocation should not be forfeited.
Water Act 2000	166(5)	Power, as a person having an entitlement to exercise a power of sale in relation to a water allocation, to give notice of the proposed exercise of the power to any person having a registered interest in the water allocation.
Water Act 2000	166(6)	Power, as a person having an entitlement to exercise a power of sale in relation to a water allocation, to apply an amount received on the sale of the water allocation in the way mentioned in section 164(7).
Water Act 2000	175	Power to search and obtain copies of documents in the water allocations register and pay any fees associated with the request.
Water Act 2000	178	Power, as a nominator, to give the chief executive notice in the approved form nominating a nominee to be the holder of a distribution operations licence.
Water Act 2000	181(1)	Power, as an entity mentioned in section 176(2) to apply for a resource operations licence for existing or proposed water infrastructure.
Water Act 2000	181(2)	Power, as an entity mentioned in section 177(2) to apply for a distribution operations licence for existing or proposed water infrastructure.
Water Act 2000	183(3)	Power, as the holder of a resource operations licence or a distribution operations licence, to consult with the chief executive about a proposed amendment of the licence.
Water Act 2000	183(6)	Power, as the holder of a resource operations licence in the circumstances listed in subsection (4), to ask the chief executive to refer the proposed change to the rules to a referral panel.
Water Act 2000	184(1)	Power, as the holder of a resource operations licence or a distribution operations licence, to apply to the chief executive to amend the licence and pay any fee associated with the application.
Water Act 2000	184(6)	Power, as the holder of a resource operations licence in the circumstances listed in subsection (4), to ask the chief executive to refer the proposed change to the rules to a referral panel.
Water Act 2000	186	Power, as the holder of a resource operations licence or a distribution operations licence, to agree with the chief executive about the amendment of the licence.
Water Act 2000	187	Power, as the holder of a resource operations licence or the holder of a distribution operations licence or the current infrastructure owner, to apply to the chief executive to transfer the licence and pay any fee associated with the application.
Water Act 2000	188	Power, as the current infrastructure owner or incoming owner, to give written consent to the application to transfer.
Water Act 2000	189	Power to comply with a requirement of the chief executive to give additional information about the application and to verify the information by statutory declaration.
Water Act 2000	193	Power, as the holder of a resource operations licence or a distribution operations licence, to apply to the chief executive to amalgamate the licence with another licence in the same water supply scheme and pay any fee associated with the application.
Water Act 2000	195(1)	Power, as the holder of a resource operations licence or distribution operations licence, or the water infrastructure owner, to respond to a show cause notice issued by the chief executive about the proposed cancellation of the licence.
Water Act 2000	196	Power, as the holder of a resource operations licence or a distribution operations licence, to agree with the chief executive that the licence is no longer required and that it can be cancelled.
Water Act 2000	197	Power, as the holder of a resource operations licence or a distribution operations licence, to prepare the operations manual and submit it together with the sufficient information to the chief executive for approval.
Water Act 2000	198(3)	Power, as the holder of a resource operations licence or a distribution operations licence, to publish the approved operations manual on Council's website.
Water Act 2000	199(3)	Power, as the holder of a resource operations licence or a distribution operations licence, to apply to the chief executive to have those parts of the operations manual that were not approved referred to a referral panel.
Water Act 2000	200(1)	Power, as the holder of a resource operations licence or a distribution operations licence, to apply to the chief executive to amend or replace an operations manual.
Water Act 2000	200(4)	Power, as the holder of a relevant licence, to apply to the chief executive to amend the relevant licence.
Water Act 2000	200(6)	Power, as the holder of the licence, to publish a statement of the changes made to the operations manual.
Water Act 2000	201	Power, in the circumstances prescribed in subsections (1) or (3), to review the operations manual and apply to the chief executive to amend it.
Water Act 2000	203(2)	Power, as an entity referred to in subsection (1), to give an authorised person free and uninterrupted access to the water infrastructure to which the licence applies and any records relating to the water infrastructure.
Water Act 2000	203D	Power, as a relevant entity given a direction under section 203B(1), to comply with the direction.
Water Act 2000	206	Power to apply for an operations licence.
Water Act 2000	207	Power to comply with a requirement of the chief executive to give additional information about the application and to verify the information by statutory declaration.
Water Act 2000	211	Power to apply to the chief executive to amend an operations licence.
Water Act 2000	212	Power, as the holder of an operations licence, to respond to a show cause notice issued by the chief executive about the proposed amendment or cancellation of the licence.
Water Act 2000	213(4)	Power, as the holder of an operations licence, to consent to a different day being stated in the operations licence.
Water Act 2000	213(5)	Power, as a licensee or a new water entitlement holder, in circumstances where subsection (2) applies, to consent to the amendment including the new holder instead of the previous holder.
Water Act 2000	215	Power, as a licensee, to apply to transfer the operations licence and pay any fee associated with the application.
Water Act 2000	216	Power, as a licensee, to surrender an operations licence by giving the chief executive a notice of surrender.
Water Act 2000	218	Power to apply to the chief executive for a permit to destroy vegetation, excavate or place fill in a watercourse, lake or spring.
Water Act 2000	218(3)	Power as the registered owner of land to consent to the making of an application for a permit to destroy vegetation, excavate or place fill in a watercourse, lake or spring.

Water Act 2000	219	Power to comply with a requirement of the chief executive to give additional information about the application and to verify the information by statutory declaration.
Water Act 2000	222	Power, as a permittee, to respond to a show cause notice issued by the chief executive about the proposed amendment or cancellation of a riverine protection permit.
Water Act 2000	225(5)	Power, as an owner of land to comply with a notice issued by the chief executive pursuant to subsection (3).
Water Act 2000	227	Power to apply for an allocation of quarry material.
Water Act 2000	228	Power to comply with a requirement of the chief executive to give additional information about the application, to pay the chief executive the reasonable amount and to verify the information by statutory declaration.
Water Act 2000	235	Power, as an allocation notice holder, to apply to transfer all or part of the allocation to another person and pay any fee associated with the application.
Water Act 2000	236	Power, as an allocation notice holder, to apply to renew the allocation notice before it expires.
Water Act 2000	237	Power, as an allocation holder, to respond to a show cause notice issued by the chief executive about the proposed amendment, suspension or cancellation of the allocation notice.
Water Act 2000	239	Power, as an allocation holder, to surrender the allocation notice by giving the chief executive a notice of surrender.
Water Act 2000	240	Power, as an allocation holder, to pay the royalty or price payable for quarry material removed under the allocation notice.
Water Act 2000	345	Power to make written submissions in response to a notice published pursuant to section 345 of the Water Act 2000.
Water Act 2000	354	Power to prepare a draft water security program.
Water Act 2000	357(4)	Power to prepare a revised draft water security program.
Water Act 2000	357(6)	Power to decide not to prepare a revised draft water security program.
Water Act 2000	358	Power to finalise a water security program.
Water Act 2000	359	Power to review a water security program.
Water Act 2000	360	Power to amend a water security program
Water Act 2000	360H	Power, as a bulk water party, to amend a bulk water supply agreement.
Water Act 2000	360I	Power, as a bulk water party to an amended bulk water supply agreement, to respond to Minister's notice under section 360I.
Water Act 2000	360U	Power, as a code regulated entity to make submissions to the Minister about the making or amending of the bulk water code
Water Act 2000	382	Power to make a submission to the responsible entity about a proposed underground water impact report or final report and give a copy of the submission to the chief executive.
Water Act 2000	404	Power, as an owner of land, to comply with any reasonable request by the holder made under subsection (1).
Water Act 2000	406	Power, as an owner of a water bore the holder reasonably believes has an impaired capacity, to negotiate and enter into an agreement with the holder about the matters listed in subsection (2).
Water Act 2000	416	Power, as an owner of a water bore, to comply with any reasonable request by the tenure holder made under subsection (1).
Water Act 2000	423	Power, as an owner of a water bore for which a responsible tenure holder has undertaken a bore assessment under division 2, to negotiate and enter into make good agreement for the bore.
Water Act 2000	423A	Power, as an owner of a water bore who has entered a make good agreement for the bore, to terminate the agreement within the cooling off period by giving written notice to the responsible tenure holder for the water bore.
Water Act 2000	424	Power, as a party to a make good agreement, in the circumstances specified in subsection (1), to:- (a) give a notice under subsection (2); and (b) negotiate a variation of a make good agreement for the water bore.
Water Act 2000	426(2)(a)	Power, as a party to a dispute referred to in section 425, to give the other party and the chief executive a conference election notice.
Water Act 2000	426(2)(b)	Power, as a party to a dispute referred to in section 425, to give the other party an ADR election notice.
Water Act 2000	426(6)	Power, as a party to a dispute referred to in section 425 who is given an ADR election notice, to accept or refuse the type of ADR and the ADR facilitator proposed in the notice.
Water Act 2000	426(7) and 426(8)	Power, as a party to a dispute referred to in section 425 who has given an ADR election notice and where the party given the ADR election notice has not accepted the type of ADR or ADR facilitator under section 426(6), to make another proposal, or obtain a decision from the Land Court or prescribed ADR institute about the matter not accepted, and, for a decision from the Land Court or prescribed ADR institute, give the other party notice of the decision.
Water Act 2000	426(9)	Power, as a party to a dispute referred to in section 425 and who is the resource tenure holder, to bear the costs of the ADR facilitator.
Water Act 2000	427(2)	Power, as a party to a dispute referred to in section 425 and where an ADR election notice has been given under section 426(2)(b), to use all reasonable endeavours to resolve the dispute.
Water Act 2000	427(3)	Power, as a party to a dispute referred to in section 425 and where a conference election notice or an ADR election notice has been given, to ask for and agree to a longer period to apply instead of the usual period.
Water Act 2000	429(1)	Power, as a party to a dispute referred to in section 425, to attend a conference.
Water Act 2000	429(3)	Power, as a party to a dispute referred to in section 425, to seek the authorised officer's approval for someone else to be present at the conference.
Water Act 2000	429(4)	Power, as a party to a dispute referred to in section 425, to agree to the other party being represented by a lawyer.
Water Act 2000	430	Power, as a party who attended the conference where the other party did not attend, to apply to the Land Court for Council's costs.
Water Act 2000	433	Power, as a party to a dispute referred to in section 425, to negotiate an agreement about the matters the subject of the conference and to sign the agreement on Council's behalf.
Water Act 2000	433A(2)	Power, as a party to a dispute referred to in section 425 where a conference election notice or ADR election notice has been given and the dispute has not resolved by the end of the period under section 427(2) or (4), to give an arbitration election notice.
Water Act 2000	433A(4)	Power, as a party to a dispute referred to in section 425 and where an arbitration election notice has been given, to accept or refuse the request for arbitration.
Water Act 2000	433A(5)	Power, as a party to a dispute referred to in section 425 and where an arbitration election notice has been given, to jointly appoint an arbitrator.
Water Act 2000	433A(6)	Power, as a party to a dispute referred to in section 425, the party giving an arbitration election notice and where the parties do not jointly appoint an arbitrator under section 433A(5), to require a prescribed arbitration institute to appoint an arbitrator.
Water Act 2000	433E	Power, as a party to a dispute referred to in section 425 that is the subject of arbitration, to pay the fees and expenses of the arbitrator as required by section 433E.
Water Act 2000	434(3)	Power, as party to the dispute or who attended the conference or ADR under section 425 of the Water Act 2000, to apply to the Land Court to decide the matter the subject of the election notice issued under section 425 of the Water Act 2000.
Water Act 2000	454	Power, as an owner of a water bore, to comply with a requirement of the chief executive to give the information referred to in subsection (2).
Water Act 2000	556	Power to make a submission in response to a proposal to amend the establishment regulation for a water authority.
Water Act 2000	598A	Power to make a submission in response to a proposal to change the composition of the board of a water authority.
Water Act 2000	692	Power, as a landholder who receives a notice from the chief executive, to make a submission regarding a proposed amalgamation or dissolution of water authorities.
Water Act 2000	695A	Power, as a relevant registered owner of land in the authority area, to enter a closed water activity agreement.
Water Act 2000	700A(1)(a)(i)	Power to agree in writing with the water authority to a proposed transfer by the water authority to the local government of all or part of the authority's functions and on how to implement the proposed transfer.
Water Act 2000	700A(1)(b)	Power, together with a water authority, to notify the Minister of their agreement about the proposed transfer and on how it is to be implemented and ask for the Minister's approval of the proposed transfer.
Water Act 2000	700A(2)	Power to comply with a requirement of the Minister made under this subsection.
Water Act 2000	862	Power, as interested person who has been given an information notice or compliance notice by the chief executive, to apply for an internal review of the original decision to give the notice.
Water Act 2000	877	Power, as interested person who applied for an internal review under section 862 of the Water Act 2000, to appeal against, or apply for a review of, the review decision.

Water Act 2000	966(2)(a)	Power, as lessee of the leased land, to provide written consent to arrangements about the route the person may use across the lessee's land for the removal of the quarry material.	
Water Act 2000	972H(2) and (3)	Power to make submissions to the chief executive in response to a show cause notice issued pursuant to section 972H(2) and to comply with any notice issued pursuant to section 972H(3).	
Water Act 2000	972I(1) and (2)	Power to make submissions to the chief executive in response to a show cause notice issued pursuant to section 972I(1) and to comply with any notice issued pursuant to section 972I(2).	
Water Act 2000	972J(2) and (3)	Power to make submissions to the chief executive in response to a show cause notice issued pursuant to section 972J(2) and to comply with any notice issued pursuant to section 972J(3).	
Water Act 2000	988	Power to give a claim for compensation under Chapter 8, Part 3 to the chief executive.	
Water Act 2000	992C	Power, if one of the stated authorities, to have a supply contract with SEQ Water for Council's water entitlement.	
Water Act 2000	1010A(2)	Power, as a client, to consent to the disclosure of commercially sensitive information.	
Water Act 2000	1273A	Power, as an owner of land to which the expired licence attached, to apply to the chief executive:- (a) to reinstate the licence and make a validating declaration; or (b) to replace the licence and make a validating declaration.	
Water Act 2000	1273B	Power, as holder of the new licence, to request the chief executive to make a validating declaration in relation to the licence.	
Water Act 2000	1288	Power, as a holder of a distribution operations licence or a resource operations licence, to consent to the chief executive amending the licence without complying with the provisions of chapter 2, part 3, division 5, subdivision 2.	

**Water Regulation 2016**

Legislation	Section of Act	Description of Delegated Power	Conditions to which the Delegation is Subject
Water Regulation 2016	34	Power to apply to the chief executive to relocate a water licence.	
Water Regulation 2016	34(3)(b)(i)	Power, as the holder of the water licence to be relocated, to swear the statutory declaration required in subsection (3)(b)(i)	
Water Regulation 2016	34(3)(b)(ii)	Power, as an interested entity, to provide written consent to the proposed relocation.	
Water Regulation 2016	37	Power, as an applicant under section 34, to give the chief executive a transfer notice.	
Water Regulation 2016	38(2)	Power, as a proposed transferee, to give the chief executive a document evidencing ownership of land to which the new licence will attach.	
Water Regulation 2016	58(1)	Power, as the holder of a water allocation, to apply to the chief executive for a seasonal water assignment for the water allocation for the water year in which the application is made and to pay the application fee.	
Water Regulation 2016	58(2)	Power, as the holder of a seasonal water assignment notice, to apply to the chief executive for a seasonal water assignment for the seasonal water assignment notice for the water year in which the application is made and to pay the application fee.	
Water Regulation 2016	64(2)	Power to comply with a notice issued by the chief executive under subsection (2).	
Water Regulation 2016	64(5)(a)	Power to give the chief executive evidence of the publication.	
Water Regulation 2016	65	Power to give the chief additional information required under subsection (1) and to verify the information by statutory declaration.	
Water Regulation 2016	66(3)	Power, where Council has made an application under section 63, to pay the estimated cost to the chief executive.	
Water Regulation 2016	108	Power to comply with a meter notice issued by the chief executive.	
Water Regulation 2016	110A(3)	Power, as a relevant person in the circumstances specified in subsection (1) (excluding a person given a notice under section 110AA), to give the chief executive a written notice stating the meter is a faulty meter.	
Water Regulation 2016	110A(4)	Power, as a relevant person in the circumstances specified in subsection (1), to give the chief executive all the information stated in subsection (4) before the expiry date.	
Water Regulation 2016	110A(5)	Power, as a relevant person in the circumstances specified in subsection (1), to, before the expiry date:- (a) ensure that a meter, other than a faulty meter, is attached to the works; (b) Arrange a validation inspection for the meter and give the chief executive a copy of the validation certificate for the meter.	
Water Regulation 2016	110A(6)	Power, as a relevant person in the circumstances specified in subsection (1), to request the expiry date be extended.	
Water Regulation 2016	112	Power to arrange for a validation inspection to be carried out on a meter and to give a copy of the validation certificate to the chief executive.	
Water Regulation 2016	112A(5)	Power, as a holder or owner mentioned in section 112(1), to comply with a notice issued by the chief executive under subsection (3) before the expiry date.	
Water Regulation 2016	112A(6)	Power, as a holder or owner mentioned in section 112(1), to request the expiry date be extended.	
Water Regulation 2016	113(3)	Power to comply with a notice from the chief executive requiring Council to read a meter, provide the meter reading to the chief executive and notify the chief executive about whether or not the meter is faulty.	
Water Regulation 2016	115	Power to pay a meter operating charge to the chief executive.	
Water Regulation 2016	116	Power to pay a meter use charge to the chief executive.	
Water Regulation 2016	117(1)	Power to give the chief executive a notice that Council has decided to stop using an approved meter.	
Water Regulation 2016	117(3)	Power to pay the metering exit charge.	
Water Regulation 2016	119(3)	Power, after receiving a transfer notice, to give written notice to the chief executive that Council is refusing to accept the transfer.	
Water Regulation 2016	131(2)(b)	Power as a licensee to pay the water licence fee stated in the notice received from the chief executive.	
Water Regulation 2016	134(1)(d)	Power to pay a charged levied by a notice received from the chief executive pursuant to this section.	

**Water Supply (Safety & Reliability) Act 2008**

Legislation	Section of Act	Description of Delegated Power	Conditions to which the Delegation is Subject
Water Supply (Safety & Reliability) Act 2008	13	Power, as a responsible entity, to respond to a notice to give information received from the regulator.	
Water Supply (Safety & Reliability) Act 2008	20 and 21(1)	Power, as a local government that owns infrastructure for supplying water or sewerage services, to apply for registration as a service provider.	
Water Supply (Safety & Reliability) Act 2008	21(2)	Power, as an applicant under section 20 of the <i>Water Supply (Safety and Reliability) Act 2008</i> , to give additional information to the regulator about the application.	
Water Supply (Safety & Reliability) Act 2008	23	Power, as a service provider, to apply to change the service provider's details of registration in the service provider register.	
Water Supply (Safety & Reliability) Act 2008	23A	Power, as a service provider, to review the service provider's registration details in the service provider register and notify the regulator of any changes in the details.	
Water Supply (Safety & Reliability) Act 2008	25A	Power, as a current infrastructure owner, to give to the regulator notice of the transfer of the ownership of infrastructure for the relevant service or notice of transfer of the registration as service provider for the relevant service.	
Water Supply (Safety & Reliability) Act 2008	25A(3)	Power, to respond to the regulator's request to give additional information about a transfer notice.	
Water Supply (Safety & Reliability) Act 2008	26(2) and 26(7)(b)	Power, as service provider, to give notice to the regulator that the service provider is likely to stop supplying a registered service.	
Water Supply (Safety & Reliability) Act 2008	26(4)	Power, as service provider, to respond to a request by the regulator for additional information about a possible stoppage.	
Water Supply (Safety & Reliability) Act 2008	26(8)	Power, as service provider, to give notice to the regulator that the service provider has stopped supplying a registered service.	
Water Supply (Safety & Reliability) Act 2008	28	Power, as service provider, to apply to the regulator to cancel the registration as a service provider if the service provider is not supplying, and does not intend to start supplying, the service for which the provider is registered.	
Water Supply (Safety & Reliability) Act 2008	28(4)	Power, as applicant, to respond to a request by the regulator for additional information about a cancellation of registration as a service provider.	
Water Supply (Safety & Reliability) Act 2008	33(2)	Power, as service provider, to give a person a notice requiring them to provide a reason why Council should not disconnect their unauthorised connection.	
Water Supply (Safety & Reliability) Act 2008	33(4)	Power, as service provider, to consider a response provided to a notice issued pursuant to section 33(2).	
Water Supply (Safety & Reliability) Act 2008	33(4) (b)	Power, as service provider, to recover from a person, as a debt, Council's costs in disconnecting the unauthorised connection, and the value of any service used by the person through the connection.	
Water Supply (Safety & Reliability) Act 2008	34(2)	Power, as service provider, to give a person a notice requiring them to rectify equipment or remove vegetation or other things.	
Water Supply (Safety & Reliability) Act 2008	34(3)	Power, as service provider, to recover from an owner as a debt, Council's costs in doing the work required to be done in a notice issued under section 34(2) of the <i>Water Supply (Safety and Reliability) Act 2008</i> .	
Water Supply (Safety & Reliability) Act 2008	35	Power, as service provider, to install or approve the installation of a meter and to decide the position of the meter, on infrastructure supplying water to premises.	



Water Supply (Safety & Reliability) Act 2008	<b>36(2)(b)</b>	Power, as service provider, to give a person an entry notice.
Water Supply (Safety & Reliability) Act 2008	<b>40(2)</b>	Power, as service provider, to recover from a person as a debt, the amount of the loss or reasonable cost of repairing damage to Council's infrastructure caused by the person.
Water Supply (Safety & Reliability) Act 2008	<b>41(1)</b>	Power, as water service provider, to restrict: (a) the volume of water taken by or supplied to a customer or type of customer; or (b) the hours when water may be used on premises for stated purposes; or (c) the way water may be used on premises.
Water Supply (Safety & Reliability) Act 2008	<b>43(1)</b>	Power, as a water service provider, to give notice of a service provider water restriction imposed by the service provider to anyone affected by it.
Water Supply (Safety & Reliability) Act 2008	<b>44(1)</b>	Power, as a water service provider, to shut off water supply to premises for the time reasonably necessary to perform work on the infrastructure.
Water Supply (Safety & Reliability) Act 2008	<b>44(2) and 44(4)</b>	Power, as a water service provider, to give notice of shut off of water supply to anyone likely to be affected by it.
Water Supply (Safety & Reliability) Act 2008	<b>44(3)</b>	Power, as service provider, to shut off water supply without notice if there is: (a) a serious risk to public health; (b) likelihood of serious injury to persons or damage to property; or (c) another emergency.
Water Supply (Safety & Reliability) Act 2008	<b>45</b>	Power, as service provider, to appoint an authorised person.
Water Supply (Safety & Reliability) Act 2008	<b>46</b>	Power, as service provider, to issue an identity card to an authorised person.
Water Supply (Safety & Reliability) Act 2008	<b>52(3)</b>	Power, as service provider, to give a customer, or type of customer, a written notice to prepare a plan and to give it to Council within a reasonable period.
Water Supply (Safety & Reliability) Act 2008	<b>54(1)</b>	Power, as service provider, to require the customer to give additional information about the plan within a reasonable period, for deciding whether or not to approve a water efficiency management plan.
Water Supply (Safety & Reliability) Act 2008	<b>54(2)</b>	Power, as service provider, to approve or refuse a water efficiency management plan.
Water Supply (Safety & Reliability) Act 2008	<b>54(3)</b>	Power, as service provider, to give an information notice.
Water Supply (Safety & Reliability) Act 2008	<b>54(5)</b>	Power, as service provider, where the water efficiency management plan is not approved, to extend the 20 business day period within which the customer must amend the plan to address the reasons for the decision and give the revised plan to Council under section 54(4) of the <i>Water Supply (Safety and Reliability) Act 2008</i> .
Water Supply (Safety & Reliability) Act 2008	<b>54(7)</b>	Power, as service provider, to recover from the customer, as a debt, an application fee for the approval of a water efficiency management plan.
Water Supply (Safety & Reliability) Act 2008	<b>56(3)</b>	Power, as service provider, to give the chief executive:- a) a copy of an approved water efficiency management plan; or b) information about a plan that has not yet been approved.
Water Supply (Safety & Reliability) Act 2008	<b>57(2)</b>	Power, as a service provider, to comply with a written direction of the Chief Executive
Water Supply (Safety & Reliability) Act 2008	<b>58(2)</b>	Power, as a service provider, to give a customer a written notice requiring the customer to:- a) amend the plan and give it to the water service provider within the reasonable period stated by the water service provider; or b) prepare a new water efficiency management plan and give it to the water service provider within the reasonable period stated by the water service provider.
Water Supply (Safety & Reliability) Act 2008	<b>59</b>	Power, as a service provider, to approve a request to amend an approved water efficiency management plan or a request that a new water efficiency management plan be prepare.
Water Supply (Safety & Reliability) Act 2008	<b>60</b>	Power, as a service provider, to give a customer a notice to comply with a water efficiency management plan.
Water Supply (Safety & Reliability) Act 2008	<b>61</b>	Power, as a service provider, to require a customer to review a water efficiency management plan.
Water Supply (Safety & Reliability) Act 2008	<b>95</b>	Power, as a drinking water service provider, to prepare a drinking water quality management plan.
Water Supply (Safety & Reliability) Act 2008	<b>96</b>	Power, as a drinking water service provider, to provide information requested by the regulator.
Water Supply (Safety & Reliability) Act 2008	<b>99A</b>	Power, as a drinking water service provider, to amend, with the agreement of the Regulator, a drinking water quality management plan.
Water Supply (Safety & Reliability) Act 2008	<b>100</b>	Power, as a drinking water service provider, to apply to amend a drinking water quality management plan.
Water Supply (Safety & Reliability) Act 2008	<b>101</b>	Power, as drinking water service provider, to make submissions in response to a show cause notice issued by the regulator regarding proposed amendments to the drinking water quality management plan.
Water Supply (Safety & Reliability) Act 2008	<b>101(4)</b>	Power, as drinking water service provider, to comply with a notice issued by the regulator pursuant to section 101(3)(a) of the <i>Water Supply (Safety and Reliability) Act 2008</i> .
Water Supply (Safety & Reliability) Act 2008	<b>102</b>	Power, as drinking water service provider, to notify the regulator any noncompliance with the water quality criteria relating to the service and the circumstances that gave rise to the noncompliance.
Water Supply (Safety & Reliability) Act 2008	<b>103</b>	Power, as drinking water service provider that obtains water for the drinking water service from a water storage or other infrastructure not part of a water service for which there is a drinking water quality management plan, to give notice to the owner of the water storage or other infrastructure asking for information reasonably required about the quality of the water.
Water Supply (Safety & Reliability) Act 2008	<b>106(1)</b>	Power, as a service provider, to review a drinking water quality management plan, in accordance with the notice given by the regulator under section 99.
Water Supply (Safety & Reliability) Act 2008	<b>107(2)</b>	Power, as a service provider, to amend a drinking water quality management plan to reflect the changes to the operation of the water service and to apply to the regulator to approve the amended plan.
Water Supply (Safety & Reliability) Act 2008	<b>108</b>	Power, as a service provider, to arrange for the preparation of a drinking water quality management plan audit report and to give it to the regulator.
Water Supply (Safety & Reliability) Act 2008	<b>108A</b>	Power, as a service provider, to arrange for <del>the preparation of an auditor to audit the data in the service provider's performance report and give the performance audit report and to give it to the regulator.</del>
Water Supply (Safety & Reliability) Act 2008	<b>110(7)</b>	Power, as a service provider, to comply with an information notice given by the regulator pursuant to section 110(6) <del>of the Water Supply (Safety and Reliability) Act 2008.</del>
Water Supply (Safety & Reliability) Act 2008	<b>112</b>	Power, as a service provider, to give access to the service provider's infrastructure and records relating to the infrastructure to the auditor and any person employed or authorised by the auditor.
Water Supply (Safety & Reliability) Act 2008	<b>115(1)</b>	Power, as a service provider who does not have service contract with all of its customers, to prepare a proposed customer service standard and publish it.
Water Supply (Safety & Reliability) Act 2008	<b>115(3)</b>	Power, as a service provider who does not have service contract with all of its customers, to consider all submission made in response to the proposed customer service standard and prepare a final customer service standard.
Water Supply (Safety & Reliability) Act 2008	<b>119</b>	Power, as a service provider, to revise a customer service standard if required to by the regulator under section 118 of the <i>Water Supply (Safety and Reliability) Act 2008</i> .
Water Supply (Safety & Reliability) Act 2008	<b>120</b>	Power, as a service provider, to review a customer service standard.
Water Supply (Safety & Reliability) Act 2008	<b>142(2)</b>	Power, as a relevant service provider, to prepare a drinking water <del>quality management planservice annual</del> report for <del>each</del> the financial year <del>after a financial year in which a relevant service provider's drinking water quality management plan has been approved</del> and give a copy to the regulator.
Water Supply (Safety & Reliability) Act 2008	<b>142A(2)</b>	Power, as a relevant service provider, to prepare a performance report for each financial year and give a copy to the regulator.
Water Supply (Safety & Reliability) Act 2008	<b>142B(2)</b>	Power, as a relevant service provider, to prepare a system operating plan report for each financial year and give a copy to the regulator.
Water Supply (Safety & Reliability) Act 2008	<b>144(2)</b>	Power, as service provider providing a retail water service, to fix a meter and/or seal to a private fire fighting system.
Water Supply (Safety & Reliability) Act 2008	<b>162</b>	Power to <del>give publish</del> notice of the making or amendment of a declaration under section 161 <del>on Council's website of the Water Supply (Safety and Reliability) Act 2008</del> , and to make the notice available for inspection and purchase, <del>and to give the regulator a copy of the notice.</del>
Water Supply (Safety & Reliability) Act 2008	<b>163</b>	Power, as a service provider, to:- a) keep a map of the service area; b) update the map, at least annually.
Water Supply (Safety & Reliability) Act 2008	<b>165</b>	Power, as service provider, to recover from a customer the reasonable costs of complying with its obligations under section 164 of the <i>Water Supply (Safety and Reliability) Act 2008</i> .
Water Supply (Safety & Reliability) Act 2008	<b>166(3)</b>	Power, as service provider, to impose conditions on the installation of water storage tanks and pumps, where the customer wants to connect to Council's water supply services.
Water Supply (Safety & Reliability) Act 2008	<b>167(2)</b>	Power, as service provider, to advise the owner of premises of any work the service provider considers reasonably necessary to be carried out on the premises and any reasonable connection fee to enable the premises to be connected to the service provider's infrastructure.
Water Supply (Safety & Reliability) Act 2008	<b>168</b>	Power, as service provider, to issue a notice to the owner of premises in Council's service area, requiring the owner to carry out works for connecting the premises to a registered service.
Water Supply (Safety & Reliability) Act 2008	<b>169(1)</b>	Power, as service provider, to issue a notice to an owner or occupier, requiring them to stop contravening a restriction or pay the rate or charge for the service.
Water Supply (Safety & Reliability) Act 2008	<b>169(2)</b>	Power, as service provider, to reduce the water supply to premises to the minimum level necessary for health and sanitation purposes, where the circumstances described in section 169(1) of the <i>Water Supply (Safety and Reliability) Act 2008</i> apply.

Water Supply (Safety & Reliability) Act 2008	<b>180 and 181</b>	Power, as sewerage service provider, to give a person a trade waste approval or a seepage water approval with or without conditions.	
Water Supply (Safety & Reliability) Act 2008	<b>182</b>	Power, as sewerage service provider, to suspend or cancel a trade waste approval or seepage water approval.	Complying with section 183 of the Water Supply (Safety and Reliability) Act 2008
<del>Water Supply (Safety &amp; Reliability) Act 2008</del>	<del>183</del>	<del>Power, as sewerage service provider, to give the approval holder a show cause notice about the proposed action.</del>	
Water Supply (Safety & Reliability) Act 2008	<b>184</b>	Power, as sewerage service provider, to immediately suspend or cancel a trade waste approval or seepage water approval if urgent action is necessary in the interests of public health or safety, to prevent environmental harm, or to prevent damage to the sewerage system or the sewerage service provider has been given a regulator notice prohibiting the sewerage service provider from giving the trade waste approval or seepage water approval.	
Water Supply (Safety & Reliability) Act 2008	<b>185</b>	Power, as sewerage service provider, to, by notice given to the approval holder, amend the approval to ensure it is consistent with the conditions mentioned in section 185(1)(a) of the <i>Water Supply (Safety and Reliability) Act 2008</i> .	
Water Supply (Safety & Reliability) Act 2008	<b>191</b>	Power, as service provider, to give or refuse written consent for a person to connect or disconnect from Council's infrastructure.	
Water Supply (Safety & Reliability) Act 2008	<b>192(1)</b>	Power, as service provider, to give or refuse written consent for a person to interfere with Council's infrastructure.	
Water Supply (Safety & Reliability) Act 2008	<b>192(2)</b>	Power, as a service provider, to give or refuse written consent for a person to:	
Water Supply (Safety & Reliability) Act 2008	<b>193(3)</b>	Power, as service provider, to give or refuse written consent for a person to discharge water from an ornamental pond, swimming pool or filtration system of a swimming pool into Council's infrastructure.	
Water Supply (Safety & Reliability) Act 2008	<b>195</b>	Power, as service provider, to give or refuse written consent for a person to take water from Council's infrastructure.	
Water Supply (Safety & Reliability) Act 2008	<b>196AA</b>	Power, as a relevant entity for a recycled water scheme to apply for registration of the scheme.	
Water Supply (Safety & Reliability) Act 2008	<b>196AB</b>	Power, as a relevant entity for a recycled water scheme, other than a CSG recycled water scheme, to give additional information about an application under section 196AA to the regulator and to verify the information in a statutory declaration.	
Water Supply (Safety & Reliability) Act 2008	<b>196AD</b>	Power, as a relevant entity for a recycled water scheme, other than a CSG recycled water scheme, to change the details of the registration that are recorded in the register.	
Water Supply (Safety & Reliability) Act 2008	<b>196AE</b>	Power, as a relevant entity for a recycled water scheme, other than a CSG recycled water scheme, to apply to cancel the registration if recycled water is no longer supplied under the scheme.	
Water Supply (Safety & Reliability) Act 2008	<b>202</b>	Power, as the relevant entity of a recycled water scheme, to apply to the regulator for approval of a recycled water management plan for the scheme.	
Water Supply (Safety & Reliability) Act 2008	<b>203</b>	Power, as the relevant entity of a recycled water scheme, to respond to the regulator's request for additional information or to verify any information by statutory declaration.	
Water Supply (Safety & Reliability) Act 2008	<b>208(2)</b>	Power, as a recycled water provider for a single-entity recycled water scheme, to give the regulator notice of the stoppage or proposed stoppage of production or supply of recycled water.	
Water Supply (Safety & Reliability) Act 2008	<b>208(3)</b>	Power, as a recycled water provider for a single-entity recycled water scheme, to stop supply of recycled water to the entity if the entity is using the water other than in a way or for the purpose provided for under the recycled water management plan.	
Water Supply (Safety & Reliability) Act 2008	<b>208(5)</b>	Power, as a scheme manager for a multiple-entity recycled water scheme, to give the regulator notice of the recycled water provider's stoppage or proposed stoppage of production or supply of recycled water.	
Water Supply (Safety & Reliability) Act 2008	<b>208(6)</b>	Power, as a recycled water provider for a multiple-entity recycled water scheme, to stop supply of recycled water to an entity if the entity is using the water other than in a way or for the purpose provided for under the recycled water management plan.	
Water Supply (Safety & Reliability) Act 2008	<b>209</b>	Power, as the relevant entity for recycled water scheme, to amend the recycled water management plan with the regulator's agreement.	
Water Supply (Safety & Reliability) Act 2008	<b>210(3)</b>	Power, as a recycled water provider for a single-entity recycled water scheme, to make a submission in response to the regulator's show cause notice issued under section 210(2) of the <i>Water Supply (Safety and Reliability) Act 2008</i> .	
Water Supply (Safety & Reliability) Act 2008	<b>210(3)(a)</b>	Power, as a recycled water provider for a single-entity recycled water scheme, to amend a recycled water management plan in the way required by a notice issued by the regulator under section 210(3) of the <i>Water Supply (Safety and Reliability) Act 2008</i> and to give a copy of the amended plan to the regulator.	
Water Supply (Safety & Reliability) Act 2008	<b>211(3)</b>	Power, as the scheme manager or declared entity for a multiple-entity recycled water scheme, to make a submission in response to the regulator's show cause notice issued under section 211(2) of the <i>Water Supply (Safety and Reliability) Act 2008</i> .	
Water Supply (Safety & Reliability) Act 2008	<b>211(3)(a) and 211(5)</b>	Power, as a scheme manager or declared entity for a multiple-entity recycled water scheme, to amend the manager's scheme manager plan or the entity's scheme provider plan in the way required by a notice issued by the regulator under section 211(3) of the <i>Water Supply (Safety and Reliability) Act 2008</i> and to give a copy of the amended plan to the regulator.	
Water Supply (Safety & Reliability) Act 2008	<b>212</b>	Power, as a relevant entity for the recycled water scheme to apply to the regulator for approval of an amendment to a recycled water management plan.	
Water Supply (Safety & Reliability) Act 2008	<b>213(3)</b>	Power, as the responsible entity, scheme manager or declared entity for a recycled water scheme, to make submissions in response to the regulator's show cause notice issued under section 213(2)(a) or (b) of the <i>Water Supply (Safety and Reliability) Act 2008</i> .	
Water Supply (Safety & Reliability) Act 2008	<b>215(1)</b>	Power, as the relevant entity for a recycled water management plan that has been suspended under Chapter 3 Part 2 of the <i>Water Supply (Safety and Reliability) Act 2008</i> , to apply to the regulator for approval to resume supply of recycled water under the scheme.	
Water Supply (Safety & Reliability) Act 2008	<b>215(4)(c) and 215(4)(d)</b>	Power, as the relevant entity for a recycled water management plan that has been suspended under Chapter 3 Part 2 of the <i>Water Supply (Safety and Reliability) Act 2008</i> , to comply with a direction of the regulator pursuant to section 215(4)(c) or (d) of the <i>Water Supply (Safety and Reliability) Act 2008</i> .	
Water Supply (Safety & Reliability) Act 2008	<b>230(2)</b>	Power, as a recycled water provider for a recycled water scheme that is not a critical recycled water scheme, to notify the regulator of a proposal to permanently stop the supply of water under the scheme.	
Water Supply (Safety & Reliability) Act 2008	<b>230(4)</b>	Power, as a relevant entity for a critical recycled water scheme, to notify the regulator of a proposal to permanently stop the supply of water under the scheme.	
Water Supply (Safety & Reliability) Act 2008	<b>230(6)</b>	Power, as the relevant entity for the recycled water scheme, to provide information or to verify information by statutory declaration as required by the regulator under section 230(6) of the <i>Water Supply (Safety and Reliability) Act 2008</i> .	
Water Supply (Safety & Reliability) Act 2008	<b>230(9)</b>	Power, as a relevant entity for a recycled water scheme, to notify the regulator of a stoppage in the supply of recycled water under the scheme.	
Water Supply (Safety & Reliability) Act 2008	<b>237</b>	Power, as the relevant entity for the recycled water scheme that augments the supply of drinking water, to apply to the regulator for approval of a validation program.	
Water Supply (Safety & Reliability) Act 2008	<b>238(1)</b>	Power, as the relevant entity for the recycled water scheme that augments the supply of drinking water, to provide information or information verified by statutory declaration as required by the regulator under section 238(1) of the <i>Water Supply (Safety and Reliability) Act 2008</i> .	
Water Supply (Safety & Reliability) Act 2008	<b>242</b>	Power, as the relevant entity for the recycled water scheme that augments the supply of drinking water, to apply to the regulator to amend the approved validation program.	
Water Supply (Safety & Reliability) Act 2008	<b>258(1)</b>	Power, as a recycled water provider for a single-entity recycled water scheme, to review the approved recycled water management plan for the scheme.	
<del>Water Supply (Safety &amp; Reliability) Act 2008</del>	<del>258(2)</del>	<del>Power, as a scheme manager for a multiple-entity recycled water scheme to arrange for a review of the approved recycled water management plan for the scheme.</del>	
Water Supply (Safety & Reliability) Act 2008	<b>259(2)</b>	Power, as a recycled water provider for a single-entity recycled water scheme to amend the approved recycled water management plan for the scheme and apply to the regulator for approval of the amended plan.	
Water Supply (Safety & Reliability) Act 2008	<b>259(3)(a)</b>	Power, as a scheme manager for a multiple-entity recycled water scheme to amend the manager's scheme manager plan for the scheme.	
Water Supply (Safety & Reliability) Act 2008	<b>259(3)(b)</b>	Power, as a declared entity for a multiple-entity recycled water scheme to amend the entity's scheme provider plan for the scheme.	
Water Supply (Safety & Reliability) Act 2008	<b>259(4)</b>	Power, as a scheme manager for a multiple-entity recycled water scheme to apply to the regulator for approval of the amended recycled water management plan for the scheme.	
Water Supply (Safety & Reliability) Act 2008	<b>260(1) and 260(2)</b>	Power, as a recycled water provider for a single-relevant entity for a recycled water scheme, or a scheme manager for a multiple-entity recycled water scheme, to arrange for an internal audit report and give it to the regulator.	
Water Supply (Safety & Reliability) Act 2008	<b>261(1) and 261(2)</b>	Power, as a recycled water provider for a single-relevant entity for a recycled water scheme or a scheme manager for a multiple-entity recycled water scheme, to arrange for an regular audit report and give it to the regulator.	

Water Supply (Safety & Reliability) Act 2008	<b>262(3)</b>	Power, as recycled water service provider for a single-entity recycled water scheme, to respond to the regulator's show cause notice about a proposed spot audit.
Water Supply (Safety & Reliability) Act 2008	<b>262(3)</b>	Power, as the scheme manager or declared entity for a multiple-entity recycled water scheme, to respond to the regulator's show cause notice about a proposed spot audit.
Water Supply (Safety & Reliability) Act 2008	<b>262(8) and 262(9)</b>	Power, as the responsible entity, to comply with the regulator's notice issued pursuant to section 262(8) of the <i>Water Supply (Safety and Reliability) Act 2008</i> .
Water Supply (Safety & Reliability) Act 2008	<b>265</b>	Power, as the relevant entity and any declared entity for a recycled water scheme, to give the auditor, and any person employed or authorised by the auditor, free and uninterrupted access to the infrastructure forming part of the scheme and any records relating to the infrastructure.
Water Supply (Safety & Reliability) Act 2008	<b>270(2)</b>	Power, as an alerting entity, to inform the regulator and the responsible entity for the non-compliance that the quality of recycled water produced or supplied under the recycled water scheme for the entity does not comply with the water quality criteria for the recycled water relevant to the scheme.
Water Supply (Safety & Reliability) Act 2008	<b>270(4)</b>	Power, as a responsible entity for the non-compliance, to give the regulator notice of the following:- a) the noncompliance and the circumstances that gave rise to the noncompliance; b) any action taken, or to be taken, by the entity to correct the noncompliance; c) the measures the entity will take to prevent the noncompliance in the future.
Water Supply (Safety & Reliability) Act 2008	<b>271(2)</b>	Power, as an alerting entity, to inform the regulator and the responsible entity for the prescribed incident about a prescribed incident.
Water Supply (Safety & Reliability) Act 2008	<b>271(4)</b>	Power, as a responsible entity for the non-compliance, to give the regulator notice of the following:- a) the prescribed incident and the circumstances that gave rise to the prescribed incident; b) any action taken, or to be taken, by the entity relating to the prescribed incident; c) the measures the entity will take to prevent the prescribed incident in the future.
Water Supply (Safety & Reliability) Act 2008	<b>273</b>	Power, as a relevant entity for a recycled water scheme, to prepare an annual report about the scheme and give it to the regulator.
Water Supply (Safety & Reliability) Act 2008	<b>274</b>	Power, as a relevant entity for a recycled water scheme to augment a supply of drinking water, or a relevant entity for a recycled water scheme to premises by way of a dual reticulation system, to prepare and make publicly available a public report about the scheme.
Water Supply (Safety & Reliability) Act 2008	<b>302</b>	Power, as recycled water provider or another entity, to respond to a notice issued by the regulator pursuant to this section.
Water Supply (Safety & Reliability) Act 2008	<b>303</b>	Power, as a recycled water provider, or other entity for a multiple-entity recycled water scheme, to make submissions regarding the regulator's intention to make a declaration that the recycled water scheme is a critical recycled water scheme.
Water Supply (Safety & Reliability) Act 2008	<b>306</b>	Power, as the relevant entity for a critical recycled water scheme, to ask the regulator to review the making of the declaration that the scheme is a critical recycled water scheme, after one year since the declaration was made.
Water Supply (Safety & Reliability) Act 2008	<b>330</b>	Power, as sewerage service provider, to comply with a regulator notice.
Water Supply (Safety & Reliability) Act 2008	<b>331</b>	Power, as a sewerage service provider, to give the regulator a report about the actions taken to comply with a regulator notice.
Water Supply (Safety & Reliability) Act 2008	<b>333</b>	Power, as a recycled water provider or other declared entity, to give the scheme manager, information the scheme manager reasonably requires to comply with the scheme manager's obligations under the Act.
Water Supply (Safety & Reliability) Act 2008	<b>343, 344 and 345</b>	Power, as the owner of a dam, to have it failure impact assessed, give it to the chief executive and pay the prescribed fee.
Water Supply (Safety & Reliability) Act 2008	<b>348</b>	Power, as the owner of a dam, to pay the cost of preparing and certifying a failure impact assessment where required under section 348.
Water Supply (Safety & Reliability) Act 2008	<b>349(2)</b>	Power, as a dam owner, to give the chief executive additional information about a failure impact assessment.
Water Supply (Safety & Reliability) Act 2008	<b>351</b>	Power, as a dam owner, to comply with an information notice issued by the chief executive pursuant to this section and return the recertified assessment to the chief executive.
Water Supply (Safety & Reliability) Act 2008	<b>352</b>	Power, as a dam owner, to comply with an information notice issued by the chief executive pursuant to this section.
Water Supply (Safety & Reliability) Act 2008	<b>352F, 352H and 352HA,</b>	Power, as the owner of a referable dam, to prepare an emergency action plan for the dam and comply with the requirements of Chapter 4, Part 1, Division 2A, Subdivision 3 when preparing the plan.
Water Supply (Safety & Reliability) Act 2008	<b>352HB</b>	Power, as a local government, to assess an emergency action plan for consistency with its disaster management plan, consult with the local group for the plan and give the owner of the dam a notice.
Water Supply (Safety & Reliability) Act 2008	<b>352L</b>	Power, as the owner of a referable dam, to comply with a notice issued by the chief executive pursuant to this section.
Water Supply (Safety & Reliability) Act 2008	<b>352N</b>	Power, as the owner of a referable dam, to keep a copy of the approved emergency action plan for the dam and make it available to an individual:- (a) who has a function under the plan; or (b) who, under the plan, is named and required to be personally notified of a dam hazard event or emergency event.
Water Supply (Safety & Reliability) Act 2008	<b>352O</b>	Power, as the owner of a referable dam, to comply with a notice issued by the chief executive pursuant to this section.
Water Supply (Safety & Reliability) Act 2008	<b>352P</b>	Power, as the owner of a referable dam, to review an emergency action plan for the dam, give the chief executive a notice stating whether or not the owner proposes an amendment of the plan because of the review and if so, a copy of the amended plan.
Water Supply (Safety & Reliability) Act 2008	<b>352Q(1)</b>	Power, as the owner of a referable dam, to ask the chief executive to correct a minor error or make a change, that is not a change of substance, in an emergency action plan for the dam.
Water Supply (Safety & Reliability) Act 2008	<b>352Q(1A)</b>	Power, as the owner of a referable dam, to ask the chief executive to record the change in ownership of the dam and make other changes to the plan required because of the change in ownership.
Water Supply (Safety & Reliability) Act 2008	<b>352R(1)</b>	Power, as the owner of a referable dam, to apply to the chief executive for a change of substance to an emergency action plan for the dam.
Water Supply (Safety & Reliability) Act 2008	<b>352R(2)(c)</b>	Power, as the owner of a referable dam, to comply with a notice issued by the chief executive pursuant to this section.
Water Supply (Safety & Reliability) Act 2008	<b>352S</b>	Power, as the owner of a referable dam, to prepare a new emergency action plan for the dam and give it to the chief executive for approval.
Water Supply (Safety & Reliability) Act 2008	<b>352T</b>	Power, as the owner of a referable dam, to prepare an emergency event report in compliance with Chapter 4, Part 1, Division 2A, Subdivision 9 and give it to the chief executive.
Water Supply (Safety & Reliability) Act 2008	<b>352U</b>	Power, as the owner of a referable dam, to comply with a notice issued by the chief executive pursuant to this section.
Water Supply (Safety & Reliability) Act 2008	<b>353</b>	Power, as the owner of a referable dam, to provide the chief executive with information that will help the chief executive to decide what safety conditions are to apply to the dam.
Water Supply (Safety & Reliability) Act 2008	<b>354(3)(b)</b>	Power, as the owner of a referable dam, to by written agreement, extend the period within which the chief executive must decide safety conditions for the dam.
Water Supply (Safety & Reliability) Act 2008	<b>356</b>	Power, as the owner of a referable dam, to provide the chief executive with information that will help the chief executive to decide what changes should be made to the safety conditions and development conditions that apply to the dam.
Water Supply (Safety & Reliability) Act 2008	<b>359</b>	Power to comply with a compliance notice issued by the chief executive pursuant to this section.
Water Supply (Safety & Reliability) Act 2008	<b>366</b>	Power, as a former owner of a dam, to give the chief executive notice of the change in ownership and give the new owner all relevant documentation for the dam.
Water Supply (Safety & Reliability) Act 2008	<b>379</b>	Power, as a dam owner, to give the chief executive the authorisation request information.
Water Supply (Safety & Reliability) Act 2008	<b>381(4)</b>	Power, as a dam owner, to record the authorisation request information in writing and give it to the chief executive where the circumstances in section 381(1) or (2) are satisfied.
Water Supply (Safety & Reliability) Act 2008	<b>390(5)</b>	Power, as a dam owner, to publish a copy of a notice given to the owner under subsection (2) in the gazette.
Water Supply (Safety & Reliability) Act 2008	<b>399B</b>	Power, as the owner of a dam to which a resource operations licence applies, to, in the circumstances set out in subsection (1), reduce the full supply level of the dam to the reduced full supply level and give notice of the reduced full supply level.
Water Supply (Safety & Reliability) Act 2008	<b>399C</b>	Power, as the owner of a dam operating at a reduced full supply level under section 399B for more than 1 year, to give a report to the entities prescribed in subsection (2).
Water Supply (Safety & Reliability) Act 2008	<b>446(2) and 447</b>	Power to prepare an improvement plan in response to an improvement notice issued by the regulator.
Water Supply (Safety & Reliability) Act 2008	<b>446(3)</b>	Power to respond to a show cause notice issued by the regulator pursuant to this section.
Water Supply (Safety & Reliability) Act 2008	<b>448 and 449</b>	Power to comply with a direction issued by the regulator pursuant to this section 448.
Water Supply (Safety & Reliability) Act 2008	<b>475</b>	Power to start a proceeding referred to in section 475(1) in the District Court and to give a copy of the proceeding to the regulator.
Water Supply (Safety & Reliability) Act 2008	<b>512</b>	Power, as an interested person for an original decision, to apply for an internal review of the decision.
Water Supply (Safety & Reliability) Act 2008	<b>513(4)</b>	Power, as the recipient of a submitter notice on an internal review application, to make written submissions on the application.

Water Supply (Safety & Reliability) Act 2008	516(2)	Power, as the applicant on an internal review application, to apply for the stay of an original decision to the relevant entity listed in section 516(2).	
Water Supply (Safety & Reliability) Act 2008	517	Power, as an interested person for the original decision, to appeal against or apply for an external review of an internal review decision.	
Water Supply (Safety & Reliability) Act 2008	524	Power, as an interested person for a review decision about an original decision the subject of an information notice or a compliance notice mentioned in section 510(1)(b), other than an original decision that is a decision relating to a matter involving drinking water or recycled water, to give the authority under the <i>Queensland Competition Authority Act 1997</i> a notice applying for arbitration on the decision.	
Water Supply (Safety & Reliability) Act 2008	573	Power, as water service provider, to make guidelines for persons about preparing a water efficiency management plan.	
Water Supply (Safety & Reliability) Act 2008	575	Power, as a service provider, to keep available for inspection and purchase the documents referred to in the section.	
Water Supply (Safety & Reliability) Act 2008	575A	Power, as a service provider, to publish each of the documents referred to in the section.	
Water Supply (Safety & Reliability) Act 2008	576	Power, as the relevant entity for a recycled water scheme, to keep available for inspection and purchase the documents referred to in the section.	
Water Supply (Safety & Reliability) Act 2008	576A	Power, as the relevant entity for a recycled water scheme, to publish the annual report prepared under section 273.	
<b>Work Health and Safety Act 2011</b>			
<b>Legislation</b>	<b>Section of Act</b>	<b>Description of Delegated Power</b>	<b>Conditions to which the Delegation is Subject</b>
Work Health and Safety Act 2011	38	Power to notify the regulator after becoming aware a notifiable incident has occurred.	
Work Health and Safety Act 2011	47	Power to consult with workers who are, or are likely to be, directly affected by a matter relating to work health or safety.	
Work Health and Safety Act 2011	51 to 54	Power to facilitate the conduct of an election for 1 or more health and safety representatives to represent workers.	
Work Health and Safety Act 2011	65	Power to make an application to the commission to disqualify a health and safety representative.	
Work Health and Safety Act 2011	70	Power to comply with the general obligations of a person conducting a business or undertaking provided in section 70.	
Work Health and Safety Act 2011	71(5)	Power to refuse on reasonable grounds to grant access to the workplace to a person assisting a health and safety representative for a workgroup.	
Work Health and Safety Act 2011	71(7)	Power, as person conducting a business or undertaking, to refuse to grant access to information mentioned in section 70(1)(c) if the information is confidential commercial information.	
Work Health and Safety Act 2011	7276(5)	Power to ask the regulator to appoint an inspector to decide the matter.	
Work Health and Safety Act 2011	74	Power as a person conducting a business or undertaking to comply with subsections (a) to (c).	
Work Health and Safety Act 2011	75 to 78	Power to establish a health and safety committee.	
Work Health and Safety Act 2011	80 and 81	Power, as a party to an issue, to resolve the issue in accordance with an agreed procedure or the default procedure.	
Work Health and Safety Act 2011	82(2)	Power to ask the regulator to appoint an inspector to assist in resolving the issue.	
Work Health and Safety Act 2011	87	Power to direct the worker to carry out suitable alternative work at the same or another workplace.	
Work Health and Safety Act 2011	89	Power to ask the regulator to appoint an inspector to attend the workplace to assist in resolving an issue arising from a cessation of work.	
Work Health and Safety Act 2011	97A	Power to give a copy of the provisional improvement notice to the regulator.	
Work Health and Safety Act 2011	102B	Power to give the industrial registrar written notice of the dispute.	
Work Health and Safety Act 2011	102G	Power to appeal a decision of the Commission given under Part 5, Division 7A.	
Work Health and Safety Act 2011	103A	Power, as a person conducting a business or undertaking, to appoint a work health and safety officer for that business or undertaking.	
Work Health and Safety Act 2011	103F	Power, as a person conducting a business or undertaking, to instruct a work health and safety officer to take reasonable action to eliminate or minimise risks to health and safety.	
Work Health and Safety Act 2011	112	Power to apply to the Magistrates Court for an order under section 112 about engaging in or inducing discriminatory or coercive conduct.	
Work Health and Safety Act 2011	138	Power to apply to the Commission to revoke a WHS entry permit.	
Work Health and Safety Act 2011	140	Power to appeal a decision of the commission.	
Work Health and Safety Act 2011	141	Power to ask the regulator to appoint an inspector to attend the workplace to assist in resolving the dispute.	
Work Health and Safety Act 2011	142(4)	Power to apply to the Commission for it to deal with the dispute.	
Work Health and Safety Act 2011	180	Power to apply to the regulator for the return of a seized thing.	
Work Health and Safety Act 2011	181	Power to demand that the regulator allow the CEO to inspect a seized thing and if the seized thing is a document to make copies of it.	
Work Health and Safety Act 2011	184	Power to claim compensation from the State.	
Work Health and Safety Act 2011	216	Power to make a written undertaking (a WHS undertaking) in connection with a matter relating to a contravention or alleged contravention of the <i>Work Health and Safety Act</i> .	
Work Health and Safety Act 2011	221	Power, as a person who has made a WHS undertaking, to at any time, with the agreement of the regulator, withdraw the undertaking or vary the undertaking.	
Work Health and Safety Act 2011	224	Power, as an eligible person in relation to a reviewable decision to apply to the regulator for an internal review of the decision.	
Work Health and Safety Act 2011	229-229E	Power, as an eligible person to apply to the external review body for review of a reviewable decision made by the regulator or a decision made, or taken to have been made, on an internal review.	
Work Health and Safety Act 2011	229F	Power to appeal a decision of the commission.	
Work Health and Safety Act 2011	231(1) & (1A)	Power to, in the circumstances provided in subsections (1) or (1A), make a written request to the WHS prosecutor that a prosecution be brought.	
Work Health and Safety Act 2011	231(3)	Power to, in the circumstances provided in subsection (3), request the WHS prosecutor to refer the matter to the director of public prosecutions.	
<b>Work Health and Safety Regulation 2011</b>			
<b>Legislation</b>	<b>Section of Act</b>	<b>Description of Delegated Power</b>	<b>Conditions to which the Delegation is Subject</b>
Work Health and Safety Regulation 2011	31B	Power, as an approved RTO, to grant a person a certificate of authority.	
Work Health and Safety Regulation 2011	43	Power, as a person conducting a business or undertaking at a workplace, to prepare, maintain and implement an emergency plan.	
Work Health and Safety Regulation 2011	55C	Power, as a person conducting a business or undertaking, to manage psychosocial risks under part 3.1.	
Work Health and Safety Regulation 2011	85(4)	Power, as a person conducting a business or undertaking at a workplace, to maintain a written record of the evidence provided under subsections (1), (2) and (3).	
Work Health and Safety Regulation 2011	144B	Power to apply to the regulator for a licence to carry out demolition work.	
Work Health and Safety Regulation 2011	144I	Power to make a submission to the regulator in relation to a proposed refusal	
Work Health and Safety Regulation 2011	144P	Power, as a holder of a licence to carry out demolition work, to make a submission to the regulator in relation to a proposed amendment to a licence.	
Work Health and Safety Regulation 2011	144Q(1)	Power, as a holder of a licence to carry out demolition work to apply to the regulator to amend the licence.	
Work Health and Safety Regulation 2011	144Q(2)	Power after receiving a written notice of intention to refuse an application to amend the licence from the regulator, to make a submission to the regulator in relation to the proposed refusal.	
Work Health and Safety Regulation 2011	144U	Power to apply to the regulator for a replacement document.	
Work Health and Safety Regulation 2011	144V	Power, as a holder of a licence to carry out demolition work to voluntarily surrender the licence document to the regulator.	
Work Health and Safety Regulation 2011	144VA, 144VB	Power, as a holder of a licence to carry out demolition work, to apply to the regulator for renewal of the licence.	
Work Health and Safety Regulation 2011	144Y	Power, as a holder of a licence to carry out demolition work to make a submission to the regulator in relation to the proposed suspension, cancellation and/or disqualification.	
Work Health and Safety Regulation 2011	265	Power, as a person with management or control of an item of plant stated in schedule 5, part 2, to apply to the regulator for the registration of that item of plant.	
Work Health and Safety Regulation 2011	270(1)(b)	Power to respond to a notice from the regulator on a proposal to refuse registration of an item of plant stated in schedule 5, part 2.	
Work Health and Safety Regulation 2011	288C	Power to respond to a notice from the regulator on a proposal to cancel the registration of an item of plant stated in schedule 5, part 2.	
Work Health and Safety Regulation 2011	288D	Power to return the registration document for an item of plant stated in schedule 5, part 2 to the regulator.	
Work Health and Safety Regulation 2011	344	Power, as a person conducting a business or undertaking, to obtain the current safety data sheet for a hazardous chemical used at a workplace	
Work Health and Safety Regulation 2011	346	Power, as a person conducting a business or undertaking, to prepare and maintain a register of hazardous chemical used at a workplace	

Work Health and Safety Regulation 2011	383	Power to apply in writing to the regulator for authorisation to use, handle or store a prohibited carcinogen or restricted carcinogen	
Work Health and Safety Regulation 2011	422(1)	Power to ensure that all asbestos or asbestos contaminated material at a workplace is identified by a competent person.	
Work Health and Safety Regulation 2011	424	Power to ensure that the presence and location of all asbestos or asbestos contaminated material at a workplace is clearly indicated and if practicable labelled.	
Work Health and Safety Regulation 2011	425(1) and 426	Power to prepare, maintain and review an asbestos register for each workplace.	
Work Health and Safety Regulation 2011	429 and 430	Power to prepare, maintain and review an asbestos management plan for each workplace.	
Work Health and Safety Regulation 2011	678(1)	Power, as an eligible person in relation to a reviewable decision set out in section 676 of the <i>Work Health and Safety Regulation</i> , to apply to the regulator for an internal review of a decision.	
Work Health and Safety Regulation 2011	678(2)	Power, as an eligible person in relation to a reviewable decision under section 89(5), 118(5), 256(5), 269(5) or 497(5) of the <i>Work Health and Safety Regulation</i> to apply to the regulator for an internal review of the decision.	
Work Health and Safety Regulation 2011	683	Power, as an eligible person to apply to QCAT for an external review of reviewable decision made by the regulator or of a decision made, or taken to have been made, on an internal review.	
Work Health and Safety Regulation 2011	684	Power to apply for an exemption from compliance with any provision of the <i>Work Health and Safety Regulation</i> .	
<b>Workers' Compensation and Rehabilitation Act 2003</b>			
Legislation	Section of Act	Description of Delegated Power	Conditions to which the Delegation is Subject
Workers' Compensation and Rehabilitation Act 2003	48	Power, as an employer, to insure and keep insured all Council's employees and Councillors.	
Workers' Compensation and Rehabilitation Act 2003	54(7)	Power, as an employer, to pay a premium notice issued by WorkCover.	
Workers' Compensation and Rehabilitation Act 2003	56(5)	Power, as an employer, to pay a reassessment premium notice issued by WorkCover.	
Workers' Compensation and Rehabilitation Act 2003	57(3)	Power, as an employer, to apply to WorkCover for a waiver or reduction of a penalty for contravening section 48.	
Workers' Compensation and Rehabilitation Act 2003	58(6)	Power, as an employer, to object to a default assessment issued by WorkCover.	
Workers' Compensation and Rehabilitation Act 2003	58(10)	Power, as an employer, to pay a default assessment notice issued by WorkCover.	
Workers' Compensation and Rehabilitation Act 2003	64(2)	Power, as an employer, to apply to WorkCover for a waiver or reduction of an additional premium.	
Workers' Compensation and Rehabilitation Act 2003	66(2)	Power, as an employer who is not a self-insurer, and who is or is required to have accident insurance, to pay the weekly payment of compensation payable to an injured worker during the excess period.	
Workers' Compensation and Rehabilitation Act 2003	66(7)	Power, as an employer, to apply to WorkCover for a waiver or reduction of a penalty provided in section 66(6).	
Workers' Compensation and Rehabilitation Act 2003	68A(1)	Power, as a local government self-insurer, to cover councillors under the self-insurer's licence.	
Workers' Compensation and Rehabilitation Act 2003	68A(3)	Power, as a local government self-insurer, to notify the councillors and the Regulator of its decision to cover councillors under the self-insurer's licence.	
Workers' Compensation and Rehabilitation Act 2003	69 and 70	Power to apply to the Regulator to be licensed as a self-insurer, as described in Chapter 2, Part 4.	
Workers' Compensation and Rehabilitation Act 2003	77(3)	Power, as a prospective self-insurer, to make a submission to the Regulator about a decision to refuse an application to be licensed as a self-insurer.	
Workers' Compensation and Rehabilitation Act 2003	79	Power, as self-insurer, to apply to renew a self-insurer licence or to notify the Regulator that Council intends not to apply for renewal.	
Workers' Compensation and Rehabilitation Act 2003	80(3)	Power, as self-insurer, to make a submission to the Regulator about a decision to refuse an application to renew a self-insurer licence.	
Workers' Compensation and Rehabilitation Act 2003	81	Power, as a self-insurer, to pay the annual levy to the Regulator.	
Workers' Compensation and Rehabilitation Act 2003	83	Power, as a self-insurer, to comply with the conditions imposed on the licence under the Regulation and by the Regulator.	
Workers' Compensation and Rehabilitation Act 2003	84	Power, as a self-insurer, to lodge security with the Regulator before the issue or renewal of a self-insurer licence.	
Workers' Compensation and Rehabilitation Act 2003	86	Power, as a self-insurer, to obtain a contract of reinsurance of liabilities and lodge the contract with the Regulator.	
Workers' Compensation and Rehabilitation Act 2003	92	Power, as a self-insurer, to exercise all of the powers identified in section 92 in relation to the self-insurer's workers.	
Workers' Compensation and Rehabilitation Act 2003	92A	Power, as a local government self-insurer, to exercise all of the powers identified in section 92A in relation to councillors covered by the self-insurer's licence.	
Workers' Compensation and Rehabilitation Act 2003	93 and 93A	Power, as a local government self-insurer, to keep the documents identified in sections 93 and 93A.	
Workers' Compensation and Rehabilitation Act 2003	94	Power, as a self-insurer, to comply with a notice to give documents issued by the Regulator under this section.	
Workers' Compensation and Rehabilitation Act 2003	96	Power, as a self-insurer, to respond to a written notice issued by the Regulator under this section.	
Workers' Compensation and Rehabilitation Act 2003	97	Power, as a self-insurer, to send a written notice to the Regulator seeking to cancel a self-insurer licence.	
Workers' Compensation and Rehabilitation Act 2003	100(2)	Power, as former self-insurer, to request the Regulator to allow Council to continue to exercise the powers referred to in sections 92 and/or 92A.	
Workers' Compensation and Rehabilitation Act 2003	103	Power, as a former self-insurer, to request the return of the balance of the section 84 security from the Regulator.	
Workers' Compensation and Rehabilitation Act 2003	107E(2)	Power, as an employer, to ask the Regulator to approve the amount provided for in the industrial instrument for the purposes of section 107B of the Workers' Compensation and Rehabilitation Act 2003.	
Workers' Compensation and Rehabilitation Act 2003	107E(6)	Power, as an employer, to appeal the Regulator's decision to refuse to approve the amount provided for in the industrial instrument under Chapter 13 of the Workers' Compensation and Rehabilitation Act 2003.	
Workers' Compensation and Rehabilitation Act 2003	109(1)	Power, as a self-insurer, to pay compensation for an injury sustained by a worker.	
Workers' Compensation and Rehabilitation Act 2003	109(5)	Power, as an employer, to pay a worker an amount, either in compensation or instead of compensation, in the circumstances provided for in subsection 109(5).	
Workers' Compensation and Rehabilitation Act 2003	109A(4)	Power, as an employer, to apply to WorkCover for a waiver or reduction of a penalty provided in section 109A.	
Workers' Compensation and Rehabilitation Act 2003	133	Power, as an employer, whose worker sustains an injury for which compensation may be payable, to complete a report in the approved form and give the report to the insurer.	
Workers' Compensation and Rehabilitation Act 2003	133A	Power, as an employer, to give the insurer written notice in the approved form if: (a) a worker asks the employer for compensation for an injury sustained by the worker; or (b) the employer pays the worker an amount, either in compensation or instead of compensation, that is payable by the employer as a self-insurer or WorkCover under the Act for an injury sustained by the worker.	
Workers' Compensation and Rehabilitation Act 2003	144	Power, as an employer, to pay compensation to an injured worker for the day the worker stops work because of the injury.	
Workers' Compensation and Rehabilitation Act 2003	207B(4)	Power, as an employer, to pay the amount of the first charge or the whole of the damages to the insurer.	
Workers' Compensation and Rehabilitation Act 2003	226(1)	Power, as an employer, to appoint a Rehabilitation and Return to Work Coordinator where the employer meets the criteria prescribed under a regulation.	
Workers' Compensation and Rehabilitation Act 2003	226(4) and 226(5)	Power, as an employer, to give the insurer the prescribed details of a person appointed as a Rehabilitation and Return to Work Coordinator and details of any change to the prescribed details.	
Workers' Compensation and Rehabilitation Act 2003	227	Power, as an employer, to prepare and have in place a workplace rehabilitation policy and procedure, and review those policies and procedures every 3 years.	
Workers' Compensation and Rehabilitation Act 2003	228(1) and 228(2)	Power, as an employer, to assist or provide an injured worker with rehabilitation.	
Workers' Compensation and Rehabilitation Act 2003	228(3)	Power, as an employer, to cooperate with an insurer to enable the insurer to meet its obligations under section 220.	
Workers' Compensation and Rehabilitation Act 2003	228(4)	Power, as an employer, to give the insurer written evidence that it is not practicable to provide a worker with suitable duties.	

Workers' Compensation and Rehabilitation Act 2003	229(4)	Power, as an employer other than a self-insurer, to apply to WorkCover for a waiver or reduction of a penalty provided in section 229.	
Workers' Compensation and Rehabilitation Act 2003	280	Power, as an employer against whom negligence is alleged, to cooperate fully with and give WorkCover all information and access to documents in relation to the claim.	
Workers' Compensation and Rehabilitation Act 2003	300(6)	Power, as a self-insurer against whom a proceeding for damages has been brought, to conduct the proceedings and/or settle the claim.	
Workers' Compensation and Rehabilitation Act 2003	300(7)	Power, as an employer, other than a self-insurer, against whom a proceeding for damages has been brought, to execute all documents and do everything that WorkCover considers reasonably necessary to allow the proceedings to be conducted by it.	
Workers' Compensation and Rehabilitation Act 2003	532C	Power to comply with the requirement of an authorised person to give information or produce documents required under section 532C.	
Workers' Compensation and Rehabilitation Act 2003	532D	Power, as an employer or contractor, to keep the documents about workers, and contracts for the performance of work, prescribed under a regulation.	
Workers' Compensation and Rehabilitation Act 2003	536(3)	Power, as an employer who is not a self-insurer, to give WorkCover information the employer has in relation to a person defrauding, or attempting to defraud, WorkCover, or in relation to a person stating anything, or giving a document containing information, to WorkCover or a registered person that the person knows is false or misleading in a material particular.	
Workers' Compensation and Rehabilitation Act 2003	536(4)	Power, as an employer who is a self-insurer, to give the Regulator information the employer has in relation to a person defrauding, or attempting to defraud, the self-insurer, or in relation to a person stating anything, or giving a document containing information, to the self-insurer or a registered person that the person knows is false or misleading in a material particular.	
Workers' Compensation and Rehabilitation Act 2003	541	Power to apply for a review of a decision identified in section 540(1) of the Workers' Compensation and Rehabilitation Act 2003 and to take all steps necessary to conduct the application and to appear at the hearing.	
Workers' Compensation and Rehabilitation Act 2003	549, 550, 552A and 554	Power to appeal to an appeal body against the following decisions of the Regulator or the insurer: (a) a review decision, other than a decision to return a matter to a decision-maker under section 545 of the <i>Workers' Compensation and Rehabilitation Act 2003</i> ; and (b) a decision under Chapter 3 or Chapter 4 of the <i>Workers' Compensation and Rehabilitation Act 2003</i> that is not a decision mentioned in section 540(1) (a non-reviewable decision), and to take all steps necessary to file and serve the notice of appeal and conduct the appeal, to appear at any conference in the proceeding and to appear at the hearing.	
Workers' Compensation and Rehabilitation Act 2003	552B	Power to seek the consent of the other party or the leave of the appeal body for Council to be represented by a lawyer at a conference under section 552A or at the hearing of an appeal.	
Workers' Compensation and Rehabilitation Act 2003	568	Power to appeal against a decision of the Regulator identified in section 567 of the Workers' Compensation and Rehabilitation Act 2003 and to take all steps necessary to file and serve the notice of appeal and conduct the appeal, to appear at any conference in the proceeding and to appear at the hearing.	
Workers' Compensation and Rehabilitation Act 2003	571B	Power, as a prospective employer, to request in writing that a prospective worker disclose to Council the worker's pre-existing injury or medical condition, if any.	
Workers' Compensation and Rehabilitation Act 2003	576C	Power, as a principal contractor for a construction project to, by written notice, to ask the relevant contractor for a copy of a required document.	

**Workers' Compensation and Rehabilitation Regulation 2014**

Legislation	Section of Act	Description of Delegated Power	Conditions to which the Delegation is Subject
Workers' Compensation and Rehabilitation Regulation 2014	8(2)	Power, as an employer other than a self-insurer, to submit to WorkCover a declaration of wages.	
Workers' Compensation and Rehabilitation Regulation 2014	10(2)(d)	Power, as an employer other than a self-insurer, to enter a payment plan with WorkCover.	
Workers' Compensation and Rehabilitation Regulation 2014	13(3)	Power, as a former employer, to give written notice to WorkCover.	
Workers' Compensation and Rehabilitation Regulation 2014	26	Power, as a self-insurer, to appoint an actuary to calculate an amount of outstanding liability for section 87 of the Act.	
Workers' Compensation and Rehabilitation Regulation 2014	31	Power, as an employer, to agree with WorkCover on a calculation of an outstanding liability for section 87 of the Act, based on a joint summary report prepared by actuaries under section 30 of the <i>Workers' Compensation and Rehabilitation Regulation 2003</i> .	
Workers' Compensation and Rehabilitation Regulation 2014	32	Power, as an employer, to advise the Regulator that WorkCover and the employer do not agree on the outstanding liability amount.	
Workers' Compensation and Rehabilitation Regulation 2014	46	Power, as a former self-insurer, to appoint an actuary to calculate an amount of liability for section 102 of the Act.	
Workers' Compensation and Rehabilitation Regulation 2014	47	Power, as a former self-insurer, to give the information, in the approved form, necessary to enable the actuaries to complete the calculation.	
Workers' Compensation and Rehabilitation Regulation 2014	51	Power, as a former self-insurer, to agree with WorkCover on the amount of the calculation for section 102 of the Act.	
Workers' Compensation and Rehabilitation Regulation 2014	52	Power, as a former self-insurer, to advise the Regulator that WorkCover and the former self-insurer do not agree on the self-insurer's liability amount.	
Workers' Compensation and Rehabilitation Regulation 2014	56	Power, as a self-insurer, to give the Regulator and the approved actuary, in the form approved by the Regulator, the self-insurer's data.	
Workers' Compensation and Rehabilitation Regulation 2014	62	Power, as a self-insurer, to agree with the Regulator about the self-insurer's estimated claims liability.	
Workers' Compensation and Rehabilitation Regulation 2014	115(3)	Power, as an employer of employees to appoint 1 rehabilitation and return to work coordinator for more than one workplace.	

**Working with Children (Risk Management and Screening) Act 2000**

Legislation	Section of Act	Description of Delegated Power	Conditions to which the Delegation is Subject
Working with Children (Risk Management and Screening) Act 2000	171	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).	
Working with Children (Risk Management and Screening) Act 2000	172	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).	
Working with Children (Risk Management and Screening) Act 2000	173	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.	
Working with Children (Risk Management and Screening) Act 2000	173(2)	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.	



# **11.11 - ANNUAL REVIEW OF COUNCIL POWERS TO THE CHIEF EXECUTIVE OFFICER**

## **Limitations and Conditions to the Chief Executive Officer**

**Meeting Date: 20 May 2024**

**Attachment No: 2**







## LIMITATIONS AND CONDITIONS TO THE EXERCISE OF POWERS

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- 1) The Chief Executive Officer may sub-delegate the powers contained in this register.
- 2) Where Council 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.
- 3) The delegate will not exercise any delegated power in relation to a matter which, to the delegate's knowledge adversely affects, or is likely to adversely affect, the Council's relations with the public at large.
- 4) 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).
- 5) 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.
- 6) The delegate will only exercise a delegated power under this resolution in a manner which complies with the requirements of Council's Planning Scheme and any exercise of power which involves a departure from or variation of those requirements will only be undertaken by Council.
- 7) The delegate will not exercise any power which cannot lawfully be the subject of delegation by Council.

# **11.11 - ANNUAL REVIEW OF COUNCIL POWERS TO THE CHIEF EXECUTIVE OFFICER**

## **Financial Delegation to the Chief Executive Officer**

**Meeting Date: 20 May 2024**

**Attachment No: 3**



## FINANCIAL DELEGATION – CHIEF EXECUTIVE OFFICER

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- 1) Formally approve any operating expenditure within Council's total budget, with the following limitation:

When a natural disaster and/or extraordinary emergent event occurs in the local government area, the Chief Executive Officer can exercise the delegation to formally approve expenditure necessary which does not cause a variation of greater than 10% from Council's total budget.
- 2) Formally approve any capital expenditure within Council's total budget, with the following limitation:

Where a natural disaster and/or extraordinary emergent event occurs in the local government area, the Chief Executive Officer can exercise the delegation to formally approve expenditure necessary which does not cause a variation of greater than 10% from Council's total budget.
- 3) Formally approve the investment or borrowing of money in accordance with Council's approved policy.
- 4) Formally approve the refund or waiver of fees in relation to Council's adopted Fees and Charges (does not apply to those defined as Rates and Charges as per the *Local Government Act 2009*), on a case by case basis, to the value of:
  - not more than \$30,000 for development application and construction services; or
  - not more than \$5,000 for all other fees and charges unless otherwise specified within Council's various fees and charges refund policies.

This is an administrative process for legitimate refund or waiving of monies and requires the Chief Executive Officer's approval to satisfy Internal Audit requirements. The Chief Executive Officer may sub-delegate this power with the amount to be determined at the Chief Executive Officer's discretion. The Chief Executive Officer must provide a quarterly report of refunds that have been issued to be presented to Council.
- 5) To reimburse, in appropriate circumstances, Council issued infringement notices that have been satisfied in full to the value of not more than \$500.

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**11.12 LOCAL LAWS ENGAGEMENT**

<b>File No:</b>	<b>x</b>
<b>Attachments:</b>	<b>1. Local Law making process</b> <a href="#">↓</a> <b>2. Notifying the public about local laws</b> <a href="#">↓</a> <b>3. Conducting State interest checks</b> <a href="#">↓</a> <b>4. Engagement Plan</b> <a href="#">↓</a>
<b>Responsible Officer:</b>	<b>Chris Ireland - General Manager Communities</b>
<b>Author:</b>	<b>Greg Abbotts - Manager Development and Environment</b>

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**SUMMARY**

*In 2021 Council resolved to redraft the local laws, this project is now at a stage where public consultation can commence in order move to towards finalisation of the project.*

**OFFICER'S RECOMMENDATION**

THAT Council endorse the Communications, Engagement and Review Plan for the Local Laws review final stages.

**BACKGROUND**

Livingstone Shire Council de-amalgamated from Rockhampton Regional Council in late 2013, the Local Laws adopted by Livingstone were essentially the same as Rockhampton Regional Council. Officers have been undertaking a review of the laws and are proposing new and revised laws. The State has also reviewed the proposed local laws and provided feedback. Officers will conduct some last minute consultations with Councillors on the proposed local laws prior to publicly consulting on these with a view for eventual adoption.

**COMMENTARY**

The 22/23 operational plan 4.3.2.a called for a "Complete review of Local Laws (including subordinate Local Laws) to improve alignment with community needs and expectations".

Councillors were previously briefed 11-14 July 2022, by representatives from McKays Solicitors and Council Officers. Councillors were further briefed (as an update, with the then suite of local laws) in September 2023.

The local law review has focussed on the following key elements:

- Changing the structure of laws;
- Making them simpler and easier to understand;
- Correction of errors;
- Removal and updating of maps and references;
- Repealing Local Law 7 – Aerodromes and other subordinate laws;
- New Local Law No 7 – Accommodation facilities; and
- Introduction of new Local Law 15 – Vegetation Management.

Officers have progressed the matter in recent times

- April 29 - Councillors to received revised suite of proposed Local Laws for pre reading (along with summary of key changes);
- May 7 – Briefing session for the overall project plan; and

- May 16 – Presentation and discussion with Councillors by Council Officers and McKays Solicitors.

And are now ready to are now in a position to further progress the matter with the following suggested timeline for this calendar year:

- May 20 – Local Laws Review public consultation plan presented for endorsement by Council (today)
- May 20 to 30 June – Councillor/Officer finalisation sessions (if required);
- August 12 to Sept 11 – Public consultation (31 Days);
- September and October - review of submissions, any state interest checking required and further Councillor interaction;
- Late October to December present to Councillors for resolution; and
- Adoption from 1 January 2025.

It is proposed to undertake public consultation with criteria similar to the properly made submission process for planning applications. Whereby a submission only holds weight if council can understand and/or actually deal with the matters outlined in the submission – for example if you think the local law is appropriate or unsuitable, you need to say why – not just that you either do or do not like it. It is important to focus on the issues that pertain to Local Laws – such as,

- The submission does not contravene other laws; and
- It is something that Council has jurisdiction over; and
- Whether the proposed local law is consistent with the intent and lifestyle of living in Livingstone;
- The submission has considered the wider community impacts; and
- How the proposed Local Laws fits with any other objective of Council – such as the community plan or other statutory instruments.

Submissions can be for either support, opposition or simply feedback (i.e other items to consider) to the proposal.

Once the consultation period has ended, Officers will review the submissions and report back to Council with proposed resolutions along with statements of reason and justification for any proposed changes.

It is anticipated that the proposed Local Laws will have commencement date of 1 January 2025.

### **PREVIOUS DECISIONS**

It was resolved at 16 March 2021 ordinary meeting to amend Local Law 2 and subordinate Local Law 4 and commence the redrafting and review process.

### **ACCESS AND INCLUSION**

There are no access and inclusion issues identified.

### **ENGAGEMENT AND CONSULTATION**

The communications, engagement and review plan is attached to this report for endorsement.

### **HUMAN RIGHTS IMPLICATIONS**

There are no human rights issues identified in consideration of the matter.

**BUDGET IMPLICATIONS**

The consultation process is within existing budgets.

**LEGISLATIVE CONTEXT**

The proposed Local Laws review process has been conducted within the scope of the *Local Government Act 2009*.

**LEGAL IMPLICATIONS**

There are no legal implications identified with the adoption of a consultation plan.

**STAFFING IMPLICATIONS**

The consultation and review process can be accommodated within existing resources.

**RISK ASSESSMENT**

The following are identified as risks associated with this matter-

- (1) risk of undertaking concurrent local law reviews and amendments which are not consistent;
- (2) risk of undertaking ad hoc local law amendments which do not reflect the broader community's aspirations; and
- (3) risk of unnecessary burden on resources through potential duplication of processes.

**CORPORATE PLAN REFERENCE**

The Local Laws review will deliver outcomes specific to the following themes in the Community plan:

**Theme 1: Liveable Livingstone** - A "Liveable Livingstone" will support and advocate for services for the wellbeing of the people of Livingstone at any age and with any ability.

**Theme 2: Thriving Livingstone** - Prioritise the traditional owners and the importance of the place and country of Indigenous people, offer a diverse range of cultural activities and events: and develop and sustain a diverse economy.

**Theme 3: Natural Livingstone** - Protect, sustainably manage and enhance the natural beauty, landscapes and resources of the country of the Darumbal and Woppaburra people in order to safeguard the sustainability and environmental resilience of the region into the future

**Theme 4: Leading Livingstone** - Provide transparent, accountable leadership which listens to the needs of the Livingstone community and advocates strongly for Livingstone's interests to State and Federal Governments.

**Theme 5: Future Livingstone** - Become a resilient community prepared for future economic, social, environmental and infrastructure challenges to ensure Livingstone retains its unique character and thrives into the future.

**CONCLUSION**

The first phase of redrafting Council's local laws has concluded and the proposed Local Laws at a stage that they can be commented on by the public through a consultation process. It is anticipated that once public consultation has finalised the submissions received will be presented to Councillors for consideration.

## **11.12 - LOCAL LAWS ENGAGEMENT**

### **Local Law making process**

**Meeting Date: 20 May 2024**

**Attachment No: 1**



# Local law making process

## Fact Sheet

### Legislative requirements

Local governments can decide the process they use to make local laws. There are, however, specific requirements that all local governments must comply with under chapter 3, part 1 of the *Local Government Act 2009* and chapter 3, part 2 of the *City of Brisbane Act 2010*.

Requirements include that local governments must:

- draft their local laws in accordance with the [Guidelines for drafting local laws](#) issued by the Office of the Parliamentary Counsel under the *Legislative Standards Act 1992*
- if repealing or amending another local law, the local law must include a provision that repeals or amends an existing local law
- negotiate directly with the state in checking state interests in relation to proposed local laws
- make local laws by resolution of council
- notify the public and the Minister for Local Government of any new local laws and make copies available for inspection or purchase
- keep a register of local laws in the way prescribed under the regulation.

### Good practice tips

Any actions taken under the Local Government Acts, such as local law making, must comply with the local government principles set out in section 4 of both Acts.

With this in mind it is good practice to take a consistent and transparent approach to the making of local laws to ensure that they are effective, deliver the desired result and maintain public confidence in the process. It is also good practice to regularly review and, if required, update local laws.

Some key considerations for local governments are outlined below:

- Is a local law the most appropriate solution to a specific issue?
- Can the issue be dealt with in ways other than regulation?
- What is the community interest in the proposed local law?
- Should there be a community consultation process?
- What is the appropriate level or type of community consultation?

### Community consultation

One of the local government principles is democratic representation, social inclusion and meaningful community engagement.

Consistent with this principle it is good practice for local governments to consult with the public on a proposed local law.

**Last updated:** 24 October 2022

Section 29(6) of the *Local Government Act 2009* and section 30(6) of the *City of Brisbane Act 2010* declare that a local government does not have to carry out any public consultation before making:

- an interim local law or
- a model local law which does not contain an anti-competitive provision. Note that a local law that in any way amends, or contains additional provisions to a model local law, is no longer a 'model local law'.

Nevertheless, a local government may choose to engage in consultation before it makes an interim, model or any other local law.

# **11.12 - LOCAL LAWS ENGAGEMENT**

## **Notifying the public about local laws**

**Meeting Date: 20 May 2024**

**Attachment No: 2**

# Notifying the public about local laws

## Fact Sheet

Section 29B of the *Local Government Act 2009* and section 32 of the *City of Brisbane Act 2010* provides that a local government must advise the public that a local law has been made by publishing a notice in the Queensland Government Gazette and on the council website. Each local government must also ensure that a copy of the local law is available for inspection and purchase at their public office.

### Queensland Government Gazette notice

The gazette notice must be published within one month after the day the local government resolved to make the local law and must state the:

- name of the local government
- date when the local government made the resolution to make the local law
- name of the local law
- name of any existing local law that was amended or repealed by the new local law.

### Council website notice

This notice must also be published within one month after the day the local government resolved to make the local law. However, it is not a mere replica of the gazette notice and must provide additional information as outlined below:

- name of the local government
- date when the local government made the resolution to make the local law
- name of the local law
- name of any existing local law that was amended or repealed by the new local law
- if the local law incorporates a model local law - that fact
- if the local law is an interim local law - that fact, and the date on which the interim local law expires
- if the local law is a subordinate local law - the name of the local law that authorises the subordinate local law to be made
- the purpose and general effect of the local law
- if the local law contains an anti-competitive provision - that fact
- that a copy of the local law can be inspected and purchased at the local government's public office and viewed on the department's website.

Last updated: 24 October 2022



### **Notifying the Minister for Local Government**

The local government must, within 14 days of the local law's publication in the Queensland Government gazette, give the Minister a copy of the:

- gazette notice
- local law in electronic form.

### **Local government registers**

Each local government must keep and maintain a register of all their local laws available for public inspection both on their website and at their public office. The local law register must contain, for each local law, its:

- name
- purpose
- general effect.

Legislative requirements are outlined in:

- section 31 of the *Local Government Act 2009* and section 14 of the Local Government Regulation 2012
- section 34 of the *City of Brisbane Act 2010* and section 11 of the City of Brisbane Regulation 2012.

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<sup>i</sup> Deputy.premier@ministerial.qld.gov.au

## **11.12 - LOCAL LAWS ENGAGEMENT**

### **Conducting State interest checks**

**Meeting Date: 20 May 2024**

**Attachment No: 3**

# Conducting state interest checks on proposed local laws

## Fact Sheet

### Legislative requirements

Section 29A of the *Local Government Act 2009* and section 31 of the *City of Brisbane Act 2010* require local governments to consult with relevant state agencies about the overall state interest in the proposed local law before making a local law. Section 29A clarifies that a state interest check is not required if:

- the proposed local law is a subordinate local law
- a local law incorporates a model local law or part of a model local law. However, a state interest check must be undertaken on any part of the proposed local law that is different from, or additional to, the model local law.

Each local government must consult with those state departments that have portfolio responsibility for the area the local law relates to and obtain their feedback and comments for consideration before a local law is made by resolution.

### Minister's power

Careful consideration should be given to the comments provided by state agencies. If, for example, the local law duplicates or contradicts a state law, the local government should either discontinue the local law-making process or make amendments to address the state interest before proceeding.

The Minister for Local Government has powers under section 38AB of the *Local Government Act 2009* and section 42 of the *City of Brisbane Act 2010* to suspend or revoke a local law if it does not satisfactorily deal with the state interest, is contrary to another law or is inconsistent with the local government principles.

It is important to note that while a departure from the fundamental legislative principles may be justifiable in certain circumstances any decision to do so must be based on sound reasoning.

### Good practice tips

It is the responsibility of each local government to undertake appropriate state interest checks in relation to proposed local laws and each local government is empowered to determine what process it will undertake.

Last updated: 24 October 2022



An essential first step is to identify which state agencies are likely to have an interest in the issue to be addressed by the proposed local law. This will depend on what agencies deal with similar issues at the state level. A useful resource is the overarching [Queensland Government website](#) which contains the Administrative Arrangements Orders (under which the Premier assigns responsibilities to ministers and their portfolios) and provides direct access to state agency websites.

Issues of interest to state agencies might include, but are not limited to, whether:

- there is any inconsistency between the proposed local law and state legislation
- the proposed local law may impact adversely on state policies, strategies or programs
- the proposed law meets appropriate standards (e.g. appropriate format; fundamental legislative principles)
- the use of language and citations is correct and appropriate.

A consistent, systematic, well documented approach will help each local government achieve a transparent and defensible process for seeking, considering and responding to state agency feedback on the potential state interests related to local laws.

Matters a local government might consider in undertaking their state interest checks include:

*What is the best way of seeking state agency feedback - formally/informally, structured/unstructured, verbal/written? Possible factors include:*

- complexity and scope of the proposed local law
- number of agencies with a potential interest in the proposed local law
- location of relevant agencies (e.g. is there a nearby regional office?)
- feasibility of discussing or workshopping the proposed local law with officers from one or more agencies (e.g. in person or by teleconference).

*Who does the local government need to contact in each relevant agency? Possible factors to consider include:*

- staff, positions and responsibilities of agencies may change
- advice from the agency's nearest regional office (where there is one)
- different agencies may deal with state interest checks in different ways (e.g. a request may be answered locally or referred to head office).

*What is a reasonable timeframe in which to expect feedback from a state agency? Possible factors include:*

- Most agencies have internal processes for ensuring that the advice given to local governments (and other clients) is sound, accurate and comprehensive; these will affect their turnaround time.



- Advice from the relevant agency about the time they will need to properly consider and provide feedback on the proposed local law (anything less than four weeks is likely to be unrealistic).

*In what format should the state agency be asked to provide their comments? Options to consider include:*

- a standard questionnaire
- simply ask for comment and leave it to the agency to determine how it will respond
- a standard template – such as the following example

Title of local law			
Name of responding agency			
LL section	State agency comments	Suggested action	Local government's response to state agency feedback

*How will the local government record the state interest comments received and their response (e.g. decision to amend / not amend the local law)?*

This is particularly important in cases where a state agency or the Minister for Local Government challenges a local law on the basis that it does not satisfy the state's interests.

# **11.12 - LOCAL LAWS ENGAGEMENT**

## **Engagement Plan**

**Meeting Date: 20 May 2024**

**Attachment No: 4**

# Communications, Engagement & Review Plan



## Local Laws Review 2024

### Background

Livingstone Shire Council de-amalgamated from Rockhampton Regional Council in late 2013, as such the Local Laws adopted by Livingstone were essentially the same as Rockhampton Regional Council.

The 2022/23 operational plan 4.3.2.a called for a “*Complete review of Local Laws (including subordinate Local Laws) to improve alignment with community needs and expectations*”

Council officers have been undertaking a complete review of the current local laws and are proposing new and revised laws. Councillors were previously briefed on 11-14 July 2022, by representatives from McKays Solicitors and Officers, prior to drafting finalisation and State Interest Checks.

The Local Law review has focussed on the following key elements:

- Changing the structure of laws;
- Making them simpler and easier to understand;
- Correction of errors;
- Removal and updating of maps and references;
- Repealing Local Law 7 – Aerodromes and other subordinate laws;
- New Local Law No 7 – Accommodation facilities; and
- Introduction of new Local Law 15 – Vegetation Management.

The General process for the review is as follows

1. Local Laws review;
2. State interest check;
3. Public consultation;
4. Review of Submissions;
5. LSC Consideration of proposed Local Laws; and
6. New Local Law adoption and commencement (pending Council resolution).

Whilst there have been delays in getting to the State Interest checking stage finalised – this has now occurred.

Council officers are now in a position to inform Councillors of any further changes, then undertake community engagement. The proposal includes a total of 15 local laws regulating a wide range of activities and behaviours, promoting safety, environmental impacts, harmony and good rule in the community.

### Purpose

The purpose of this engagement and review plan is to provide a framework for delivering inclusive and transparent community consultation that will seek public submissions of feedback on the proposed changes to the Local Laws.

Through consultation, community members will be encouraged to consider and comment on the proposed Local Laws, with a view to helping shape the final adopted Local Laws.

### Strategic alignment to Livingstone Community Plan: Towards 2050

This plan aims to align with *Livingstone Community Plan: Towards 2050* and will deliver outcomes specifically linked to the following themes:

# Communications, Engagement & Review Plan



## Local Laws Review 2024

### Theme 1: Liveable Livingstone

A "Liveable Livingstone" will support and advocate for services for the wellbeing of the people of Livingstone at any age and with any ability;

### Theme 2: Thriving Livingstone

Prioritise the traditional owners and the importance of the place and country of Indigenous people, offer a diverse range of cultural activities and events: and develop and sustain a diverse economy;

### Theme 3: Natural Livingstone

Protect, sustainably manage and enhance the natural beauty, landscapes and resources of the country of the Darumbal and Woppaburra people in order to safeguard the sustainability and environmental resilience of the region into the future;

### Theme 4: Leading Livingstone

Provide transparent, accountable leadership which listens to the needs of the Livingstone community and advocates strongly for Livingstone's interests to State and Federal Governments; and

### Theme 5: Future Livingstone

Become a resilient community prepared for future economic, social, environmental and infrastructure challenges to ensure Livingstone retains its unique character and thrives into the future.

## Key Stakeholders

- Livingstone Shire Council – Councillors, Local Laws, Planning, NRM, Customer Service, Comms and Engagement, and Taskforce Committees;
- Bangalee Residents – Proposed Local Law 4;
- Members of Stakeholder Reference Groups – Farnborough Beach and Southern Beaches Reference Groups – Proposed Local Law No. 4;
- Conservation Groups – Proposed Local Law 15;
- Livingstone Shire wider community; and
- Non – resident property owners outside of Livingstone Shire.

## Consultation and Implementation Timeline

### April 2024

- April 29 - Councillors to receive revised suite of proposed Local Laws for pre reading (along with summary of key changes)

### May 2024

- May 7- Councillor Briefing session on Local Law Review Engagement Strategy;
  - Get Involved draft web page developed for presentation; and
  - Sample collateral material prepared for presentation.
- May 16 – Presentation to Councillors of proposed Local Laws by McKay Solicitors and Council Officers
  - Discussion on a by-exception basis.
- May 20 – Local laws consultation and review plan presented for endorsement by Council.
- May 20 – June 30 – Councillor / Officer finalisation sessions (if required).

# Communications, Engagement & Review Plan



## Local Laws Review 2024

### June/July 2024

- Finalise Local Law Engagement & Review Strategy collateral material and design components;
- Finalise Get Involved website page with draft Local Laws and explanation notes;
- Advise Taskforce Committees, reference Groups and Bangalee residents about upcoming consultation; and
- Confirm advertising scheduling and placement of advertisement in Resident Reach newsletter, CQ Today and radio stations.

### August 2024

- Pre-media consultation;
- Consultation opens August 12 (31 Days);
- Print media, radio advertising and information on community noticeboards, (eg. Yeppoon Town Hall, Libraries, Emu Park); and
- Resident Reach newsletter distributed via rates notices.

### September 2024

- Consultation closes – September 11;
- Public submissions from Get involved web page collated and analysed;
- Consultation (submissions) report with detailed information generated for proposed Local Laws; and
- Review of submissions by Council Local Laws section and relevant councillor feedback sought.

### October – December 2024

- Final consultation report and proposed Local Laws presented to ordinary Council meeting for resolution.

### January 2025

- Adoption of Local Laws January 1, 2025.

*Delivery timeline to be finalised pending public consultation.*

### Key Messaging

- Local laws make our community a safer and more harmonious place to live by promoting health and safety, reducing environmental impacts, and fostering general stability in our community.
- Livingstone Shire Council officers have undertaken a complete review of the previous local laws and are proposing 13 revised laws and 2 new laws to align with the needs of our growing community more closely.
- The key outcome of the review is to ensure that our local laws are contemporary and relevant to the Livingstone Shire and simplified in a way that makes the local law more easily understood by our community.
- The process for developing and reviewing local laws is governed by the Local Government Act 2009.
- The review of our local laws has focused on the following key elements:
  - Changing the structure of laws;

## Communications, Engagement & Review Plan



### Local Laws Review 2024

- Making them simpler and easier to understand;
  - Correction of errors;
  - Removal and updating of maps and references;
  - Repealing Local Law 7 – Aerodromes and other subordinate laws;
  - New Local Law No 7 – Accommodation facilities; and
  - Introduction of Local Law 15 – Vegetation Management.
- The Queensland Government through a state interest check process have reviewed and provided comment on the proposed local laws, and may need to provide further checking pending final adoption.
  - The newly developed laws will regulate a wide range of activities, including:
    - Animal Management;
    - Community and Environmental Management;
    - Facilities and Roads;
    - Parking;
    - Advertising; and
    - Short stay letting including AirBNB and holiday letting.
  - Council is seeking your feedback on the proposed amendments to the Local Laws.
  - You can get involved by visiting [www.getinvolved/livingstone.qld.gov.au](http://www.getinvolved/livingstone.qld.gov.au), reviewing the proposed local laws and changes and completing an online submission with your approval or objection of a particular local law.
  - Hard copy submission forms will also be available for completing at Council's customer service centres in Yeppoon and Emu Park
  - Submissions should consider the guidance material provided.
  - Consultation will commence on Monday 12 August 2024 and close on Wednesday 11 September 2024 at 5pm.
  - Eligible submissions will be reviewed by council officers prior to presentation at the November or December Ordinary Council meeting.
  - For more information, please contact Council on 1300 790 919 or visit [getinvolved.livingstone.qld.gov.au](http://getinvolved.livingstone.qld.gov.au).

### Key Survey Questions

#### The following are the key questions in the get involved survey

- Name and Address;
- Which proposed Local Law are you making a submission on? – (pick a number 1 to 15);
- Do you agree/object or simply want to provide feedback with aspects of the proposed Local Law? (O/A/Both);
- Provide your submission (max 500 words); and
- Submit.

# Communications, Engagement & Review Plan



## Local Laws Review 2024

### Guidance to assist in providing feedback

Submissions hold more weight if council can understand and/or realistically address the matters outlined in your submission. For example, if you think the local law is appropriate or unsuitable, you need to say why - it is not sufficient to say that you either do or do not like it. It is important to focus on issues that relate to Local Laws and how they may function – such as,

- The submission does not contravene other laws; and
- It is something that Council has jurisdiction over; and
- Whether the proposed local law is consistent with the intent and lifestyle of living in Livingstone; and
- The submission should consider the wider community and any impacts; and
- How the proposed Local Laws fits with any other objective of Council – such as the community plan or other statutory instruments.

### Media spokespeople

Mayor Adam Belot.

Portfolio - To be determined based on portfolio assignments.

### Frequently Asked Questions

#### Question. What matters do Local Laws relate to?

Answer: Local laws deal with a range of matters that impact the liveability of our communities including:

- Advertising devices and signs
- Animal keeping and control
- Bathing reserves
- Camping
- Caravan parks (Council Controlled)
- Carrying out work on roads (e.g. utility providers digging up Council roads)
- Cemeteries
- Community gardens and verge gardens
- Commercial activities and businesses on public land
- Council-controlled waters (e.g. canals and foreshores)
- Dangerous recreational activities on public land (e.g. drones and golf)
- Driveways
- Fires and fire pits
- Fireworks
- Illegal dumping and littering
- Landing and mooring
- Local annoyances and hazards (e.g. overgrown allotments, noisy pool pumps, air and conditioners)
- Outdoor dining
- Parking, traffic and regulatory signs
- Removing vegetation from public land
- Roadside and itinerant vending
- Share accommodation (including short stay accommodation)
- Swimming pools (Council Controlled)
- Temporary entertainment events (e.g. festivals and fetes)
- Temporary homes (e.g. living in caravans or sheds on land while a permanent house is built on that land)
- Vehicles on public land (e.g. dirtbikes).

# Communications, Engagement & Review Plan



## Local Laws Review 2024

### Question. Why is Council reviewing and changing the Local Laws?

Answer: Livingstone Shire Council is reviewing the local laws to help ensure that Livingstone Shire continues to be an amazing place to move to, live, work and play.

The Local Law Review:

- enhances the relevance, effectiveness and currency of the laws;
- improves interpretation and understanding of the laws;
- ensures the laws are up-to-date with current legislative requirements;
- rationalises legislation governing issues where there are inconsistencies or duplication across statutes; and
- streamlines administrative processes and reduces red tape.

### Question. What can Council make laws in relation to?

Answer: Section 28, Division 2, of the Local Government Act 2009 outlines a local government's power to make local laws. A local government may make a local law that is necessary or convenient for the good rule and local government of its local government area.

However, local governments cannot make local laws that contain provisions:

- with penalties of more than 850 penalty units (currently \$113,580);
- that stop a local law being amended or repealed in the future;
- about a prohibited subject (as outlined in ss 34 to 38AA, Division 3 of the Local Government Act 2009):
  - network connections; or
  - distribution or placement of election advertising; or
  - development processes; or
  - anti-competitive provisions (unless the local government has complied with the prescribed procedure for review of the anti-competitive provision); or
  - regulating swimming pool safety.

Section 27, Division 1, of the Local Government Act 2009 outlines that if there is any inconsistency between a local law and a law made by the state, the law made by the State prevails to the extent of the inconsistency.

### Question. What is the process in preparing the new Local Laws?

Answer: For each drafted Local Law, council has undertaken (or will undertake) the following steps:

1. Council Officers and appointed Solicitors draft the Local Laws, considering the findings of early (pre-drafting) consultation;
2. State Interest checks on the draft Local Laws is undertaken;
3. Council officers present proposed Local Laws to Council for consideration and decision to propose them to the community for feedback;
4. Public consultation on proposed Local Laws;
5. Review of public submissions to proposed Local Laws;
6. Council consideration of proposed Local Laws and public submissions (including any potential further State interest checks); and



## Communications, Engagement & Review Plan



### Local Laws Review 2024

7. New Local Law adoption and commencement (this is the date from which the new Local Laws will take effect).

The adoption of new Local Laws will be published in the Gazette and on Council's website in accordance with the *Local Government Act 2009*. The documents will also be made available for purchase at Customer Service Centres in the region.

### Approvals

All engagement and communication material will require initial approval by Coordinator, Communications and Engagement and Manager Development and Environment. Guided by our Stakeholder Engagement Framework we will communicate with our customers in the following way.

#### *Why are we engaging them?*

To ensure that stakeholders and the community are kept informed and have the ability comment on the proposed Local Laws for Councillors consideration.

#### *Which approach will we take?*

- We will communicate consistent, key messages to the community across multiple communication channels;
- We will maintain a non bias approach to the messaging/facts; and
- We will respond to genuine feedback and enquiries.

# Communications, Engagement & Review Plan

Local Laws Review 2024

Communication Action Plan				
Activity	Description	Frequency/timing	Target audience	Distribution method
Prepare Media statements / key messages document	Proactive media statements to announce consultation and delivery. Reactive responses to media enquiries.	30 July, pre consultation launch and As required.	All stakeholders	Email / media database /direct contact
Webpage content - Get Involved Portal - LSC website	LSC Get Involved dedicated project page for public submissions and as portal for all relevant content to the local law process. Get Involved project webpage – - Frequently Asked Questions - Queensland Government Fact Sheets - Proposed Local Laws - Explanatory notes - Submissions Area LSC website – banner image linking to Get Involved portal	July 2024 – prepared prior to consultation launch	All stakeholders	LSC Get Involved page LSC Website
Social media posts (paid and unpaid)	Facebook – Paid targeted social posts to Livingstone area Livingstone Shire Council Main Page Community Centre page LinkedIn – Livingstone Shire Council page	Paid - Month of Mid August to Mid September Free – one per week.	All stakeholders	LSC Social Channels - Facebook - Instagram
Print advertising	Print ad with details about Local Law review with engagement time frames and QR code linking to local law review get involved for information and submission.	Rates insert completed early July. Newspaper ad to run twice during consultation – Begin Aug, End Mid Sept	All stakeholders	General Rates Notice insert. CQ Today newspaper
Signage A3 poster Coreflutes	Signage with details about Local Law review with engagement time frames and QR code linking to local law review get involved for information and submission	Placed at beginning of consultation – August 12. For the duration of the consultation	All stakeholders	A3 posters A5 flyer - placed at CSC, libraries, community noticeboards, Yeppoon Lagoon. Corflutes – CSC, Libraries
E-newsletter	Details about Local Law review with engagement time frames and QR code linking to local law review get involved for information and submission.	Monthly	All stakeholders	LSC Get Involved Page Council internal e-newsletter Community Centre e-newsletter
Stakeholder notification	Update to Southern Beaches Reference Group, Taskforce Committees, Farnborough Beach Reference Group and Bangalee residents with details about Local Law review with engagement time frames linking to local law review get involved for information and submission.	Prior to Cosultation at relevant meetings	Farnborough Beach/ Southern Beaches Reference Group, Taskforce Committees and Bangalee Beach residents	Email to affected groups Guardian database / CC databases

# Communications, Engagement & Review Plan



Local Laws Review 2024

## Stakeholder consultation findings

The Engagement Team will share all feedback to the Local Laws team for consolidation into a report for council.

## Budget

The total campaign budget is \$3000 ex GST.

Activity	Supplier	Cost (exc GST)
Coreflutes x 2 – Libraries, YTH, Lagoon Place,		200
Social Media Advertising	Boosted Facebook posts	500
Radio advertising		1500
Print Advertisement	CQ Today Saturday	1500
Design of campaign creative assets	Communications & Engagement Team	\$0 (in-house)
<b>Total spend</b>		<b>\$3700 (ex GST)</b>

## Evaluation

The effectiveness of this communication and engagement plan will be evaluated at engagement completion as identified below.

Objective	Evaluation measure	Evaluation frequency
Effectively engage with key stakeholders prior to and throughout the duration of the consultation.	<ul style="list-style-type: none"> <li>Record the number and type of stakeholder enquiries received and responded to.</li> <li>Check website and social analytics to determine origin of submission or website visit – google, direct, Facebook. QR code.</li> <li>Monitor feedback to social media posts and councillor Facebook pages.</li> <li>As required review of Get Involved page to ensure information is understood and submissions are accurately entered.</li> <li>Regularly review effectiveness of communication channels.</li> <li>Monitor number of submissions received, quality of submissions.</li> </ul>	Duration of consultation
Maintain a lasting record of communication and engagement activities undertaken, and learnings for future projects	<ul style="list-style-type: none"> <li>Project documents saved to Objective ECM</li> <li>History of communication materials saved to Objective ECM.</li> <li>Maintain learnings register to be reflected on at the completion of each stage of the project.</li> </ul>	Throughout project and at completion of project

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**11.13 DEVELOPMENT INCENTIVE POLICY FOR RECONFIGURING A LOT - POLICY UPDATE**

<b>File No:</b>	x
<b>Attachments:</b>	<ol style="list-style-type: none"><li>1. <b>Development Incentives Policy for Reconfiguring a Lot (Version 6) - Track Changes</b><a href="#">↓</a></li><li>2. <b>Development Incentives Policy for Reconfiguring a Lot (Version 6) - Final</b><a href="#">↓</a></li></ol>
<b>Responsible Officer:</b>	<b>Chris Ireland - General Manager Communities Greg Abbotts - Manager Development and Environment</b>
<b>Author:</b>	<b>Brendan Standen - Acting Coordinator Development Assessment Jessica Callow - Planning and Infrastructure Officer Jodie Roche - Development Officer</b>

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**SUMMARY**

*The proposal is to amend the Development Incentives Policy for Reconfiguring a Lot to increase the threshold (number of lots) for when the Policy is applied to defer payment of Infrastructure Charges. The proposed increase is from two lots to 15 lots, consistent with the threshold for when the Policy was first adopted in 2016.*

**OFFICER'S RECOMMENDATION**

THAT Council adopt *Development Incentive Policy for Reconfiguring a Lot (Version 6)*.

**BACKGROUND**

Local governments throughout Queensland regularly implement incentives to encourage targeted economic growth and development. These incentives are often responsive to the economic and social environment at the time of their implementation, and to achieve a dedicated purpose. The incentives are also commonly amended or rescinded when the conditions they were originally implemented under change.

On 12 July 2016, Livingstone Shire Council adopted the first *Development Incentive Policy – Reconfiguring a Lot (Community Policy) (the Policy)*. The Policy allows a developer to defer payment of the infrastructure charge for a new lot until it is sold, or within a set period after it is created.

Version 1 of the Policy was adopted at a time when growth was slow, and there was a higher financial risk for developers because they may pay an infrastructure charge to Council, develop a lot, but not sell the lot for several years due to lack of market demand.

Version 1 of the Policy intended to remove a portion of the financial risk for larger developers where the development included 15 or more lots. This was done by:

1. Reducing the upfront cost to a developer; and
2. Providing the developer a degree of certainty an Infrastructure Charge will not be payable before the lot can be on-sold and the development cost recovered.

Version 5 of the Policy (version currently in effect) allows for the deferred payment of infrastructure charges in the following scenarios:

- (a) For the creation of two (2) to four (4) lots, within one (1) year of Council issuing an approval for a survey plan; or
- (b) For the creation of five (5) or more lots, within two (2) years of Council issuing an approval for a survey plan; or

- (c) Before the applicant (i.e., the developer) ceases to be a registered owner of a component lot, whichever occurs earlier.

Because the current market conditions, lots are often sold before they are registered, or are sold almost immediately upon registration. Therefore, the second benefit of the Policy listed above falls away and so does part of the reason why the Policy was originally implemented.

Since the *Planning Act 2016* came into effect, the Policy has been enacted 28 times. Seven of those times was for subdivisions creating less than 15 lots.

**TABLE 1 – HISTORY OF DEVELOPMENT INCENTIVES POLICY**

<b>VERSION</b>	<b>ADOPTION DATE</b>	<b>AMENDMENTS</b>
Version 1	12 July 2016	Limited the minimum number of lots to 15 to utilise the Policy.
Version 2	7 November 2017	Lowering of the lot yield to a minimum of five (5) to benefit several developers wanting to use the policy for subdivisions under 15.
Version 2.1	27 August 2018	Administrative amendments to reflect organisational restructure.
Version 3	17 November 2020	Lowering of the lot yield to a minimum of two (2) to allow smaller developments to utilise the policy with a deferred charges period of only one (1) year for developments creating 2-4 lots.
Version 4	21 June 2022	To clarify the specific details pertaining to the application of Consumer Price Indexing and better define the rationale and circumstances under which Council agrees to defer the payment of infrastructure charges to lots only being created on the Survey Plan being submitted for approval (and not a blanket use over a multi-staged development).
Version 5	19 December 2023	To update the method in which charging is calculated against inflation - Producer Price Index (PPI) as well as Consumer Price Index (CPI).

**COMMENTARY**

The proposal is to amend the Policy to increase the numbers of lots required to qualify to 15, as originally implemented in Version 1. Council can then monitor the effectiveness of the Policy in achieving its intended purpose to determine the appropriateness of the Policy going forward.

The retention of the Policy in its current forms involves the following notable challenges for Council:

- (a) Administrative pressure;

Drafting, executing, and monitoring of deferred payments through an Infrastructure Agreement (IA) places an additional administrative load on Council officers within the Development Assessment unit and Finance and Governance department. This is at a time when Livingstone Shire Council is and will likely to continue to experience exponential growth and consequently additional workload.

The infrastructure charge is required to be paid at time of transfer of ownership. The payment is often incorporated into the settlement process. This process means the vendor generally direct debit an amount into Council's bank account, without a remittance or reference and without factoring in indexation increases to the levied amount. This must then be manually followed up by different Council departments.

- (b) Financial risk; and

There is an element of financial risk to Council through deferred payments, should the developer not uphold the agreement to make payment prior to the transfer of lot ownership. That said, the IA enables Council to pursue the developer for breach of the IA but the debt remains with the land, meaning the purchaser assumes responsibility in the event of the developer defaulting.

The financial risk, which also becomes an administrative burden, is that Council may not receive the infrastructure charge in a timely manner. This limits Council's ability to fund necessary trunk infrastructure for the community.

Breaching the terms of the IA occurred recently with development approval D-70-2018 (one lot into two lots). The developer did not pay the charges and did not advise the landowner, and the landowner is now responsible for unpaid charges (~\$27,000). Unpaid infrastructure charges may ultimately be included as unpaid rates under the *Local Government Act 2009*. Unpaid rates may be recovered from subsequent/new owners of land even though they were required under the IA to be paid by previous owners.

Additionally, Council does not receive interest payments on the infrastructure charge amount that is yet to be collected. This further frustrates Council's ability to fund trunk infrastructure.

(c) Reputational risk.

It is an uncommon circumstance and in conflict with Schedule 18, section 2(1)(c) of the *Planning Regulation 2017* that a local government endorses a Survey Plan for a lot to be registered before infrastructure charges are paid. The perception by subsequent landowners subject to unpaid charges is that Council has, administratively, erred in process to allow deferred payments that now burden their land. Notwithstanding, the onus is on the prospective buyer to complete the relevant pre-purchases checks to ensure there are no outstanding charges.

The proposed amendment of the Policy to increase the lot threshold to 15 also carries a level of risk to Council:

- It may be seen by developers as Council stymieing development.
- It may be seen by smaller developers (who develop fewer than 15 lots) as favouring larger developers.

Notwithstanding the above, infrastructure charges are a cost of doing development, and at a time when there is little risk of "holding costs" for created lots, developers should bare these costs rather than Council.

## PREVIOUS DECISIONS

The policy was last updated (Version 5) on 19 December 2023. The proposed amendments to Version 5 were discussed at a Council Briefing Session on 7 May 2024.

## ACCESS AND INCLUSION

There are no access and inclusion issues identified in the preparation of this report.

## ENGAGEMENT AND CONSULTATION

There are no engagement or consultation requirements with the adoption of this policy. The uptake of the Policy for subdivisions less than 15 lots has been low and therefore the public interest would be considered the same.

## HUMAN RIGHTS IMPLICATIONS

There are no identified human rights implications associated with this report. There was no requirement for consultation in this policy amendment.

**BUDGET IMPLICATIONS**

The budget implications of the Policy have been raised in previous reports to Council, and in this report.

**LEGISLATIVE CONTEXT**

Infrastructure charging is regulated by the Planning Act 2016 and Councils Adopted Infrastructure Charges Resolution (AICR).

**LEGAL IMPLICATIONS**

The development incentive policy for reconfiguring a lot is enacted when an infrastructure agreement is executed. These infrastructure agreements are a legally binding instrument between Council and another party. There are no identified legal implications associated with the amendment of the Development Incentive Policy.

**STAFFING IMPLICATIONS**

The execution of agreements and management of the policy is accommodated within existing staffing resources, although the executing and monitoring of deferred payments does place an increased workload on existing staff resources.

**RISK ASSESSMENT**

The report has considered the risks associated with decision making in relation to deferment of infrastructure charging. Any risk profile because of this change does not diminish.

**CORPORATE PLAN REFERENCE*****Future Livingstone***

*Community Plan Goal 5.1 - Balanced environmental and development outcomes*

*5.1.1 Maintain a clear and comprehensive planning vision for the region.*

**CONCLUSION**

On this basis, it is recommended the lot threshold be reverted to 15 lots, which is what was originally adopted by Council when the Policy first came into effect. This increase reflects the reduced need for the Policy based on current market conditions in the Shire, and administrative, financial, and reputational risk of retaining the Policy.

**11.13 - DEVELOPMENT INCENTIVE  
POLICY FOR RECONFIGURING A LOT  
- POLICY UPDATE**

**Development Incentives Policy for  
Reconfiguring a Lot (Version 6) - Track  
Changes**

**Meeting Date: 20 May 2024**

**Attachment No: 1**





## DEVELOPMENT INCENTIVE POLICY FOR RECONFIGURING A LOT (COMMUNITY POLICY)

### 1. Scope

The Development Incentive Policy for Reconfiguring a Lot (this 'Policy') applies to any development permit for reconfiguring a lot within Livingstone Shire.

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### 2. Purpose

The purpose of this Policy is to establish a framework which will enable the payment of infrastructure charges associated with specific development approvals to be deferred.

This Policy is designed to help Livingstone achieve the long-term goals of expanding the resident base, providing new jobs to residents and providing for the enhancement of the quality of life in the community, while at the same time giving consideration to the legitimate cost concerns of companies locating or expanding within the Shire.

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### 3. References (legislation/related documents)

*Human Rights Act 2019*  
*Planning Act 2016*

### 4. Definitions

To assist in interpretation, the following definitions shall apply:

Component Lot	An individual, separately-titled lot, which is: 1) part of the development site; 2) created by the proposed development; and 3) intended not to be further reconfigured into other lots.
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### 5. Policy Statement

Livingstone Shire Council recognises the importance of the development and construction industries to the local and regional economy and employment opportunities which these industries afford the residents of Livingstone.

The *Development Incentive Policy for Reconfiguring a Lot* establishes a framework for providing a financial incentive for specific developments to proceed. This Policy is in accordance with section 123 of the *Planning Act 2016* which provides as follows:

(1) *The recipient of an infrastructure charges notice and the local government that gave it may agree about either or both of the following -*

(a) *whether the levied charge under the notice may be paid other than as required under section 122 including whether it may be paid by instalments;*

(b) whether infrastructure may be provided instead of paying all or part of the levied charge..

Council will consent to the deferral of infrastructure charges in accordance with the following criteria:

- 5.1 The deferral is associated with a development permit for reconfiguring a lot involving the creation of ~~two-15~~ or more new lots;
- 5.2 Only those infrastructure components which are not required immediately can be deferred (for example, if a particular development requires the establishment of an identified sewerage pump station for the first lot, then the sewerage component cannot be deferred);
- 5.3 The deferral of infrastructure charges must be done via an infrastructure agreement, pursuant to Chapter 4 Part 4 of the *Planning Act 2016*.
- 5.4 The infrastructure agreement can only be entered into at the time the Survey Plan is submitted for those components lots being created.
- ~~5.5~~ Payment must be provided:
  - ~~5.5.1~~ ~~For the creation of two to four lots, within one year of Council issuing an approval for a survey plan (endorsement) for a component lot or before the applicant ceases to be a registered owner of a component lot, whichever occurs the earlier; or~~
  - ~~5.5.25.5~~ ~~For the creation of five or more lots, within two years of Council issuing an approval for a survey plan (endorsement) for a component lot or before the applicant ceases to be a registered owner of a component lot, whichever occurs the earlier.~~
- 5.6 The current infrastructure charges applicable at date of Survey Plan endorsement will be increased quarterly by the *All Groups Quarterly Consumer Price Index for Brisbane/ Producer Price Index*, as declared by the Australian Bureau of Statistics, to reflect the fact that Council has forgone a financial benefit in not receiving the income at the time of the lots being created; and
- 5.7 The developer (or recipient of the infrastructure charge) must pay the full cost of the preparation of the infrastructure agreement (that fee to be set annually as part of Council's schedule of fees and charges, at a quantum which reflects the cost of providing the service). and
- 5.8 The developer (or recipient of the infrastructure charge) must pay an administration fee associated with the processing of each component lot's payment (that fee to be set annually as part of Council's schedule of fees and charges, at a quantum which reflects the cost of providing the service). This fee is to accompany the infrastructure charge payment for the component lot (or per transaction).

## 6. Changes to this Policy

This Policy is to remain in force until any of the following occur:

1. The related information is amended/replaced; or
2. Other circumstances as determined from time to time by the Council

## 7. Repeals/Amendments

This Policy repeals the Livingstone Shire Council policy titled 'Development Incentive Policy for Reconfiguring a Lot (v~~5.3~~)'.

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Version	Date	Action
1	12/07/2016	Adopted
2	07/11/2017	Amended Policy Adopted
2.1	27/08/2018	Administrative Amendments – reflect organisational restructure
3	17/11/2020	Amended Policy Adopted – section 5.4.1 inserted and section 5.4.2 updated
4	21/06/2022	Amended Policy Adopted – new section 5.4 (and following sections renumbered), section 5.6 updated, section 5.8 updated
5	19/12/2023	Amended Policy Adopted – administrative amendments to 5.1, 5.6 & 5.7. Insertion of 5.1 9B) to be in line with the act, 5.6 insertion of PPI, 5.7 clarifying the fees and charges, portfolio changes in footer
<a href="#">6</a>	<a href="#">20/05/2024</a>	<a href="#">Amended Policy Adopted – administrative amendments and amendment to 5.1 and 5.5.</a>

CALE DENDLE  
CHIEF EXECUTIVE OFFICER

# **11.13 - DEVELOPMENT INCENTIVE POLICY FOR RECONFIGURING A LOT - POLICY UPDATE**

## **Development Incentives Policy for Reconfiguring a Lot (Version 6) - Final**

**Meeting Date: 20 May 2024**

**Attachment No: 2**



## DEVELOPMENT INCENTIVE POLICY FOR RECONFIGURING A LOT (COMMUNITY POLICY)

### 1. Scope

The Development Incentive Policy for Reconfiguring a Lot (this 'Policy') applies to any development permit for reconfiguring a lot within Livingstone Shire.

### 2. Purpose

The purpose of this Policy is to establish a framework which will enable the payment of infrastructure charges associated with specific development approvals to be deferred.

This Policy is designed to help Livingstone achieve the long-term goals of expanding the resident base, providing new jobs to residents and providing for the enhancement of the quality of life in the community, while at the same time giving consideration to the legitimate cost concerns of companies locating or expanding within the Shire.

### 3. References (legislation/related documents)

*Human Rights Act 2019*  
*Planning Act 2016*

### 4. Definitions

To assist in interpretation, the following definitions shall apply:

Component Lot	An individual, separately-titled lot, which is: 1) part of the development site; 2) created by the proposed development; and 3) intended not to be further reconfigured into other lots.
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### 5. Policy Statement

Livingstone Shire Council recognises the importance of the development and construction industries to the local and regional economy and employment opportunities which these industries afford the residents of Livingstone.

The *Development Incentive Policy for Reconfiguring a Lot* establishes a framework for providing a financial incentive for specific developments to proceed. This Policy is in accordance with section 123 of the *Planning Act 2016* which provides as follows:

(1) *The recipient of an infrastructure charges notice and the local government that gave it may agree about either or both of the following -*

(a) *whether the levied charge under the notice may be paid other than as required under section 122 including whether it may be paid by instalments;*

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Development Incentive Policy for Reconfiguring a Lot

Adopted/Approved: Adopted, 20 May 2024  
Version: 6.0

Portfolio: Development and Environment  
Business Unit: Communities

(b) whether infrastructure may be provided instead of paying all or part of the levied charge..

Council will consent to the deferral of infrastructure charges in accordance with the following criteria:

- 5.1 The deferral is associated with a development permit for reconfiguring a lot involving the creation of 15 or more lots.
- 5.2 Only those infrastructure components which are not required immediately can be deferred (for example, if a particular development requires the establishment of an identified sewerage pump station for the first lot, then the sewerage component cannot be deferred);
- 5.3 The deferral of infrastructure charges must be done via an infrastructure agreement, pursuant to Chapter 4 Part 4 of the *Planning Act 2016*.
- 5.4 The infrastructure agreement can only be entered into at the time the Survey Plan is submitted for those components lots being created.
- 5.5 Payment must be provided within two years of Council issuing an approval for a survey plan (endorsement) for a component lot or before the applicant ceases to be a registered owner of a component lot, whichever occurs the earlier.
- 5.6 The current infrastructure charges applicable at date of Survey Plan endorsement will be increased quarterly by the *All Groups Quarterly Consumer Price Index for Brisbane/ Producer Price Index*, as declared by the Australian Bureau of Statistics, to reflect the fact that Council has forgone a financial benefit in not receiving the income at the time of the lots being created; and
- 5.7 The developer (or recipient of the infrastructure charge) must pay the full cost of the preparation of the infrastructure agreement (that fee to be set annually as part of Council's schedule of fees and charges, at a quantum which reflects the cost of providing the service). and
- 5.8 The developer (or recipient of the infrastructure charge) must pay an administration fee associated with the processing of each component lot's payment (that fee to be set annually as part of Council's schedule of fees and charges, at a quantum which reflects the cost of providing the service). This fee is to accompany the infrastructure charge payment for the component lot (or per transaction).

## **6. Changes to this Policy**

This Policy is to remain in force until any of the following occur:

1. The related information is amended/replaced; or
2. Other circumstances as determined from time to time by the Council

## **7. Repeals/Amendments**

This Policy repeals the Livingstone Shire Council policy titled 'Development Incentive Policy for Reconfiguring a Lot (v3)'.

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**Development Incentive Policy for Reconfiguring a Lot**

**Adopted/Approved:** Adopted, 20 May 2024  
**Version:** 6.0

**Portfolio:** Development and Environment  
**Business Unit:** Communities

<b>Version</b>	<b>Date</b>	<b>Action</b>
1	12/07/2016	Adopted
2	07/11/2017	Amended Policy Adopted
2.1	27/08/2018	Administrative Amendments – reflect organisational restructure
3	17/11/2020	Amended Policy Adopted – section 5.4.1 inserted and section 5.4.2 updated
4	21/06/2022	Amended Policy Adopted – new section 5.4 (and following sections renumbered), section 5.6 updated, section 5.8 updated
5	19/12/2023	Amended Policy Adopted – administrative amendments to 5.1, 5.6 & 5.7. Insertion of 5.1 9B) to be in line with the act, 5.6 insertion of PPI, 5.7 clarifying the fees and charges, portfolio changes in footer
6	20/05/2024	Amended Policy Adopted – amendments to 5.1 and 5.5

**CALE DENDLE  
CHIEF EXECUTIVE OFFICER**

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**Development Incentive Policy for Reconfiguring a Lot**  
**Adopted/Approved:** Adopted, 20 May 2024  
**Version:** 6.0

**Portfolio:** Development and Environment  
**Business Unit:** Communities

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**11.14 MEMORANDUM OF UNDERSTANDING BETWEEN LIVINGSTONE SHIRE COUNCIL AND THE URBAN DEVELOPMENT INSTITUTE OF AUSTRALIA QUEENSLAND CENTRAL QUEENSLAND BRANCH**

**File No:** x  
**Attachments:** Nil  
**Responsible Officer:** Chris Ireland - General Manager Communities  
**Author:** Greg Abbotts - Manager Development and Environment

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**SUMMARY**

*The Urban Development Institute of Australia Central Queensland Branch (UDIA) wishes to re-enter into a Memorandum of Understanding (MOU) with Livingstone Shire Council. The purpose of this to continue to foster closer ties and liaise on matters affecting the development industry at a local and higher levels*

**OFFICER'S RECOMMENDATION**

THAT Council resolve to enter an MOU with the UDIA Central Queensland and authorise the Mayor and CEO to co-sign a MOU for the term up to the next Local Government Election

**BACKGROUND**

The UDIA and its Central Queensland branch representatives entered a MOU with Livingstone Shire Council on 24 August 2023. The purpose of the MOU is to foster closer working relationships. This report recommends re-entering an MOU as the previous agreement has now expired due to the election cycle.

**COMMENTARY**

Livingstone Shire Council has around 41,906 residents, 3,159 businesses and provides over 11,771 jobs. In the last eleven years Livingstone has grown from a population base in 2012 of 34381 persons. In particular, the last four years, Livingstone has been experiencing a higher growth rate than other regional centres. Yeppoon has also been recognized as the 7<sup>th</sup> fastest growing regional centre for the period 2013 to 2023

The UDIA is a national not-for-profit organisation. Established in 1971, the Queensland office is the largest of the Institute's state bodies. There are 11 regional branches, including Central Queensland Branch. Mr Gideon Grenade is the current Central Queensland Branch Chair.

The intention of the MOU is to create an active working group that would meet on a quarterly basis (or other times as required). Whilst the MOU is a non-legally binding document, it does set out an intent for parties to mutually agree to certain outcomes to achieve desired goals. The MOU is not a forum for mediation.

This MOU offers an opportunity for Livingstone to collaborate with UDIA to assist in producing better planning and development outcomes for our community and its visitors. A desirability to live in Livingstone Shire is one of our key strengths in lifestyle choice. Understanding and providing various products to suit different lifestyles is a key component in assisting to make Livingstone Shire an attractive place to live.

The term of the MOU is determined by the election cycle with each new elected Council.

**PREVIOUS DECISIONS**

Council resolved on 18 July 2023 to enter an MOU with the UDIA CQ Branch up to the end of the local government term.

**ACCESS AND INCLUSION**

There are no access and inclusion implications associated with this proposal.



**ENGAGEMENT AND CONSULTATION**

There is no further engagement or consultation required for this proposal.

**HUMAN RIGHTS IMPLICATIONS**

There are no human rights implications associated.

**BUDGET IMPLICATIONS**

There are no budget implications associated with the proposal.

**LEGISLATIVE CONTEXT**

There is no legislative context with the proposal.

**LEGAL IMPLICATIONS**

There are no legal implications as the MOU is a non-legally binding document. Either party can terminate its participation at any time

**STAFFING IMPLICATIONS**

Other than the staff (or their nominee) attending a quarterly meeting along with some minor preparations for this – there are no staffing implications.

**RISK ASSESSMENT**

There is no risk assessment required for this proposal.

**CORPORATE PLAN REFERENCE*****Future Livingstone***

*Community Plan Goal 5.1 - Balanced environmental and development outcomes*

*5.1.2 Balance development within Livingstone Shire in accordance with the community's desired environmental and economic outcomes.*

**CONCLUSION**

The MOU provides a formalised forum for Livingstone Shire Council and UDIA to work closely together. This will provide Council with industry insights into emerging issues and trending products. This also provides industry another forum to engage with Council, this will be especially important with the upcoming Planning Scheme Amendments/Review process and Local Government Infrastructure Plan adoption

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**11.15 ROAD CLOSURE APPLICATION - ADJACENT TO 9 RAYMOND TERRACE  
YEPPOON (LOT 2 RP607424)**

**File No:** fA42990

**Attachments:**

1. [Aerial photo](#)
2. [Road Closure Application](#)
3. [Comments from Strategic Planning Officer](#)

**Responsible Officer:** Sean Fallis - Manager Engineering Services  
Michael Kriedemann - General Manager Infrastructure

**Author:** Carrie Burnett - Policy & Planning Officer

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**SUMMARY**

*This report pertains to an application to permanently close an area of road reserve adjacent to 9 Raymond Terrace Yeppoon.*

**OFFICER'S RECOMMENDATION**

THAT Council resolve:

1. To authorise the Chief Executive Officer to sign a 'Statement in relation to an application under the *Land Act 1994* over State land (Part C)' stating that Council, as road manager, objects to the proposed permanent road closure adjacent to 9 Raymond Terrace Yeppoon (Lot 2 RP607424) as it could:
  - a. limit the potential for higher densification of this area;
  - b. minimise the potential to upgrade Hill Street and Raymond Terrace to the latest standard under the Capricorn Municipal Development Guidelines;
  - c. result in obstructions being placed by the landowners which might block driver sight distances;
  - d. set a precedent for other properties in the area which could lead to removal of plant ground cover, potentially increasing the risks associated with landslide and heatwave; and
  - e. impact potential future use of the area including road works and adjoining public space.
2. That the applicant be advised of Council's decision and provided with the completed Part C.

**BACKGROUND**

In March 2024 Council received a request from the owners of 9 Raymond Terrace Yeppoon to consider a proposal to permanently close road reserve adjacent to their property as shown on Attachment 1. Referring to their application forms at Attachment 2, the owners claim to mow and care for the road reserve and want ownership of the road reserve so they can continue to maintain it.

**COMMENTARY**

In accordance with Council's resolution of 20 June 2019, all applications for permanent road closure, made under the *Land Act 1994*, where Council is to provide advice as the road manager, are presented to Council for resolution. After a resolution is made, a 'Statement in relation to an application under the *Land Act 1994* over State land (Part C)' is completed by Council as road manager and sent to the applicant to lodge with the Department of Resources ('DoR'). The purpose of this report is to establish Council's stance with regards to the permanent road closure proposal so that the Part C can be completed.

Council is custodian of roads (excluding main roads) however they are owned by the State, represented by DoR, therefore Council is unable to approve their permanent closure and sale to landowners. Under the *Land Act 1994* a property owner may apply to have an area of road permanently closed. The DoR Guideline - Roads under the *Land Act 1994* states:

*'When a road is closed permanently the land becomes USL. Depending on the size and location of the parcel of land it could be disposed of as a stand-alone parcel of land, or may be included in adjoining land.'*

According to their website DoR will assess a road closure application against legislative requirements, seek views of other stakeholders and inspect the land if required. To assess local community opinion about a proposed closure, DoR will also require the applicant to undertake public notifications such as advertising and erection of signage on the land. If an application is successful, a written offer setting out various conditions will be sent to the applicant.

Advice obtained from various sections of Council is included below:

#### **Planning & Infrastructure Officer**

*'The property is in a Medium Density Residential Zone with permanently closing the road reserve limiting the potential for higher densification of this area. This has been forwarded to our Growth Management team who will provide a comment to you from a Strategic Planning perspective.'*

#### **Manager Construction & Maintenance**

The Manager Construction & Maintenance supports comments made by the Economic Development (Placemaking) Strategist.

#### **Principal Community Development & Engagement Officer**

*'The Community Development Sport and Recreation (CDSR) Team have no objection to this application. CDSR is not aware of any community activities occurring on this site, or requests for community activities to occur on this site, or activities or programs which would be impacted by the proposed closure.'*

#### **Co-ordinator – Development Engineering**

*'Development Engineering Unit could not support the application of road closure. Reasons are stated as below:*

- 1. The area is road reserve zone. It is dedicated for infrastructures for transport purposes.*
- 2. Both Hill Street and Raymond Terrace are classified as Urban Residential Street as per road hierarchy overlay under Livingstone Planning Scheme 2018. In accordance with Capricorn Municipal Development Guidelines, the minimum width of verge is 4m for an Urban Residential Street. If the proposal is accepted, no verge is allowed for both roads. To make it compliant with this standard, Council has to re-align the carriageway to provide verge for the road, making it unreasonable for Council to accept the road closure.*
- 3. In accordance with Capricorn Municipal Development Guidelines, the minimum width of road reserve is 16m for urban residential street. If the proposal is accepted, the width of road reserve on a portion of Raymond*

*Terrace and Hill Street will be less than the standard. This will make it infeasible to upgrade the road to meet the standard.*

- 4. In accordance with Capricorn Municipal Development Guidelines, the minimum width of carriageway is 7.5m for urban residential street. The current width of carriageway is less than this standard. If the proposal is accepted, it will further minimise the potential of upgrading this road to the latest standard.*
- 5. The area is at the intersection of Hill Street and Raymond Terrace. If the area of road reserve is closed, any fence or obstructions being placed by the land owner will possibly block the sight distance for drivers looking to turn left into Raymond Terrace from Hill Street, as well as the driver looking to turn left/right into Hill Street from Raymond Terrace. This will increase the risk of vehicle crashing hazards at the intersection.*
- 6. With the above concerns related to safety of the transport infrastructures, Development Engineering Unit is unable to support the application.'*

#### **Coordinator Disaster Management and Community Resilience**

*'Disaster Management and Community Resilience does not support the proposed road closure due to the positive contribution of the area to two specific hazards. Firstly, the area is mapped in a landslide hazard overlay; plant ground cover on slopes is a known method to mitigate instabilities. Secondly it contributes to the positive cooling qualities offered by small green spaces in an urban environment reducing the impact of heatwaves. The comments of Economy and Places is also supported in that this action could set a precedent for other properties in the area which could lead to removal of plant ground cover, potentially increasing the risks associated with landslide and heatwave.'*

#### **Coordinator Natural Resource Management**

*'The area is covered by the Landslide Hazard Overlay but is not mapped as containing significant environmental values. There is unlikely to be significant environmental impacts as a result of freeholding this area of road reserve however it will impact potential future use of the area including road works and adjoining public space.'*

#### **Principal Transport Engineer**

*'No objections from a Transport perspective, as long as a 4.5m minimum verge width is preserved.' The Economic Development (Placemaking) Strategist makes some good points. 'I'll leave it to the Town Planners to offer their expertise.'*

#### **Economic Development (Placemaking) Strategist**

*'Approving this would set a precedent by opening interest for similar action by other properties on the street, as well as within the town centre in general where wide ROWs exist. Such a piecemeal approach is problematic in that we have no idea of how the land will ultimately be treated. It may be retained as yard or it could provide for built expansion. From an urban development perspective, I would like to see better utilisation of orphaned property (to support higher density development) but this should be considered in a strategic sense so there is some understanding of what the ultimate outcome should be.'*

*It may be equally meritorious to begin looking after these properties better by planting trees to improve town amenity and provide some mitigation to climate change impacts.*

*I would prefer that if “excess ROW” was to be opened to private acquisition that it not proceed ad hoc but that it be considered under the direction of an overarching strategic context.*

*I note that the other end of Hill Street offers considerable opportunity for urban density development on excess ROW (after revocation). Such opportunity would be lost if just one property seeks to acquire the ROW adjoining their boundary.’*

Note – ROW means right of way

### **Coordinator Water and Sewerage Operations**

*‘There is no water or sewerage infrastructure within the bounds of the council property adjacent to 9 Raymond Tce, Yeppoon; nor does the property serve as an access to water or sewerage infrastructure.’*

### **Technical Officer - Engineering**

‘No comment’

### **Technical Officer - Engineering**

The Technical Officer – Engineering supports comments provided by

- Economic Development (Placemaking) Strategist
- Coordinator Natural Resource Management
- Coordinator Disaster Management and Community Resilience
- Principal Transport Engineer

### **Strategic Planning Officer**

The comments provided by the Strategic Planning Officer are appended at Attachment 3 due to the length.

For the reasons outlined by the Co-ordinator – Development Engineering, the Coordinator Disaster Management and Community Resilience and the Economic Development (Placemaking) Strategist, Council should object to the proposed permanent closure of road reserve adjacent to 9 Raymond Terrace Yeppoon.

## **PREVIOUS DECISIONS**

At its 20 June 2019 and 18 February 2020 meeting, Council resolved that all future applications to close roads under the *Land Act 1994*, where Council is to provide advice as the road manager, are to be presented to Council for consideration. Council clarified the intent of these earlier resolutions at its 15 August 2023 Meeting.

## **ACCESS AND INCLUSION**

There are no access and inclusion implications associated with the consideration of the Road Closure Application.

## **ENGAGEMENT AND CONSULTATION**

On their website, the DoR states ‘To assess local community opinion about a proposed closure, a public notice is required (e.g. advertisement in a local/digital newspaper, signs

*erected on the land*).' DoR also undertake consultation with other public utility providers such as Ergon and Telstra.

### **HUMAN RIGHTS IMPLICATIONS**

Section 4(b) of the *Human Rights Act 2019* requires public entities such as Council 'to act and make decisions in a way compatible with human rights'.

There are no adverse human rights implications associated with this report.

### **BUDGET IMPLICATIONS**

There are no foreseeable budget implications associated with this matter.

### **LEGISLATIVE CONTEXT**

Section 93 of the *Land Act 1994* provides for the meaning of road as follows:

- '(1) A road means an area of land, whether surveyed or unsurveyed-
  - (a) dedicated, notified or declared to be a road for public use; or
  - (b) taken under an Act, for the purpose of a road for public use.
- (2) The term includes-
  - (a) a street, esplanade, reserve for esplanade, highway, pathway, thoroughfare, track or stock route; and
  - (b) a bridge, causeway, culvert or other works in, on, over or under a road; and
  - (c) any part of a road.'

Pursuant to s 99 of the *Land Act 1994* an owner of land that adjoins road may apply for the permanent closure of the road. Notice must be given to Council under s 68 of the *Local Government Act 2009* which also states that the Land Act Minister must have regard to any objections made by Council.

### **LEGAL IMPLICATIONS**

There are no legal implications associated with this report.

### **STAFFING IMPLICATIONS**

There are no staffing implications.

### **RISK ASSESSMENT**

If Council does not object and DoR approves the permanent closure of the road reserve adjacent to 9 Raymond Terrace, it could:

- a) limit the potential for higher densification of this area;
- b) minimise the potential to upgrade Hill Street and Raymond Terrace to the latest standard under the CMDG;
- c) result in obstructions being placed by the landowners which might block driver sight distances;
- d) set a precedent for other properties in the area which could lead to removal of plant ground cover, potentially increasing the risks associated with landslide and heatwave; and
- e) impact potential future use of the area including road works and adjoining public space.

**CORPORATE PLAN REFERENCE*****Leading Livingstone***

*Community Plan Goal 4.2 - Collaboration and partnerships to advocate for the needs of the community*

*4.2.1 Build and maintain strong, collaborative, and co-operative relationships across all levels of government, industry, business and community.*

While Council is custodian of roads under its control, the road reserves are owned by the State. Prior to disposing of road reserves, the *DoR* affords Council an opportunity to comment on the disposal, which is taken into consideration when making a decision on an application from a landowner. This collaboration between Council and the *DoR* fosters a co-operative relationship between Council and the State and ensures that Council's interests are considered.

**CONCLUSION**

Consultation has been undertaken with internal Council stakeholders who have raised objections to the permanent closure of road adjacent to 9 Raymond Terrace. The Part C should state that Council objects to the proposal as the closure could:

- a) limit the potential for higher densification of this area;
- b) minimise the potential to upgrade Hill Street and Raymond Terrace to the latest standard under the CMDG;
- c) result in obstructions being placed by the landowners which might block driver sight distances;
- d) set a precedent for other properties in the area which could lead to removal of plant ground cover, potentially increasing the risks associated with landslide and heatwave; and
- e) impact potential future use of the area including road works and adjoining public space.

**11.15 - ROAD CLOSURE APPLICATION  
- ADJACENT TO 9 RAYMOND  
TERRACE YEPPON (LOT 2  
RP607424)**

**Aerial photo**

**Meeting Date: 20 May 2024**

**Attachment No: 1**





Diagram provided by applicant



**11.15 - ROAD CLOSURE APPLICATION  
- ADJACENT TO 9 RAYMOND  
TERRACE YEPPON (LOT 2  
RP607424)**

**Road Closure Application**

**Meeting Date: 20 May 2024**

**Attachment No: 2**



Queensland  
Government

## Department of Resources

You can now lodge your application online via Part A Contact and Land Details.  
By July 2023 you will be able to apply for all *Land Act 1994* applications online.

# Part A – Form LA00

## Contact and Land Details

### Land Act 1994

#### Requirements

1. **Part A:** Contact and land details is required when the applicant is wanting to submit a PDF [Part B form](#) (application specific form). You can apply [online](#) or via Part A – [Contact and land details \(PDF\)](#) and the relevant Part B form (PDF).
2. Payment of the prescribed Application fee for relevant Part B forms is per title reference. A refund of application fees will not be given. Details of fees are available on the [Department of Resources](#) website at <https://www.resources.qld.gov.au> or by contacting your nearest [business centre](#) or call 13 QGOV 13 74 68.
3. The appropriate application form Part B must be signed by the applicant or a legal practitioner on behalf of the applicant.
4. For your application to be processed, all parts of this application form must be completed and accurately, otherwise your application may be returned to you to complete or refused.

#### Important information

5. You are **strongly encouraged** to arrange a pre-lodgement meeting with us before you apply to ensure you have the information you need to apply correctly. You can do this by contacting your nearest business centre.
6. All applications will be processed having regard to the requirements of the [Land Act 1994](#) <https://www.legislation.qld.gov.au/> and related legislation, approved policies and procedures and the requirements of all other agencies with an interest in the land.
7. You can lodge your state land application online by completing the Part A online guide, or through the Part A – Contact and land details PDF and relevant Part B application form PDF. If you complete the PDF forms, you can submit the application via:
  8. **Email:** [SLAMlodgement@resources.qld.gov.au](mailto:SLAMlodgement@resources.qld.gov.au)
  9. **Post:**  
Department of Resources  
PO Box 5318  
Townsville QLD 4810
10. In terms of the [Right to Information Act 2009](#) interested parties may seek access to the department's records and view relevant documents.
11. Information on this form, and any attachments, is being collected to process and assess your application under the [Land Act 1994](#). If required, we may need to consult with third parties such as relevant local or state agencies and adjoining property owners. Details provided to third parties will generally be limited to type of application, area applied for and intended use. Your personal information will not otherwise be disclosed unless authorised or required by law.
12. Please note that we may wish to contact you to seek your views on our service, to advise you of any legislative changes that might affect you or to seek your participation in surveys or programs relevant to your application type. Any participation will be voluntary and you may email [stateland@resources.qld.gov.au](mailto:stateland@resources.qld.gov.au) if you do not wish for the department to contact you.
13. The department may also compile or analyse statistics and conduct research. Any publication of findings will not involve the publication of identifying personal information.
14. For further privacy information click [Privacy](#) or go to [www.resources.qld.gov.au/home/legal/privacy](http://www.resources.qld.gov.au/home/legal/privacy).



**Applicant(s) Details and Mailing Address**

If the Applicant is a Corporation, either the Australian Company number, Australian Registered Body number or the Australian Business number must be shown.

Full Names		
Title	First Name	Surname
<input type="text"/>	<input type="text"/>	<input type="text"/>
<input type="text"/>	<input type="text"/>	<input type="text"/>
<input type="text"/>	<input type="text"/>	<input type="text"/>

**Company Name(s)**

If a corporation then record:-

ACN     ARBN     ABN   

**Note:** if the applicant is a Corporation, a requirement of the application is providing evidence (as at the date of application), that the Corporation is registered with the [Australian Securities and Investments Commission \(ASIC\)](https://asic.gov.au/online-services/search-asic-s-registers/) at <https://asic.gov.au/online-services/search-asic-s-registers/> (company summary printout) and if applicable, also registered with the [Australian Business Register \(ABR\)](https://www.abr.business.gov.au) at <https://www.abr.business.gov.au> (ABN lookup record extract).

**Contact Details**

**Postal Address:**

**Phone Number:**       **Mobile Number:**

**Email:**

Future correspondence should be sent to:     Lodger       Applicant

**1. Are the applicants a foreign acquirer as defined by the Additional Foreign Acquirer Duty (AFAD)?**

		go to 2
		go to 4

**Note:** For further information refer to the Queensland Government website to determine if the applicant/s are [a foreign person](#) (acquirer) for AFAD.  
Government website to Types of foreign persons for additional foreign acquirer duty:-  
<<https://www.business.qld.gov.au/industries/service-industries-professionals/professional-financial-services/transfer-duty/investors/afad/foreign-persons>>.

**2. Is the application related to the purchase of land, for example a permanent road closure, or conversion of a lease where the land is or will be used solely or primarily for residential purposes as defined for the Additional Foreign Acquirer Duty (AFAD) under the *Duties Act 2001*?**

Yes go to 3

No go to 4

**Note:** Under the *Duties Act 2001* an additional amount of duty applies where the land is residential land and the applicant is [a foreign person](#) (acquirer) for AFAD.  
Government website for Additional Foreign Acquirer Duty:-  
<<https://www.business.qld.gov.au/industries/service-industries-professionals/professional-financial-services/transfer-duty/investors/afad/foreign-persons>>.

**3. Enter full name/s of the foreign acquirer/s**  
(If there is insufficient space, please lodge as an attachment)

Full Names (If a Company, also provide a contact name)	Share Held

go to 4

**4. Are the Applicant/s registered for GST and acquiring the land for a creditable purpose?**

		go to 5
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**Note:** Under the [Tax Administrator Act \(Cth\) 1953](#) certain purchasers of new residential premises or potential residential land are required to withhold the Goods and Services Tax (GST) amount from the price of the supply (purchase price) for payment directly to the Australian Taxation Office (ATO) as outlined on the ATO's website. The department is unable to provide further advice on the ATO's requirements. For further information contact the ATO on 13 28 65 or visit the ATO website <<https://www.ato.gov.au/business/gst/in-detail/your-industry/property/gst-property-settlement-online-forms-and-instructions/>> or seek advice from a financial or legal expert.

**Details of land for which the application is being lodged**

5. Select the type of land for which the application is being lodged:

Permit  
 Licence  
 Lease  
 Unallocated State Land (USL)  
 Road  
 Trust Land Reserve/ Deed of Grant in Trust (DOGIT)  
 Dealing Number (refer to Item 6)  
 Other

go to 6

6. Enter the description of the land for which the application is being lodged. If this application concerns a road, enter the description of the land adjoining the road.

**Schedule 1**  
You must enter either the Lot on Plan or Title Reference of the land for which the application is being lodged

Lot	Plan	Title Reference
35399/60		

go to 7

The details of the land can be found on a current title. To check this you can purchase a title search by calling (07) 3497 3479, visiting the Titles Queensland website <https://www.titlesqld.com.au/> (and select 'Searches') Lot on Plan details are located on your rates notice or downloading the Queensland Globe <https://www.business.qld.gov.au/business/support-tools-grants/services/mapping-data-imagery/> to help access current Lot on Plan details. If insufficient space, please add additional description as an attachment.

7. Enter additional details of the land

Dealing number:

Tenure Type:  Tenure Number:

Local Government:

Other details of land location (optional)

go to 8



8. Have you participated in a pre-lodgement meeting with the department (strongly encouraged)?

Yes go to 9

No

Please provide name of officer you spoke with and this department's associated reference.

Department Contact Officer

Pre-lodgement ID (eLVAS CI Ref)

9. Provide details of pre-lodgement meeting.  
(If there is insufficient space, please lodge as an attachment)


**Note:** Departmental Officers contact details and any reference number should be included if known.

10. Provide details of any timeframes the department should be aware of when assessing your application (for example, a settlement date)  
(If there is insufficient space, please lodge as an attachment)

No time frames.


11. If this application relates to a project, provide an overview and how your application relates to this project.  
(If there is insufficient space, please lodge as an attachment)

There are no planned projects. I wish to purchase the land due to its location being attached to my property which I live at currently.

THIS FORM MUST BE ACCOMPANIED BY THE RELEVANT PART B APPLICATION FORM

CLEAR FORM



Queensland  
Government

## Department of Resources

You can now lodge your application online via Part A Contact and Land Details. By July 2023 you will be able to apply for all *Land Act 1994* applications online.

# Part B – Form LA18

## Road Closure Application

### Land Act 1994

#### Requirements

1. This application is for a road closure.
2. Please read the respective [Applying for a road closure guide](#), which includes application restrictions.
3. Payment of the prescribed Application fee (per title reference), if relevant. A refund of application fees will not be given. (Details of fees are available on the [Department of Resources](https://www.resources.qld.gov.au) website at <https://www.resources.qld.gov.au> or contact your nearest [business centre](#) or call 13 QGOV 13 74 68.
4. Part A online form: [Contact and land details](#) or Part A – [Contact and land details \(PDF\)](#) must be completed and submitted with your application.
5. **Part C – Form 30: [Statement in relation to an application under the Land Act](#)** must be completed and submitted with your application.
6. You must **attach a drawing** showing the required information which is detailed in the [guide](#) under the heading "How to apply".
7. Any additional information to support the application.
8. For your application to be processed, all parts of this application form must be completed and accurately, otherwise your application may be returned to you to complete or refused.

#### Important information

9. You are **strongly encouraged** to arrange a pre-lodgement meeting with us before you apply to ensure you have the information you need to apply correctly. You can do this by contacting your nearest business centre.
10. A road is any area of land that has been set aside by legislation for the use of the travelling public. Not all roads are currently formed or being used by vehicles or pedestrians, and some may never be developed or used for that purpose.
11. An adjoining owner may apply for a permanent or temporary road closure. An adjoining owner is the registered owner, lessee or trustee of the property that shares a common boundary with the road i.e. contiguous, directly connected; or without interruption.

An adjoining owner can apply for the area of road that immediately adjoins the property boundary and not any part of the road that continues in either direction beyond the property boundary.

If a road is a "dead end" and the property boundary only adjoins on the end and does not extend along the road, the owner is not considered an adjoining owner for a road closure application. To be clear, a person who has limited frontage to the road cannot apply for closure of the entire length of the road.

12. A public utility provider as defined under the [Land Act 1994](https://www.legislation.qld.gov.au) <https://www.legislation.qld.gov.au/> may also apply for a permanent road closure.
13. An application for temporary road closure can be considered for another person (not an adjoining owner) for:
  - pipes for irrigation purposes that cross the road beneath its surface.

- water channels for irrigation purposes that cross the road.
14. A road maybe closed "in strata" to provide for works such as:
    - connecting overhead viaduct, or underground tunnel for commercial purposes between two buildings.
    - structure which will overhang a road.
    - car park or building under or over a road.
  15. You may be required to pay a purchase price for the permanent closure of a road.
  16. When a road is closed permanently, its status changes from 'road' to 'unallocated state land'. Depending on how the land is to be allocated, the area of road to be permanently closed may be:
    - incorporated into the applicant's adjoining freehold or leasehold land.
    - included in an existing reserve or set apart as a new reserve.
    - retained as a separate parcel of freehold land, although this option is rarely used in view of the planning requirements of local governments.
  17. A road may be permanently closed under the [Land Act 1994](#) if the Minister is satisfied the road is not:
    - the only dedicated access to a person's land;
    - used regularly by the public as a road or stock route; or
    - providing continuity to a road network.
  18. Although the state owns the land in a dedicated road, a local government (section 60 of the [Local Government Act 2009](#)) is responsible for the day to day management of dedicated roads in its area including their construction and maintenance. The [Department of Transport and Main Roads](#) <<https://www.tmr.qld.gov.au/>> is responsible for management of state controlled roads such as a freeway, highway or 'major road connecting cities'.
  19. If the local government can authorise the proposed use on a local road under a specific local law for administering the use of local roads, an application for road closure is not required by this department. Contact the relevant local government for authorisation of the proposed use.
  20. If the State government department administering state-controlled roads can authorise the proposed use on a state controlled road under the [Transport Infrastructure Act 1994](#), an application for road closure is not required by this department. Contact Department of Transport and Main Roads for authorisation of the proposed use.
  21. Information on this form, and any attachments, is being collected to process and assess your application under section 99 of the [Land Act 1994](#). If required, we may need to consult with third parties such as relevant local or state agencies and adjoining property owners. Details provided to third parties will generally be limited to type of application, area applied for and intended use. Your personal information will not otherwise be disclosed unless authorised or required by law.
  22. Please note that we may wish to contact you to seek your views on our service, to advise you of any legislative changes that might affect you or to seek your participation in surveys or programs relevant to your application type. Any participation will be voluntary and you may email [stateland@resources.qld.gov.au](mailto:stateland@resources.qld.gov.au) if you do not wish for the department to contact you.
  23. The department may also compile or analyse statistics and conduct research. Any publication of findings will not involve the publication of identifying personal information.
  24. For further privacy information click [Privacy](#) or go to <[www.resources.qld.gov.au/home/legal/privacy](http://www.resources.qld.gov.au/home/legal/privacy)>.

<b>Office Use Only</b>	<b>Road Closure</b>	 9 311662 185211
	<b>Temporary Road Closure</b>	 9 311662 185228

1. The application is for:

Permanent road closure go to 2

Temporary road closure go to 2

2. If you are not the manager of the road as defined below, have you consulted with the road manager to determine if the road is still required?

Yes go to 3

No go to 3

Before submitting your application to the department, you should discuss your proposal for closure of a local road with the local government responsible for its management, or the [Department of Transport and Main Roads](#) for a state-controlled road managed under the [Transport Infrastructure Act 1994](#).

This will assist you to plan your project and will help reduce the time required to assess your application. It will also provide you with an opportunity to address in your application any issues identified through discussion with the road manager.

The road manager is:

- For a road that is under the control of a local government—the local government;
- For a state-controlled road, the chief executive of the Queensland Government agency administering the *Transport Infrastructure Act 1994* (Department of Transport and Main Roads).

If the proposed use can be authorised by the road manager an application for road closure is not required.

**Note:** A road manager has the powers to authorise various uses on roads, however they cannot permanently close the dedicated road and allocate the land for another use.

A signed '[Part C Form LA30 – Statement in relation to an application under the Land Act 1994](#) over State land' from the road manager must accompany this application.

A road may be permanently closed under the *Land Act 1994* if the Minister is satisfied the road is not:

- the only dedicated access to a person's land;
- used regularly by the public as a road or stock route; or
- providing continuity to a road network.

An application must be refused if the road is still needed in accordance with section 101(3) of the [Land Act 1994](#).

3. Are you a public utility provider or the registered owner, lessee or trustee of the land adjoining the area of road subject to this road closure application?

Yes go to 4

No **Application cannot be considered unless temporary closure is for reasons listed in Question 4**

Section 99(1) of the [Land Act 1994](#) states that only a public utility provider or the registered owner, lessee or trustee of the land adjoining a road may apply for a permanent closure of the road.

4. Is the temporary closure to make structural improvements for:

Pipes for irrigation purposes that cross the road beneath its surface go to 5

Water channels for irrigation purposes that cross the road go to 5

Not Applicable go to 5

Section 99(3) of the [Land Act 1994](#) limits who can apply for temporary closure of a road to only the registered owner, lessee or trustee of the land adjoining a road or another person for:

- Pipes for irrigation purposes that cross the road beneath its surface; or
- Water channels for irrigation purposes that cross the road.

5. Provide details in Schedule 1 below, of any land you lease from the State or are the registered owner that adjoins or is in the vicinity of the land applied for:

Schedule 1		
You must enter either the Lot on Plan or Title Reference of the land for which the application is being lodged (If insufficient space, please add additional description as an attachment)		
Lot	Plan	Title Reference
35399/60		

**go to 6**

The description of the land can be found on a current title search or on your rates notice. To check this you can purchase a title search by calling (07) 3497 3479, visiting the Titles Queensland website <https://www.titlesqld.com.au/> (and select 'Searches').

6. Have you made a previous application for closure of this area of road?

Yes **go to 7**

No **go to 10**

7. Was this application refused?

Yes **go to 8**

No **go to 10**

8. Have there been any change in circumstances from the previous application, which may lead to this application being accepted for further consideration?

Yes **go to 9**

No **go to 10**

If no, the application maybe rejected without further consideration.

9. Provide details of the change in circumstances from the previous application. **go to 10**  
(If there is insufficient space, please lodge as an attachment)


**10. Is any use currently being made of the road area?**

Yes go to 11

No go to 12

**11. Provide details of the current use of road e.g. grazing, encroachment of building or structure. go to 12**  
(If there is insufficient space, please lodge as an attachment)

**12. Provide details of the proposed use of the road area and any additional information to support the application. go to 13**  
(If there is insufficient space, please lodge as an attachment)

*Nil. I would like to purchase the land due to it adjoining my current property.*

**13. If you have lodged an application to dedicate state land as road, please provide the case reference number or the lot on plan description of the land in which you have applied to open the road. go to 14**

*NIL*

**Attachments**

The following will need to be lodged with your application for it to be processed. If all this information is not submitted, your application will be returned or refused.

**14. Tick the box to confirm the attachments form part of the application:**

Application Fee

Part A online form – Contact and Land details or Part A – Contact and land details PDF

Part C – Form LA30 – Statement in relation to an application under the Land Act 1994

A copy of a [Dial before you dig](#) enquiry detail page for the road area applied for

A drawing showing the information listed in the 'How to Apply' in the [guide](#)

Evidence of pre-lodgement discussions with the department, if applicable.

Additional information in support of your application such as correspondence from the road manager or current users of the road, if applicable.

It is recommended that any attached drawings be A4 or A3 size. Your application will not be considered as having been properly made, unless all parts of this application form are completed accurately. In this instance your application may be returned to you for completion.



**Declaration**

I certify that I have read the information, which forms part of this application and the information I have provided is true and accurate.

Signature of applicant (or their legal practitioner)


Date: 16/03/24

If applicant, section 142 of the [Land Act 1994](#) states a person is eligible to apply for, buy or hold land under the *Land Act 1994* if the person is an adult, that is, 18 years of age or over. If the legal practitioner of the applicant is signing as the applicant then the legal practitioner's full name must be printed immediately below the signature.

CLEAR FORM



Good evening,

My name is [redacted] I own and live at 9 Raymond Terrace, Yeppoon with my [redacted] and our [redacted]

As instructed, I have completed forms LA00 Part A & LA18 Part B and also supplied an aerial map with black lines outlining the road closure area I would like to obtain.

I have spoken with Livingstone shire & Rockhampton Council on the phone, and they have advised me of this process to contact your department initially with the completed forms and photo.

I live at 9 Raymond Terrace, Yeppoon 4703 and would like to discuss the ownership of the grassed land (Lot 35399/60 - Road Parcel) at the front and sides of 9 Raymond Terrace (Hill Street & Raymond Terrace). I have supplied an aerial photograph with black hashed lines to highlight the area in question (not exact area depicted).

My house was built in 1970 and I purchased it in 2022. I have tended to, mowed and cared for this piece of land in question as did the previous owners, continuously. This piece of land is not maintained and never has been by the council and if not looked after by myself, it would be overgrown and out of control causing snakes etc to live and breed.

I am respectfully requesting that I be granted ownership of this land for me to continue looking after it. I am unsure of the exact process, but I am understanding I need to complete further applications (attached) and if granted by Livingstone Shire Council, further inquiries are needed with Rockhampton Council.

I understand there may be a change in rates if I am successful.

I have attached an aerial photo of my property and the grassed area in question.

Regards

[redacted]

**11.15 - ROAD CLOSURE APPLICATION  
- ADJACENT TO 9 RAYMOND  
TERRACE YEPPOON (LOT 2  
RP607424)**

**Comments from Strategic Planning  
Officer**

**Meeting Date: 20 May 2024**

**Attachment No: 3**

The future road network needs must be considered first and foremost.

If it is considered that the full reserve is not needed than the entirety of this portion of reserve could be considered for disposal. The zone is medium density residential and the long-term intent is that infill development at higher density occurs, particularly given the location close to the Yeppoon Major Centre.

Given the current layout of the lots and dwellings along this part of the road, it may be difficult to support the creation of new unique lots which do not involve the incorporation of the established lots adjoining to the west (i.e. 44 Hill Street, 42 Hill Street, 9 Raymond Terrace).

Figure 1 – Conceptual lot layout for discussion purposes only



Had 9 Raymond Terrace gained vehicle access from Raymond Terrace, then potentially a separate lot could be created and there would not be a need for it to be acquired only by the owner of 9 Raymond Terrace. This situation does not exist nonetheless.

As mentioned, the long-term goal is that higher density forms of accommodation develop in the general area framing the Yeppoon CBD. If this land was acquired by the adjoining land owners (at a fair price) this long-term goal might not be compromised. Generally the larger the site is, the more area there is to design and layout higher density development. Council would not have any means to ensure that this happens though. We have no way of knowing what the land owner's desire or capacity is to redevelop on these sites, despite the zoning and despite potentially larger sites. At the same time, keeping the land as road reserve does not contribute towards potentially achieving higher density development here either.

With regard to 9 Raymond Terrace, one larger lot would (if there was land owner means) increase potential for future redevelopment involving removal of existing house and development of multiple dwellings. It would only be a guess as to the potential desirability of this site over others that may exist in the near term.

Another option could be to come to an arrangement that results in a lot configuration similar to that shown in Figure 2 below. Council acquires (for example, for sale or for gifting to social housing or others) a new 'yellow demarcated' lot, and 9 Raymond Terrace has a new reconfigured lot where it secures ownership of the land that they have been maintaining along Hill Street and on which their driveway partly covers.

As the hill slope falls to the south, there could potentially be a reasonable site to accommodate potentially 4 or so multiple dwellings at the yellow site (using the 2-3-storey apartments located across the road to the east, or two lots to the north as a guide/template!). Further investigation would be needed with regard to this. See crude example further below in Figure 3 as an example. It would not be desirable that only a single dwelling develops on such a lot (if it were created). If Council was able to secure a new vacant lot (such as the conceptual yellow lot in Figure 2), it would need to determine whether it had a means to dispose of the lot subject to securing some certainty over a development outcome. The Manager Economy and Places might know how Council was proposing to provide land to social housing providers subject to higher density accommodation options being developed?

Another option (if Council has or secures vacant development land) is to retain such land in Council ownership until such time as some stricter planning scheme measures could be put in place (for example, such as a minimum density provision). This option might assist with local government attempts to achieve specific strategic planning outcomes once land has been moved to owners other than Council.

Figure 2 – Conceptual lot layout for discussion purposes only



Figure 3 – Conceptual development for discussion purposes only



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**11.16 ROAD CLOSURE APPLICATION - ADJACENT TO 11 BAGLOW AVENUE  
YEPPOON (LOT 11 RP611505)**

**File No:** fA43405

**Attachments:**

1. [Plans](#)
2. [Information Request](#)
3. [Photos of encroachment](#)
4. [Road Closure Application](#)

**Responsible Officer:** Sean Fallis - Manager Engineering Services  
Michael Kriedemann - General Manager Infrastructure

**Author:** Carrie Burnett - Policy & Planning Officer

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**SUMMARY**

*This report pertains to an application to permanently close an area of road reserve adjacent to 11 Baglow Avenue Yeppoon.*

**OFFICER'S RECOMMENDATION**

THAT Council resolve:

1. To authorise the Chief Executive Officer to sign a 'Statement in relation to an application under the *Land Act 1994* over State land (Part C)' stating that Council, as road manager, does not object to the proposed permanent road closure adjacent to 11 Baglow Avenue Yeppoon (Lot 11 RP611505); and
2. That the applicant be advised of Council's decision and provided with the completed Part C.

**BACKGROUND**

- In mid-2023 it came to Council's attention that the owner of Lot 11 RP611505 was replacing an existing retaining wall that was approved under a building permit in 2000. Despite being provided with the following advice on 20 July 2021, the owner proceeded with the retaining wall works without a permit:

*'In terms of the retaining wall, this is called earthworks and is regulated under the Development Works Code in the planning scheme (this is under part 9 of the scheme). Please have a look at the Development works code outcomes relating to earthworks, and it is more than likely going to need a planning application called Operational Works as the land is also mapped as Landslide hazard.'*

- At Attachment 4, the applicants claim:

*'We were informed by our builder that a permit was not required because we were replacing an existing wall that was failing and becoming a safety hazard.'*
  - According to notes made by Council's Development Compliance Officer on 3 August 2023, there was a large amount of fill on the footpath, which the owner intended to level to create a pad for their boat. The owner was informed that as the footpath was Council controlled land, this was not allowed.
  - On 4 August 2023 an email was sent to the owners directing them to cease work and to obtain an operational works permit for the earthworks and retaining wall.
  - Attachment 1 contains an extract from a plan that was lodged with an application for Operational Work Development Permit. The plan identifies that both the original retaining
-



wall and the proposed retaining wall encroach onto the Baglow Avenue road reserve. There are photos at Attachment 3.

- Council's attention is drawn to Item 1 of the Information Request at Attachment 2. The Development Officer – Development Assessment has considered the development application and supporting information and requested:

*'An updated design drawing, certified by a Registered Professional Engineer of Queensland demonstrating that the retaining wall is located wholly within Lot 11 on RP611505.'*

In the following note, it is suggested that an alternative option would be to purchase the affected road reserve.

- The process to purchase road reserve from the State commences with the applicant submitting the State application forms to Council for consideration. The forms are at Attachment 4. The road closure proposal is addressed under the Commentary.

### **COMMENTARY**

In April 2024 Council received a request from the owners of 11 Baglow Avenue Yeppoon to consider a proposal to permanently close road reserve adjacent to their property as shown on Attachment 1. As outlined above, the road closure proposal is to remedy the encroachment of a retaining wall on the Baglow Avenue road reserve.

In accordance with Council's resolution of 20 June 2019, all applications for permanent road closure, made under the *Land Act 1994*, where Council is to provide advice as the road manager, are presented to Council for resolution. After a resolution is made, a 'Statement in relation to an application under the *Land Act 1994* over State land (Part C)' is completed by Council as road manager and sent to the applicant to lodge with the Department of Resources ('DoR'). The purpose of this report is to establish Council's stance with regards to the permanent road closure proposal so that the Part C can be completed.

Council is custodian of roads (excluding main roads) however they are owned by the State, represented by DoR, therefore Council is unable to approve their permanent closure and sale to landowners. Under the *Land Act 1994* a property owner may apply to have an area of road permanently closed. The DoR Guideline - Roads under the *Land Act 1994* states:

*'When a road is closed permanently the land becomes USL. Depending on the size and location of the parcel of land it could be disposed of as a stand-alone parcel of land, or may be included in adjoining land.'*

According to their website DoR will assess a road closure application against legislative requirements, seek views of other stakeholders and inspect the land if required. To assess local community opinion about a proposed closure, DoR will also require the applicant to undertake public notifications such as advertising and erection of signage on the land. If an application is successful, a written offer setting out various conditions will be sent to the applicant.

Advice obtained from various sections of Council is included below:

#### **Planning & Infrastructure Officer**

*'No objection from duty planner'*

#### **Manager Construction & Maintenance**

*'No objection from C&M'*

#### **Community Development & Engagement Officer**

*'Community Development have no objections to the road closure application.'*

**Co-ordinator – Development Engineering**

*'Development Engineering Unit has no comment to this proposal.'*

**Coordinator Disaster Management and Community Resilience**

*'This area of road reserve is mapped as landslide hazard however I note that the applicant has made reference to slope stability reports and structural engineering which would most certainly take this into consideration. For that reason, Disaster Management and Community Resilience has no objection to the road closure.'*

**Coordinator Natural Resource Management**

*'There are no natural values or biodiversity mapped for the site. I have no comment in regard to the road closure application.'*

**Principal Transport Engineer**

*'No objection'*

**Economic Development (Placemaking) Strategist**

*'No comment'*

**Coordinator Water and Sewerage Operations**

*'There is a 100mm dia. AC water line 3m from the front retaining wall. Additionally, there is a 25mm dia. water service supply line that extends from the 100mm dia. water line to under the front retaining wall. Both assets are owned by LSC.'*

**Technical Officer - Engineering**

*'No comment'*

**Technical Officer - Engineering**

*No objection*

None of the internal stakeholders raised any objections therefore Council should not object to the road closure proposal.

**PREVIOUS DECISIONS**

At its 20 June 2019 and 18 February 2020 meeting, Council resolved that all future applications to close roads under the *Land Act 1994*, where Council is to provide advice as the road manager, are to be presented to Council for consideration. Council clarified the intent of these earlier resolutions at its 15 August 2023 Meeting.

**ACCESS AND INCLUSION**

There are no access and inclusion implications associated with the consideration of the Road Closure Application.

**ENGAGEMENT AND CONSULTATION**

On their website, the *DoR* states *'To assess local community opinion about a proposed closure, a public notice is required (e.g. advertisement in a local/digital newspaper, signs erected on the land).'* *DoR* also undertake consultation with other public utility providers such as Ergon and Telstra.

## HUMAN RIGHTS IMPLICATIONS

Section 4(b) of the *Human Rights Act 2019* requires public entities such as Council 'to act and make decisions in a way compatible with human rights'.

There are no adverse human rights implications associated with this report.

## BUDGET IMPLICATIONS

There are no foreseeable budget implications associated with this matter.

## LEGISLATIVE CONTEXT

- Section 93 of the *Land Act 1994* provides for the meaning of road as follows:
  - '(1) A road means an area of land, whether surveyed or unsurveyed-
    - (a) dedicated, notified or declared to be a road for public use; or
    - (b) taken under an Act, for the purpose of a road for public use.
  - (2) The term includes-
    - (a) a street, esplanade, reserve for esplanade, highway, pathway, thoroughfare, track or stock route; and
    - (b) a bridge, causeway, culvert or other works in, on, over or under a road; and
    - (c) any part of a road.'
- Pursuant to s 99 of the *Land Act 1994* an owner of land that adjoins road may apply for the permanent closure of the road. Notice must be given to Council under s 68 of the *Local Government Act 2009* which also states that the Land Act Minister must have regard to any objections made by Council.
- The provisions of s 404(1) of the *Land Act 1994* relevantly state:
  - 'A person must not unlawfully, do any of the following things (a **trespass related act**) in relation to non-freehold or trust land-
    - (a) occupy or live on it;
    - (b) enclose it;
    - (c) build, place or maintain any structure, improvement, work or thing on it;
    - (d) clear, dig up or cultivate it;
    - (e) depasture stock or cause stock to be depastured on it.'

## LEGAL IMPLICATIONS

There are no legal implications associated with this report.

## STAFFING IMPLICATIONS

There are no staffing implications.

## RISK ASSESSMENT

Supporting permanent road closure applications to rectify unlawful constructions that encroach on road reserves could be seen as an inadvertent validation of unlawful encroachments on road reserves.

**CORPORATE PLAN REFERENCE*****Leading Livingstone***

*Community Plan Goal 4.2 - Collaboration and partnerships to advocate for the needs of the community*

*4.2.1 Build and maintain strong, collaborative, and co-operative relationships across all levels of government, industry, business and community.*

While Council is custodian of roads under its control, the road reserves are owned by the State. Prior to disposing of road reserves, the *DoR* affords Council an opportunity to comment on the disposal, which is taken into consideration when making a decision on an application from a landowner. This collaboration between Council and the *DoR* fosters a co-operative relationship between Council and the State and ensures that Council's interests are considered.

**CONCLUSION**

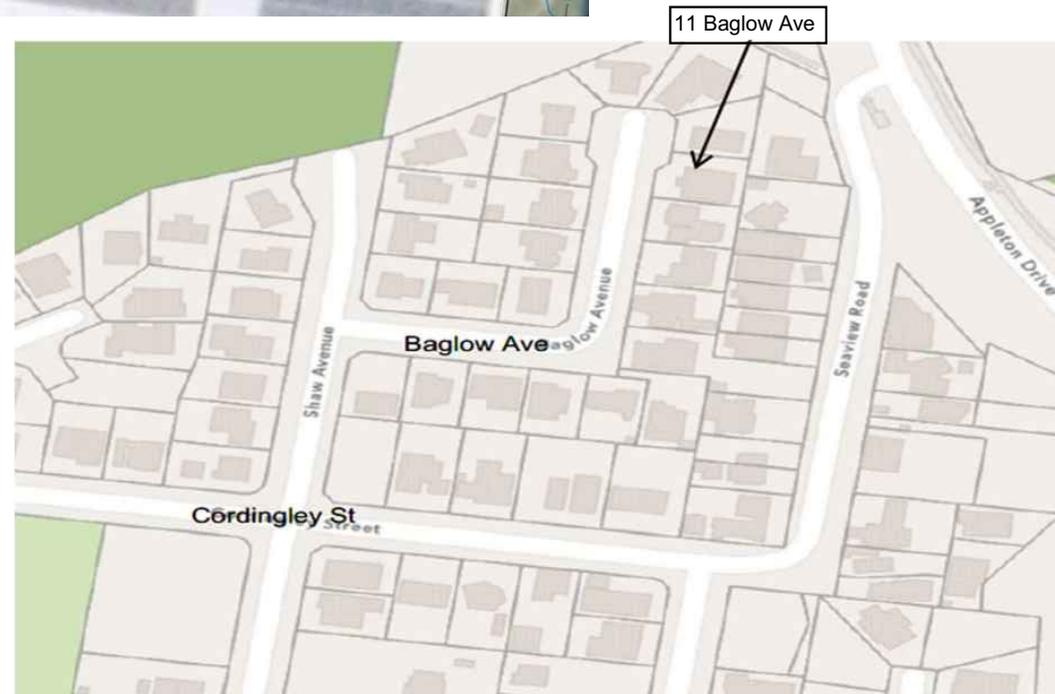
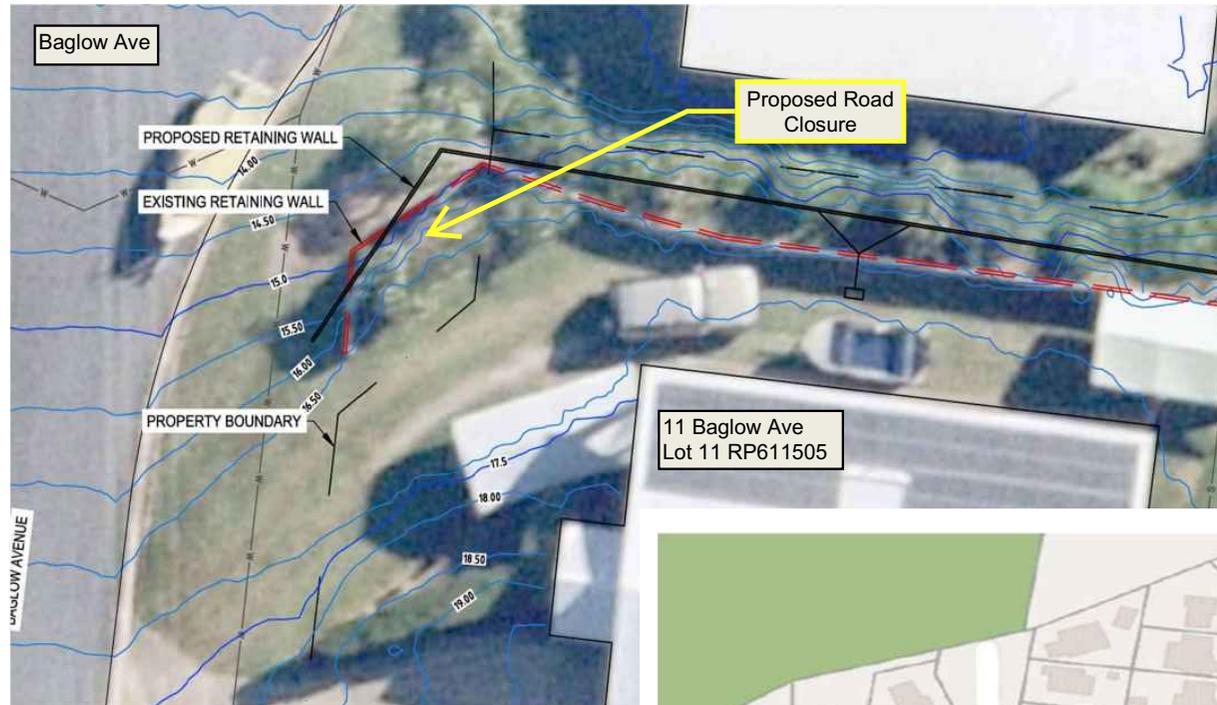
Consultation has been undertaken with internal Council stakeholders, none of whom raised any objections therefore Council should not object to the road closure proposal.

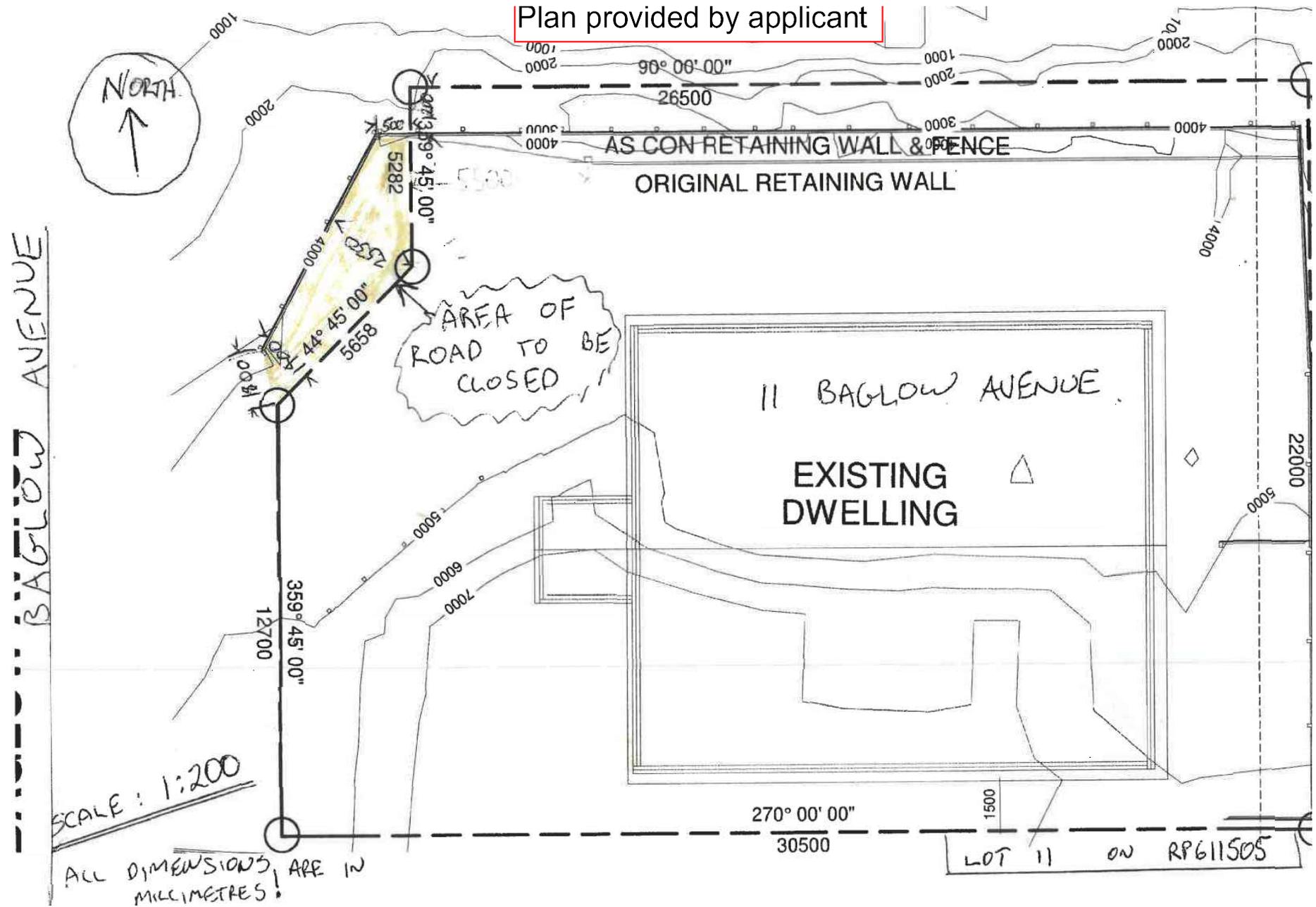
**11.16 - ROAD CLOSURE APPLICATION  
- ADJACENT TO 11 BAGLOW AVENUE  
YEPPON (LOT 11 RP611505)**

**Plans**

**Meeting Date: 20 May 2024**

**Attachment No: 1**





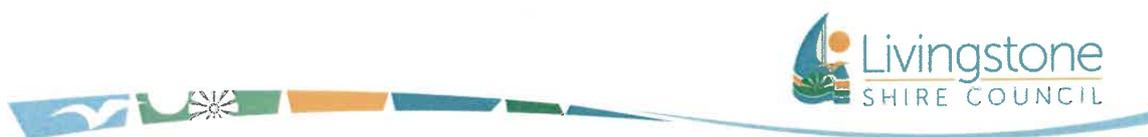
# **11.16 - ROAD CLOSURE APPLICATION - ADJACENT TO 11 BAGLOW AVENUE YEPPON (LOT 11 RP611505)**

## **Information Request**

**Meeting Date: 20 May 2024**

**Attachment No: 2**





15 March 2024

Dileigh Consulting Engineers Pty Ltd  
47 Normanby Street  
YEPPOON QLD 4703

Email: [admin@dileigh.com.au](mailto:admin@dileigh.com.au)

Dear Sir/Madam,

**INFORMATION REQUEST - DEVELOPMENT APPLICATION D-25-2024 - BUILDING WORK REGULATED UNDER THE PLANNING SCHEME FOR A RETAINING WALL (AS-CONSTRUCTED) SITUATED AT 11 BAGLOW AVENUE, YEPPOON - YOUR REFERENCE: CR639781**

Further to the above application received 'properly made' by Council on the 19 February 2024.

Council has considered the above application and the supporting information provided and in accordance with Part 3, section 12 of the *Development Assessment Rules*, requests the following information be provided in order for Council to adequately assess the development:

1. An updated design drawing, certified by a Registered Professional Engineer of Queensland demonstrating that the retaining wall is located wholly within Lot 11 on RP611505. If any new section of wall is proposed as part of the amended design, detailed engineering plans must be submitted).

The plans must provide a legend that clearly differentiates between the following aspects of the wall design:

- (i) section of wall not being changed;
- (ii) section of wall being removed; and
- (ii) any new section of wall to be constructed (if any).

**NOTE:** An Alternative option may be available to the Applicant to apply to Council to purchase the section of road reserve prior to responding to this Information Request. Please contact Council's Infrastructure Services Section for further advice on the likelihood of this being supported and the process.

2. Under Table 3 of the *Landslide Risk Assessment Slope Stability Analysis & AS2870 Site Classification ref CQ23673 date 9 October 2023 by CQ Soil Testing* ("Slope Stability Report"), the risk of scour below the retaining wall is classified as moderate. Council could only support the application with risk level of "low". As indicated under the *Slope Stability Report*, the risk category detailed within the report can be reclassified as Low if the "Good Hillside Construction" as provided under the *Slope Stability Report* were undertaken and confirmed. Thus, for any as-constructed retaining wall under this application, please provide a statement from a Registered Professional Engineer of Queensland confirming that "Good Hillside Construction" under the *Slope Stability Report* were undertaken for the construction of this retaining wall.
3. The as-constructed retaining wall is running over an existing sewer main. Please obtain a permit for Building Over or Near Relevant Infrastructure (BONRI) from Council and provide the

PO Box 2292 Yeppoon Qld 4703  
Phone 07 4913 5000 or 1300 790 919

[www.livingstone.qld.gov.au](http://www.livingstone.qld.gov.au)  
[enquiries@livingstone.qld.gov.au](mailto:enquiries@livingstone.qld.gov.au)

ABN 95 399 253 048

*Letter of Consent for building over or near relevant infrastructure* as a part of the response to this Information Request.

For your early information, as shown on Drawing No. D-23.395-05 Revision A, a found pier is above the existing pipe. This arrangement is not supported under a BONRI application. Please review the design and provide a feasible alternative design certified by a Registered Professional Engineer of Queensland, demonstrating that the proposed retaining wall is not imposing additional loading to the sewer main. The as-constructed retaining wall must be modified in accordance with this alternative design.

Under the provisions of Part 3, section 13.2 of the *Development Assessment Rules*, the Applicant has three (3) options available in response to this information request. The Applicant must give the Assessment Manager:

1. all of the information requested; or
2. part of the information requested; or
3. a notice stating that none of the information requested will be provided.

For any response given in accordance with sections 13.2 (b) or (c), the applicant may also advise the assessing authority that it must proceed with its assessment of the application.

A response to this information request can be either:

- i) Submitted electronically through [Council's Online Services](#); or
- ii) Emailed to [enquiries@livingstone.qld.gov.au](mailto:enquiries@livingstone.qld.gov.au)

In order for the assessment of your application to progress, please forward your response to this information request to Council at your earliest convenience. In accordance with Part 3, section 13.1 of the *Development Assessment Rules*, if a response has not been received within a period of three (3) months (or a further period agreed) from the date of this letter, the application process will continue from the day after the day on which the period under section 13.1 would have otherwise ended.

If you have any queries relating to this matter, please contact the undersigned on 1300 790 919 or 4913 5000 and quote application number D-25-2024.

Yours faithfully,



Kerry Mulcahy  
Development Officer – Development Assessment  
Communities



**Information Request Response Form D-25-2024**

**(to be returned to the Assessment Manager with the response)**

I Dileigh Consulting Engineers Pty Ltd choose to respond to the Assessment Manager's Information Request by providing:

- all of the information requested;  
OR
- part of the information requested;  
OR
- a notice stating that none of the information requested will be provided.

A copy of the response to the Assessment Manager's information request has been provided to all Referral Agencies nominated on the Confirmation Notice.

I understand the requirements of this Information Request as listed above.

Signed : \_\_\_\_\_ Date : \_\_\_\_\_

Position : \_\_\_\_\_

# **11.16 - ROAD CLOSURE APPLICATION - ADJACENT TO 11 BAGLOW AVENUE YEPPOON (LOT 11 RP611505)**

## **Photos of encroachment**

**Meeting Date: 20 May 2024**

**Attachment No: 3**





# **11.16 - ROAD CLOSURE APPLICATION - ADJACENT TO 11 BAGLOW AVENUE YEPPOON (LOT 11 RP611505)**

## **Road Closure Application**

**Meeting Date: 20 May 2024**

**Attachment No: 4**



**Queensland  
Government**

## Department of Resources

You can now lodge your application online via Part A Contact and Land Details. By July 2023 you will be able to apply for all *Land Act 1994* applications online.

# Part A – Form LA00

## Contact and Land Details

### *Land Act 1994*

#### Requirements

1. **Part A:** Contact and land details is required when the applicant is wanting to submit a PDF [Part B form](#) (application specific form). You can apply [online](#) or via Part A – [Contact and land details \(PDF\)](#) and the relevant Part B form (PDF).
2. Payment of the prescribed Application fee for relevant Part B forms is per title reference. A refund of application fees will not be given. Details of fees are available on the [Department of Resources](#) website at <<https://www.resources.qld.gov.au>> or by contacting your nearest [business centre](#) or call 13 QGOV 13 74 68.
3. The appropriate application form Part B must be signed by the applicant or a legal practitioner on behalf of the applicant.
4. For your application to be processed, all parts of this application form must be completed and accurately, otherwise your application may be returned to you to complete or refused.

#### Important information

5. You are **strongly encouraged** to arrange a pre-lodgement meeting with us before you apply to ensure you have the information you need to apply correctly. You can do this by contacting your nearest business centre.
6. All applications will be processed having regard to the requirements of the [Land Act 1994](#) <<https://www.legislation.qld.gov.au/>> and related legislation, approved policies and procedures and the requirements of all other agencies with an interest in the land.
7. You can lodge your state land application online by completing the Part A online guide, or through the Part A – Contact and land details PDF and relevant Part B application form PDF. If you complete the PDF forms, you can submit the application via:
  8. **Email:** [SLAMlodgement@resources.qld.gov.au](mailto:SLAMlodgement@resources.qld.gov.au)
  9. **Post:**  
Department of Resources  
PO Box 5318  
Townsville QLD 4810
10. In terms of the [Right to Information Act 2009](#) interested parties may seek access to the department's records and view relevant documents.
11. Information on this form, and any attachments, is being collected to process and assess your application under the [Land Act 1994](#). If required, we may need to consult with third parties such as relevant local or state agencies and adjoining property owners. Details provided to third parties will generally be limited to type of application, area applied for and intended use. Your personal information will not otherwise be disclosed unless authorised or required by law.
12. Please note that we may wish to contact you to seek your views on our service, to advise you of any legislative changes that might affect you or to seek your participation in surveys or programs relevant to your application type. Any participation will be voluntary and you may email [stateland@resources.qld.gov.au](mailto:stateland@resources.qld.gov.au) if you do not wish for the department to contact you.
13. The department may also compile or analyse statistics and conduct research. Any publication of findings will not involve the publication of identifying personal information.
14. For further privacy information click [Privacy](#) or go to <[www.resources.qld.gov.au/home/legal/privacy](http://www.resources.qld.gov.au/home/legal/privacy)>.



**Contact Details**

**Lodger Details and Mailing Address**

A lodger is only required when a legal practitioner, or consultant lodges the application on behalf of the applicant.

Full Names		
Title	First Name	Surname
<input type="text"/>	<input type="text"/>	<input type="text"/>
<input type="text"/>	<input type="text"/>	<input type="text"/>
<input type="text"/>	<input type="text"/>	<input type="text"/>
<input type="text"/>	<input type="text"/>	<input type="text"/>
<input type="text"/>	<input type="text"/>	<input type="text"/>

**Company Name(s)**

If a corporation then record:-

ACN     ARBN     ABN   

**Contact Details**

**Postal Address:**

**Phone Number:**       **Mobile Number:**

**Email:**



**1. Are the applicants a foreign acquirer as defined by the Additional Foreign Acquirer Duty (AFAD)?**

**go to 2**

**go to 4**

**Note:** For further information refer to the Queensland Government website to determine if the applicant/s are [a foreign person](#) (acquirer) for AFAD.  
 Government website to Types of foreign persons for additional foreign acquirer duty:-  
 <<https://www.business.qld.gov.au/industries/service-industries-professionals/professional-financial-services/transfer-duty/investors/afad/foreign-persons>>.

**2. Is the application related to the purchase of land, for example a permanent road closure, or conversion of a lease where the land is or will be used solely or primarily for residential purposes as defined for the Additional Foreign Acquirer Duty (AFAD) under the *Duties Act 2001*?**

**go to 3**

**go to 4**

**Note:** Under the *Duties Act 2001* an additional amount of duty applies where the land is residential land and the applicant is [a foreign person](#) (acquirer) for AFAD.  
 Government website for Additional Foreign Acquirer Duty:-  
 <<https://www.business.qld.gov.au/industries/service-industries-professionals/professional-financial-services/transfer-duty/investors/afad/foreign-persons>>.

**3. Enter full name/s of the foreign acquirer/s  
(If there is insufficient space, please lodge as an attachment)**

Full Names (If a Company, also provide a contact name)	Share Held
<input type="text"/>	<input type="text"/>

**go to 4**

**4. Are the Applicant/s registered for GST and acquiring the land for a creditable purpose?**

**go to 5**

**Note:** Under the [Tax Administrator Act \(Cth\) 1953](#) certain purchasers of new residential premises or potential residential land are required to withhold the Goods and Services Tax (GST) amount from the price of the supply (purchase price) for payment directly to the Australian Taxation Office (ATO) as outlined on the ATO's website. The department is unable to provide further advice on the ATO's requirements. For further information contact the ATO on 13 28 65 or visit the ATO website <<https://www.ato.gov.au/business/gst/in-detail/your-industry/property/gst-property-settlement-online-forms-and-instructions/>> or seek advice from a financial or legal expert.

**Details of land for which the application is being lodged**

5. Select the type of land for which the application is being lodged:

- Permit
- Licence
- Lease
- Unallocated State Land (USL)
- Road
- Trust Land Reserve/ Deed of Grant in Trust (DOGIT)
- Dealing Number (refer to Item 6)
- Other

go to 6

6. Enter the description of the land for which the application is being lodged. If this application concerns a road, enter the description of the land adjoining the road.

**Schedule 1**

You must enter either the Lot on Plan or Title Reference of the land for which the application is being lodged

Lot	Plan	Title Reference
11	RP611505	

go to 7

The details of the land can be found on a current title. To check this you can purchase a title search by calling (07) 3497 3479, visiting the Titles Queensland website <https://www.titlesqld.com.au/> (and select 'Searches') Lot on Plan details are located on your rates notice or downloading the Queensland Globe <https://www.business.qld.gov.au/business/support-tools-grants/services/mapping-data-imagery/> to help access current Lot on Plan details. If insufficient space, please add additional description as an attachment.

7. Enter additional details of the land

Dealing number:

Tenure Type:  Tenure Number:

Local Government:

Other details of land location (optional)

go to 8

**8. Have you participated in a pre-lodgement meeting with the department (strongly encouraged)?**

Yes go to 9

No

Please provide name of officer you spoke with and this department's associated reference.

Department Contact Officer	<input type="text" value="Carrie Burnett"/>	Pre-lodgement ID (eLVAS CI Ref)	<input type="text"/>
----------------------------	---	---------------------------------	----------------------

**9. Provide details of pre-lodgement meeting.**  
(If there is insufficient space, please lodge as an attachment)

Carrie Burnett
Policy & Planning Officer   Infrastructure Services
Livingstone Shire Council – Cordingley Street Office
Ph: 07 4939 9857
Email: carrie.burnett@livingstone.qld.gov.au
Discussed on Phone and Carrie sent all info in an email 21/3/24
<small>Note: Departmental Officers contact details and any reference number should be included if known.</small>

**10. Provide details of any timeframes the department should be aware of when assessing your application (for example, a settlement date)**  
(If there is insufficient space, please lodge as an attachment)


11. If this application relates to a project, provide an overview and how your application relates to this project.  
(If there is insufficient space, please lodge as an attachment)


THIS FORM MUST BE ACCOMPANIED BY THE RELEVANT PART B APPLICATION FORM

CLEAR FORM



Queensland  
Government

## Department of Resources

You can now lodge your application online via Part A Contact and Land Details.  
By July 2023 you will be able to apply for all *Land Act 1994* applications online.

# Part B – Form LA18

## Road Closure Application

### Land Act 1994

#### Requirements

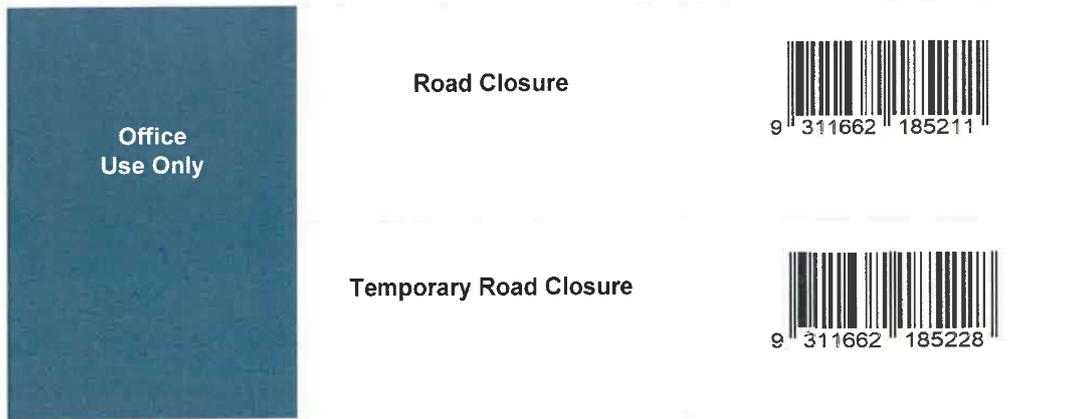
1. This application is for a road closure.
2. Please read the respective [Applying for a road closure guide](#), which includes application restrictions.
3. Payment of the prescribed Application fee (per title reference), if relevant. A refund of application fees will not be given. (Details of fees are available on the [Department of Resources](https://www.resources.qld.gov.au) website at <https://www.resources.qld.gov.au> or contact your nearest [business centre](#) or call 13 QGOV 13 74 68.
4. Part A online form: [Contact and land details](#) or Part A – [Contact and land details \(PDF\)](#) must be completed and submitted with your application.
5. **Part C – Form 30: Statement in relation to an application under the Land Act** must be completed and submitted with your application.
6. You must **attach a drawing** showing the required information which is detailed in the [guide](#) under the heading "How to apply".
7. Any additional information to support the application.
8. For your application to be processed, all parts of this application form must be completed and accurately, otherwise your application may be returned to you to complete or refused.

#### Important information

9. You are **strongly encouraged** to arrange a pre-lodgement meeting with us before you apply to ensure you have the information you need to apply correctly. You can do this by contacting your nearest business centre.
10. A road is any area of land that has been set aside by legislation for the use of the travelling public. Not all roads are currently formed or being used by vehicles or pedestrians, and some may never be developed or used for that purpose.
11. An adjoining owner may apply for a permanent or temporary road closure. An adjoining owner is the registered owner, lessee or trustee of the property that shares a common boundary with the road i.e. contiguous, directly connected; or without interruption.  
  
An adjoining owner can apply for the area of road that immediately adjoins the property boundary and not any part of the road that continues in either direction beyond the property boundary.  
  
If a road is a "dead end" and the property boundary only adjoins on the end and does not extend along the road, the owner is not considered an adjoining owner for a road closure application. To be clear, a person who has limited frontage to the road cannot apply for closure of the entire length of the road.
12. A public utility provider as defined under the [Land Act 1994](https://www.legislation.qld.gov.au) <https://www.legislation.qld.gov.au/> may also apply for a permanent road closure.
13. An application for temporary road closure can be considered for another person (not an adjoining owner) for:
  - pipes for irrigation purposes that cross the road beneath its surface.

- water channels for irrigation purposes that cross the road.
14. A road maybe closed "in strata" to provide for works such as:
    - connecting overhead viaduct, or underground tunnel for commercial purposes between two buildings.
    - structure which will overhang a road.
    - car park or building under or over a road.
  15. You may be required to pay a purchase price for the permanent closure of a road.
  16. When a road is closed permanently, its status changes from 'road' to 'unallocated state land'. Depending on how the land is to be allocated, the area of road to be permanently closed may be:
    - incorporated into the applicant's adjoining freehold or leasehold land.
    - included in an existing reserve or set apart as a new reserve.
    - retained as a separate parcel of freehold land, although this option is rarely used in view of the planning requirements of local governments.
  17. A road may be permanently closed under the [Land Act 1994](#) if the Minister is satisfied the road is not:
    - the only dedicated access to a person's land;
    - used regularly by the public as a road or stock route; or
    - providing continuity to a road network.
  18. Although the state owns the land in a dedicated road, a local government (section 60 of the [Local Government Act 2009](#)) is responsible for the day to day management of dedicated roads in its area including their construction and maintenance. The [Department of Transport and Main Roads](#) <<https://www.tmr.qld.gov.au/>> is responsible for management of state controlled roads such as a freeway, highway or 'major road connecting cities'.
  19. If the local government can authorise the proposed use on a local road under a specific local law for administering the use of local roads, an application for road closure is not required by this department. Contact the relevant local government for authorisation of the proposed use.
  20. If the State government department administering state-controlled roads can authorise the proposed use on a state controlled road under the [Transport Infrastructure Act 1994](#), an application for road closure is not required by this department. Contact Department of Transport and Main Roads for authorisation of the proposed use.
  21. Information on this form, and any attachments, is being collected to process and assess your application under section 99 of the [Land Act 1994](#). If required, we may need to consult with third parties such as relevant local or state agencies and adjoining property owners. Details provided to third parties will generally be limited to type of application, area applied for and intended use. Your personal information will not otherwise be disclosed unless authorised or required by law.
  22. Please note that we may wish to contact you to seek your views on our service, to advise you of any legislative changes that might affect you or to seek your participation in surveys or programs relevant to your application type. Any participation will be voluntary and you may email [stateland@resources.qld.gov.au](mailto:stateland@resources.qld.gov.au) if you do not wish for the department to contact you.
  23. The department may also compile or analyse statistics and conduct research. Any publication of findings will not involve the publication of identifying personal information.
  24. For further privacy information click [Privacy](#) or go to <[www.resources.qld.gov.au/home/legal/privacy](http://www.resources.qld.gov.au/home/legal/privacy)>.





1. The application is for:

Permanent road closure go to 2

Temporary road closure go to 2

2. If you are not the manager of the road as defined below, have you consulted with the road manager to determine if the road is still required?

Yes go to 3

No go to 3

Before submitting your application to the department, you should discuss your proposal for closure of a local road with the local government responsible for its management, or the [Department of Transport and Main Roads](#) for a state-controlled road managed under the [Transport Infrastructure Act 1994](#).

This will assist you to plan your project and will help reduce the time required to assess your application. It will also provide you with an opportunity to address in your application any issues identified through discussion with the road manager.

The road manager is:

- For a road that is under the control of a local government—the local government;
- For a state-controlled road, the chief executive of the Queensland Government agency administering the *Transport Infrastructure Act 1994* (Department of Transport and Main Roads).

If the proposed use can be authorised by the road manager an application for road closure is not required.

**Note:** A road manager has the powers to authorise various uses on roads, however they cannot permanently close the dedicated road and allocate the land for another use.

A signed '[Part C Form LA30 – Statement in relation to an application under the Land Act 1994](#) over State land' from the road manager must accompany this application.

A road may be permanently closed under the *Land Act 1994* if the Minister is satisfied the road is not:

- the only dedicated access to a person's land;
- used regularly by the public as a road or stock route; or
- providing continuity to a road network.

An application must be refused if the road is still needed in accordance with section 101(3) of the [Land Act 1994](#).

3. Are you a public utility provider or the registered owner, lessee or trustee of the land adjoining the area of road subject to this road closure application?

Yes go to 4

No **Application cannot be considered unless temporary closure is for reasons listed in Question 4**

Section 99(1) of the [Land Act 1994](#) states that only a public utility provider or the registered owner, lessee or trustee of the land adjoining a road may apply for a permanent closure of the road.

4. Is the temporary closure to make structural improvements for:

Pipes for irrigation purposes that cross the road beneath its surface go to 5

Water channels for irrigation purposes that cross the road go to 5

Not Applicable go to 5

Section 99(3) of the [Land Act 1994](#) limits who can apply for temporary closure of a road to only the registered owner, lessee or trustee of the land adjoining a road or another person for:

- Pipes for irrigation purposes that cross the road beneath its surface; or
- Water channels for irrigation purposes that cross the road.

5. Provide details in Schedule 1 below, of any land you lease from the State or are the registered owner that adjoins or is in the vicinity of the land applied for:

Schedule 1		
You must enter either the Lot on Plan or Title Reference of the land for which the application is being lodged (If insufficient space, please add additional description as an attachment)		
Lot	Plan	Title Reference
11	RP611505	

go to 6

The description of the land can be found on a current title search or on your rates notice. To check this you can purchase a title search by calling (07) 3497 3479, visiting the Titles Queensland website <https://www.titlesqld.com.au/> (and select 'Searches').

6. Have you made a previous application for closure of this area of road?

Yes

go to 7

No

go to 10

7. Was this application refused?

Yes

go to 8

No

go to 10

8. Have there been any change in circumstances from the previous application, which may lead to this application being accepted for further consideration?

Yes

go to 9

No

go to 10

If no, the application maybe rejected without further consideration.

9. Provide details of the change in circumstances from the previous application. (If there is insufficient space, please lodge as an attachment)

go to 10


<b>10. Is any use currently being made of the road area?</b>	
<input type="checkbox"/> Yes	<b>go to 11</b>
<input checked="" type="checkbox"/> No	<b>go to 12</b>

<b>11. Provide details of the current use of road e.g. grazing, encroachment of building or structure.</b>	<b>go to 12</b>
(If there is insufficient space, please lodge as an attachment)	

<b>12. Provide details of the proposed use of the road area and any additional information to support the application.</b>	<b>go to 13</b>
(If there is insufficient space, please lodge as an attachment)	
Existing retaining wall was replaced in same location when it failed in situ in May23. Use of land is for side access to the property. See attached letter for further detail.	

<b>13. If you have lodged an application to dedicate state land as road, please provide the case reference number or the lot on plan description of the land in which you have applied to open the road.</b>	<b>go to 14</b>

**Attachments**

The following will need to be lodged with your application for it to be processed. If all this information is not submitted, your application will be returned or refused.

<b>14. Tick the box to confirm the attachments form part of the application:</b>
<input checked="" type="checkbox"/> Application Fee
<input checked="" type="checkbox"/> Part A online form – Contact and Land details or Part A – Contact and land details PDF
<input type="checkbox"/> Part C – Form LA30 – Statement in relation to an application under the Land Act 1994
<input checked="" type="checkbox"/> A copy of a <a href="#">Dial before you dig</a> enquiry detail page for the road area applied for
<input checked="" type="checkbox"/> A drawing showing the information listed in the ‘How to Apply’ in the <a href="#">guide</a>
<input checked="" type="checkbox"/> Evidence of pre-lodgement discussions with the department, if applicable.
<input type="checkbox"/> Additional information in support of your application such as correspondence from the road manager or current users of the road, if applicable.
It is recommended that any attached drawings be A4 or A3 size. Your application will not be considered as having been properly made, unless all parts of this application form are completed accurately. In this instance your application may be returned to you for completion.

**Declaration**

I certify that I have read the information, which forms part of this application and the information I have provided is true and accurate.

Signature of applicant (or their legal practitioner)

	Digitally signed by	
	Date: 2024.04.08 14:48:21 +10'00'	

Date:    /    /

If applicant, section 142 of the [Land Act 1994](#) states a person is eligible to apply for, buy or hold land under the *Land Act 1994* if the person is an adult, that is, 18 years of age or over. If the legal practitioner of the applicant is signing as the applicant then the legal practitioner's full name must be printed immediately below the signature.

CLEAR FORM

[Redacted]  
11 Baglow Avenue, Yeppoon.  
Phone: [Redacted]  
[Redacted]@com.au  
3/4/24

**To Whom it may concern,**

This letter is about the INFORMATION REQUEST - DEVELOPMENT APPLICATION D-25-2024 - **ITEM #1** received on 15/3/2024.

We were informed by our builder that a permit was not required because we were replacing an existing wall that was failing and becoming a safety hazard. We trusted their professional opinion and unfortunately have learned a very valuable lesson. This has been an extremely prolonged and stressful experience for which we would just like a suitable and reasonable resolution.

Livingstone Shire Council issued a Cease Works notice on 3/8/2023 which based on our knowledge now with what is required is understandable. We have tried our best to cooperate with LSC and have undertaken all requirements as directed such as:-

- 3D Scanning CEADS \$3630 5/9/2023.
- Slope Stability Report CQ Soil Testing \$3135 9/10/2023.
- Structural Engineering Dileigh Consulting Eng. \$4950 8/12/2023.
- Development Application LSC \$1163 31/1/2024.
- Building Application LSC \$476 16/2/2024.
- BONRI Application LSC \$1112 TBC.

LSC has suggested the option of purchasing the land from the state (Road Closure) to accommodate the retaining wall within the property boundary.

We understand that it is LSC's preference to not have a retaining wall in the road reserve however, this is a unique situation.

On a side note, the front facing wall only benefits our property.

We look forward to your response and discussing further, preferably with a quick onsite meeting so that you can understand the situation. Happy to consider any other options that will expedite our situation and enable us to get back to a normal lifestyle.

Sincerely

[Redacted Signature]

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**11.17 CAP COAST KART CLUB INCORPORATED - TENURE RENEWAL**

<b>File No:</b>	<b>LEA/419</b>
<b>Attachments:</b>	<b>Nil</b>
<b>Responsible Officer:</b>	<b>Laurie Rainbird - Principal Community Development and Engagement Officer Molly Saunders - Manager Community and Cultural Services Chris Ireland - General Manager Communities</b>
<b>Author:</b>	<b>Carlyn Hepburn - Community Development and Engagement Officer</b>

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**SUMMARY**

*This report details the tenure renewal request for the Cap Coast Kart Club Incorporated.*

**OFFICER'S RECOMMENDATION**

THAT Council resolves:

- 1) that the exception mentioned in section 236(1)(b)(ii) of the *Local Government Regulation 2012* may apply in its dealing with Cap Coast Kart Club Incorporated over a portion of Lot 270 on SP281980;
- 2) pursuant to section 236(2) of *Local Government Regulation 2012* to apply section 236(1)(b)(ii) of the *Local Government Regulation 2012* in its dealing with Cap Coast Kart Club Incorporated over a portion of Lot 270 on SP281980; and
- 3) to provide tenure for a ten-year period to Cap Coast Kart Club Incorporated over a portion of Lot 270 on SP281980 for the purpose of continuing to undertake due diligence investigations on the site.

**BACKGROUND**

Council is the owner of Lot 270 on SP281980, 2745 Yeppoon Road Barmaryee, which encompasses the Yeppoon Landfill and Water Treatment Plant, the Livingstone Shire Council Nursery, and the Keppel Coast Dirt Bike Club (lessee under tenure agreement).

On 4<sup>th</sup> May 2021, the Cap Coast Kart Club Incorporated presented a deputation to Council outlining their concept for the development of a Go Kart Facility in Livingstone Shire. During this deputation the club requested that Council consider granting tenure over a portion of Lot 270 on SP281980, for exploring the potential of this site for the development of a karting complex. The council subsequently resolved on 20<sup>th</sup> July 2021, to proceed with this request.

The current freehold lease, known as a 'Due Diligence Lease', allows Cap Coast Kart Club Incorporated 'Access to and use of the Premises for the purpose of undertaking due diligence on the site in relation to its possible future use as the location of a Go Kart Facility.' The Cap Coast Kart Club Incorporated are aware that their current tenure agreement does not allow for any clearing, construction, or other works.

**COMMENTARY**

The Cap Coast Kart Club Incorporated, through its existing due diligence tenure agreement, has gained insight into the prerequisites for the proposed development and has commenced pursuing relevant development applications.

This 'due diligence' approach has also allowed the Club to pursue potential funding avenues for development. As the process of concept planning and development progresses, a different lease will be required to enable the development to commence. Currently, the club remains in the due diligence phase.



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## PREVIOUS DECISIONS

At its Ordinary Meeting of 16 June 2019,

*Council resolved THAT:*

- 1. that the exception mentioned in section 236(1)(b)(ii) of the Local Government Regulation 2012 may apply in its dealing with Capricorn Coast Go Kart Club Incorporated over a portion of Lot 270 on SP281980;*
- 2. pursuant to section 236(2) of Local Government Regulation 2012 to apply section 236(1)(b)(ii) of the Local Government Regulation 2012 in its dealing with Capricorn Coast Go Kart Club Incorporated over a portion of Lot 270 on SP281980; and*
- 3. to provide tenure for a three-year period to Capricorn Coast Go Kart Club Incorporated over a portion of Lot 270 on SP281980 for the purpose of undertaking due diligence investigations on the site.*

## ACCESS AND INCLUSION

Council strives to assist community organisations to access Council owned or controlled land and/or facilities in an equitable and inclusive manner. The Cap Coast Kart Club Incorporated has indicated that its concept includes consideration of accessibility and inclusivity for all members of the community.

## ENGAGEMENT AND CONSULTATION

During the initial preparation of the due diligence tenure proposal for the Cap Coast Kart Club Incorporated, officers conducted internal consultation to address any concerns. It's expected that as the club continues its due diligence, they will need to address these concerns as part of their process. There has been no Council facilitated community consultation in relation to this matter.

## HUMAN RIGHTS IMPLICATIONS

There are no identified human rights implications in consideration of this matter.

## BUDGET IMPLICATIONS

The relevant fees and charges will be levied to the not-for-profit community organisation in line with Council's adopted *Fees and Charges, Community Organisation Tenure with Council Policy* and the *Rates Remission and Rebates Policy*.

## LEGISLATIVE CONTEXT

Under section 236(1)(c)(iii) of the *Local Government Regulation 2012* a local government may dispose of a valuable non-current asset other by tender or auction if the disposal of land or an interest in land, is for the purpose of renewing the lease of land to the existing tenant.

Pursuant to section 236(2) of the *Local Government Regulation 2012*, an exception mentioned in subsection 236(1)(c)(iii) applies to a local government disposing of a valuable non-current asset only if, before the disposal, the local government has decided, by resolution, that the exception may apply to the local government on the disposal of a valuable non-current asset other by tender or auction.

## LEGAL IMPLICATIONS

There are no legal implications relevant to this matter.

## STAFFING IMPLICATIONS

The actions associated with the tenure renewal process can be accommodated within existing staffing capacity.

## RISK ASSESSMENT

The following risks associated with not resolving to grant the tenure agreement have been identified:

1. Reputation – not providing support to not-for-profit community organisations as per the Corporate Plan; and
2. Compliance – failing to establish an appropriate tenure agreement as per legislation.

The following risks associated with resolving to grant the tenure agreements have been identified:

1. Assets – if these not-for-profit community organisations were to dissolve Council, as the Trustee of the land, would assume the asset, if not recovered by the not-for-profit community organisation.

## **CORPORATE PLAN REFERENCE**

### ***Liveable Livingstone***

*Community Plan Goal 1.3 - Places for active and passive recreation*

*1.3.2 Optimise community benefit from the use of parklands and facilities by improving the quality, access to, and shared use of, public spaces and facilities for cultural, recreational, and community activities.*

Supporting not-for-profit community organisations to maintain their tenure for their respective operations supports their capacity to continue and provides a variety of cultural, recreational and community activities for the benefit of the Livingstone community.

## **CONCLUSION**

In order to facilitate ongoing due diligence investigations on Lot 270 on SP281980 by the Cap Coast Kart Club Incorporated, a renewal of tenure over the site is necessary. This arrangement empowers the Cap Coast Go Kart Club Incorporated to continue to actively pursue its ambitions and initiatives.

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**11.18 BARMARYEE MULTI SPORTS PRECINCT - COMMUNITY LICENCE RENEWALS**

<b>File No:</b>	<b>TBA</b>
<b>Attachments:</b>	<b>Nil</b>
<b>Responsible Officer:</b>	<b>Laurie Rainbird - Principal Community Development and Engagement Officer Molly Saunders - Manager Community and Cultural Services Chris Ireland - General Manager Communities</b>
<b>Author:</b>	<b>Carlyn Hepburn - Community Development and Engagement Officer</b>

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**SUMMARY**

*This report details requests for license renewals over Council controlled land and its facilities at the Barmaryee Multisport Precinct.*

**OFFICER'S RECOMMENDATION**

THAT Council resolves:

- 1) that the exception mentioned in section 236(1)(b)(ii) of the *Local Government Regulation 2012* may apply in its dealing with;  
Capricorn Coast Netball Association  
and  
Seagulls Junior Rugby League
- 2) pursuant to section 236(2) of *Local Government Regulation 2012* to apply section 236(1)(b)(ii) of the *Local Government Regulation 2012* in its dealing with;  
Capricorn Coast Netball Association  
and  
Seagulls Junior Rugby League
- 3) to provide freehold license agreements for a five-year period to Capricorn Coast Netball Association and Seagulls Junior Rugby League over 214 Barmaryee Road Barmaryee.

**BACKGROUND**

Council recognises and is committed to meeting the needs of community organisations by providing access to Council-owned or Council-controlled land and facilities through appropriate and consistent tenure arrangements in accordance with section 236 of the *Local Government Regulation 2012*. This regulation permits local governments to forego tender or auction processes when disposing of valuable non-current assets if the asset is disposed of to a community organisation, as stated in section 236(1)(b)(ii).

For this exception to apply, Council must pass a resolution prior to the disposal, in accordance with section 236(2) of the *Local Government Regulation 2012*. Valuable non-current assets include licenses valued over \$10,000 for the duration of the tenure.

**COMMENTARY**

Capricorn Coast Netball Association and Seagulls Junior Rugby League hold freehold licenses at Barmaryee Multi Sports Precinct, granting them non-exclusive use. These licenses, which expire on 30 June 2024, are due for renewal. As tenure agreements approach expiration, Council must ensure uninterrupted access for not-for-profit community organisations to facilitate their activities, programs, and projects.

The sporting clubs have requested a five-year tenure extension. Since this tenure requests' value exceeds \$10,000 for the entire term, it is considered an asset disposal. Council may proceed with disposing of this valuable non-current asset to the community organisations by passing a resolution.

### **PREVIOUS DECISIONS**

Capricorn Coast Netball Association and Seagulls Junior Rugby League have historically held one (1) year freehold license agreements. Therefore, previous tenure arrangements did not require a Council resolution as they were not considered an asset disposal in accordance with section 236 of the *Local Government Regulation 2012*.

### **ACCESS AND INCLUSION**

Council strives to assist community organisations to access Council owned or controlled land and/or facilities in an equitable and inclusive manner. Council encourages tenants to ensure accessibility and inclusion for their members, participants, and the broader community, fostering an environment where everyone can participate fully.

### **ENGAGEMENT AND CONSULTATION**

Users of the multi sports precincts are under individual tenure agreements which are negotiated between the user and Council.

### **HUMAN RIGHTS IMPLICATIONS**

Section 4(b) of the *Human Rights Act 2019* requires public entities such as Council 'to act and make decisions in a way compatible with human rights.'

There are no adverse human rights implications associated with this report.

### **BUDGET IMPLICATIONS**

License agreements will incorporate license fees and are subject to a four (4) percent per annum increase for the duration of the agreement.

### **LEGISLATIVE CONTEXT**

Under section 236(1)(c)(iii) of the *Local Government Regulation 2012* a local government may dispose of a valuable non-current asset other by tender or auction if the disposal of land or an interest in land, is for the purpose of renewing the lease of land to the existing tenant.

Pursuant to section 236(2) of the *Local Government Regulation 2012*, an exception mentioned in subsection 236(1)(c)(iii) applies to a local government disposing of a valuable non-current asset only if, before the disposal, the local government has decided, by resolution, that the exception may apply to the local government on the disposal of a valuable non-current asset other by tender or auction.

### **LEGAL IMPLICATIONS**

There are no legal implications identified in relation to this matter.

### **STAFFING IMPLICATIONS**

The actions associated with the tenure renewal process can be accommodated within existing staffing capacity.

Extending tenure renewal periods will streamline administrative processes associated with tenure renewal, potentially reducing the workload on staff responsible for managing these renewals.

### **RISK ASSESSMENT**

The following risks associated with not resolving to grant the tenure agreements have been identified:

1. Reputation – not providing support to not-for-profit community organisations as per the Corporate Plan; and
2. Compliance – failing to establish an appropriate tenure agreement as per legislation.

The following risks associated with resolving to grant the tenure agreements have been identified:

Assets – if these not-for-profit community organisations were to dissolve Council, as the Trustee of the land, would assume the asset, if not recovered by the not-for-profit community organisation.

### **CORPORATE PLAN REFERENCE**

#### ***Liveable Livingstone***

*Community Plan Goal 1.3 - Places for active and passive recreation*

*1.3.2 Optimise community benefit from the use of parklands and facilities by improving the quality, access to, and shared use of, public spaces and facilities for cultural, recreational, and community activities.*

Supporting not-for-profit community organisations to maintain their tenure for their respective operations supports their capacity to continue and provides a variety of cultural, recreational and community activities for the benefit of the Livingstone community.

### **CONCLUSION**

Council acknowledges the ongoing contributions of Capricorn Coast Netball Association and Seagulls Junior Rugby League in promoting social and competitive sports while ensuring a safe and enjoyable facility for community members. By undertaking the requested renewal of tenure arrangements Council will enable these sporting clubs to continue to operate.

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**11.19 SOUTHERN BEACHES VEHICLE ACCESS HISTORY, LOCAL LAWS AND REFERENCE GROUP.****File No:** CR21.5.1

- Attachments:**
1. **Local Law No.17 (Parks and Reserves) 1999**[↓](#)
  2. **Proposed Subordinate Local Law No.17 (Parks and Reserves) 2007**[↓](#)
  3. **Local law No.4 (Local Government Controlled Areas, Facilities and Roads) 2011.**[↓](#)
  4. **Subordinate Local Law No.4 (Local Government Controlled Areas, Facilities and Roads) 2011.**[↓](#)
  5. **Southern Beaches Mapping**[↓](#)
  6. **History 1980 to September 2022**[↓](#)
  7. **Policy No.H1.21 2003**[↓](#)
  8. **Public Interest Test 2007**[↓](#)
  9. **Long Beach Joskeleigh History**[↓](#)
  10. **March 2022 Officer Commentary**[↓](#)
  11. **Southern Beaches Vehicle Access Reference Group Beaches Table**[↓](#)
  12. **Capricorn Coast Conservation Council Submission**[↓](#)
  13. **Mr Clive King's Submission**[↓](#)
  14. **Current Legislation and Livingstone Shire Council Policy and Strategy**[↓](#)

**Responsible Officer:** Chris Ireland - General Manager Communities**Author:** Molly Saunders - Manager Community and Cultural Services

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**SUMMARY**

*This report provides a history of 'driving on beaches', Local Laws, and the Southern Beaches Vehicle Access Reference Group.*

**OFFICER'S RECOMMENDATION**

THAT Council:

- a) Writes to the relevant State Government Departments requesting the State Government's position on each of the Southern Beaches identified (i.e Does the State Government support changing the local law on any of the identified beaches?); and
- b) Confirms its position on the matter (i.e Council supports changing the local law to allow driving on beaches or Council does not support this change). This can be done via a Councillor/Mayor workshop examining the State Government's response (action a), current Council policy, strategy and legislation; and
- c) Increase education and communication to the community on Livingstone's Local Laws; and
- d) Pause facilitating the Southern Beaches Vehicle Access Reference Group until Council and the State Government's positions are established and the Local Laws review is complete. Continue to work with members of the group on other issues raised (e.g. Timbers beach inlet creek) and encourage their participation in the Local Laws community consultation; and
- e) Work with existing private and State Government landowners to increase legal pedestrian access to the Southern Beaches of Livingstone Shire.

## BACKGROUND

Section 28 of the *Local Government Act 2009* provides the power for local governments to make and enforce local laws that are necessary or convenient for the good rule and government of their local government area.

### Previous Local Laws

See Attachment One for *(Parks and Reserves) Local Law No.17 1999*.

See Attachment Two for proposed *(Parks and Reserves) Subordinate Local Law No.17 2007* (Council did not resolve to make this Local Law).

## COMMENTARY

### Current Local Laws

See Attachment Three for *Local Law No. 4 (Local Government Controlled Areas, Facilities and Roads) 2011*.

See Attachment Four for *Subordinate Local Law No. 4 (Local Government Controlled Areas, Facilities and Roads) 2011*.

The subordinate Local Law No. 4 specifies the bathing reserves and foreshores where bringing a motor vehicle onto, or driving a motor vehicle on, is *not* permitted, except under certain conditions (e.g. emergency vehicles).

### Fast Facts

- Farnborough Beach North (Hinz Avenue) is the only beach in Livingstone where driving without launching, retrieving, or supplying a vessel is permitted.
- In 2023 Livingstone Shire Council installed signage at San Marino Way, Amalfi Drive, Middle Beach (Muskers/Zilzie Bay), Monte Carlo Avenue and Zilzie Mudflats which specified the existing vehicle restrictions on these beaches. The signs are recent; however the restrictions were implemented via resolution in 2003 and via Local Laws in 2011.
- There have been two adopted Local Laws that have governed 'driving on beaches' since 1999.

### Beach Identification

For this report, the beaches referenced are identified in Attachment Five (noting that these beaches go by different names within the community).

### History 1980 – September 2022

Date	Commentary
1 Nov 1980	All foreshores in Livingstone are under the management and control of Livingstone Shire Council.
30th May 1987	Bathing Reserves identified and declared.
1996 – 1998	A beach driving permit fee (no charge) appears in Livingstone's Fees and Charges schedule. No additional information was able to be found at this time (e.g conditions of permits, which beaches it was applicable to e.t.c).
23rd June 1999	Council resolves to make Livingstone Shire Council Parks and Reserves Local Law (no.17).
2005	Review of current Local Laws commences.
28th June 2006	Council resolves to conduct a public interest test and public consultation on Local Laws Livingstone Shire Council Parks and Reserves

	(amendments) Local Law (No.1) 2006 and Livingstone Shire Council Subordinate Local Law No.17 (Parks and Reserves).
25th July 2007	Council resolves to make further amendments to Local Laws Livingstone Shire Council Parks and Reserves (amendments) Local Law (No.1) 2006 and Livingstone Shire Council Subordinate Local Law No.17 (Parks and Reserves) and conduct public consultation.
2006 – 2007	Public notified three times, submissions received.
20th Jan 2008	Council resolves to defer the making of Livingstone Shire Council Parks and Reserves (Amendment) Subordinate Local Law (No.1).
15th March 2008	Livingstone Shire Council amalgamates with Rockhampton Regional Council.
28th April 2009	Rockhampton Regional Council begins Local Law review.
18th Aug 2009	Rockhampton Regional Council resolves to abolish beach permit system.
8th Feb 2011	Rockhampton Regional Council resolves to make Local Laws including Local Law No.4 (Local Government Controlled Areas and Roads) 2011 and Subordinate Local Law No.4 (Local Government Controlled Areas, Facilities and Roads) 2011.
1 January 2014	Livingstone Shire Council de-amalgamates from Rockhampton Regional Council – continues to utilise Local Laws (2011).
2018	Livingstone Shire Council begins Local Law Review.

Please see Attachment Six for detailed history.

## COMMENTARY

### History September 2022 to current

#### 20<sup>th</sup> September 2022 Notice of Motion

THAT due to the popularity and history of the Lindsay Street Beach Access point, and the demand for safe access points for launching small crafts on the coast, Council reopens this site without further delay.

#### Officer commentary

This long-established beach access, located on the Zilzie Esplanade, was a vehicle and pedestrian access. The vehicle access inclusion was originally for the launching and retrieval of small boats, within 50 metres either side of the access ramp. Construction and Maintenance are required to carry out regular maintenance works to this board & chain access as it was constantly in need of repair.

In early 2019 it was observed by Council's Rural Technical Officer (responsible for inspection and upgrading of beach accesses) that the existing beach access / boat ramp at the northern end of Zilzie Beach was subject to constant damage from high winds and seas. In consultation with the Executive Director Infrastructure, Manager Construction & Maintenance and Council's resident expert on coastal environments it was suggested that consideration be given to restricting vehicle use of the ramp.

A trailer camera survey was undertaken from the 12 April 2019 to the 03 May 2019. The purpose of this survey was to identify key users of this community access. The survey period included the Good Friday and Easter weekend which had good weather throughout that long weekend. During the period of the survey there were 590 pedestrians and 3 vehicles recorded using the access. None of the recorded vehicles accessing the beach did so for its intended purpose (launching & retrieving a boat).

Considering the high pedestrian usage and no boating usage, it was decided to remove the vehicle/boat launching and retrieval aspect from this access and allow the access to be used



strictly as a pedestrian access. This action will allow Council to better maintain the access for safer pedestrian use, reduce impacts on marine turtle nesting, reduce risks of vehicles and beach pedestrian incidents, reduce impacts on native beach vegetation and thus reduce dune erosion. The works carried out on this access included the redirection of the access alignment to a more northern direction, as the access was situated in a southerly direction. This southerly facing current alignment allows for the prevailing winds to blow sand over and around the sealed cul-de-sac area, increasing ongoing maintenance.

Following the 'camera' survey of April and May 2019 the decision was made to proceed with advising the community of Council's intention to close the ramp as a boat launching facility.

### **20<sup>th</sup> September 2022 Council Resolution**

THAT Council

- 1) Reopens the Lindsay Street, Emu Park beach access only for launching and retrieving small craft under a twelve month trial to determine whether permanent access for boat launching should be re-instated; and
- 2) Have officers monitor the usage of the access point over the twelve month trial to determine the level of boat launching activity.

### **15<sup>th</sup> November 2022 Councillor commentary**

Lindsay Street beach access was closed to boat launching in September 2019. Since the resolution in September 2022, further feedback has been received from local residents that suggest that this decision is not reflective of majority opinion and requests have been made to overturn.

### **15<sup>th</sup> November 2022 Council Resolution**

Part A

THAT:

- 1) In accordance with s262 of the Local Government Regulation 2012 and Clause 2.17 of Council's Meeting Procedures Policy, Council repeals its resolution of 20 September 2022, viz:

THAT Council

- 1) Reopens the Lindsay Street, Emu Park beach access only for launching and retrieving small craft under a twelve month trial to determine whether permanent access for boat launching should be re-instated; and
  - 2) Have officers monitor the usage of the access point over the twelve month trial to determine the level of boat launching activity.
- 2) And, instead, take no action to re-open the Lindsay Street Beach Access for boat launching.

Part B

THAT Council undertakes public consultation for vehicular access on the bathing reserves of, for example, Ritamada Bathing Reserve, Timbers Beach, Zilzie and Long Beach Joskeleigh, promptly, preceding the establishment of a reference group entrusted with the responsibility of providing recommendations to Council for vehicular usage within these areas.

**7<sup>th</sup> March 2023 Briefing Session**

Community consultation results provided by officers.

Survey Question	Yes	No	Unsure
<b>Q1</b> Do you frequent any of the Southern Beaches in particular Ritamada, Timbers Beach Zilzie and Long Beach Joskeleigh?	919	177	N/A
<b>Q2</b> Currently the abovementioned beaches are gazetted as bathing reserves and driving on these beaches is prohibited, would you support a change to allow for recreational driving on these beaches?	745	351	N/A
<b>Q3</b> If Council formed a Reference Group that was responsible for providing recommendations to council about usage and vehicle access on our southern beaches, would you be interested in being a member?	267	316	513

Population of Livingstone = 41,906

Survey respondents (1,096) = 2.61%

**20<sup>th</sup> June 2023****Officer commentary**

Following a three (3) week consultation period early this year, officers have collated the feedback provided by 1096 participants. The results showed that these survey participants are overwhelmingly in favour of vehicles accessing the aforementioned beaches.

*Local Law No.4 (Local Government Controlled Areas, Facilities and Roads) 2011* outlines that driving vehicles on beaches is only lawful for the purpose of retrieving or launching a vessel at a designated beach access or on Farnborough Beach from Hinz Avenue to Corio Bay. A Local Law can only be amended via a Local Laws Review which includes the Queensland State Government's final approval.

Livingstone Shire Council's Local Laws Review is currently being assessed by the Queensland State Government as part of the prescribed process. The Queensland State Government will provide Council with an assessment result and an accompanying action plan which will include community consultation. Community consultation will be open to all residents, and it is recommended that those who participated in the Southern Beaches Vehicle Access consultation be specifically invited to participate.

Forming a Southern Beaches Reference Group at this time presents a risk as it is likely to be perceived that increasing vehicular accesses on beaches can be achieved via this group, whereas the only method for increasing/amending vehicular accesses on beaches is via the legislated process of the Local Laws Review.

**Officer Recommendation**

THAT Council

- 1) Approves a Southern Beaches Reference Group being formed if and when *Local Law 4 (Local Government Controlled Areas, Facilities and Roads) 2011* is amended to permit vehicle access at Ritamada, Timbers and Long Beach; and
- 2) Participants of the Southern Beaches Vehicle Access consultation be specifically advised and invited to participate in the upcoming Local Laws review community consultation.

This motion lost.

**20<sup>th</sup> June 2023 Council Resolution**

THAT Council endorses Councillor Belot as the chair for the Southern Beaches Access Reference Group.

**12<sup>th</sup> July 2023**

Signage was installed at San Marino Way, Amalfi Drive, Middle Beach (Muskers/Zilzie Bay), Monte Carlo Avenue and Zilzie Mudflats, outlining Local Laws restrictions. Regardless of signage, vehicle restrictions on beaches/no access areas have been in place since established/reviewed in 2011.

### **5th September 2023 Briefing Session**

#### **Officer commentary**

Livingstone Shire Council de-amalgamated from Rockhampton Regional Council in late 2013, as such the Local Laws adopted by Livingstone were essentially the same as Rockhampton Regional Council. Officers have been undertaking a review of the previous laws and are proposing new and revised laws.

The 22/23 operational plan 4.3.2.a called for a “Complete review of Local Laws (including subordinate Local Laws) to improve alignment with community needs and expectations”.

Councillors were previously briefed on 11-14 July 2022, by representatives from McKays Solicitors and officers.

The Local Law review has focussed on the following key elements:

- Changing the structure of laws;
- Making them simpler and easier to understand;
- Correction of errors;
- Removal and updating of maps and references;
- Repealing Local Law 7 – Aerodromes and other subordinate laws;
- New Local Law No 7 – Accommodation facilities; and
- Introduction of new Local Law 15 – Vegetation Management.

Whilst there have been some delays in getting this matter to the State Interest checking stage – this has now occurred.

Once the State interest check is finalised Officers will be in a position to inform Councillors of any further changes, then undertake community engagement. It is envisaged that the consultation period would last for 1 month (30 Days) with submissions either on-line or via hardcopy.

Once the consultation period has ended, Officers will review the submissions and report back to Council with a proposed resolution.

5<sup>th</sup> December 2023 Briefing Session

Officer Commentary

Ritamada Beach parking area proposed:

Proposed Parking Area



Parking Usage and Spaces:

- Anecdotal information suggests that only 2-3 boats per month get launched at Ritamada Beach. In these instances, it is acceptable that vehicles launching boats are allowed to park on the beach within the boat launching area. This is practical, as the vehicles launch boats and require the turnaround area, that would not be adequate at the proposed parking areas for the other day beach users.
- During standard weekdays anecdotal information suggests that 1-2 cars at a time are currently using the proposed car park area.
- Weekend usage is anticipated to be between 1-20 vehicles at a time.

Levels of Service:

There are various other parking areas of similar levels of service within the shire:

- Big Dune Surf Reserve back track access
- Fishing Creek
- Mulambin Beach
- Corbetts Landing boat ramp

Estimated Cost

- Drafting of layout plans - \$1,000
- Signage - \$3,000
- Large rocks to barricade dunal tracks - \$10,000

Recommendation

- Southern Beach Vehicle Access Reference Group be advised that they are welcome to park at the proposed parking area and signage to be installed in the near future.

- Layout signs for signage and large rocks barricade unwanted tracks through dunal environments to be prepared.
- Work order to be created for installation of signage and large rocks (to be sources locally). Costs to be absorbed operationally.
- Usage of the area be monitored.

As yet, an Ordinary Meeting report on this matter has not been prepared.

### **21<sup>st</sup> November 2023 Council Resolution**

THAT Council continue to monitor and enforce the requirements of Local Law No.4 in regard to vehicles driving on beaches, however, allow for vehicles that enter the beach to perform an immediate U-turn without penalty to commence 21<sup>st</sup> November 2023.

### **PREVIOUS DECISIONS**

Previous decisions in relation to this matter are detailed in the commentary section of this report and Attachment Six.

### **ENGAGEMENT AND CONSULTATION**

The details of previous engagement and consultation are outlined in the commentary section of this report.

The most recent consultation activity has been the facilitation of the Southern Beaches Vehicle Access Reference Group.

### **Southern Beaches Access Reference Group Meetings**

14<sup>th</sup> August 2023 – first meeting of the group.

18<sup>th</sup> and 25<sup>th</sup> September 2023 – second and third meeting of the group.

16<sup>th</sup> and 30<sup>th</sup> October 2023 – fourth and fifth meeting of the group. At the 30<sup>th</sup> October meeting, the group determined that the beaches they will focus on are Timbers Beach, Long Beach, Muskys/Zilzie Bay Beach and Ritamada beach.

4<sup>th</sup> December 2023 – sixth meeting of the group. Workshop to explore maps, overlays, restrictions, tenure, and access at selected beaches (see Attachment Eleven).

It must be noted that a staff member requested, and a group member chose, not to attend the reference group meetings after December 2023. They described feeling uncomfortable and unsafe due to the behaviour of some members.

8<sup>th</sup> February 2024 – Seventh meeting of the group. The below poll was completed:-

**Question 1:** Should Livingstone Shire Council allow vehicle access to Timbers Beach?

Yes – 5, no - 4

**Question 2:** Should Livingstone Shire Council allow vehicle access to Long Beach (south of Keppel Sands)?

Yes – 6, No – 3.

**Question 3:** Should Livingstone Shire Council allow vehicle access to Zilzie Bay Beach?

Yes – 5, No – 4.

**Question 4:** Should Livingstone Shire Council allow vehicle access to Ritamada Beach?

Yes – 6, no – 3.

**Question 5:** The method Livingstone Shire Council should employ to manage vehicle access is a permit system.

Yes – 5, No – 4.

### **Request for Deputation**

An individual member of the Southern Beaches Reference Group (Mr Michael Griffin) has requested to deliver a deputation on this matter to Mayor and Councillors. This deputation is scheduled to occur at the 20<sup>th</sup> May Ordinary Council meeting (the same meeting in which this report is tabled).

### **Additional Submissions**

See Attachment Twelve for Capricorn Coast Conservation Council's submission regarding this matter.

See Attachment Thirteen for Mr Michael Griffin's submission regarding this matter.

See Attachment Fourteen for Mr Clive King's submission regarding this matter.

### **Internal Commentary**

#### **Finance and Governance**

...if Council were to increase a level of service (allow public access to drive on beaches), it could be reasonably assumed that this would come at additional costs, whether it is maintenance of existing tracks, upgrading to safer standards etc.. A consideration for the table is at what price would this be at general ratepayer expense or are there other options (e.g. vehicle permits) that would help defray the costs (and at what cost to administer).

#### **Construction and Maintenance**

My professional opinion is that the status quo should remain, considering that many of the beaches mentioned are of such relatively short length that walking them is a viable option, the only exception to this is possibly Long Beach.

#### **Natural Resource Management**

The *Queensland Coastal Protection and Management Act (1995)* and Coastal Management Plan outlines how the coastal zone of Queensland is to be managed.

#### **Community Development Sport and Recreation**

The Community Development Sport and Recreation Team have a strong focus on improving access to safe and sustainable recreation opportunities. Recommendations provided in the report are in-line with this focus, particularly those regarding:

- a) Increasing education and communication regarding existing Local Laws; and
- b) Improving safe, legal pedestrian access to Southern Beaches.

### **HUMAN RIGHTS IMPLICATIONS**

The State Interest check and legal review required for the development of Local Laws includes assessing the proposed Local Laws compliance with Human Rights Legislation.

### **BUDGET IMPLICATIONS**

Actions arising from recommendations a, b, c, d and e can be accommodated within existing budget capacity, however additional resources may be required in future.

### **LEGISLATIVE CONTEXT**

Legislation and Livingstone Shire Council policy and strategy that is relevant to this matter are detailed in Attachment Fourteen.

### **LEGAL IMPLICATIONS**

There are no identified legal implications in considering this matter.

### **STAFFING IMPLICATIONS**

Actions arising from recommendations a, b, c, d and e can be accommodated within existing staff capacity.

## **RISK ASSESSMENT**

Reputational – the community may perceive that the recommendations in this report represent Council ‘backtracking’ from the intention of the Southern Beaches Vehicle Access Reference Group. This report hopes to assist in mitigating this risk by providing the complete history, context and legislative parameters to Council and the community.

### **Lessons Learned**

Complex problems have multi tiered solutions and require an internal working group to workshop so that Council has a full understanding of all options/ramifications/cost/legal limitations etc. before forming a reference group. This did not occur in this case.

The original engagement survey (March 2023) did not provide information about the classification/limitations of the beaches referenced, the limitations of the Local Law or detail the requirements for the law to change to allow driving on beaches. It could be argued that this created ‘false hope’.

e.g. access to some of the beaches referenced are via private land; some of the beaches referenced have significant State Government overlays/classifications that restrict activity (for instance; bathing reserve; Reserve for Beach Protection and Coastal Management).

Insufficient specificity in Terms of Reference for the reference group which meant a lack of clarity surrounding the group’s purpose. This lack of clarity also led to confusion within the group and delayed progress. It is also worth noting that the Terms of Reference were not adopted formally by Council.

In 2023 when new signage was installed at Southern beaches of the shire, communication to the community was insufficient leading the community to believe that this was a ‘new law’ rather than enforcement of an existing law.

## **CORPORATE PLAN REFERENCE**

### ***Natural Livingstone***

*Community Plan Goal 3.2 - Protection of coastlines and waterways*

*3.2.2 Progress and support plans which protect coastal and marine environments.*

## **CONCLUSION**

This has been a challenging matter for Council officers as they attempt to balance current Local Laws, legislation and policy alongside community feedback, expectation and desire. It must also be noted that the lack of clarity in the reference group’s Terms of Reference added to the complexity for both members of the group and Council staff. Council staff are seeking Council and the State’s position to assist in progressing the matter.

**11.19 - SOUTHERN BEACHES VEHICLE  
ACCESS HISTORY, LOCAL LAWS AND  
REFERENCE GROUP.**

**Local Law No.17 (Parks and Reserves)  
1999**

**Meeting Date: 20 May 2024**

**Attachment No: 1**



**LIVINGSTONE SHIRE COUNCIL  
(PARKS AND RESERVES) LOCAL LAW NO. 17**

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**LIVINGSTONE SHIRE COUNCIL  
(PARKS AND RESERVES) LOCAL LAW NO. 17**

**PART 1 - PRELIMINARY**

**Citation**

1. This local law may be cited as Livingstone Shire Council (Parks and Reserves) Local Law No. 17.

**Objects**

2. The objects of this local law are to -
  - (a) provide for the establishment of parks and reserves on land within the Area under the Local Government's control; and
  - (b) provide for appropriate public access to parks and reserves for active and passive recreation; and
  - (c) protect the health and safety of persons using parks and reserves; and
  - (d) preserve features of the natural and built environment and other aspects of the amenity of parks and reserves; and
  - (e) regulate activities in parks and reserves and ensure appropriate standards of conduct.

**Definitions**

3. In this local law -

"**Act**" means the *Local Government Act 1993*;

"**Area**" means the area of the Shire of Livingstone;

"**authorised person**" means -

- (a) the Chief Executive Officer; and
- (b) a person authorised by the Local Government to exercise the powers of an authorised person under this local law;

"**bona fide park user**" - see sections 11.(5) and 11.(6) of this local law;

"**Chief Executive Officer**" means the Local Government's Chief Executive Officer;

"**compliance order**" - see section 30 of this local law;

"**Local Government's permission**" means permission given verbally or in writing in any

form by an authorised person;

**"Local Government's written permission"** means permission in writing, on Local Government letterhead, signed by an authorised person;

**"land under Local Government's control"** includes, without limitation, a foreshore placed under Local Government's control under section 936 of the Act;

**"Local Government"** means Livingstone Shire Council;

**"opening hours"** - see section 10.(2) of this local law;

**"open to inspection"** means open to inspection by the public without fee;

**"park"** means land under the Local Government's control that is designated as a park under section 7.(1) of this local law;

**"Parks and Reserves Register"** - see section 7.(1) of this local law;

**"Planning Scheme"** means Livingstone Shire Planning Scheme;

**"reserve"** means land under the Local Government's control that is designated as a reserve under section 7.(1) of this local law;

**"trust land"** means -

- (a) land dedicated as a reserve, or granted in trust, under the *Land Act 1994*<sup>1</sup> and for which the Local Government is the trustee under that Act; or
- (b) other land held in trust by the Local Government.

#### **Limitation on powers of Local Government under this local law**

4.

- (1) The Local Government may only exercise powers under this local law to the extent that the proposed exercise of powers is consistent with the *Integrated Planning Act 1997*.

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<sup>1</sup>

See sections 31 and 35 of the *Land Act 1994*.

- (2) The Local Government may only exercise powers under this local law over trust land if the proposed exercise of powers is consistent with the terms and conditions of the trust and any statutory provisions relevant to the land<sup>2</sup>.

#### Exclusion

5. To the extent that the provisions of this local law conflict with the terms of any lease by the Local Government, the provisions of this local law do not apply.

#### Non-application to authorised persons

6. This local law does not apply to anything done by an authorised person within the scope of that person's duties.

## PART 2 - PARKS AND RESERVES

### Designation of parks and reserves

- 7.
- (1) The Local Government may designate land under its control as a park<sup>3</sup> or a reserve<sup>4</sup> by recording such designations in a register (the "**Parks and Reserves Register**"), and a designation is not effective for any purpose of this law until recorded in the Parks and Reserves Register.
- (2) Trust land may (subject to the terms and conditions of the trust) be designated as a park or a reserve under this section.
- (3) The Parks and Reserves Register must contain, in respect of each park or reserve-

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<sup>2</sup> Eg, *Land Act 1994*.

<sup>3</sup> It is preferable for land which is to be used predominantly for public recreation to be designated as a park rather than as a reserve.

<sup>4</sup> This would include a showground, where the relevant land is under the control of the Local Government.

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- (a) the real property description of the land designated, or some other description sufficient to identify the land designated with certainty;
  - (b) whether the land is designated as a park or as a reserve;
  - (c) the date of the designation; and
  - (d) other particulars (if any) prescribed by this local law or local law policy.
- (4) The Parks and Reserves Register is open to inspection.
- (5) For avoidance of doubt, the Local Government may from time to time repeal or amend a designation under this section.

*Examples -*

*the Local Government may change the designation of land from "park" to "reserve" (or vice versa).*

- (6) A repeal or amendment must be recorded in the Parks and Reserves Register, and is not effective until recorded in the Register.

**Change of boundaries**

8. The Local Government may change the boundaries of a park or reserve by recording such changes in the Parks and Reserves Register.

**Name of park or reserve**

9. The Local Government may -
- (a) assign a name to a park or reserve; or
  - (b) change the name of a park or reserve,
- by recording such assignment of a name or change of a name in the Parks and Reserves Register.

**PART 3 - ACCESS TO PARKS AND RESERVES**

**Opening hours for parks and reserves**

- 10.
- (1) Subject to section 10.(2) of this local law, parks and reserves are open to the public at all times.





- (2) The Local Government may, by designation recorded in the Parks and Reserves Register, fix specified times when a particular park or reserve is, or when parks and reserves generally are, open to the public (the "opening hours").
- (3) If the Local Government fixes opening hours, a notice showing the opening hours must be placed at each public entrance to each park or reserve to which the opening hours apply.
- (4) A person must not, without the Local Government's permission, enter or remain in a park or reserve outside the opening hours for the park or reserve.

Maximum penalty - 50 penalty units.

#### Vehicular access to parks and reserves

#### 11.

- (1) A person must not, without the Local Government's written permission, bring a motor vehicle onto, or drive a motor vehicle on, a park or reserve, other than a part of the park or reserve which is -
  - (a) physically defined and constructed by the Local Government as a roadway; or
  - (b) constructed by the Local Government as a car park.

Maximum penalty - 50 penalty units.
- (2) Section 11.(1) of this local law does not apply to -
  - (a) a foreshore which is open to or used by the public as a vehicular thoroughfare; or
  - (b) the use of motorised wheel chairs or similar vehicles for the disabled.
- (3) Further, and despite section 11.(1) of this local law, the Local Government may, by local law policy, restrict the kinds of vehicles that may be brought onto a roadway or car park within a park or reserve.

*Example -*

*The Local Government might prohibit the bringing of vehicles exceeding a certain height or weight onto a park or reserve if the driving or parking of such large vehicles was incompatible with safe and enjoyable use of the park or reserve.*

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<sup>5</sup>

That is, even if the vehicle is only brought or driven on a Local Government road or car park as permitted by section 11.(1) of this local law, and without contravening any restriction under section 11.(3) of this local law.





- (4) A person must not bring a motor vehicle onto, or drive a motor vehicle on, a park or reserve in contravention of a restriction imposed under section 11.(3) of this local law.

Maximum penalty - 50 penalty units.

- (5) A person must not bring a motor vehicle onto, or drive a motor vehicle on, a park or reserve, even if it would otherwise be lawful to do so under this section<sup>5</sup>, unless that person is a bona fide park user.

Maximum penalty - 50 penalty units.

- (6) In section 11.(5) of this local law, "**bona fide park user**" means a person who is using or intends to use a park or reserve for a lawful purpose relevant to the function of the park or reserve.

*Examples of persons who are not bona fide park users -*

- . *persons using a car park within a park or reserve to park their vehicles while they attend to some other business or personal affairs having nothing to do with genuine use of the park;*
- . *persons who use a car park within a park or reserve as all-day or overnight parking for a private or commercial vehicle;*
- . *persons who use a defined roadway within a park or reserve (not being a foreshore) as a thoroughfare rather than as a means of access to or from the park or reserve.*

- (7) An authorised person may give to a driver or passenger of any vehicle on or about to enter a park or reserve such directions, signals or orders as are, in the authorised person's opinion, reasonably necessary for the safe and effective regulation of traffic within a park or reserve.

- (8) A person must not drive a vehicle -

- (a) in a reckless manner; or

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<sup>5</sup>

That is, even if the vehicle is only brought or driven on a Local Government road or car park as permitted by section 11.(1) of this local law, and without contravening any restriction under section 11.(3) of this local law.

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- (b) in contravention of a direction given under section 11.(7) of this local law, within a park or reserve.

Maximum penalty - 50 penalty units.

**Exclusion of animals**

12. The matter of control and regulation of animals on parks or reserves is dealt with under the Local Government's (Control of Animals) Local Law No. 6<sup>6</sup>.

**Power of closure**

13.

- (1) The Local Government may temporarily close a park or reserve, or part of a park or reserve, to public access to allow for the carrying out of construction, maintenance, repair or restoration work.
- (2) The Local Government may, by resolution, permanently close a park or reserve, or part of a park or reserve, to public access to protect sensitive environmental features of the park or reserve.
- (3) If the Local Government closes a park or reserve to public access (whether temporarily or permanently) -
  - (a) the closure must be recorded in the Parks and Reserves Register and is not effective until recorded in the Register; and
  - (b) a notice of closure must be placed at each public entrance to the park or reserve and, if part of a park or reserve is closed to public access, a notice or notices must be placed to indicate clearly to users of the park or reserve the part subject to the closure.
- (4) In addition, the Local Government may do everything necessary to stop persons obtaining access to the area closed to public access.

*Example -*

*The Local Government may erect security-type fencing or some other physical barrier to prevent persons entering the closed area.*

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<sup>6</sup>

This provision is inserted for explanatory purposes because of the frequency with which issues arise about animals in park and reserves. To avoid duplication, this law makes no separate provision in relation to such matters.

- (5) A person must not, without the Local Government's permission, enter or remain in a park or reserve, or part of a park or reserve, while it is closed to public access under this section.

Maximum penalty - 50 penalty units.

#### **PART 4 - REGULATION OF ACTIVITIES**

##### **Lighting of fires**

14. A person must not light or maintain a fire in a park or reserve unless -
- (a) the fire is in a fireplace established by the Local Government for the purpose; or
  - (b) the fire is lit and maintained in accordance with the Local Government's permission.

Maximum penalty - 50 penalty units.

##### **Use of park or reserve for commercial purposes**

- 15.
- (1) A person must not use a park or reserve for a commercial purpose unless -
    - (a) if the park or reserve is established on a trust land - the use has been approved under the *Land Act 1994* and is in accordance with the Local Government's written permission; or
    - (b) if the park or reserve is not established on trust land - the use is in accordance with the Local Government's written permission.
  - (2) The Local Government's written permission under section 15.(1) of this local law may be given on conditions the Local Government considers appropriate.
  - (3) The Local Government may impose a fee<sup>7</sup> for the granting of a permission under this section.
  - (4) The Local Government may impose a bond, in an amount fixed by the Local

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<sup>7</sup>

See section 19 of the Local Government's (Administration) Local Law No.1.

Government, for the granting of a permission under this section.

- (5) The Local Government may, by written notice given to the holder of a written permission under section 15.(1)(b) of this local law, change<sup>8</sup> the conditions of the written permission.
- (6) The Local Government may only change conditions of the written permission in accordance with section 15.(5) of this local law if -
- (a) the holder of the written permission agrees to the proposed change; or
  - (b) the Local Government -
    - (i) has given the holder of a written permission reasonable written notice of the proposed change inviting that person to make written representations about the proposed change within a reasonable period fixed in the notice; and
    - (ii) if the holder of the written permission makes written representations within the time allowed in the notice - has taken the representations into account.
- (7) A person must not -
- (a) use a park or reserve for a commercial purpose in contravention of section 15.(1); or
  - (b) contravene a condition of written permission for the use of a park or reserve for a commercial purpose.

Maximum penalty - 50 penalty units.

- (8) Where a written permission is granted under this section the park or reserve is only to be used for the purpose for which the written permission is granted.
- (9) The holder of a written permission under this section may charge any fee for entry to the park or reserve by any member of the public for the period of that written permission, at the discretion of the holder of the written permission, or may exclude members of the general public from entry to the park or reserve for the

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<sup>8</sup>

A change" to the conditions of a written permission includes a change by omission, submission or addition (see *Acts Interpretation Act 1954*, section 36).

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period of that written permission, at the discretion of the holder of the written permission.

- (10) If the relevant use of the park or reserve would constitute development under the *Integrated Planning Act 1997*, the Local Government's approval under this section is not required<sup>9</sup>.

### Regulation and use of facilities

#### 16.

- (1) The Local Government may, by designation recorded in the Parks and Reserves Register, prescribe conditions for the use of facilities provided by the Local Government on a park or reserve.

*Examples -*

*a designation recorded in the Parks and Reserves Register, might, for example*

- provide that person wanting to use a tennis court must reserve the court for a specified period and pay a specified fee;*
- provide that the Local Government may require a bond for the use of particular facilities, in an amount fixed by the Local Government;*
- require compliance with specified standards of dress and behaviour by persons using facilities provided by the Local Government in the park or reserve.*

- (2) A person who uses facilities provided by the Local Government on a park or reserve must not contravene a condition for the use of the facilities prescribed under this section.

Maximum penalty - 20 penalty units.

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<sup>9</sup>

If the use constitutes development a development permit is necessary under section 3.1.4 of the *Integrated Planning Act 1997*.

**Prohibited activities**

## 17.

- (1) The Local Government may, by designation recorded in the Parks and Reserves Register, declare a particular activity to be a prohibited activity in parks or reserves generally or in a particular park or reserve.
- (2) If the Local Government acts under section 17.(1) of this local law, a notice advising of the prohibition must be placed at each public entrance to the park or reserve.
- (3) A person must not engage in a prohibited activity in a park or reserve.

Maximum penalty - 20 penalty units.

- (4) A person must not engage in any activity which would be likely to injure, endanger, obstruct, inconvenience or annoy any other person in a park or reserve.

Maximum penalty - 20 penalty units.

**Restricted activities**

## 18.

- (1) The Local Government may, by designation recorded in the Parks and Reserves Register -
  - (a) declare a particular activity to be a restricted activity in a particular park or reserve; and
  - (b) impose restrictions on persons engaging in the activity in the park or reserve.

*Example -*

*The Local Government might make a local law policy declaring that the playing of sport generally, or the playing of certain games, is a restricted activity in a particular park or reserve and restrict the playing of sport, or the relevant games, to specified parts of the park or reserve.*

- (2) If the Local Government acts under section 18.(1) of this local law, a notice advising of the restriction must be placed at each public entrance to the park or reserve.

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- (3) A person must not engage in a restricted activity in a park or reserve in contravention of a restriction applying to the relevant activity under this section.

Maximum penalty - 20 penalty units.

**Power to remove or reduce danger**

19.

- (1) If a person brings an object into a park or reserve that may endanger the safety of another, an authorised person may direct that person to take specified action to remove or reduce the danger.
- (2) A person must comply with a direction under this section.

Maximum penalty - 20 penalty units.

**Seizure and detention of dangerous objects**

20.

- (1) If a person has a dangerous object in a park or reserve, or uses or has used an object in a park or reserve in a dangerous way, an authorised person may seize the object.
- (2) If an authorised person seizes an object under this section, the authorised person must give the person from whom the object is taken a receipt -
- (a) stating the nature of the object; and
  - (b) stating the date and time of seizure; and
  - (c) stating a period (which must be at least 1 hour and not more than 6 months) for which the object is to be detained; and
  - (d) stating a place where the object may be reclaimed.
- (3) The object must, if not reclaimed on the day on which it was seized, be delivered into the custody of the Local Government of which the authorised person is a member.
- (4) If the owner of the object -
- (a) reclaims the object by written application made to the Local Government after, but not more than 6 months after, the end of the period fixed for its detention; and



- (b) provides appropriate proof of ownership,  
the object must be returned to the owner<sup>10</sup>.

### Control of camping

#### 21

- (1) A person must not sleep overnight in a park or reserve without the Local Government's written permission.

Maximum penalty - 50 penalty units.

- (2) The Local Government's written permission under section 21.(1) of this local law may be given on conditions the Local Government considers appropriate.

- (3) The Local Government may, by written notice given to the holder of a written permission under section 21.(1) of this local law, change<sup>11</sup> the conditions of the written permission.

- (4) The Local Government may only change conditions of the written permission in accordance with section 21.(3) of this local law if -

(a) the holder of the written permission agrees to the proposed change; or

(b) the Local Government -

- (i) has given the holder of a written permission reasonable written notice of the proposed change inviting that person to make written representations about the proposed change within a reasonable period fixed in the notice; and

- (ii) if the holder of the written permission makes written representations within the time allowed in the notice - has taken the representations into account.

- (5) Where written permission under section 21.(1) of this local law is given subject to conditions, a person who sleeps overnight in a park or reserve pursuant to that written permission must not contravene a condition of the written permission.

Maximum penalty - 50 penalty units.

<sup>10</sup> Subject to any other law dealing with the seizure of goods.

<sup>11</sup> A "change" to the conditions of a written permission includes a change by omission, submission or addition (see *Acts Interpretation Act 1954*, section 36).

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- (6) Section 21.(1) of this local law does not apply to camping within a camping ground lawfully established on a park or reserve under Part 2 of the *Health Regulation 1996*<sup>12</sup>.

## PART 5 - RIGHTS OF OCCUPATION AND USE

### Right of occupation and use

#### 22

- (1) The Local Government may grant a licence conferring rights of occupation and use of a specified part of a park or reserve.

*Examples -*

*a licence might authorise a sporting association to:*

- *mark out a playing field in a specified location on the park or reserve;*
- *install specified equipment and facilities (such as goal posts and change rooms);*
- *charge an entry fee;*
- *exclude the public from the relevant part of the park or reserve either temporarily (eg during the playing of a game) or over the whole of the period of the licence.*

- (2) However, a licence may only be granted under this section if -
- (a) the purposes for which the land is to be used under the licence are consistent with the objects of this local law; and
  - (b) if a development permit is necessary under the *Integrated Planning Act 1997* for the use of the land for the purposes for which the land is to be used under the licence - the necessary permit has been granted.
- (3) A licence cannot be granted under this section over trust land unless the grant of the licence is consistent with the terms and conditions of the trust.

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<sup>12</sup>

See also the Local Government's (Camping and Camping Grounds) Local Law No. 24.

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### Application for licence

#### 23

- (1) An application for a licence conferring rights of occupation and use under section 22.(1) of this local law must include or be accompanied by -
- (a) details (including - if necessary - sketch plans and diagrams) of where on the land the occupation or use is to be carried out; and
  - (b) details and drawings of any buildings or other structures to be erected on the land, whether temporary or permanent; and
  - (c) details of when the occupation of use will to be carried out; and
  - (d) details of the duration of the occupation or use; and
  - (e) details of the purpose of the occupation of use; and
  - (f) if approval of anything to be done as part of the occupation or use is required under another law<sup>13</sup> - a certified copy or other evidence of the approval; and
  - (g) any prescribed fee<sup>14</sup>; and
  - (h) any bond required by the Local Government, in an amount fixed by the Local Government; and
  - (i) other information and materials required by local law policy.

### Term of licence

#### 24

- (1) The term of a licence must be stated in the licence.
- (2) The term of a licence cannot be more than 30 years.
- (3) The Local Government may, by local law policy, make provision for the renewal of a licence under this Part, including provision for the imposition of new or different conditions on such renewal, and for an application fee<sup>15</sup> for such renewal.

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<sup>13</sup> Including requirements under the *Integrated Planning Act 1997*.

<sup>14</sup> See section 19 of the Local Government's (Administration) Local Law No.1.

<sup>15</sup> See section 19 of the Local Government's (Administration) Local Law No.1.

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**Conditions of licence**

25

- (1) A licence, or the renewal of a licence, may be granted on conditions the Local Government considers appropriate.
- (2) The conditions may, for example -
  - (a) require the holder of the licence to make periodic payments by way of fees<sup>16</sup> to the Local Government; and
  - (b) require the holder of the licence to make facilities installed under the licence available for use by the public at specified times or over specified periods; and
  - (c) require the holder of the licence to take specified precautions to protect the safety of persons who enter the land subject to the licence; and
  - (d) require the proper maintenance of equipment and facilities; and
  - (e) require the holder of the licence to pay to Council any bond that is prescribed by local law policy; and
  - (f) require the holder of the licence to insure itself and the Local Government against liability for injury, loss or damage arising on the land subject to the licence.
- (3) The Local Government may, by local law policy, prescribe conditions that must be imposed in a licence or will ordinarily be imposed on a licence.

**Compliance with conditions of licence**

- 26 The holder of a licence must ensure that the conditions of the licence are complied with.  
Maximum penalty - 50 penalty units.

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<sup>16</sup>

See section 19 of the Local Government's (Administration) Local Law No. 1.

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**Power to change conditions of licence**

27

- (1) The Local Government may, by written notice given to the holder of a licence, change<sup>17</sup> the conditions of the licence.
- (2) The Local Government may only change conditions of a licence in accordance with this section if -
  - (a) the holder of the licence agrees to the proposed change; or
  - (b) the Local Government -
    - (i) has given the holder of a licence reasonable written notice of the proposed change inviting that person to make written representations about the proposed change within a reasonable period fixed in the notice; and
    - (ii) if the holder of the licence makes written representations within the time allowed in the notice - has taken the representations into account.

**Revocation of licence**

28

- (1) The Local Government may, by written notice to the holder of a licence, revoke the licence for contravention of a condition of the licence.
- (2) However, before revoking the licence, the Local Government must -
  - (a) give the holder of the licence written notice inviting the holder to make written representations about the proposed revocation within a reasonable time fixed in the notice; and
  - (b) if the holder of the licence makes written representations within the time allowed in the notice - take the representations into account.

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<sup>17</sup>

A "change" to the conditions of a licence includes a change by omission, substitution or addition (see *Acts Interpretation Act 1954*, section 36).

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**Transfer of licence**

29

- (1) The holder of a licence may, with the Local Government's approval and on payment of any prescribed fee<sup>18</sup>, transfer the licence to another person.
- (2) The Local Government may impose conditions on the transfer of a licence.
- (3) However, the Local Government cannot -
  - (a) unreasonably refuse to approve the transfer of a licence; or
  - (b) impose unreasonable conditions on the transfer of a licence.

**PART 6 - ENFORCEMENT****Compliance orders**

30

- (1) If a person engages in conduct that is, or is preparatory to, a contravention of any provision of this local law, an authorised person may require that person -
  - (a) if the conduct is still continuing - to stop the conduct; and
  - (b) whether or not the conduct is still continuing - to take specified action to remedy the contravention.

*Example -*

*If a person lights a fire in a reserve in contravention of this local law, an authorised person may require the person who started the fire to put the fire out.*

- (2) An order under this section (a "**compliance order**") need not be given in writing (although it may be given in writing).
- (3) A person must comply with an order under this section.

Maximum penalty - 50 penalty units.

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<sup>18</sup> See section 19 of the Local Government's (Administration) Local Law No.1.

- (4) In addition to any monetary penalty imposed by virtue of this local law, a person who fails to comply with a compliance order may have any licence or permit issued under this local law revoked by the Local Government.

#### **Power to secure compliance with order**

- 31 If a person does not comply with a compliance order, the authorised person may take action reasonably necessary to have the order carried out, and may use reasonable force for the purpose.

#### **Damage to parks and reserves**

##### **32**

- (1) A person must not, without the Local Government's permission, damage or interfere with -
- (a) any fauna, plants or plant material, soils, sands or rocks in a park or reserve; or
  - (b) facilities, notices or equipment in a park or reserve.

Maximum penalty - 50 penalty units.

- (2) Section 32.(1)(a) of this local law does not apply to damage or interference which occurs during the carrying out, in an ordinary and reasonable manner, of a recreational or other activity specified in a local law policy.

*Example -*

*A local law policy might specify ordinary recreational fishing within a lake foreshore or other park or reserve as an activity to which section 32.(1)(a) of this local law does not apply.*

- (3) A person must not, without the Local Government's written permission, dump or deposit any waste material or rubbish in a park or reserve.

Maximum penalty - 50 penalty units.

- (4) Whether or not any person is prosecuted under section 32.(1) or section 32.(3) of this local law, the Local Government may recover the cost of repair or replacement of a thing damaged contrary to section 32.(1) of this local law, or the cost of removing from the park or reserve any waste material or rubbish which has been dumped or deposited contrary to section 32.(3) of this local law, as a debt owing by the person who caused the damage or dumped or deposited the waste material or rubbish (as the case requires).

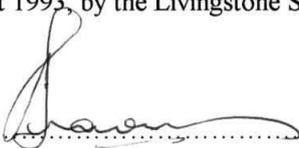
## **PART 7 - LOCAL LAW POLICIES**

### **Local law policies**

- 33 The Local Government may make local law policies in relation to those matters about which this local law specifically allows for the making of local law policies.

### **CERTIFICATION**

This and the preceding twenty (20) pages bearing my initials is a certified copy of (Parks & Reserves) Local Law No. 17 made, in accordance with the provisions of the Local Government Act 1993, by the Livingstone Shire Council by resolution dated the 23<sup>rd</sup> day of June, 1999.



A.J. BROWN  
**CHIEF EXECUTIVE OFFICER.**



# **11.19 - SOUTHERN BEACHES VEHICLE ACCESS HISTORY, LOCAL LAWS AND REFERENCE GROUP.**

## **Proposed Subordinate Local Law No.17 (Parks and Reserves) 2007**

**Meeting Date: 20 May 2024**

**Attachment No: 2**

## LIVINGSTONE SHIRE COUNCIL Subordinate Local Law No. 17 (Parks and Reserves) 2007

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<b>Schedule 11</b>	<b>Nine Mile Beach .....</b>	<b>20</b>
<b>Schedule 12</b>	<b>Ritamada Beach.....</b>	<b>21</b>
<b>Schedule 13</b>	<b>Zilzie/Muskers Beach .....</b>	<b>22</b>
<b>Schedule 14</b>	<b>Five Rocks Beach.....</b>	<b>23</b>
<b>Schedule 15</b>	<b>Yeppoon Main Beach .....</b>	<b>24</b>
<b>Schedule 16</b>	<b>Cootee Bay Beach .....</b>	<b>25</b>
<b>Schedule 17</b>	<b>Fishermans Beach – Emu Park .....</b>	<b>26</b>
<b>Schedule 18</b>	<b>Fisherman’s Bay Beach .....</b>	<b>27</b>
<b>Schedule 19</b>	<b>Kemp Beach.....</b>	<b>28</b>
<b>Schedule 20</b>	<b>Keppel Sands Beach .....</b>	<b>29</b>
<b>Schedule 21</b>	<b>Kinka Beach .....</b>	<b>30</b>
<b>Schedule 22</b>	<b>Lammermoor Beach.....</b>	<b>31</b>
<b>Schedule 23</b>	<b>Emu Park Main Beach and Shelleys Beach.....</b>	<b>32</b>
<b>Schedule 24</b>	<b>Statue Bay Beach .....</b>	<b>33</b>

## Part 1 Preliminary

### 1 Short title

This subordinate local law may be cited as *Livingstone Shire Council Subordinate Local Law No. 17 (Parks and Reserves) 2007*.

### 2 Object

- (1) The object of this subordinate local law is to supplement *Livingstone Shire Council (Parks and Reserves) Local Law No. 17* to establish a comprehensive legislative scheme.
- (2) The objects of the legislative scheme are to—
  - (a) provide for the establishment of parks and reserves on land within the Area under the Local Government's control; and
  - (b) provide for appropriate public access to parks and reserves for active and passive recreation; and
  - (c) protect the health and safety of persons using parks and reserves; and
  - (d) preserve features of the natural and built environment and other aspects of the amenity of parks and reserves; and
  - (e) regulate activities in parks and reserves and ensure appropriate standards of conduct.

### 3 Definitions—the dictionary

The dictionary in schedule 1 defines particular words used in this subordinate local law.

## Part 2 Motor vehicle access to beach areas

### 4 Designation of beach areas—Local Law, s11

- (1) The Local Government designates each area particularised in schedule 2 as a beach area.
- (2) Each area particularised in schedule 2 must be—
  - (a) a park; or
  - (b) a reserve; or
  - (c) a part of a park; or
  - (d) a part of a reserve.

### 5 Names of beach areas—Local Law, s11A

The Local Government assigns to each area particularised in schedule 2 the name (if any) specified in schedule 2.



**6 Prohibition of motor vehicle access to beach areas—Local Law, s11C(1)**

Motor vehicle access to the beach areas particularised in schedule 3 is prohibited.

**7 Designation of persons entitled to bring motor vehicles onto a beach area—Local Law, s11D(1)**

Schedule 4 particularises —

- (a) the person or class of persons who are entitled to bring motor vehicles onto a beach area or a part of a beach area; and
- (b) the circumstances when a person or a class of persons are entitled to bring a motor vehicle onto a beach area, or a part of a beach area.

**8 Motor vehicle access to beach areas—Local Law, s11D(2)**

Motor vehicle access is available at the whole or the part of each of the beach areas particularised in schedule 5.

**9 Motor vehicles that may be brought onto a beach area—Local Law, s11D(3)**

- (1) This section specifies the kinds of motor vehicles that may be brought onto a beach area or a part of a beach area.
- (2) Only off-road passenger vehicles may be brought onto Farnborough Beach (North).
- (3) Only off-road passenger vehicles, motorbikes and quad bikes may be brought onto Nine Mile Beach.
- (4) Only off-road passenger vehicles, quad bikes and tractors may be brought onto Great Keppel Island Beach.

**10 Application for licence—Local Law, s11F(f)**

An application for a licence authorising a person to use a motor vehicle on a beach area must be accompanied by a copy of a current driver licence of the applicant.

**11 Conditions of licence—Local Law, s11I(3)**

- (1) This section prescribes conditions that will ordinarily be imposed in a licence.
- (2) The holder of the licence must—
  - (a) ensure that at all times when the motor vehicle is in the beach area, the driver of the vehicle complies with section 83 of the *Transport Operations (Road Use Management) Act 1995*<sup>1</sup>; and
  - (b) enter and exit the beach area only at ramps designated for motor vehicle access; and
  - (c) ensure that a path clear of pedestrians is available prior to approaching any point of motor vehicle access to or egress from the beach area; and
  - (d) drive the motor vehicle only within a specified area or part of the beach

<sup>1</sup> See section 83 (Careless driving of motor vehicles).

area; and

*Example—*

The holder of the permit must not drive the motor vehicle—

- (a) above the high-water mark except where necessary to avoid high tide; and
  - (b) within 5m of the base of a coastal dune.
- (e) so far as any motor vehicle identified in the licence is concerned — ensure compliance with section 10 of the *Transport Operations (Road Use Management — Vehicle Registration) Regulation 1999*<sup>2</sup>; and
- (f) indemnify the Local Government in respect of all claims for damage to property and personal injury arising out of any activity authorised by the licence; and
- (g) effect and maintain in force at all times a public liability insurance policy noting the Local Government's interest as an insured party in respect of the activity authorised by the licence for an amount of \$10,000,000.00 or such higher amount as the Local Government considers appropriate; and
- (h) produce evidence of the existence and currency of the policy after receipt of a written request from an authorised person; and
- (i) give way to all pedestrians in the beach area; and
- (j) not transfer the licence to another person.
- (3) A motor vehicle identified in a licence must not be used on a beach area unless the holder of the licence is occupying a seat in the vehicle.

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<sup>2</sup> Section 10 (Vehicles used on roads must be registered).



## Schedule 1 Dictionary

### section 3

**bathing reserve** means a part of the seashore and adjacent land and sea placed under the control of the Local Government as a bathing reserve under section 935 of the Act<sup>3</sup>.

**boat ramp** —

- (a) means a ramp or other device or structure used or capable of use or designed or intended for use for the purpose of launching and retrieving trailable vessels and which is the property of, or under the control of, the Local Government; and
- (b) includes any area of foreshore used or capable of use for the purpose of launching and retrieving trailable vessels and which is the property of, or under the control of, the Local Government.

*Example—*

The slope of an area of foreshore may make the area capable of use for the purpose of launching and retrieving trailable vessels despite the fact that no device or structure has been constructed on the area of foreshore for the purpose of the launching and retrieving of trailable vessels.

**coastal dune** has the meaning given in the *Integrated Planning Act 1997*<sup>4</sup>.

**Cooee Bay Beach** means the area identified (hatched in black) on the map which forms schedule 16.

**driver licence** has the meaning given in the *Transport Operations (Road Use Management) Act 1995*.

**Emu Park Main Beach and Shelleys Beach** means the area identified (hatched in black) on the map which forms schedule 23.

**essential services vehicle** means a motor vehicle that is in the care or control of an officer of—

- (a) the Queensland Ambulance Transport Brigade; or
- (b) a fire brigade; or
- (c) the department responsible for the administration of the *Environmental Protection Act 1994*; or
- (d) an electricity entity under the *Electricity Act 1994*; or

<sup>3</sup> Section 935(2) of the Act provides that the Governor in Council may, by Gazette notice, place under the control of a local government as a bathing reserve—

- (a) a part of the seashore; and
- (b) land under the sea adjacent to that part of the seashore and seawards for a distance not more than 1km beyond low-water mark at ordinary spring tides; and
- (c) sea above that part of the seashore and land.

<sup>4</sup> Under the *Integrated Planning Act 1997* “**coastal dune**” means a ridge or hillock of sand or other material—

- (a) on the coast; and
- (b) built up by the wind.



- (e) the police service; or
- (f) the State Emergency Service; or
- (g) Road Transport Construction Services (Department of Main Roads); or
- (h) a carrier or service provider licensed under the *Telecommunications Act 1997 (Commonwealth)*; or
- (i) the Local Government; or
- (j) the Australian Volunteer Coast Guard Association Incorporated.

**Farnborough Beach (North)** means the area identified (cross-hatched in black) on the map which forms schedule 7.

**Farnborough Beach (South)** means the area identified (hatched in black) on the map which forms schedule 6.

**Fisherman's Bay Beach** means the area identified (hatched in black) on the map which forms schedule 18.

**Fishermans Beach — Emu Park** means the area identified (hatched in black) on the map which forms schedule 17.

**Five Rocks Beach** means the area identified (hatched in black) on the map which forms schedule 14.

**Great Keppel Island Beach** means the areas identified (hatched in black) on the map which forms schedule 8.

**Haven—Tanby Point Beach** means the area identified (hatched in black) on the map which forms schedule 9.

**Kemp Beach** means the area identified (hatched in black) on the map which forms schedule 19.

**Keppel Sands Beach** means the area identified (hatched in black) on the map which forms schedule 20.

**Kinka Beach** means the area identified (hatched in black) on the map which forms schedule 21.

**Lammermoor Beach** means the area identified (hatched in black) on the map which forms schedule 22.

**life-saving club** means a body—

- (a) affiliated with—
  - (i) Surf Life Saving Queensland Inc (SLSQ); or
  - (ii) the Head Centre of the Royal Life Saving Society; and
- (b) accredited by the Department of Emergency Services.

**life-saving patrol vehicle** means a motor vehicle that is in the care or control of a member of a recognised life-saving club assigned by the club or SLSQ to patrol a bathing reserve, or part of a bathing reserve, at a particular time.



**motorbike** has the meaning given in the *Transport Operations (Road Use Management) Act 1995*<sup>5</sup>.

**Mulambin Beach** means the area identified (hatched in black) on the map which forms schedule 10.

**Nine Mile Beach** means the area identified (cross-hatched in black) on the map which forms schedule 11.

**off-road passenger vehicle** has the meaning given in the *Transport Operations (Road Use Management—Vehicle Standards and Safety) Regulation 1999*<sup>6</sup>.

**quad bike** has the meaning given in the *Transport Operations (Road Use Management—Vehicle Registration) Regulation 1999*<sup>7</sup>.

**recognised life-saving club** means a life-saving club to which the Local Government has assigned the responsibility for patrolling a bathing reserve or a particular part of a bathing reserve.

**retail shop** has the meaning given in the *Retail Shop Leases Act 1994*.

**Ritamada Beach** means the area identified (hatched in black) on the map which forms schedule 12.

**SLSQ** means Surf Life Saving Queensland Inc.

**Statue Bay Beach** means the area identified (hatched in black) on the map which forms schedule 24.

**tourist resort complex** means a complex that operates as a single integrated facility providing all, or substantially all, the recreational and personal needs of guests resident at the complex and visitors at the complex.

**tractor** has the meaning given in the *Transport Operations (Road Use Management—Road Rules) Regulation 1999*<sup>8</sup>.

**vessel** has the meaning given in the *Transport Operations (Road Use Management) Act 1995*<sup>9</sup>.

**Yeppoon Main Beach** means the area identified (hatched in black) on the map which forms schedule 15.

**Zilzie/Muskers Beach** means the area identified (hatched in black) on the map which forms schedule 13.

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<sup>5</sup> Under the *Transport Operations (Road Use Management) Act 1995*, “**motorbike**” means—

- (a) a 2 wheeled motor vehicle, whether or not a side car is attached to it; and
- (b) a 3 wheeled motor vehicle that is ridden in the same way as a 2 wheeled motor vehicle.

<sup>6</sup> Under the *Transport Operations (Road Use Management—Vehicle Standards and Safety) Regulation 1999* “**off-road passenger vehicle**” means a motor vehicle having up to 9 seating positions, including that of the driver, and being designed with special features for off-road operation.

<sup>7</sup> Under the *Transport Operations (Road Use Management—Vehicle Registration) Regulation 1999* “**quad bike**” means a 4 wheeled motor vehicle that is ridden in the same way as a 2 wheeled motor vehicle.

<sup>8</sup> Under the *Transport Operations (Road Use Management—Road Rules) Regulation 1999* “**tractor**” does not include a motor vehicle built to tow a semitrailer.

<sup>9</sup> Under the *Transport Operations (Road Use Management) Act 1995* “**vessel**” means any ship, boat, punt, ferry, air cushioned vehicle and every other kind of vessel used or apparently designed for use in navigation whatever may be the means of its propulsion.





**Schedule 2 Parks and reserves designated as a beach area and the name (if any) assigned to the beach area**

sections 4 and 5

Particulars of the parks and reserves designated as a beach area	Name assigned to the beach area
1. The foreshore and seashore areas of Farnborough Beach more particularly identified (hatched in black) on the map which forms schedule 6.	Farnborough Beach (South)
2. The foreshore and seashore areas— (a) north of Bangalee to the dune crossover south of Sandy Point Spit; and (b) on Fishing Creek, north from the car park at the Corio Bay access track to the dune crossover south of Sandy Point Spit, being the area more particularly identified (cross-hatched in black) on the map which forms schedule 7.	Farnborough Beach (North)
3. The foreshore and seashore areas of Great Keppel Island more particularly identified (hatched in black) on the map which forms schedule 8.	Great Keppel Island Beach
4. The foreshore and seashore areas of Haven—Tanby Point Beach more particularly identified (hatched in black) on the map which forms schedule 9.	Haven-Tanby Point Beach
5. The foreshore and seashore areas of Mulambin Beach more particularly identified (hatched in black) on the map which forms schedule 10.	Mulambin Beach
6. The area from the northern vehicle designated access point on Nine Mile Beach to Water Park Point being the area more particularly identified (cross-hatched in black) on the map which forms schedule 11.	Nine Mile Beach



Particulars of the parks and reserves designated as a beach area	Name assigned to the beach area
7. The foreshore and seashore areas of Ritamada Beach more particularly identified (hatched in black) on the map which forms schedule 12.	Ritamada Beach
8. The foreshore and seashore areas of Zilzie/Muskers Beach more particularly identified (hatched in black) on the map which forms schedule 13.	Zilzie/Muskers Beach
9. The foreshore and seashore areas of Five Rocks Beach more particularly identified (hatched in black) on the map which forms schedule 14.	Five Rocks Beach
10. The foreshore and seashore areas of Yeppoon Main Beach more particularly identified (hatched in black) on the map which forms schedule 15.	Yeppoon Main Beach
11. The foreshore and seashore areas of Cooe Bay Beach more particularly identified (hatched in black) on the map which forms schedule 16.	Cooe Bay Beach
12. The foreshore and seashore areas of Fishermans Beach – Emu Park more particularly identified (hatched in black) on the map which forms schedule 17.	Fishermans Beach – Emu Park
13. The foreshore and seashore areas of Fisherman’s Bay Beach more particularly identified (hatched in black) on the map which forms schedule 18.	Fisherman’s Bay Beach
14. The foreshore and seashore areas of Kemp Beach more particularly identified (hatched in black) on the map which forms schedule 19.	Kemp Beach
15. The foreshore and seashore areas of Keppel Sands Beach more particularly identified (hatched in black) on the map which forms schedule 20.	Keppel Sands Beach



<b>Particulars of the parks and reserves designated as a beach area</b>	<b>Name assigned to the beach area</b>
16. The foreshore and seashore areas of Kinka Beach more particularly identified (hatched in black) on the map which forms schedule 21.	Kinka Beach
17. The foreshore and seashore areas of Lammermoor Beach more particularly identified (hatched in black) on the map which forms schedule 22.	Lammermoor Beach
18. The foreshore and seashore areas of Emu Park Main Beach and Shelleys Beach more particularly identified (hatched in black) on the map which forms schedule 23.	Emu Park Main Beach and Shelleys Beach
19. The foreshore and seashore areas of Statue Bay Beach more particularly identified (hatched in black) on the map which forms schedule 24.	Statue Bay Beach



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**Schedule 3 Beach areas where motor vehicle access is prohibited**

section 6

Each beach area identified in schedule 2 other than—

- (a) Farnborough Beach (North)<sup>10</sup>; and
- (b) Nine Mile Beach.

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<sup>10</sup> See the definition of “*Farnborough Beach (North)*” in the Dictionary.



**Schedule 4      The person or class of persons who are entitled to bring motor vehicles onto beach areas or a part of a beach area**

section 7

<b>Beach area</b>	<b>The whole or the part of the beach area in respect of which motor vehicles may be brought</b>	<b>The person or class of persons who are entitled to bring motor vehicles onto the beach area, or the part of the beach area, as the case may be</b>
1. Each beach area identified in schedule 2.	The whole of the beach area.	The driver of an essential services vehicle being used to provide the service for which it is designed or ordinarily used.
2. Each beach area identified in schedule 2.	The whole of the beach area.	The driver of a lifesaving patrol vehicle being used to provide the service for which it is designed or ordinarily used.
3. Farnborough Beach (North)	The boat ramp more particularly identified in the map which forms schedule 7 and the area of foreshore and seashore 50m north of the boat ramp.	The driver of a motor vehicle using a boat ramp for the purpose of the launch or retrieval of a trailable vessel from a trailer attached to the motor vehicle.
4. Haven —Tanby Point Beach	The boat ramp more particularly identified in the map which forms schedule 9 and the area of foreshore and seashore 50m either side of the boat ramp.	The driver of a motor vehicle using a boat ramp for the purpose of the launch or retrieval of a trailable vessel from a trailer attached to the motor vehicle.
5. Mulambin Beach	The boat ramp more particularly identified in the map which forms schedule 10 and the area of foreshore and seashore 50m south of the boat ramp and north of the boat ramp to the Bluff Point Headland.	The driver of a motor vehicle using a boat ramp for the purpose of the launch or retrieval of a trailable vessel from a trailer attached to the motor vehicle.



<b>Beach area</b>	<b>The whole or the part of the beach area in respect of which motor vehicles may be bought</b>	<b>The person or class of persons who are entitled to bring motor vehicles onto the beach area, or the part of the beach area, as the case may be</b>
6. Nine Mile Beach	The boat ramp more particularly identified in the map which forms schedule 11 and the area of foreshore and seashore 50m south of the boat ramp and north of the boat ramp to the Stockyard Point Headland.	The driver of a motor vehicle using a boat ramp for the purpose of the launch or retrieval of a trailable vessel from a trailer attached to the motor vehicle.
7. Ritamada Beach	The boat ramp more particularly identified in the map which forms schedule 12 and the area of foreshore and seashore 50m either side of the boat ramp.	The driver of a motor vehicle using a boat ramp for the purpose of the launch or retrieval of a trailable vessel from a trailer attached to the motor vehicle.
8. Zilzie/Muskers Beach	The 2 boat ramps more particularly identified in the map which forms schedule 13 and the area of foreshore and seashore 50m either side of each boat ramp.	The driver of a motor vehicle using a boat ramp for the purpose of the launch or retrieval of a trailable vessel from a trailer attached to the motor vehicle.
9. Yeppoon Main Beach	The area of foreshore and seashore 250m either side of the clubhouse of the Keppel Bay Sailing Club Incorporated.	The driver of a motor vehicle who is— (a) a member or invitee of the Keppel Bay Sailing Club Incorporated; and (b) using the area of foreshore and seashore 250m either side of the clubhouse of the Keppel Bay Sailing Club Incorporated for the purpose of the launch or retrieval of a trailable vessel from a trailer attached to the motor vehicle.

Beach area	The whole or the part of the beach area in respect of which motor vehicles may be bought	The person or class of persons who are entitled to bring motor vehicles onto the beach area, or the part of the beach area, as the case may be
10. Great Keppel Island Beach	The whole of the beach area.	The driver of a motor vehicle who is— (a) an officer, employee or agent of a tourist resort complex or a retail shop on Great Keppel Island; and (b) driving the motor vehicle on the beach area in the course of his or her duties as an officer, employee or agent of, as the case may be, the tourist resort complex or retail shop.
11. Fishermans Beach — Emu Park	The boat ramp more particularly identified in the map which forms schedule 17 and the area of foreshore and seashore 50m either side of the boat ramp.	The driver of a motor vehicle using a boat ramp for the purpose of the launch or retrieval of a trailable vessel from a trailer attached to the motor vehicle.



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**Schedule 5 Beach areas available for motor vehicle access**

section 8

Motor vehicle access is available at—

- (a) Farnborough Beach (North)<sup>11</sup>; and
- (b) Nine Mile Beach.

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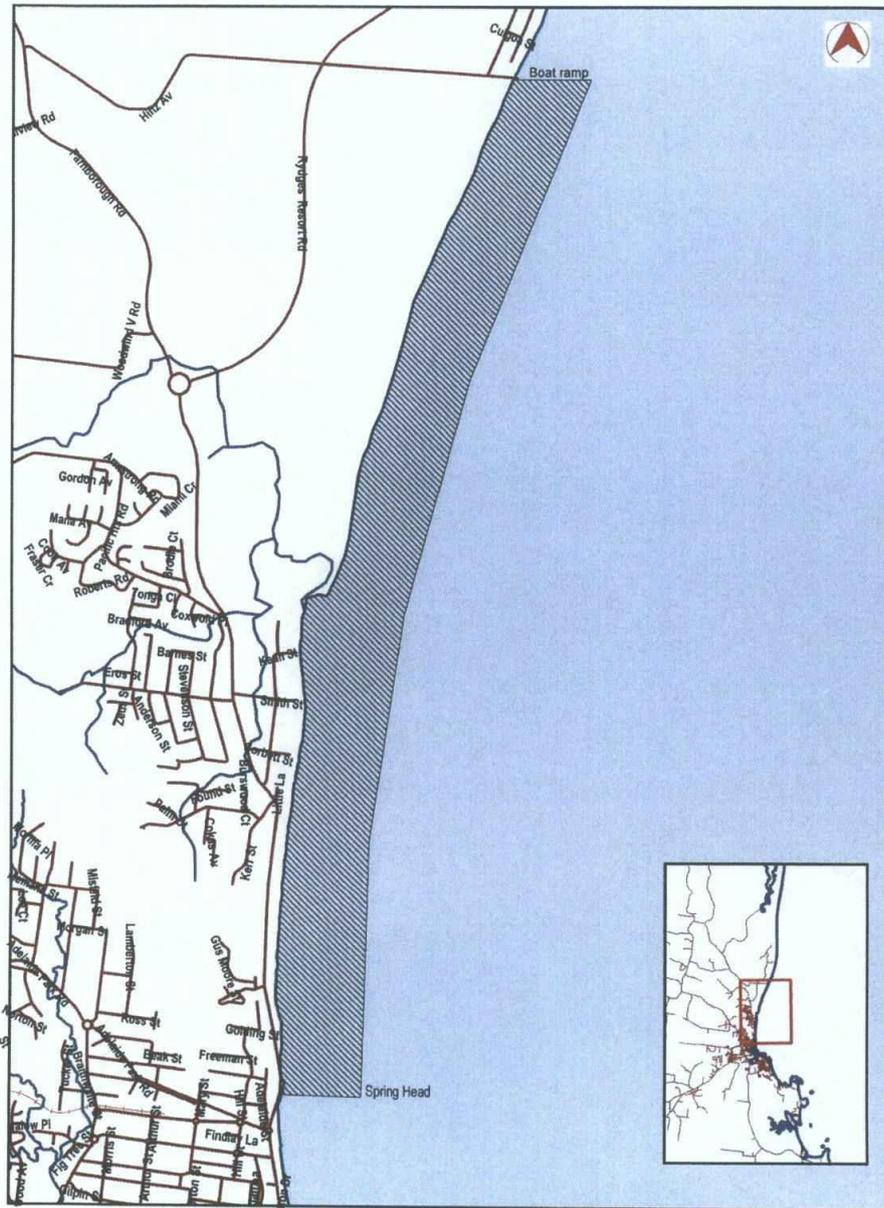
<sup>11</sup> See the definition of "*Farnborough Beach (North)*" in the Dictionary.





## Schedule 6 Farnborough Beach (South)

schedule 2, item 1



Farnborough Beach (South)

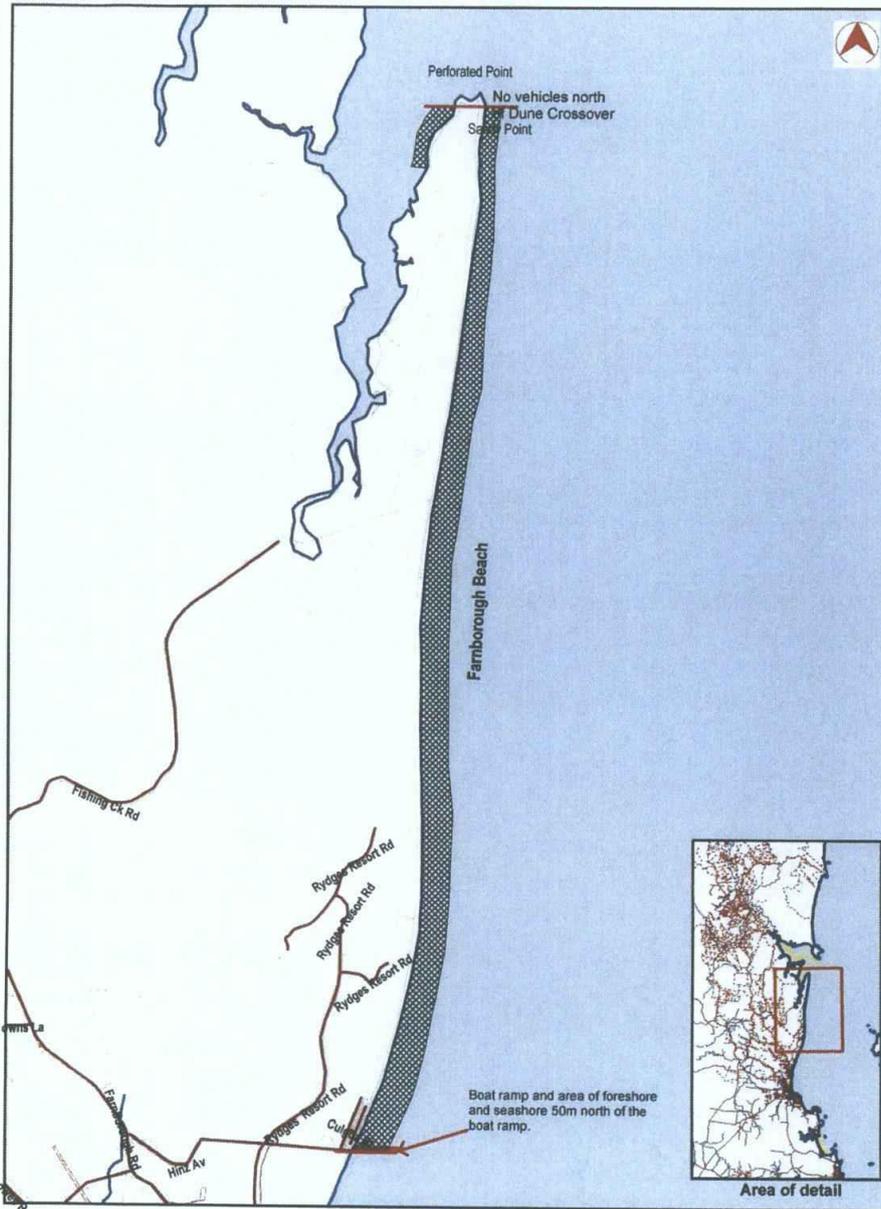
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# Schedule 7 Farnborough Beach (North)

schedule 2, item 2



**Farnborough Beach (North)**

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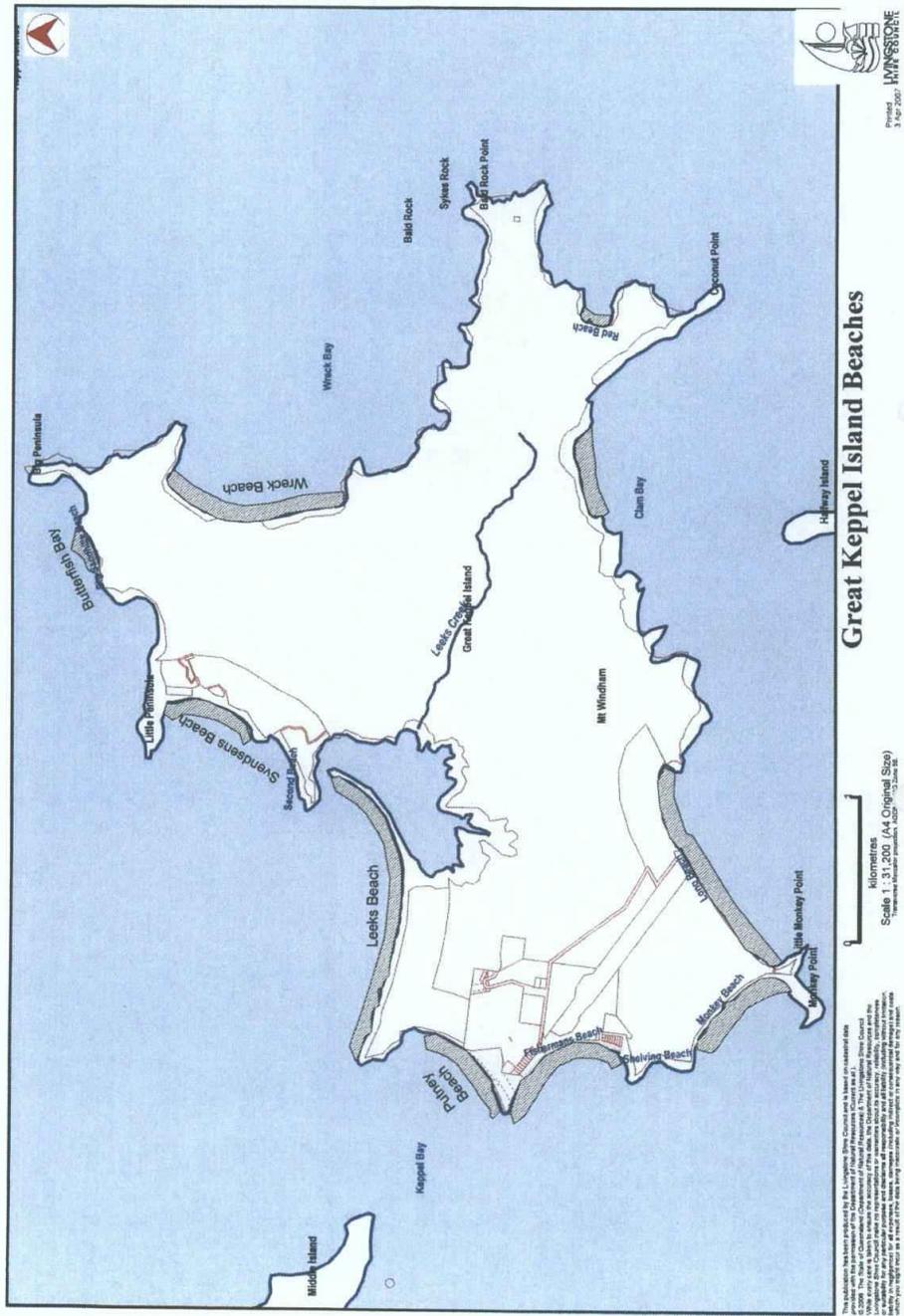
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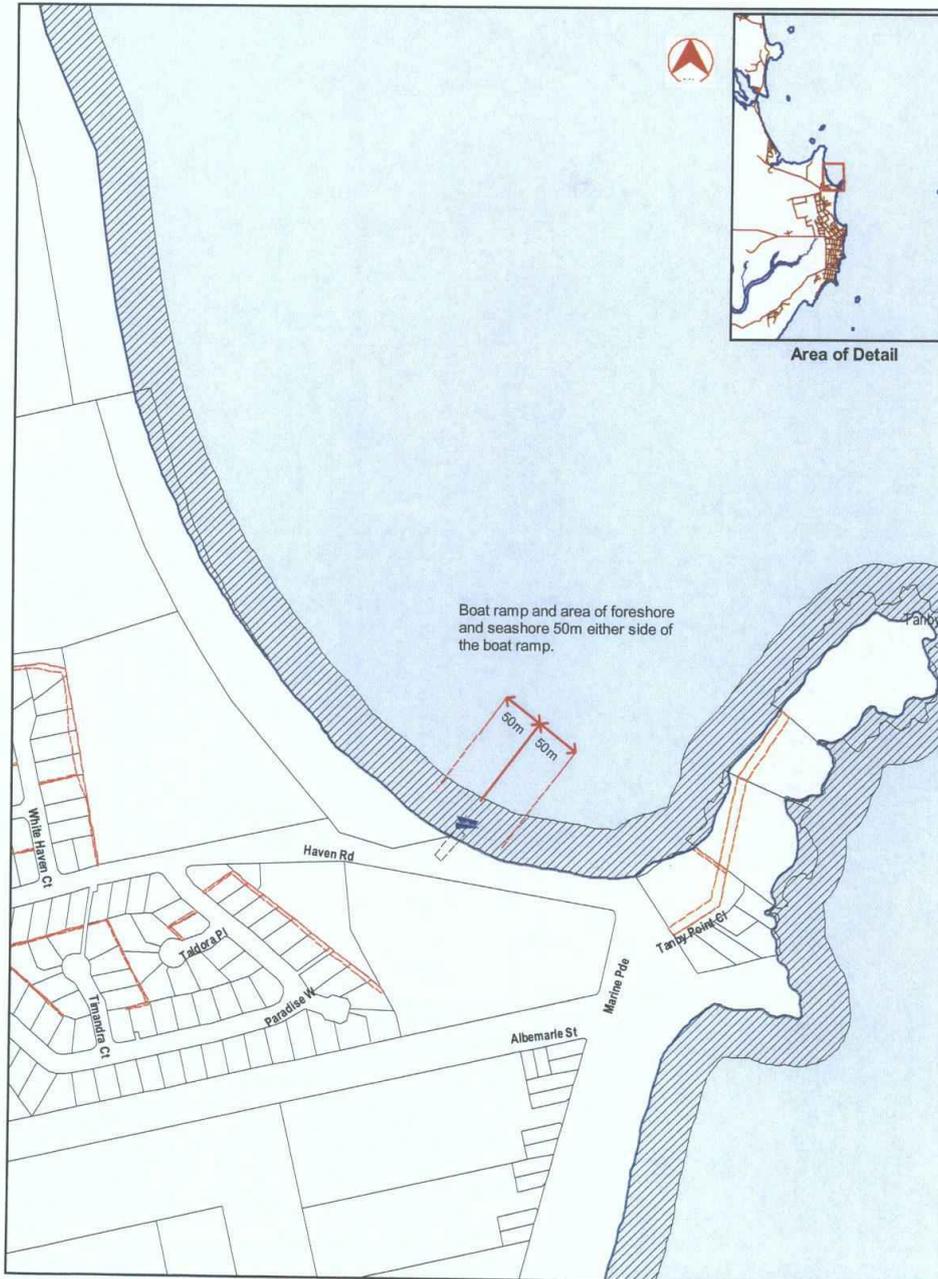
# Schedule 8 Great Keppel Island Beach

schedule 2, item 3



## Schedule 9 Haven—Tanby Point Beach

schedule 2, item 4



### Boat Ramp - Haven - Tanby Point Beach

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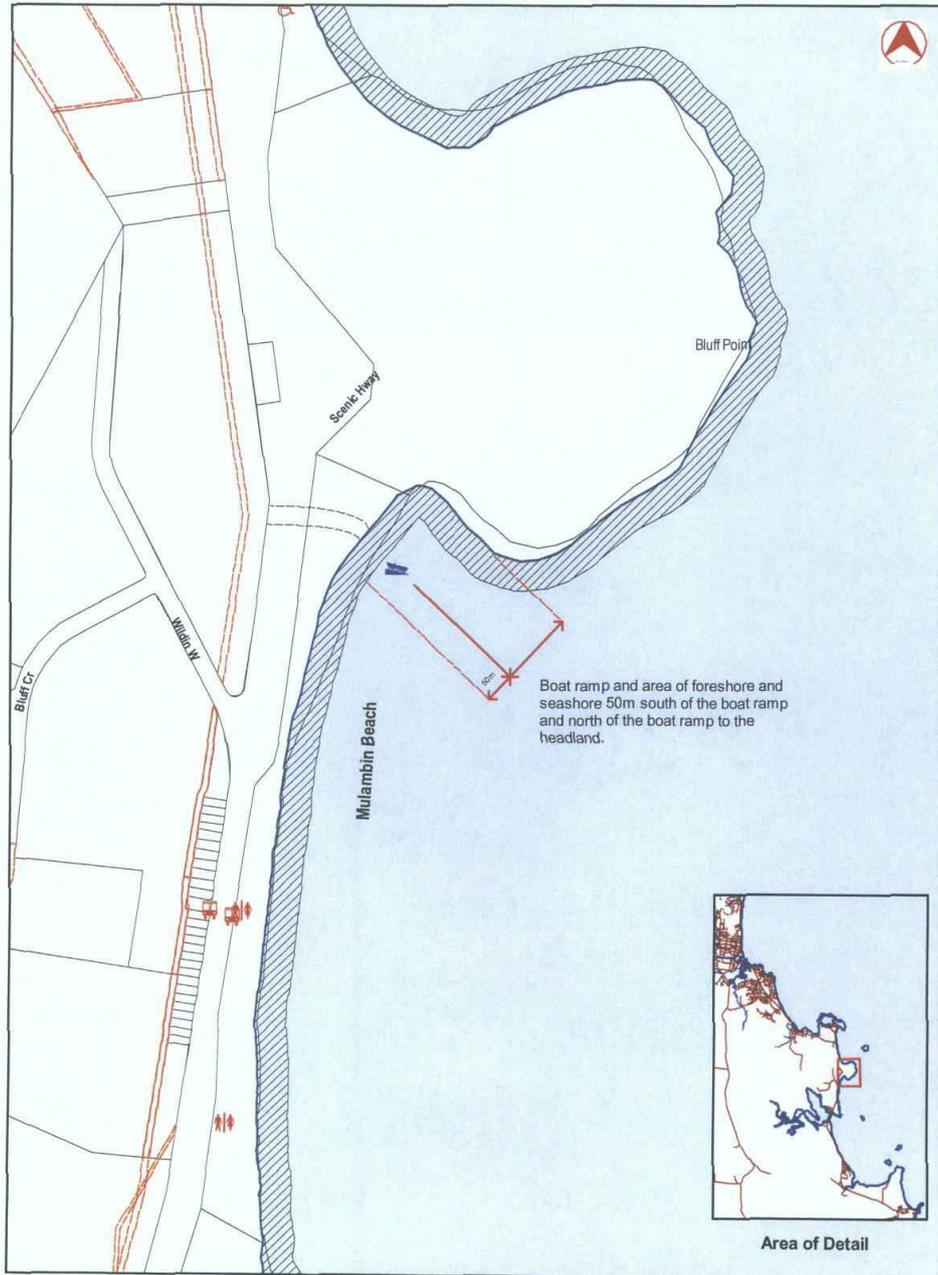
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## Schedule 10 Mulambin Beach

schedule 2, item 5



### Boat Ramp - Mulambin Beach

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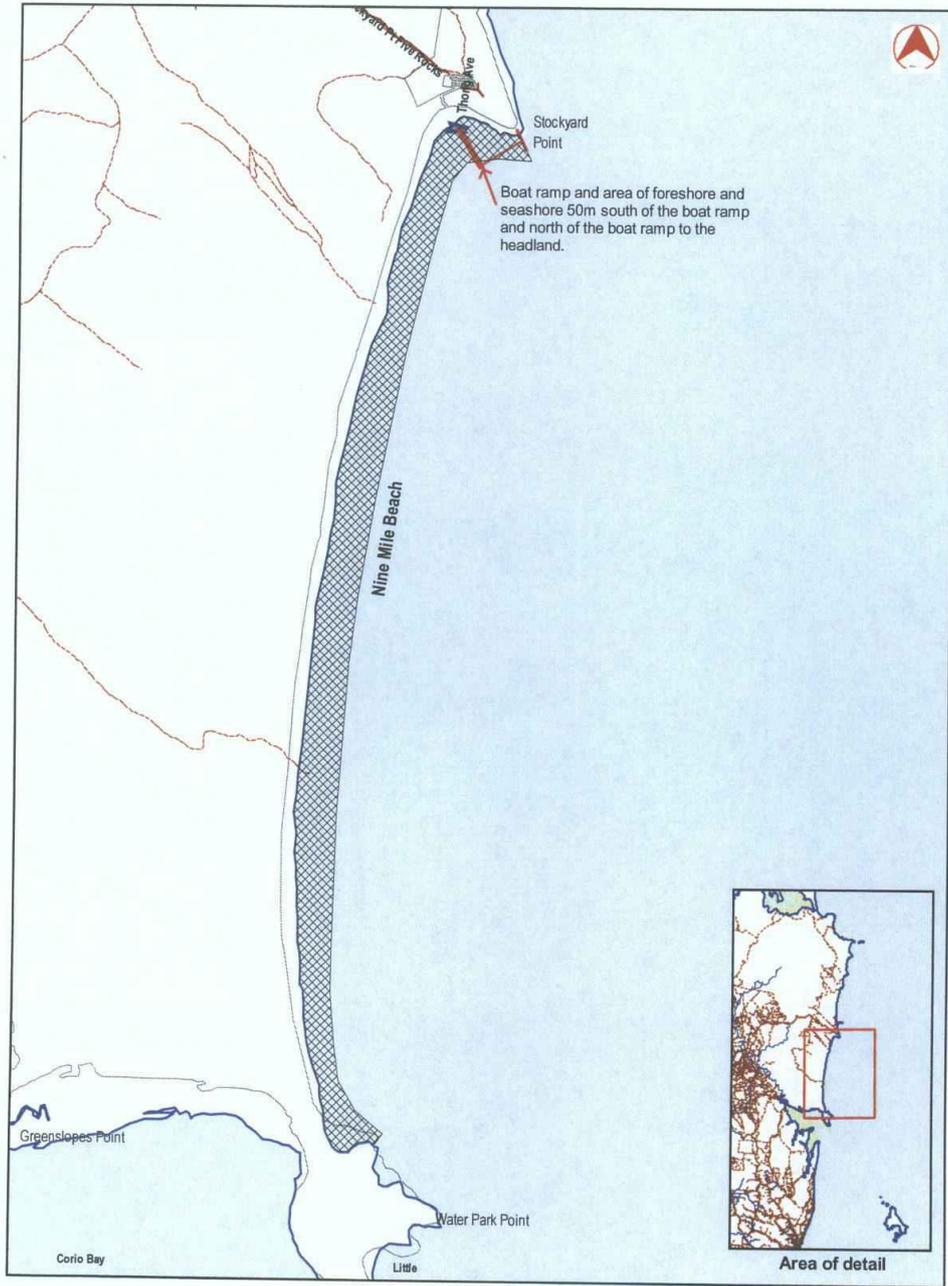
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# Schedule 11 Nine Mile Beach

schedule 2, item 6



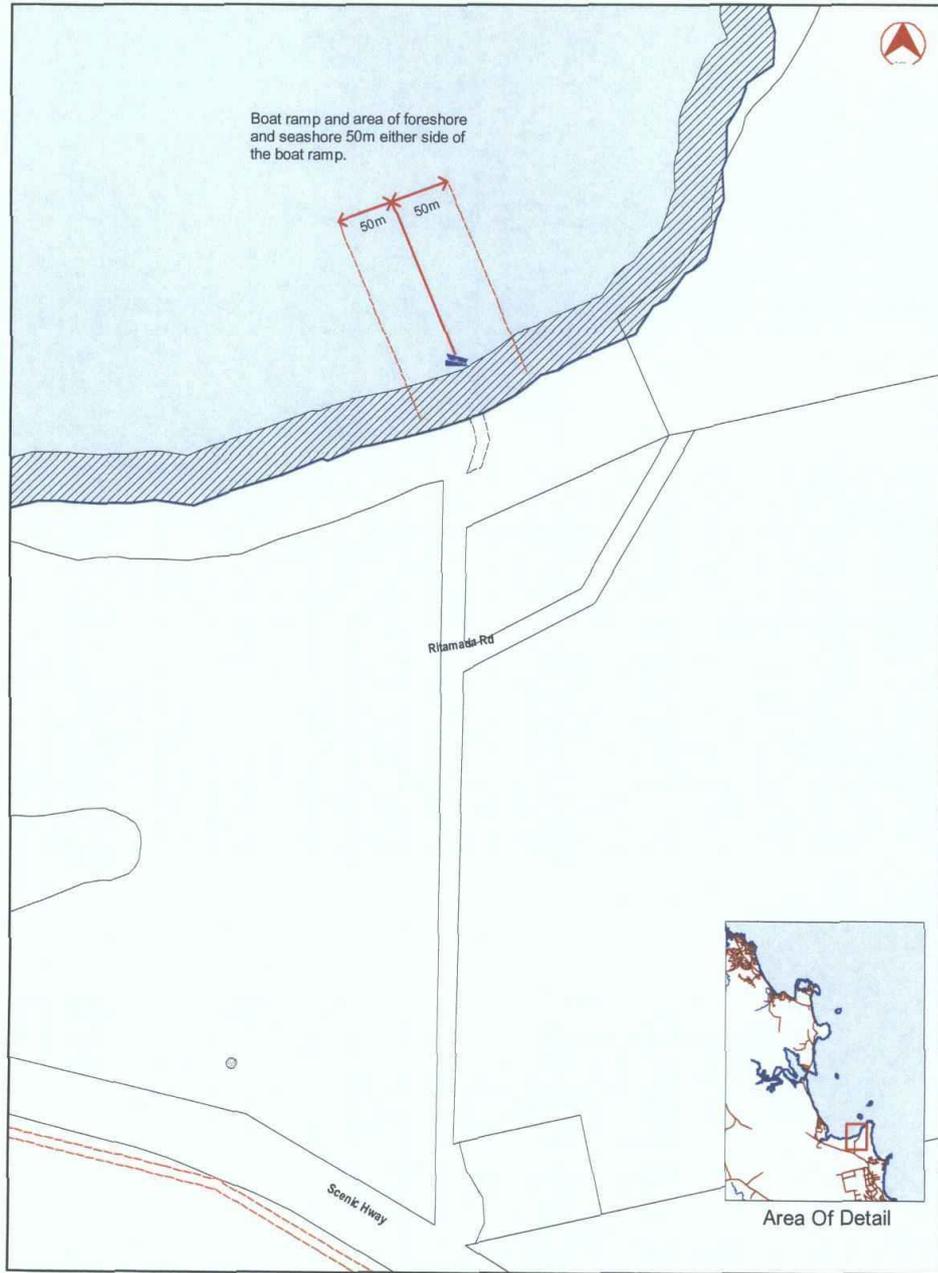
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## Schedule 12 Ritamada Beach

schedule 2, item 7



### Boat Ramp - Ritamada Beach

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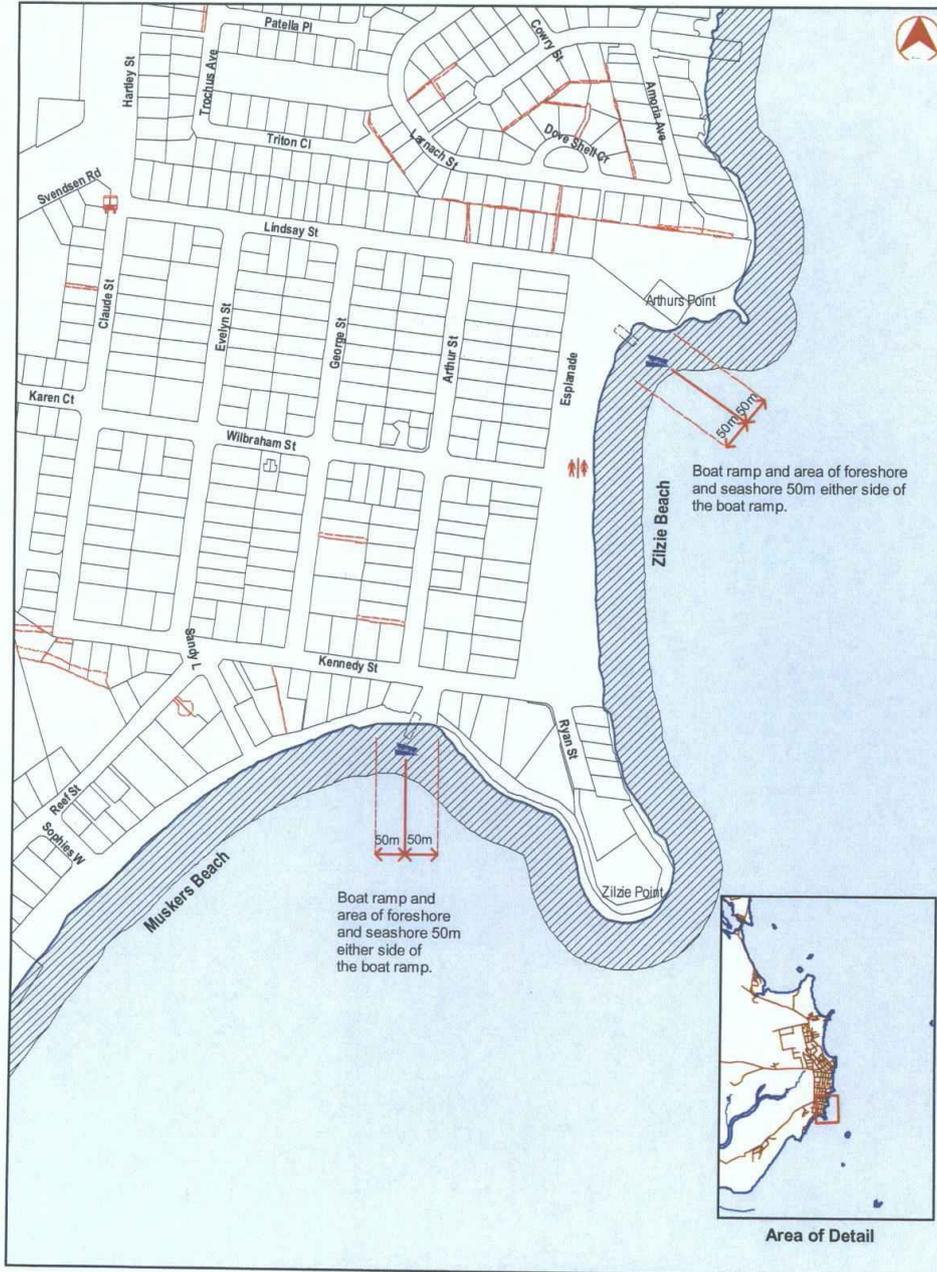
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### Schedule 13 Zilzie/Muskers Beach

schedule 2, item 8



#### Boat Ramp - Zilzie / Muskens Beach

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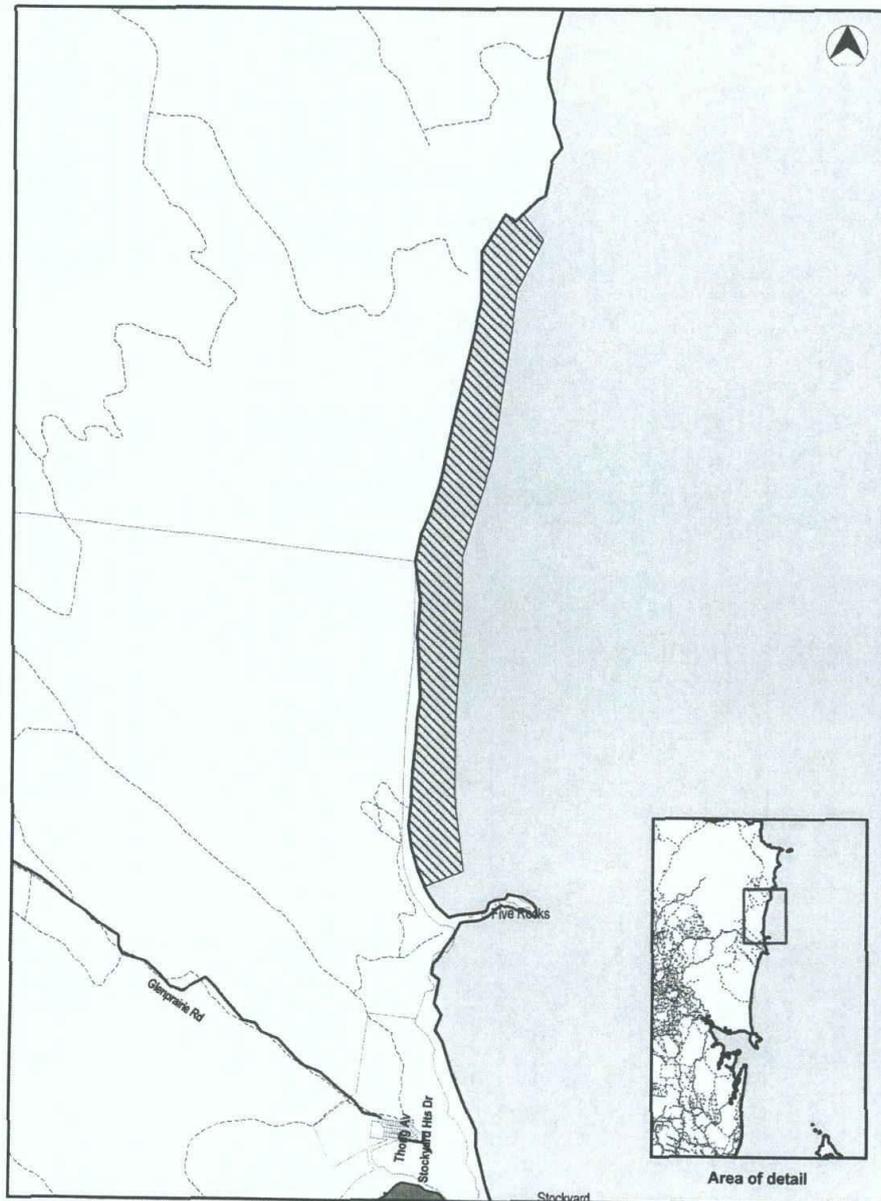
Printed  
10 Sep 2005





### Schedule 14 Five Rocks Beach

schedule 2, item 9



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**Five Rocks Beach**  
0 1  
kilometres  
Scale 1 : 35,000 (A4 Original Size)

Printed  
24 May 2006  

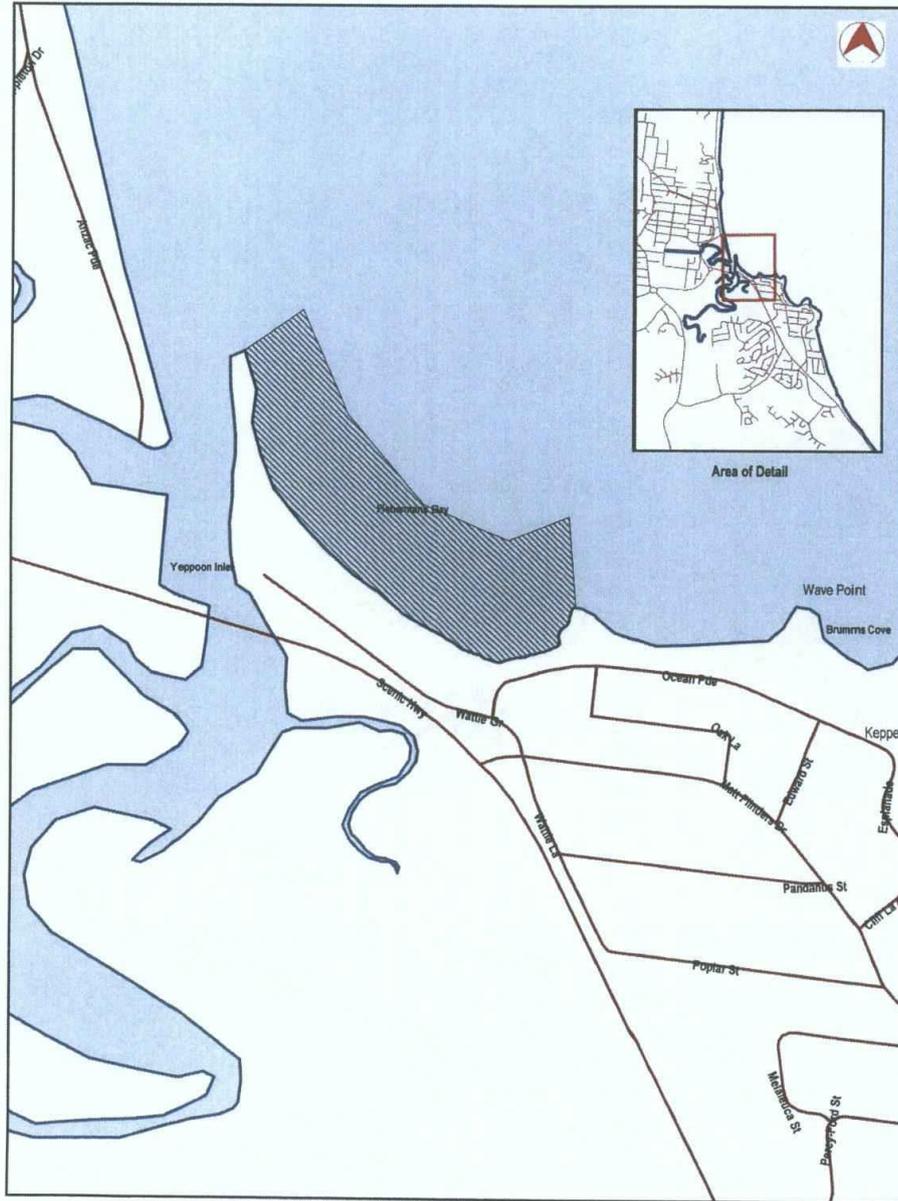






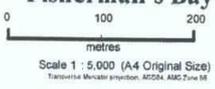

# Schedule 18 Fisherman's Bay Beach

schedule 2, item 13



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### Fisherman's Bay Beach



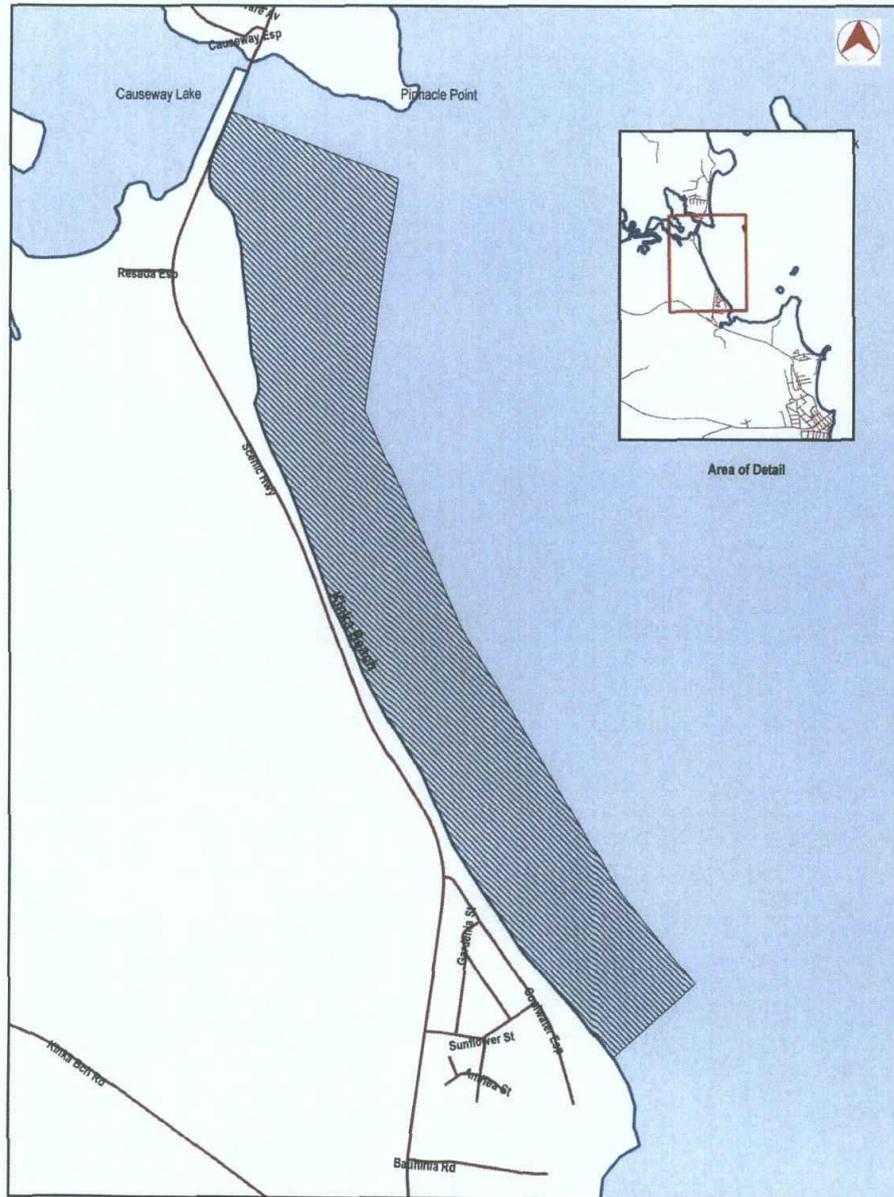
R





# Schedule 21 Kinka Beach

schedule 2, item 16



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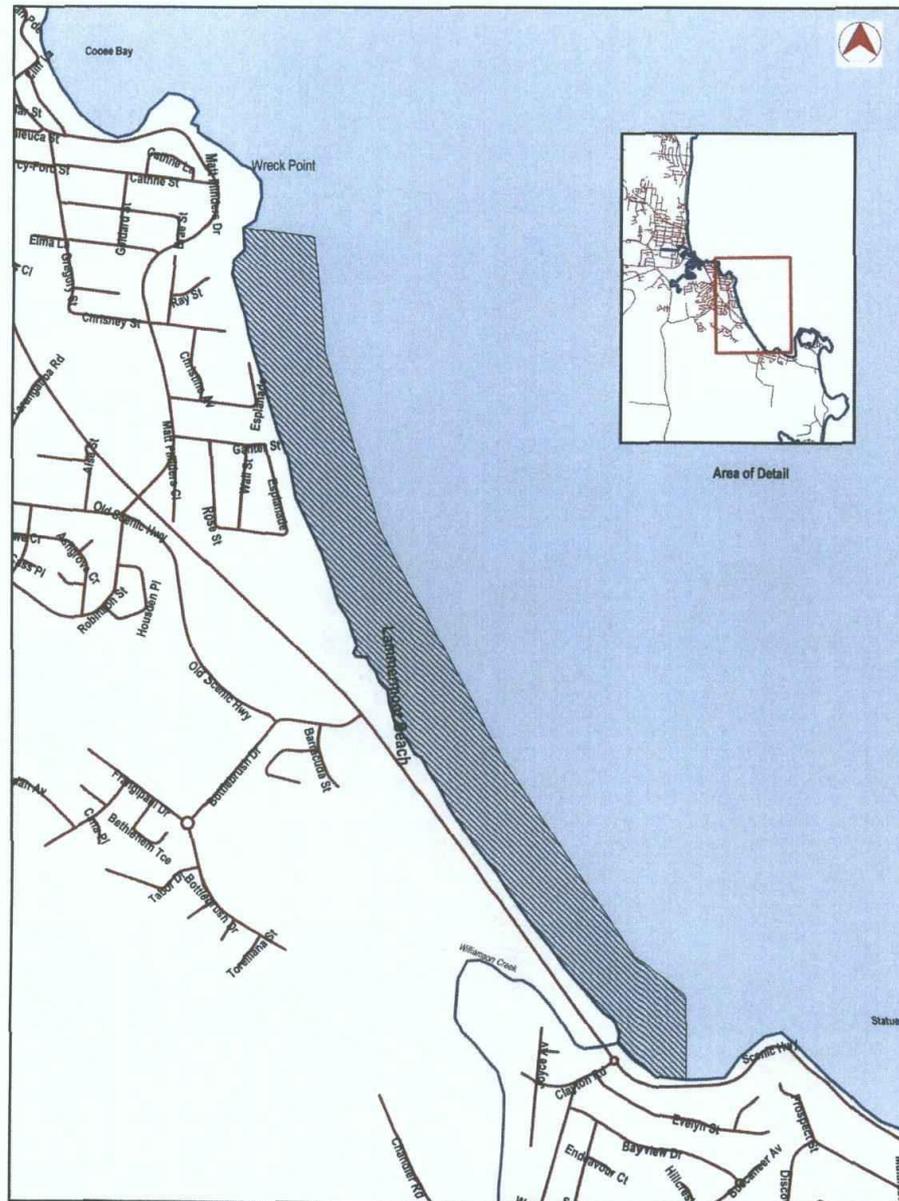


Printed  
15 Jan 2007



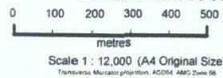
# Schedule 22 Lammermoor Beach

schedule 2, item 17



Lammermoor Beach

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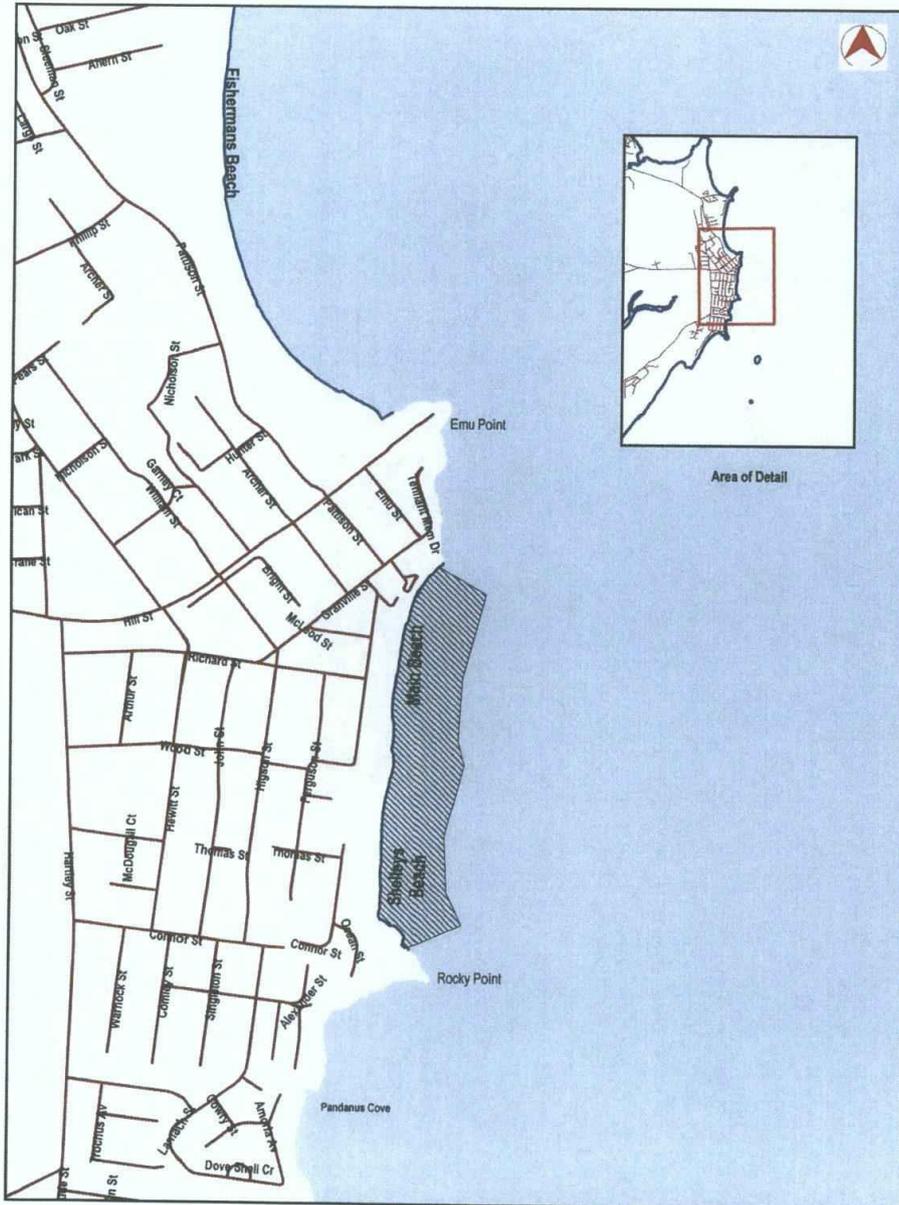


Printed  
15 Jan 2007



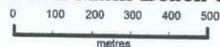
# Schedule 23 Emu Park Main Beach and Shelleys Beach

schedule 2, item 18



### Emu Park Main Beach & Shelleys Beach

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Scale 1 : 12,000 (A4 Original Size)  
Township Boundary projection, AGCS, AHD, Zone 56

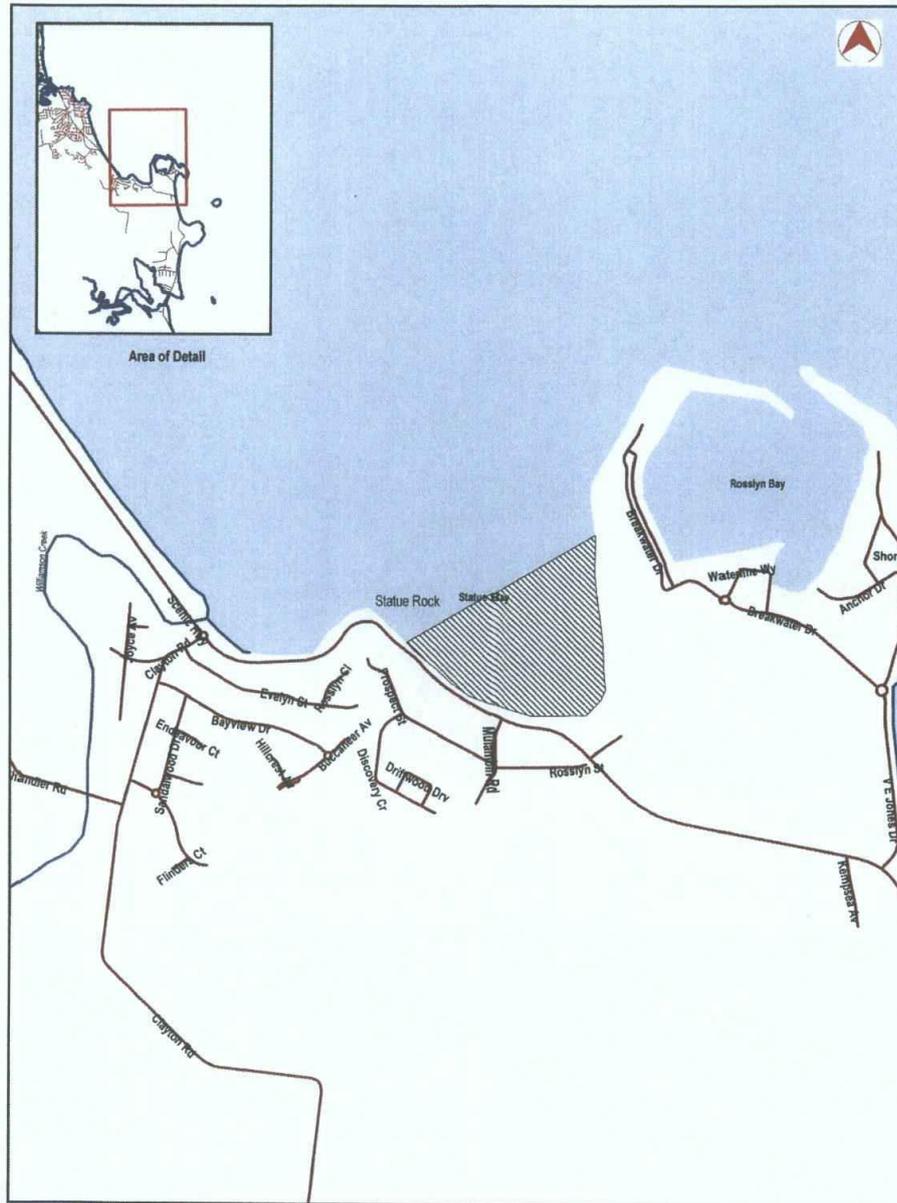
Printed 15 Jun 2007



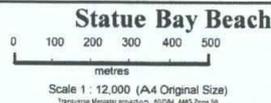
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# Schedule 24 Statue Bay Beach

schedule 2, item 19



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Printed  
15 Jan 2007

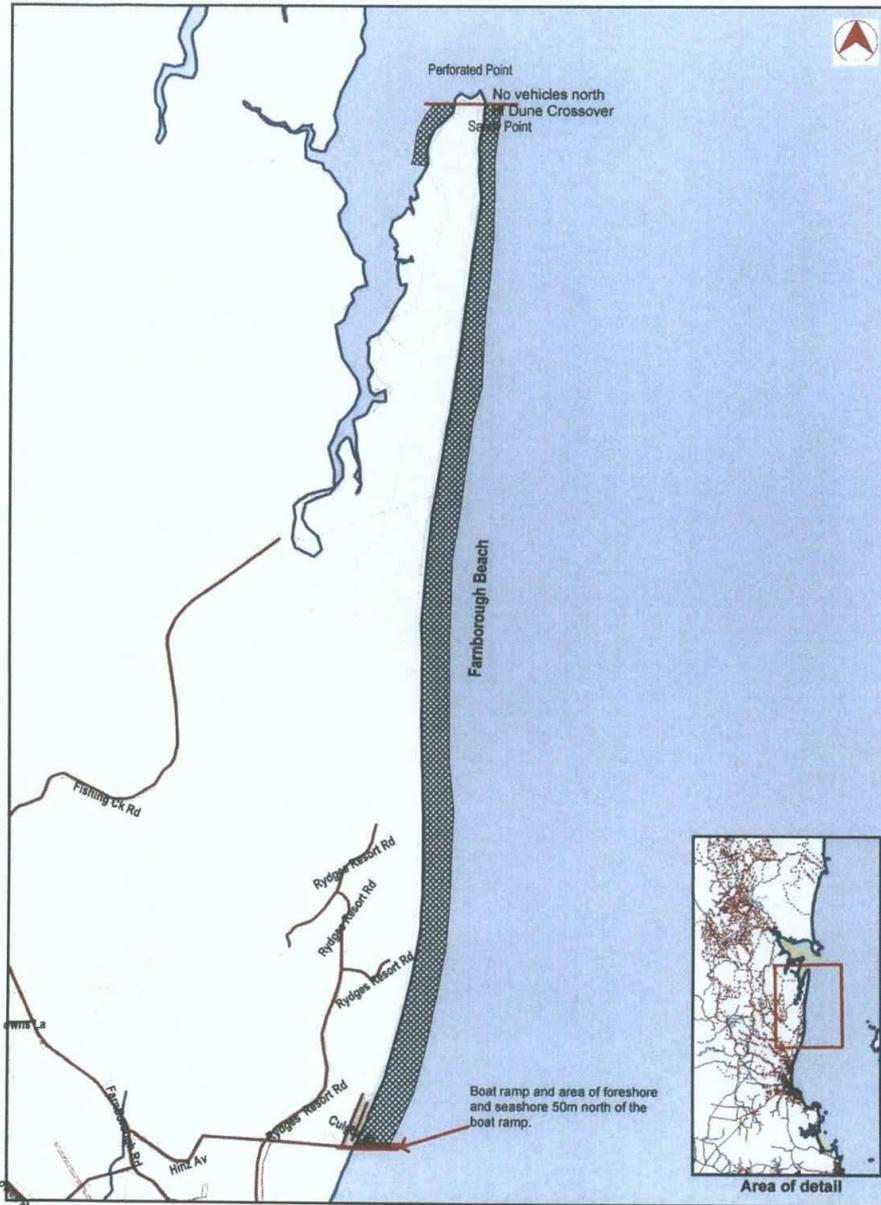


R



# Schedule 7 Farnborough Beach (North)

schedule 2, item 2



**Farnborough Beach (North)**

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0 1 2  
Kilometres  
Scale 1: 55,000 (A4 Original Size)  
Terraviva Mercator projection AIGDA, AMS 2004 50

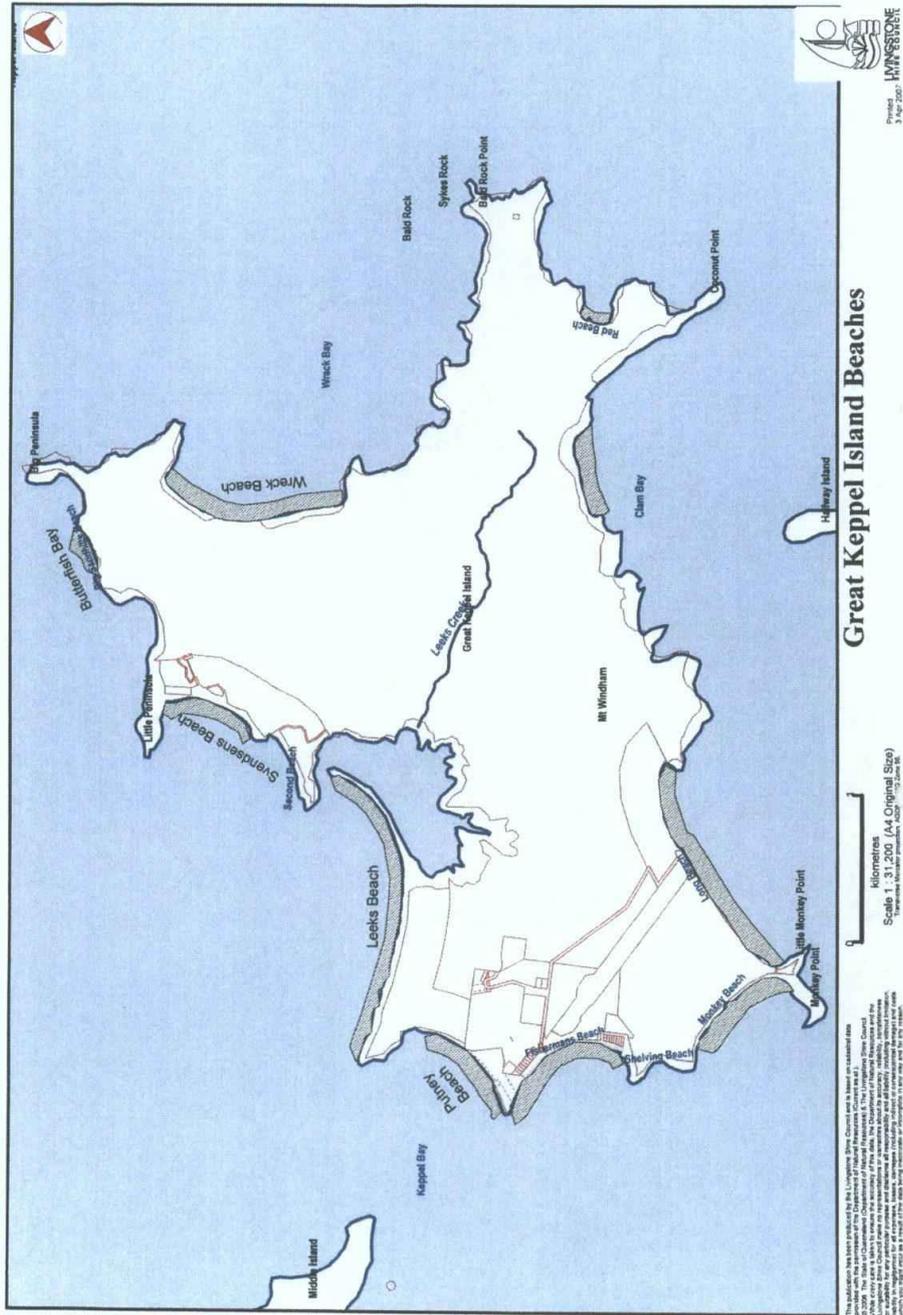
Printed  
16 Sep 2005



R

# Schedule 8 Great Keppel Island Beach

schedule 2, item 3



### Schedule 9 Haven—Tanby Point Beach

schedule 2, item 4



#### Boat Ramp - Haven - Tanby Point Beach

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metres  
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Transverse Mercator projection, AGD84, AMG Zone 56

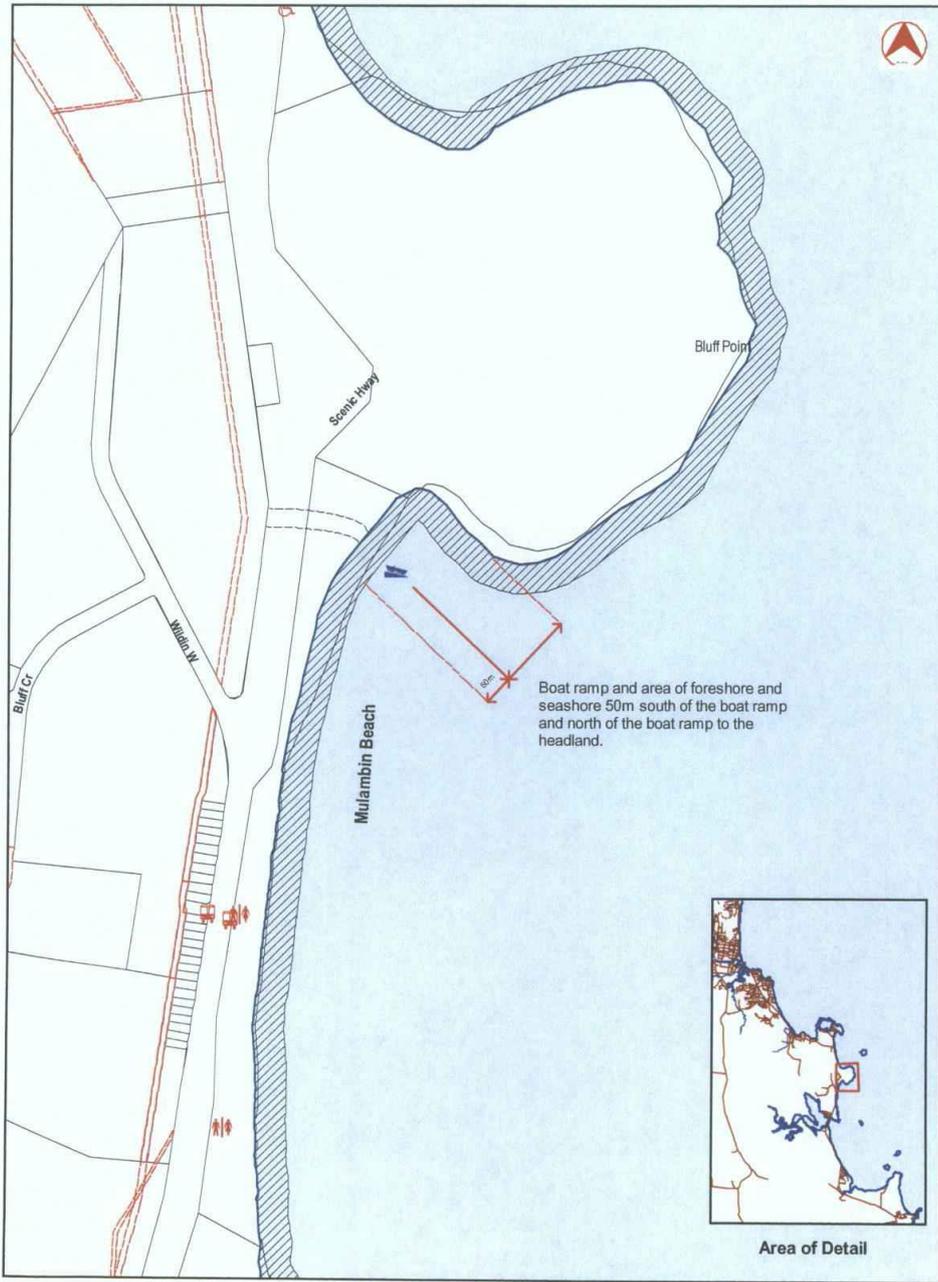
Printed  
18 Sep 2005



Handwritten initials 'R'

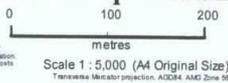
### Schedule 10 Mulambin Beach

schedule 2, item 5



#### Boat Ramp - Mulambin Beach

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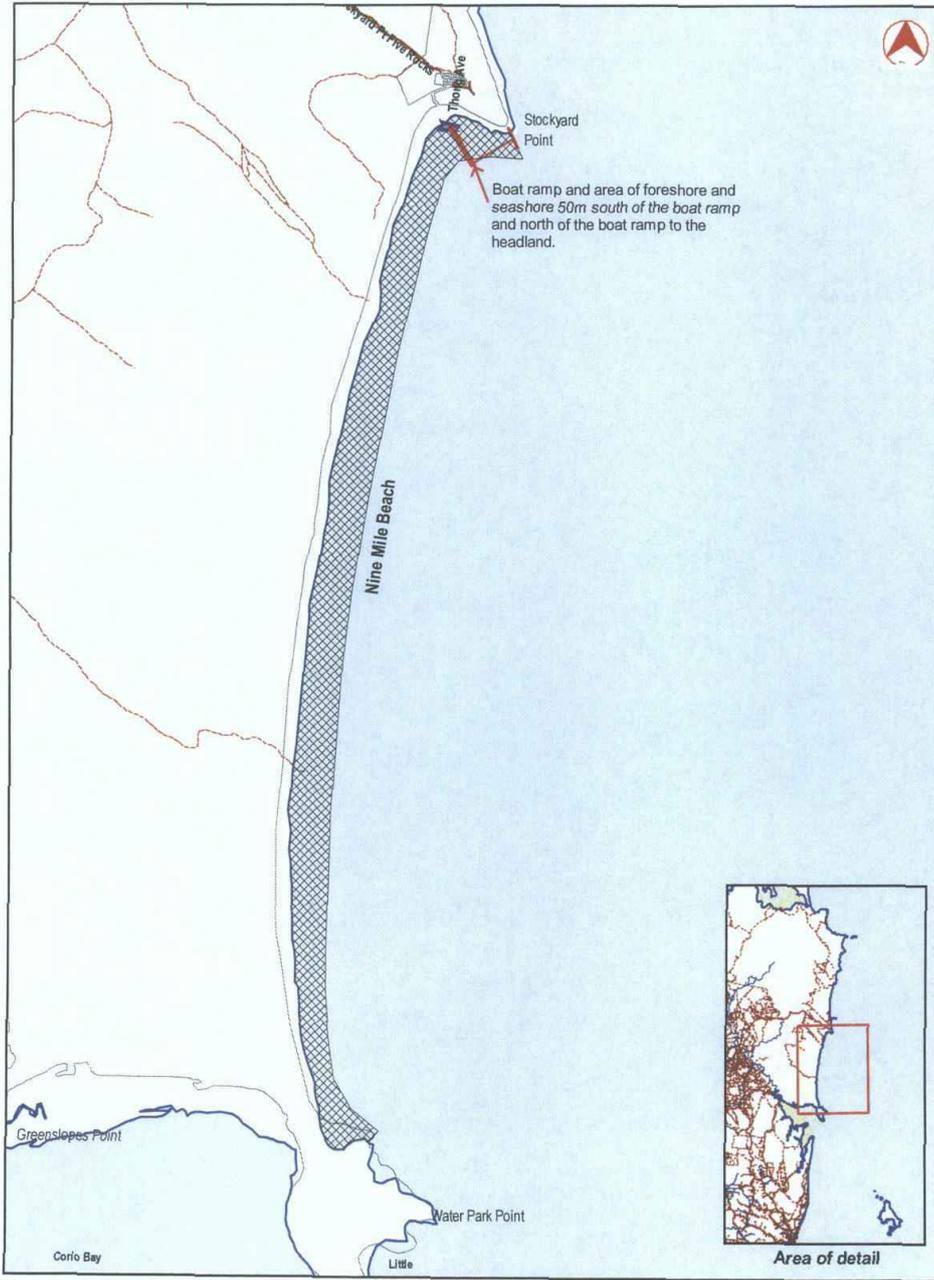
Printed  
18 Sep 2005





# Schedule 11 Nine Mile Beach

schedule 2, item 6



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**Nine Mile Beach**  
0 1 2  
kilometres  
Scale 1 : 55,000 (A4 Original Size)  
Transverse Mercator projection: AGDA, AMD Zone 56

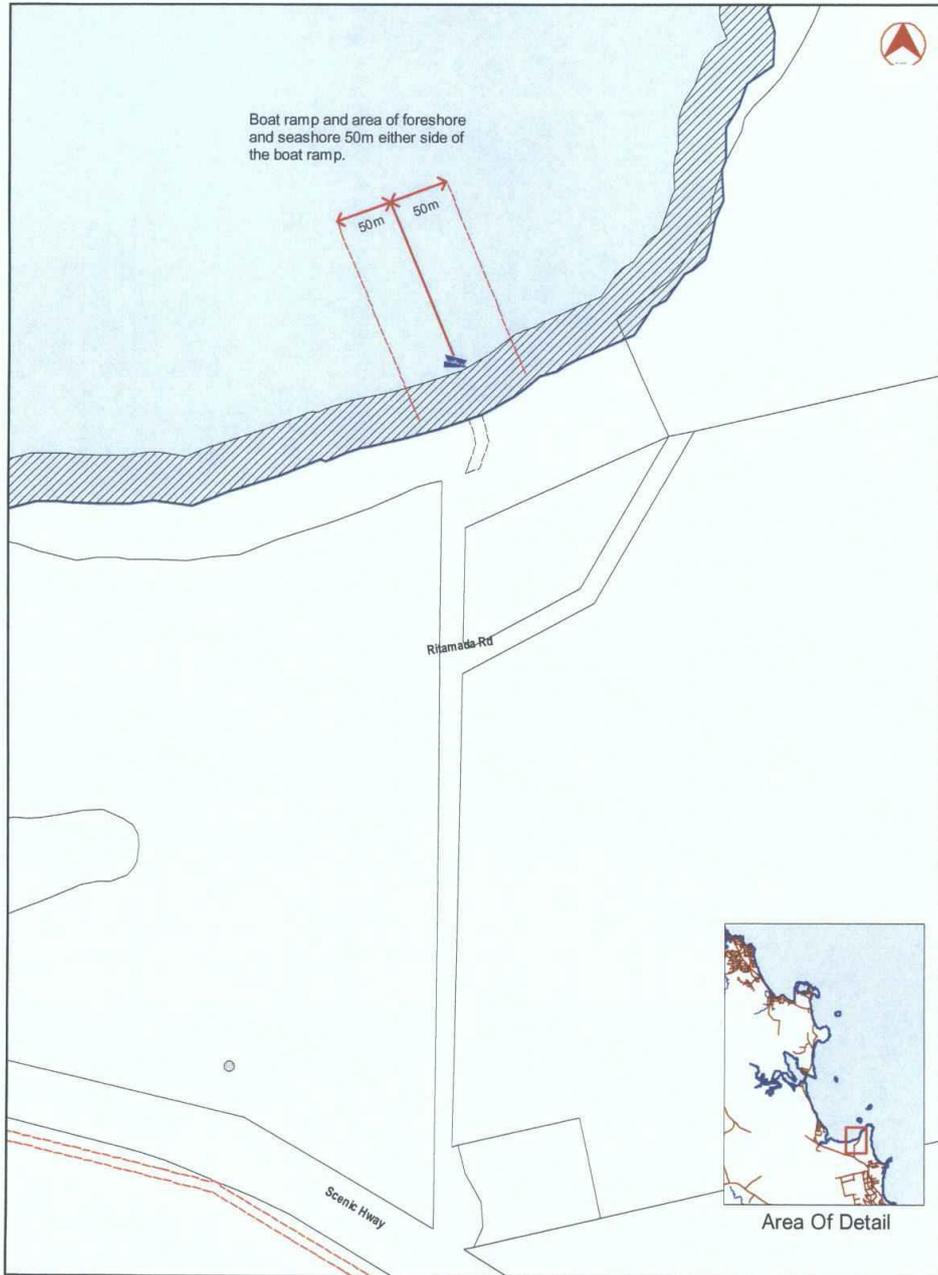
Printed  
10 Sep 2005



*[Handwritten signature]*

## Schedule 12 Ritamada Beach

schedule 2, item 7



### Boat Ramp - Ritamada Beach

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0 100 200  
metres  
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Transverse Mercator projection, AGD84, AMG Zone 56

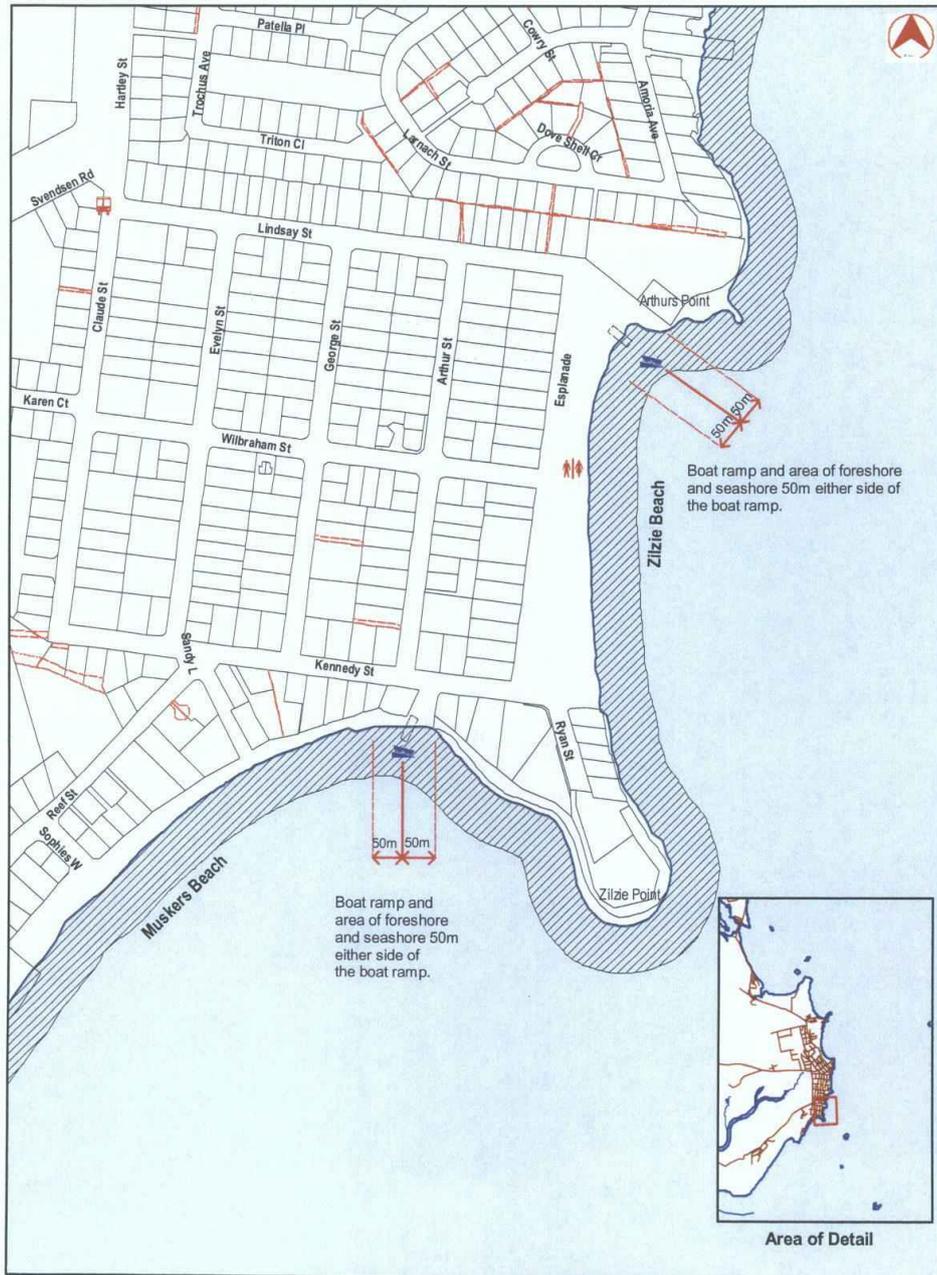
Printed  
28 Sep 2005



2

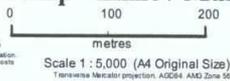
### Schedule 13 Zilzie/Muskers Beach

schedule 2, item 8



#### Boat Ramp - Zilzie / Muskers Beach

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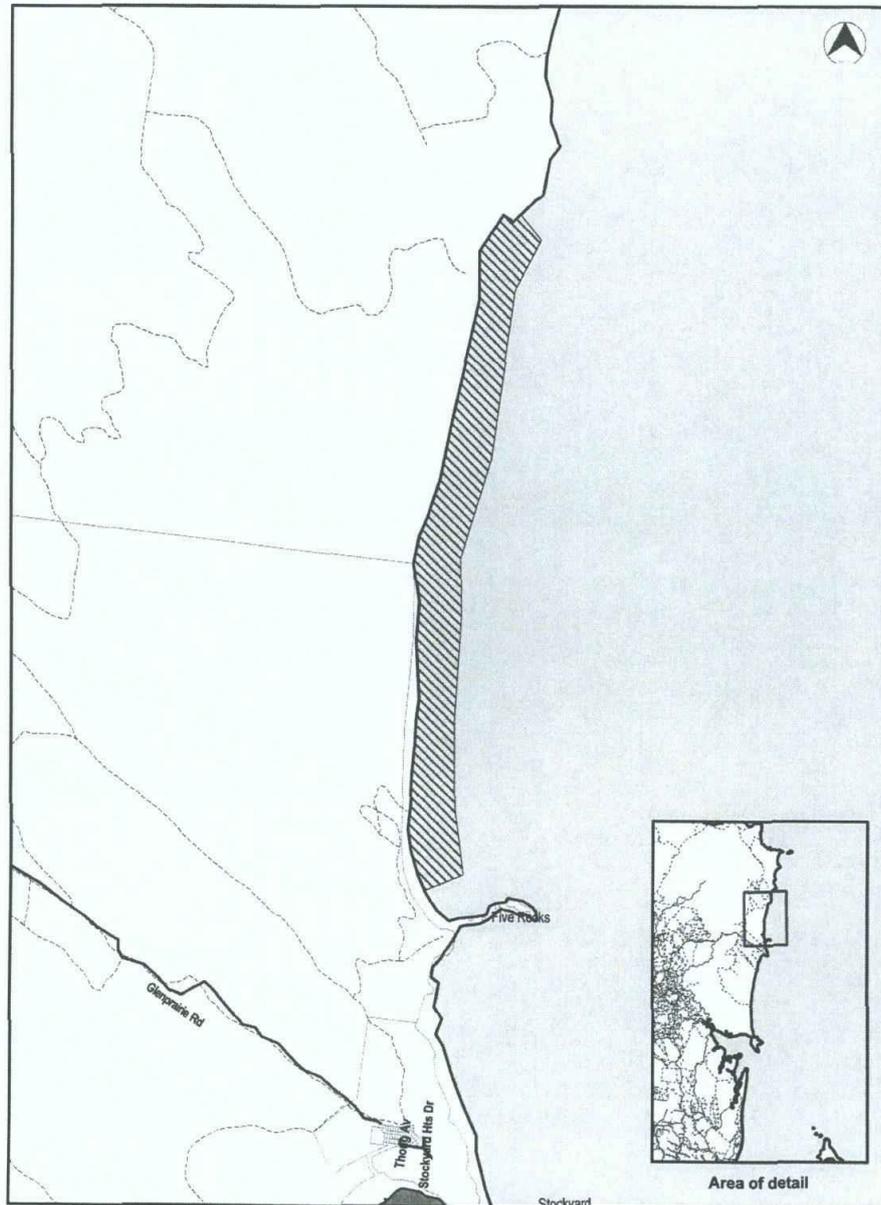


Printed 18 Sep 2005



# Schedule 14 Five Rocks Beach

schedule 2, item 9



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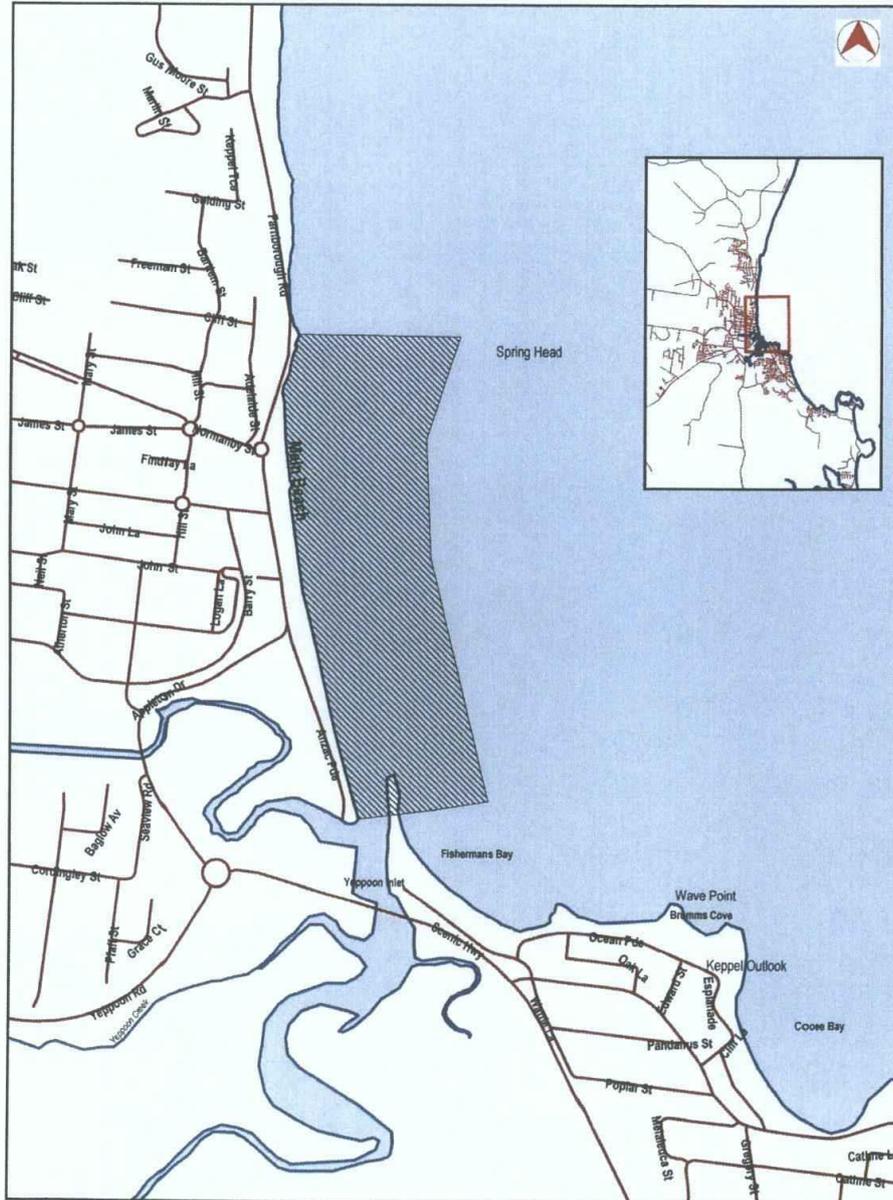
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kilometres  
Scale 1 : 35,000 (A4 Original Size)

Printed  
24 May 2006

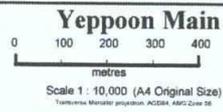


# Schedule 15 Yeppoon Main Beach

schedule 2, item 10



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Printed 11 Jan 2007  
LIVINGSTONE SHIRE COUNCIL



# Schedule 16 Cooee Bay Beach

schedule 2, item 11



**Cooee Bay Beach**

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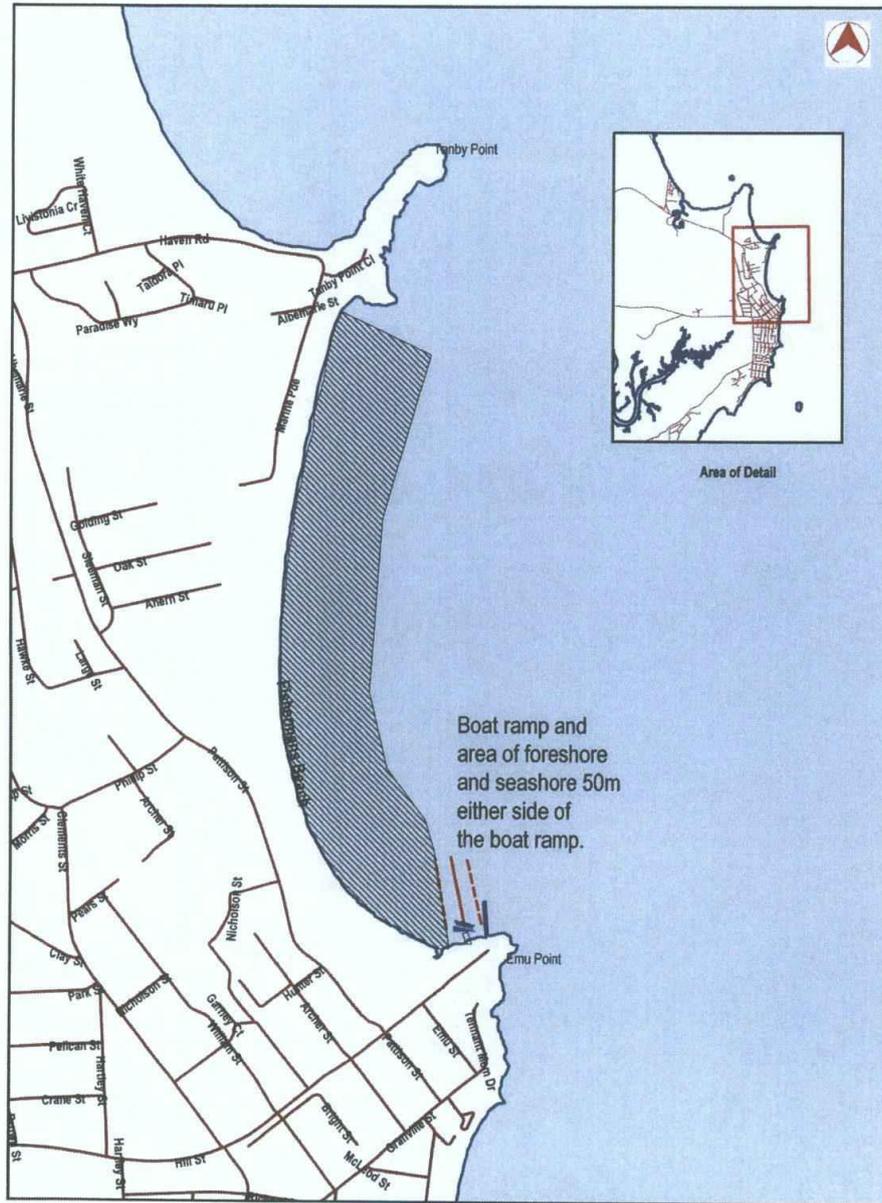
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metres  
Scale 1 : 5,000 (A4 Original Size)  
Township Manager (project) ACCSR, ABC 2/10/06

Printed  
16 Jan 2007



### Schedule 17 Fishermans Beach – Emu Park

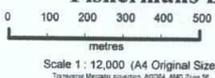
schedule 2, item 12



Boat ramp and  
area of foreshore  
and seashore 50m  
either side of  
the boat ramp.

**Fishermans Beach - Emu Park**

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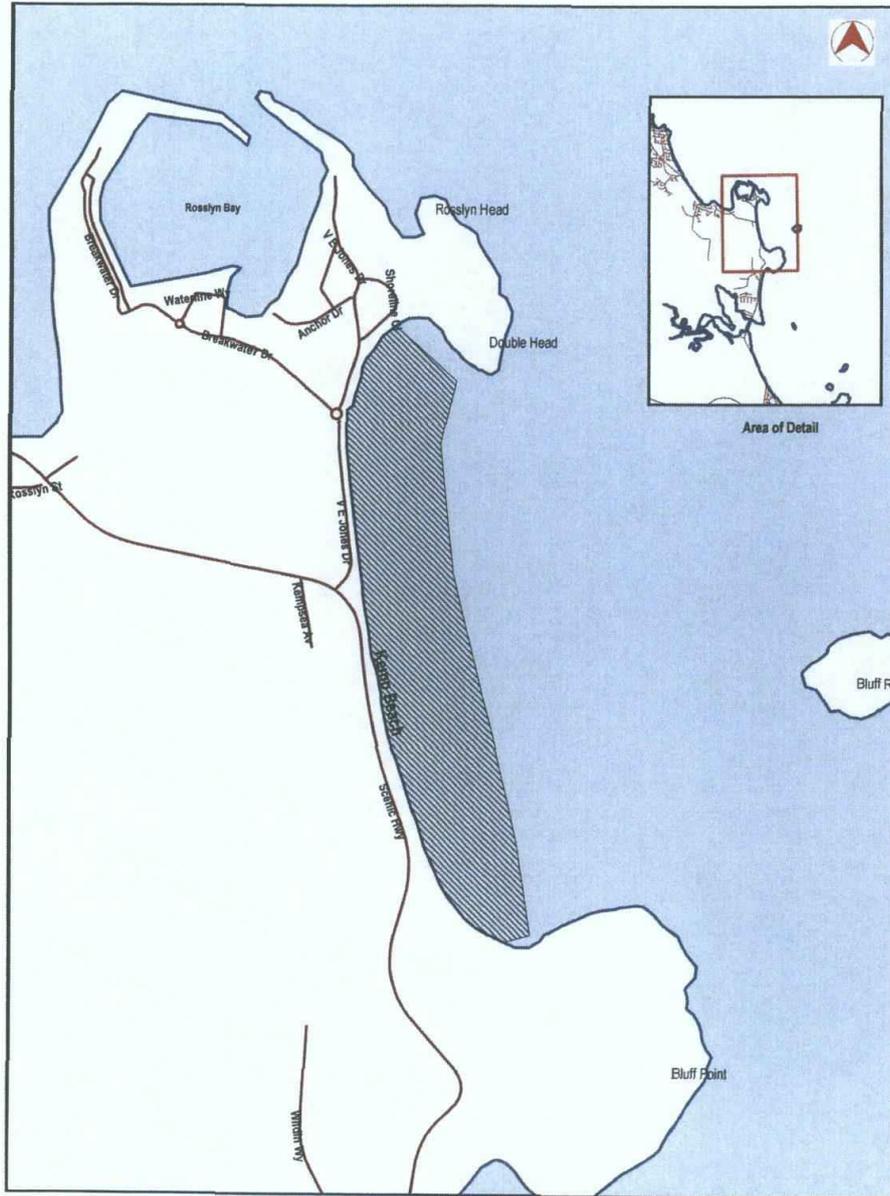




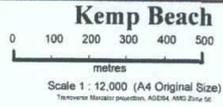


# Schedule 19 Kemp Beach

schedule 2, item 14

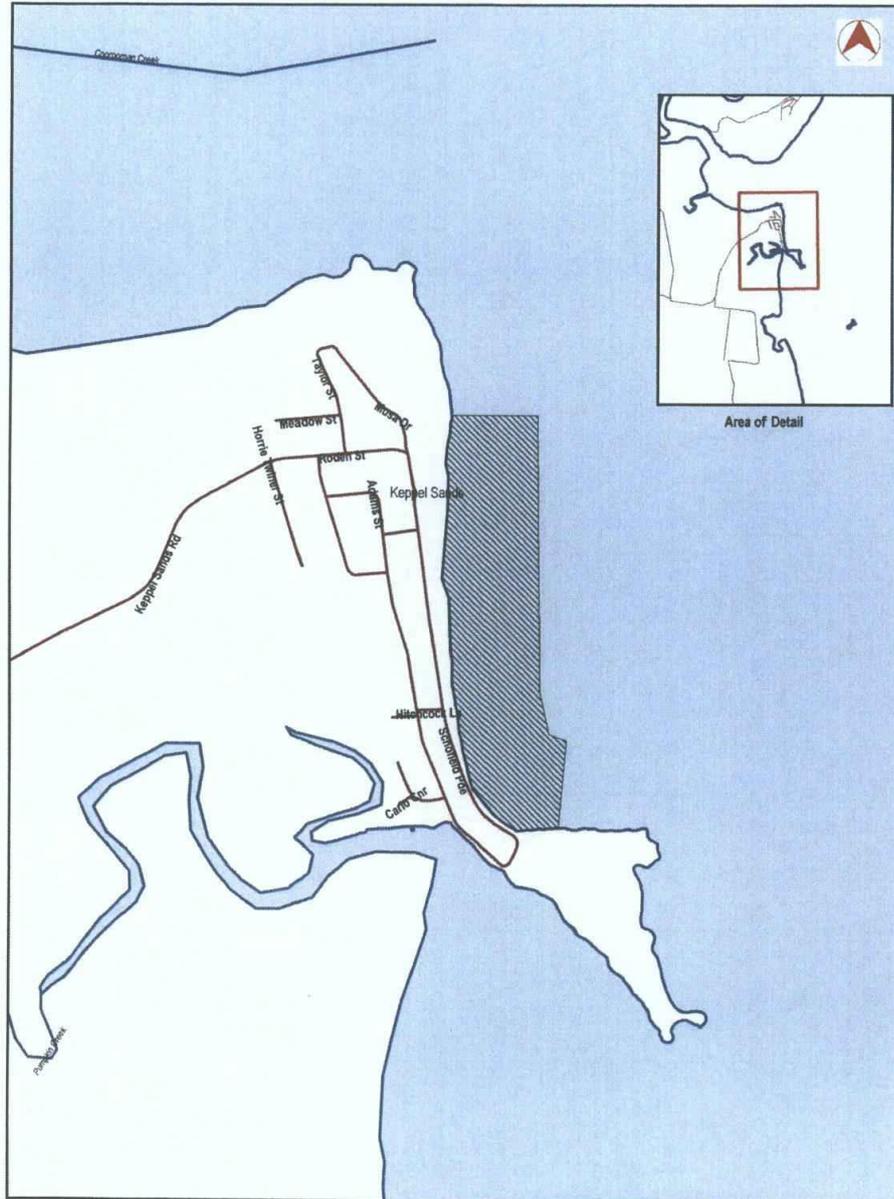


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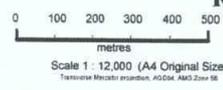


# Schedule 20 Keppel Sands Beach

schedule 2, item 15



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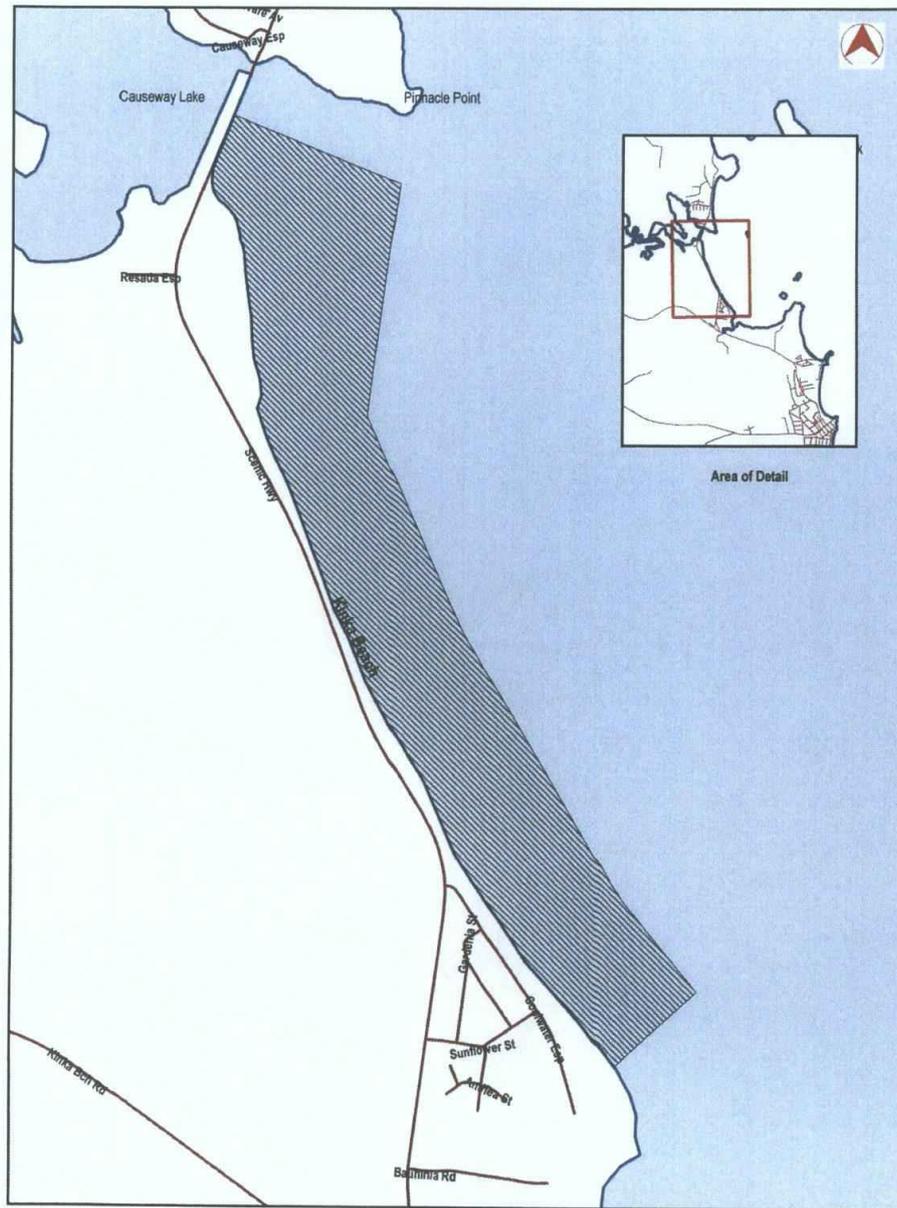
## Keppel Sands Beach

Printed  
15 Jan 2007



# Schedule 21 Kinka Beach

schedule 2, item 16



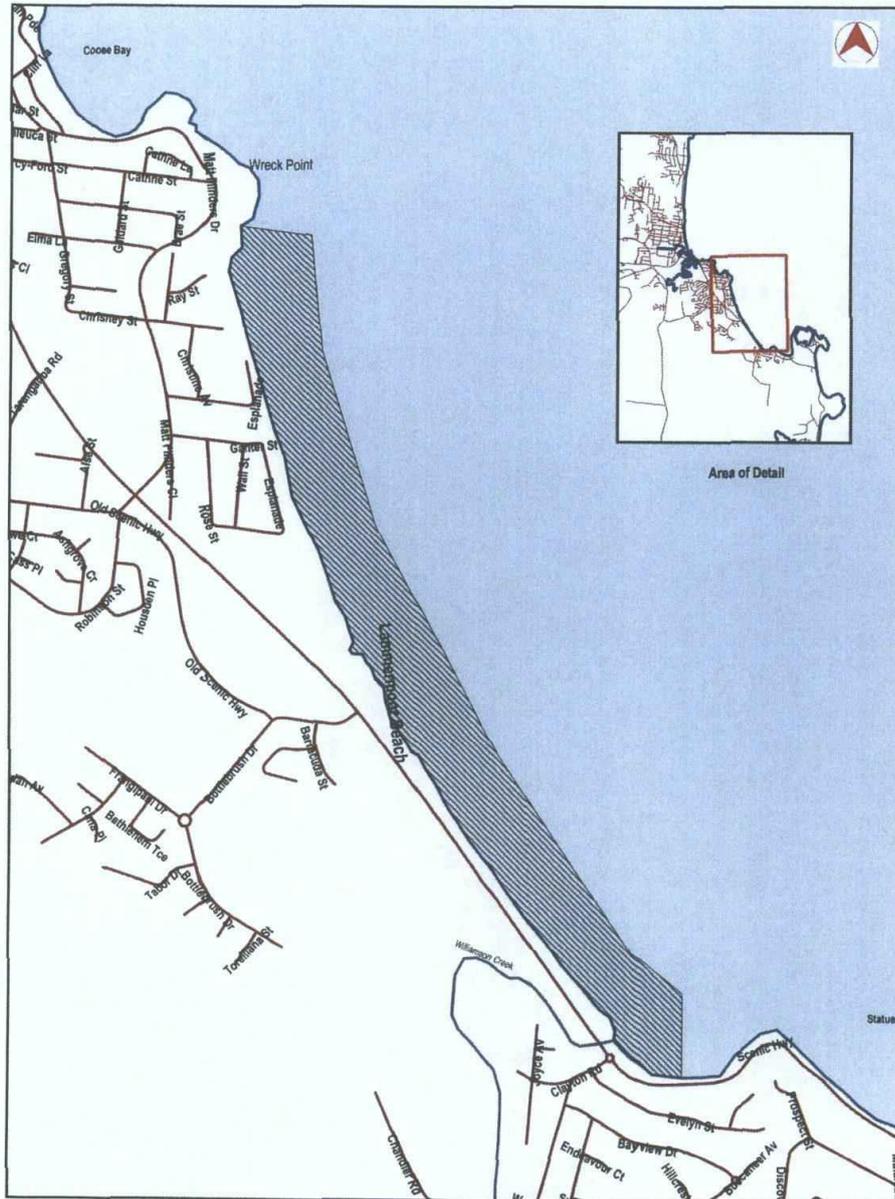
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15 Jan 2007  
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SHIRE COUNCIL

# Schedule 22 Lammermoor Beach

schedule 2, item 17



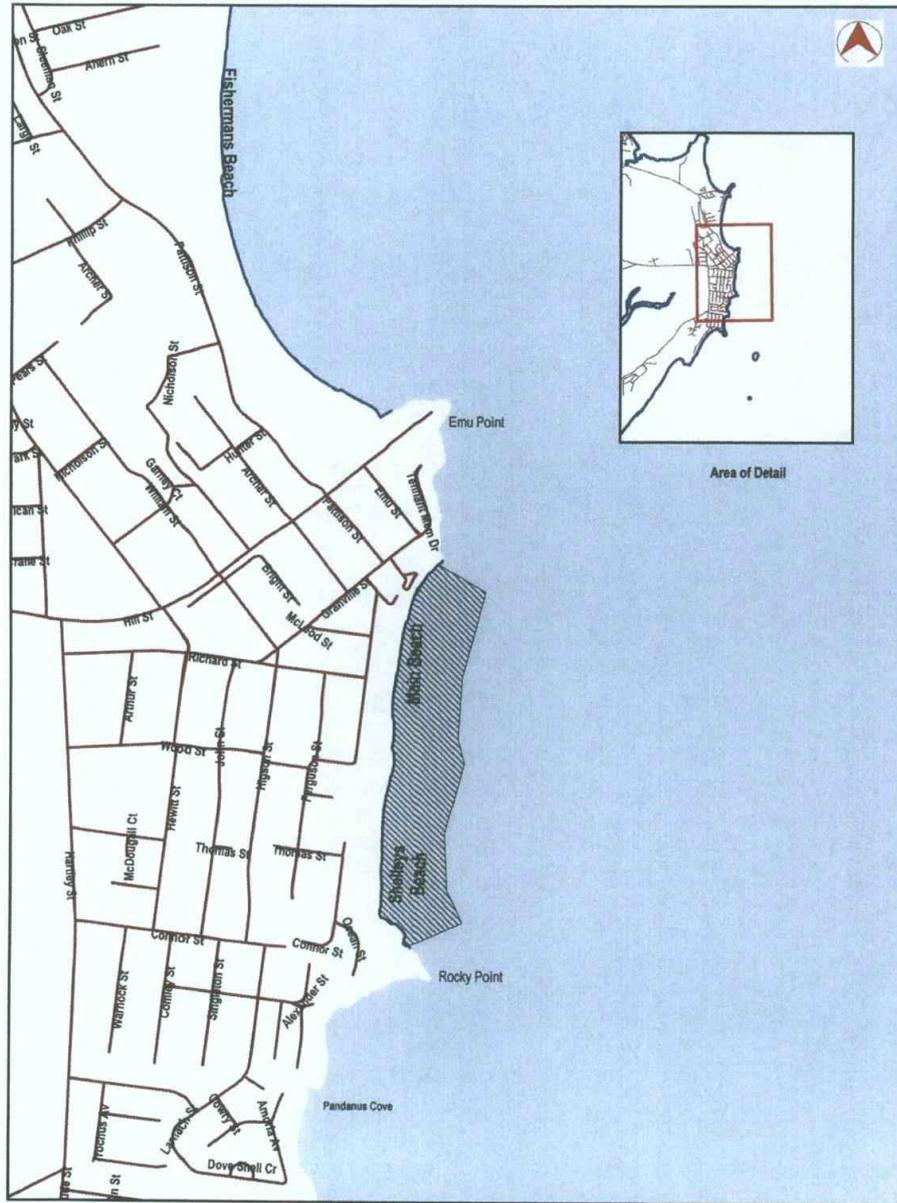
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15 Jan 2007

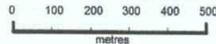
### Schedule 23 Emu Park Main Beach and Shelleys Beach

schedule 2, item 18



**Emu Park Main Beach & Shelleys Beach**

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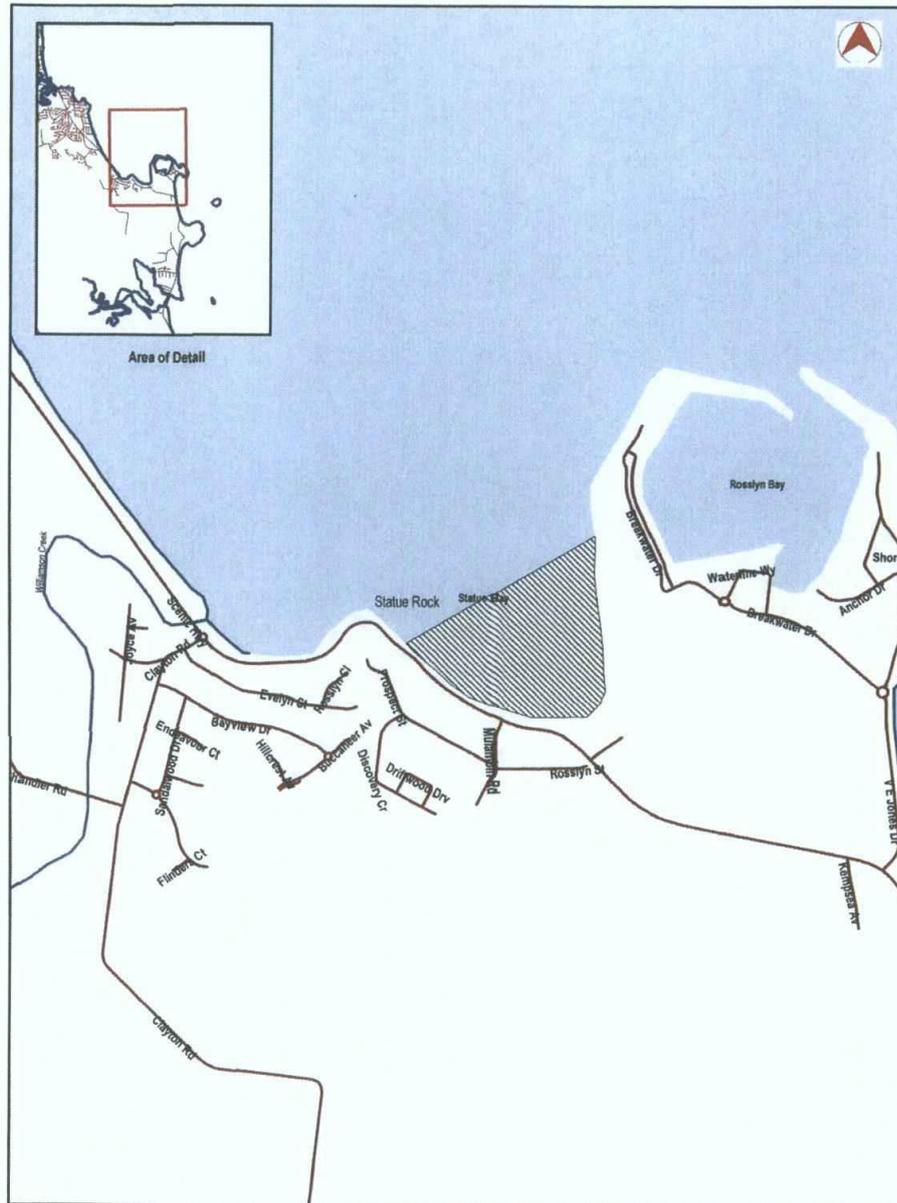
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Printed  
15 Jan 2007

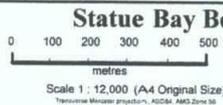


# Schedule 24 Statue Bay Beach

schedule 2, item 19



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Printed  
12 Jan 2007

This and the preceding 34 pages bearing my initials is a certified copy of *Livingstone Shire Council Subordinate Local Law No. 17 (Parks and Reserves) 2007*, made in accordance with the provisions of the *Local Government Act 1993*, by the Livingstone Shire Council by resolution dated the 25<sup>th</sup> day of July, 2007.



---

Chief Executive Officer

16448\_1



# **11.19 - SOUTHERN BEACHES VEHICLE ACCESS HISTORY, LOCAL LAWS AND REFERENCE GROUP.**

## **Local law No.4 (Local Government Controlled Areas, Facilities and Roads) 2011.**

**Meeting Date: 20 May 2024**

**Attachment No: 3**



## Local Law No. 4 (Local Government Controlled Areas, Facilities and Roads) 2011

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## Part 1 Preliminary

### 1 Short title

This local law may be cited as *Local Law No. 4 (Local Government Controlled Areas, Facilities and Roads) 2011*.

### 2 Purpose and how it is to be achieved

- (1) The purpose of this local law is to—
  - (a) protect the health and safety of persons using local government controlled land, facilities, infrastructure and roads; and
  - (b) preserve features of the natural and built environment and other aspects of the amenity of local government controlled land, facilities, infrastructure and roads.
- (2) The purpose is to be achieved by providing for—
  - (a) the regulation of access to local government controlled areas; and
  - (b) the prohibition or restriction of particular activities on local government controlled areas or roads; and
  - (c) miscellaneous matters affecting local government controlled areas and roads.

### 3 Definitions—the dictionary

The dictionary in the schedule defines particular words used in this local law.

### 4 Relationship with other laws<sup>1</sup>

This local law is—

- (a) in addition to and does not derogate from laws<sup>2</sup> regulating the use of trust land and roads; and
- (b) is to be read with *Local Law No. 1 (Administration) 2011*.

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<sup>1</sup> This local law and any subordinate local law made under it do not apply to the extent of any inconsistency with a law of the State or the Commonwealth. See the Act, section 27.

<sup>2</sup> Other legislation that may be relevant in the application of this local law includes the *Land Act 1994*, the *Land Regulation 2009* and the *Land Protection (Pest and Stock Route Management) Act 2002*.

## Part 2 Use of local government controlled areas, facilities and roads<sup>3</sup>

### 5 Prohibited and restricted activities

- (1) The local government may, under a subordinate local law, declare an activity to be—
- (a) prohibited in a local government controlled area or road (a *prohibited activity*); or
  - (b) restricted in a local government controlled area or road (a *restricted activity*).

*Example for paragraph (a)—*

The local government may declare that the lighting of fires is a prohibited activity in all local government controlled areas, in a particular local government controlled area or in a part of a local government controlled area.

*Example for paragraph (b)-*

The local government may declare that the playing of sport generally, or the playing of certain sports, is a restricted activity in that it is restricted to particular times of the day, week, month or year in all local government controlled areas, in a particular local government controlled area or in a part of a local government controlled area.

- (2) The local government must take reasonable steps to provide notice to members of the public regarding restricted activities declared for local government controlled areas or roads.

- (3) In this section —

*reasonable steps* may include each of the following—

- (a) the display of a notice at a prominent place within each local government controlled area for which a declaration under subsection (1)(b) has been made, stating —
  - (i) if the declaration relates to the whole area — the restricted activities for the area; and
  - (ii) if the declaration relates to a part of the area — the restricted activities and a description of the part of the area to which the declaration applies; and
  - (iii) in general terms, the provisions of subsection (4);
- (b) the display of a notice on the local government's website which—
  - (i) identifies each local government controlled area for which a declaration under subsection (1)(b) has been made; and
  - (ii) in general terms, states the information specified in paragraph (a).

- (4) A person must not engage in a prohibited activity or a restricted activity.

Maximum penalty - 20 penalty units

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<sup>3</sup> Local Law No. 1 (Administration) 2011 deals with activities on local government controlled areas and roads that require the local government's approval, such as commercial use of local government controlled areas and roads, alterations or improvements to local government controlled areas, and other miscellaneous regulated activities.

## 6 Motor vehicle access to local government controlled areas

- (1) A **motor vehicle access area** is an area within a local government controlled area that is—
  - (a) a car park or roadway for which there is no sign or traffic control device indicating that vehicles owned by members of the public are excluded; or
  - (b) declared under a subordinate local law for this paragraph as a motor vehicle access area.
- (2) For the purposes of *Local Law No.1 (Administration) 2011*, section 5(b), it is a prescribed activity<sup>4</sup> to bring a motor vehicle onto or drive a motor vehicle on any part of a local government controlled area that is not a motor vehicle access area.
- (3) The local government may, by subordinate local law, declare a specific type of motor vehicle (a **prohibited vehicle**) as prohibited in a specified motor vehicle access area.
- (4) For the purposes of *Local Law No.1 (Administration) 2011*, section 5(b), it is a prescribed activity<sup>5</sup> to bring a prohibited vehicle onto or drive a prohibited vehicle on the specified motor vehicle access area.
- (5) However, subsections (2) and (4) do not apply for an emergency vehicle.
- (6) The local government must take reasonable steps to provide notice to members of the public regarding—
  - (a) declarations of motor vehicle access areas under subsection (1)(b); and
  - (b) declarations of prohibited vehicles under subsection (3).
- (7) In this section—

**emergency vehicle** includes the following—

  - (a) an ambulance;
  - (b) a fire-engine;
  - (c) a police vehicle;
  - (d) another vehicle, including a tow truck, helicopter or mobile crane, if used—
    - (i) in the circumstances of an emergency; or
    - (ii) by persons undertaking disaster operations under the direction of a district disaster coordinator or a local disaster coordinator.

**reasonable steps** include, as a minimum, the display of a notice at a prominent place within each declared motor vehicle access area stating—

  - (a) a description of the declared motor vehicle access area; and
  - (b) a description of prohibited vehicles for the area; and

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<sup>4</sup> *Local Law No.1 (Administration) 2011*, section 6, creates an offence for a person to undertake a prescribed activity without a current approval granted by the local government. Section 7 requires that the approval be obtained under part 2 of that local law.

<sup>5</sup> See footnote 3.

- (c) in general terms, the provisions of subsections (2) and (4).

## 7 Opening hours of local government controlled areas

- (1) The local government may, by subordinate local law, declare the times when a local government controlled area is open to the public (the *opening hours*).
- (2) A person must not enter or remain in a local government controlled area outside the opening hours unless the person is authorised to do so by the chief executive officer<sup>6</sup>.

Maximum penalty for subsection (2)—20 penalty units.

- (3) If the local government declares the opening hours for a local government controlled area under subsection (1), it must place a notice showing the opening hours at each public entrance to the area.

## 8 Power of closure of local government controlled areas

- (1) An authorised person may temporarily close a local government controlled area to public access—
- (a) to carry out construction, maintenance, repair or restoration work; or
  - (b) to protect the health and safety of a person or the security of a person's property; or
  - (c) because of a fire or other natural disaster; or
  - (d) to conserve or protect the cultural or natural resources of the area or native wildlife; or
  - (e) for the purpose of the undertaking of an activity authorised by the authorised person.
- (2) A closure under subsection (1)—
- (a) must state a period, not greater than 6 months, during which the area will be closed; and
  - (b) must be revoked by the authorised person as soon as practicable after the authorised person becomes satisfied that the reason for the closure no longer exists.
- (3) The local government may, by subordinate local law, permanently close a local government controlled area to public access for any of the following reasons—
- (a) the conservation of the cultural or natural resources of the area, including, for example—
    - (i) to protect significant cultural or natural resources; or
    - (ii) to enable the restoration or rehabilitation of the area; or
    - (iii) to protect a breeding area for native wildlife; or
    - (iv) to manage a significant Aboriginal area in the area in a way that is

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<sup>6</sup> See definition of *chief executive officer* in the Act, schedule 4.

- consistent with Aboriginal tradition; or
- (v) to manage a significant Torres Strait Islander area in the area in a way that is consistent with Island custom;
  - (b) protection of the health and safety of members of the public;
  - (c) protection of a facility or service in the area, including, for example, infrastructure, water supply facilities or power generating equipment;
  - (d) protection of the amenity of an area adjacent to the area;
  - (e) the orderly or proper management of the area;
  - (f) if the local government determines that the permanent closure of the local government controlled area to public access is necessary or convenient for the good rule and local government of its local government area.
- (4) If the local government closes a local government controlled area under subsections (1) or (3), it must place at each public entrance to the area a notice of the closure, including a statement of the duration of the closure.
- Example—*
- If the local government closes an area that is part of a wider local government controlled area, it must place notices at each public entrance to the closed area.
- (5) A person must not enter or remain in a local government controlled area while it is closed to public access under this section, unless the person is authorised to do so by the chief executive officer.
- Maximum penalty for subsection (5)—20 penalty units.
- (6) In this section—
- significant Aboriginal area* see the *Aboriginal Cultural Heritage Act 2003*, section 9.
- significant Torres Strait Islander area* see the *Torres Strait Islander Cultural Heritage Act 2003*, section 9.

### Part 3 Matters affecting roads

#### 9 Power to require owner of land adjoining road to fence land

- (1) This section applies if, in the opinion of an authorised person, it is necessary for land adjoining a road to be fenced to prevent the risk of—
  - (a) animals escaping from the land onto the road; or
  - (b) interference with the safe movement of traffic or the safe use of the road.
- (2) The authorised person may, by giving a compliance notice<sup>7</sup> to the owner—
  - (a) if the land is not currently fenced—require the owner to fence the land; or
  - (b) if a current fence on the land is in disrepair—require the owner to repair or replace the fence.

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<sup>7</sup> See *Local Law No.1 (Administration) 2011*, section 27, regarding the requirements for compliance notices.

(3) The local government may, by subordinate local law, set out the minimum standards with which the fence must comply.

(4) In this section—

*animal* does not include a native animal, feral animal or pest animal.

*feral animal* see *Animal Care and Protection Act 2001*, section 42.

*pest animal* see *Animal Care and Protection Act 2001*, section 42.

#### 10 Numbering of premises and allotments adjoining a road<sup>8</sup>

(1) An owner of land must not adopt a number for a building or allotment that is inconsistent with a numbering system adopted by the local government under this section.

Maximum penalty for subsection (1)—10 penalty units.

(2) An owner of land (other than vacant land) must display the number allocated so as to be easily identified from the adjoining road.

Maximum penalty for subsection (2)—10 penalty units.

#### 11 Compliance notice about a road or footpath crossing

(1) An authorised person may give a compliance notice to—

(a) the owner of land adjoining or adjacent to a road to perform work on the land or the road if the work to be carried out is required as a direct result of the actions of the owner or occupier of the land or will confer a direct benefit on the owner or occupier and, in the opinion of the authorised person, the work should be performed to—

(i) protect public health, safety or amenity; or

(ii) prevent environmental harm or environmental nuisance; or

(iii) prevent interference with the safe movement of traffic or the safe use of a road; or

(b) the owner of land adjoining or adjacent to a road to—

(i) construct a vehicle crossing to provide vehicular access between the road and the land to a standard specified in the compliance notice; or

(ii) if a vehicle crossing provides vehicular access between the land and the road — maintain, repair or alter the vehicle crossing, or construct a new or modified vehicle crossing, to a standard specified in the compliance notice if, in the opinion of the authorised person, the vehicle crossing—

(A) is not effective for its intended purpose; or

(B) is causing a nuisance or poses a risk of a nuisance; or

(C) constitutes an actual or potential safety hazard; or

(iii) alter a vehicle crossing, or construct a new or modified vehicle crossing between the land and the road to a standard specified in the compliance

<sup>8</sup> See the Act, section 60, regarding control of roads by a local government.

notice if, in the opinion of the authorised person, the vehicle crossing is no longer adequate having regard to—

- (A) the volume or nature of traffic using the vehicle crossing; or
  - (B) the manner in which the vehicle crossing is used by traffic; or
  - (C) changes in the use of the land to which the vehicle crossing provides access; or
  - (D) changes in the usual or expected standard of vehicle crossing provision in the relevant locality.
- (2) The local government may recover the amount that the local government properly and reasonably incurs in taking the action required by the compliance notice as a debt payable by the person who failed to take the action.
- (3) Interest is payable on the debt at the same rate that interest is payable on overdue rates levied by the local government.
- (4) The local government must give the person who failed to take the action written notice of the amount of the debt.
- (5) Subsection (6) applies if the person who failed to take the action is the owner of the land.
- (6) If the debt is not paid within 30 days after the date of the written notice, the local government may recover the debt as if the debt were overdue rates.

## **Part 4                      Miscellaneous**

### **12 Subordinate local laws**

The local government may make subordinate local laws about—

- (a) the declaration of prohibited activities or restricted activities;<sup>9</sup> or
- (b) the declaration of motor vehicle access areas;<sup>10</sup> or
- (c) the declaration of prohibited vehicles;<sup>11</sup> or
- (d) the opening hours for a local government controlled area;<sup>12</sup> or
- (e) closing a local government controlled area to public access;<sup>13</sup> or
- (f) minimum standards for fences on land adjoining a road.<sup>14</sup>

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<sup>9</sup> See section 5(1).

<sup>10</sup> See section 6(1).

<sup>11</sup> See section 6(3).

<sup>12</sup> See section 7(1).

<sup>13</sup> See section 8(3).

<sup>14</sup> See section 9(3).



## Schedule Dictionary

### Section 3

**environmental harm** see *Environmental Protection Act 1994*, schedule 4.

**environmental nuisance** see *Environmental Protection Act 1994*, schedule 4.

**land** see *Local Government Act 2009*, schedule 4.

**local government controlled area** see *Local Law No.1 (Administration) 2011*, schedule 1.

**occupier** see *Local Government Act 2009*, schedule 4.

**owner** see *Local Government Act 2009*, schedule 4.

**road** see *Local Law No.1 (Administration) 2011*, schedule 1.

**traffic** see *Transport Operations (Road Use Management) Act 1995*, schedule 4.

**trafficable surface**, of a road, means any part of a road which is open to, or used by, traffic.

**vehicle crossing** means facilities provided for the purpose of vehicles making entry or exit at, or substantially at, right angles between the trafficable surface of a road and land adjoining or adjacent to the road and may include an invert, pipe or driveway at, or adjacent to, the boundary of the land.

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# **11.19 - SOUTHERN BEACHES VEHICLE ACCESS HISTORY, LOCAL LAWS AND REFERENCE GROUP.**

## **Subordinate Local Law No.4 (Local Government Controlled Areas, Facilities and Roads) 2011.**

**Meeting Date: 20 May 2024**

**Attachment No: 4**

## Subordinate Local Law No. 4 (Local Government Controlled Areas, Facilities and Roads) 2011

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## Part 1 Preliminary

### 1 Short title

This subordinate local law may be cited as *Subordinate Local Law No. 4 (Local Government Controlled Areas, Facilities and Roads) 2011*.

### 2 Purpose and how it is to be achieved

- (1) The purpose of this subordinate local law is to supplement *Local Law No.4 (Local Government Controlled Areas, Facilities and Roads) 2011* in order to protect the health and safety of persons using local government controlled land, facilities, infrastructure and roads and preserve features of the natural and built environment and other aspects of the amenity of local government controlled land, facilities, infrastructure and roads.
- (2) The purpose is to be achieved by providing for—
  - (a) the regulation of access to local government controlled areas; and
  - (b) the prohibition or restriction of particular activities in local government controlled areas or roads.

### 3 Authorising local law

The making of the provisions in this subordinate local law is authorised by *Local Law No.4 (Local Government Controlled Areas, Facilities and Roads) 2011* (the *authorising local law*).

### 4 Definitions

- (1) Particular words used in this subordinate local law have the same meaning as provided for in the authorising local law.
- (2) The dictionary in schedule 7 defines particular words used in this subordinate local law.

## Part 2 Use of local government controlled areas, facilities and roads

### 5 Prohibited and restricted activities—Authorising local law, s 5(1)

- (1) For section 5(1)(a) of the authorising local law, the activities prescribed in column 2 of schedule 1 are declared to be prohibited in the corresponding local government controlled area or road (or part thereof) mentioned in column 1 of schedule 1.
- (2) For section 5(1)(b) of the authorising local law, the activities prescribed in column 2 of schedule 2 are declared to be restricted in the corresponding local government controlled area or road (or part thereof) mentioned in column 1 of schedule 2, to the extent described in column 3 of schedule 2.

**6 Motor vehicle access in local government controlled areas—Authorising local law, s 6(1)(b)**

For section 6(1)(b) of the authorising local law, the areas prescribed in column 1 of schedule 3 are declared to be motor vehicle access areas.

**7 Prohibited vehicles—Authorising local law, s 6(3)**

For section 6(3) of the authorising local law, the specific types of motor vehicle prescribed in column 2 of schedule 3 are declared to be prohibited vehicles in the corresponding specified motor vehicle access area in column 1 of schedule 3.

**8 Opening hours for local government controlled areas—Authorising local law, s 7(1)**

- (1) For section 7(1) of the authorising local law, the times prescribed in column 2 of schedule 4 are declared to be the opening hours for the local government controlled areas mentioned in column 1 of schedule 4.
- (2) However, the local government may, from time to time, by resolution, declare other times when a local government controlled area is open to the public.

**9 Permanent closure of local government controlled area—Authorising local law, s 8(3)**

For section 8(3) of the authorising local law, the local government controlled areas described in schedule 5 are permanently closed to public access.

**Part 3 Matters affecting roads**

**10 Notice requiring owner of land adjoining road to fence land—Authorising local law, s 9(3)**

For section 9(3) of the authorising local law, the minimum standards for a fence that is the subject of a compliance notice under section 9(2) of the authorising local law are as follows—

- (a) the fence must be constructed of materials which are of sufficient strength to—
  - (i) restrain the types of animals to be contained in the area adjacent to the fence; and
  - (ii) stop the animals from escaping over, under or through the fence; and
- (b) the height of the fence must be sufficient to restrain the types of animals to be contained in the area adjacent to the fence from jumping or climbing over the fence; and
- (c) if an animal to be contained in the area adjacent to the fence has the ability to dig — the fence must include a barrier installed directly below the fence to prevent the animal digging its way underneath the fence; and
- (d) if the fence includes a gate — the gate must be kept closed and latched

except when in immediate use by a person entering or leaving the area adjacent to the fence.

## Schedule 1 Prohibited activities for local government controlled areas or roads

Section 5(1)

	Column 1 Local government controlled area or road	Column 2 Prohibited activity
1	All local government controlled areas within the local government area	<p>(a) Taking part in a protest or other riotous, disorderly, indecent, offensive, threatening or insulting behaviour;</p> <p>(b) Carrying or displaying a placard or other sign bearing an offensive or threatening message or image;</p> <p>(c) Injuring, misusing, defacing, marking or otherwise damaging a building or structure in a local government controlled area;</p> <p>(d) Entering or interfering with a building or structure associated with the water supply system, stormwater drain system or sewerage system of the local government unless the person entering or interfering with the building or structure is an emergency services officer entering or interfering with the building or structure in the course of his or her duties as an emergency services officer;</p> <p>(e) Camping, sleeping, occupying or remaining overnight unless the local government controlled area is a park or reserve.</p>

		(f) Parking or standing a vehicle bearing a sign or advertisement that the vehicle is offered for sale or hire.
2	All roads within the local government area	<p>(a) Causing an offensive liquid, sediment or substance to be discharged onto a road;</p> <p>(b) Intentionally or negligently damaging a road or a structure associated with a road;</p> <p>(c) Creating a nuisance on a road;</p> <p>(d) Camping, sleeping, occupying or remaining overnight in a vehicle stopped on a footpath, shared path, water-channel or gutter.</p> <p>(e) Parking or standing a vehicle bearing a sign or advertisement that the vehicle is offered for sale or hire.</p> <p>(f) Parking or leave standing, an unregistered vehicle on a road.</p>
3	All local government cemeteries within the local government area, including each local government cemetery identified in schedule 6	<p>(a) Interfering with a funeral or commemorative service lawfully conducted in a local government cemetery;</p> <p>(b) Selling or buying any article or thing;</p> <p>(c) Distributing or putting up any handbill, card, circular or advertisement;</p> <p>(d) Interfering with any tree, shrub or plant;</p> <p>(e) Taking part in any meeting other than a meeting of a religious or</p>



		<p>commemorative nature;</p> <p>(f) Discharging a firearm, except at a military or police funeral or other recognised type of funeral service ordinarily involving such discharge;</p> <p>(g) Damaging or disturbing or interfering with any memorial, inscription plaque, epitaph or inscription, or any flowers or tokens placed on or adjacent to a grave or niche;</p> <p>(h) Riding or driving or permitting to be ridden or driven, any vehicle of any description or any horse otherwise than on a paved roadway or path;</p> <p>(i) Engaging in conduct which is dangerous or creates a risk to the safety of members of the public;</p> <p>(j) Deliberately or recklessly damaging or destroying any building, fence, structure, improvement or other property;</p> <p>(k) Bringing an animal into or allowing an animal to be within a local government cemetery (other than for the purposes of a funeral or commemorative service);</p> <p>(l) Entering or being within a local government cemetery except for the purpose of visiting a grave, attending a funeral or religious celebration, for example a wedding or a christening, or maintaining or repairing a grave in accordance with a written authorisation of the chief executive officer.</p>
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4	All parks and reserves within the local government area	<ul style="list-style-type: none"> <li>(a) Damaging or interfering with vegetation;</li> <li>(b) Discharging or carrying a firearm or other weapon or any kind of explosive device;</li> <li>(c) Throwing a stone, projectile or other missile;</li> <li>(d) Using or carrying a trap, snare or net;</li> <li>(e) Hitting a golf ball;</li> <li>(f) Behaving in a righteous, disorderly, indecent, offensive, threatening or insulting manner;</li> <li>(g) Carrying out an activity or behaving in a manner reasonably likely to injure, endanger, obstruct, inconvenience or cause fear or excessive annoyance to another person;</li> <li>(h) Interfering with a plant or any turf, sand, clay, soil or other material;</li> <li>(i) Interfering with any facility or equipment located at the park or reserve;</li> <li>(j) Disposing of any waste of any kind other than in a waste container provided for that purpose;</li> <li>(k) Depositing, storing or abandoning any goods;</li> <li>(l) Bathing in any ornamental pond or lake;</li> <li>(m) Using a boat, canoe, craft, surf ski, surf board or other recreational floating device in an ornamental pond or lake;</li> <li>(n) Any activity which fouls, litters, pollutes or interferes with a park or reserve or a</li> </ul>
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		<p>facility in a park or reserve;</p> <p>(o) Permitting or allowing a water tap in a park or reserve to run water to waste;</p> <p>(p) Cultivating any plant, vegetation or vegetative matter;</p> <p>(q) Driving a motorbike (as defined in section 11A of the Summary Offences Act 2005) on public land forming part, or the whole, of the park or reserve.</p>
5	All local government caravan parks within the local government area	<p>(a) Disposing of liquid waste other than at a drainage point provided for that purpose;</p> <p>(b) Disposing of waste other than in a waste container provided for that purpose;</p> <p>(c) Using facilities in a way that makes them unclean or insanitary;</p> <p>(d) Behaving in a righteous, disorderly, indecent, offensive, threatening or insulting manner;</p> <p>(e) Carrying out an activity or behaving in a manner reasonably likely to injure, endanger, obstruct, inconvenience or cause fear or excessive annoyance to another person;</p> <p>(f) Interfering with a plant or any turf, sand, clay, soil or other material;</p> <p>(g) Interfering with any facility or equipment located at the local government caravan park.</p>
6	The boat ramps and landings within the local government area identified in schedule 6	<p>(a) Carrying out maintenance or repairs to a ship on a boat ramp;</p>

		<ul style="list-style-type: none"><li>(b) The activity of a person carrying out maintenance or repairs to a ship in the water around a boat ramp or landing unless the person has a reasonable excuse;</li><li>(c) Wilfully breaking, destroying, damaging, defacing, disfiguring or writing upon a boat ramp, landing or a notice erected or displayed by the local government at a boat ramp or landing;</li><li>(d) Wilfully damaging any lighting upon a boat ramp or a landing;</li><li>(e) Riding an animal on a boat ramp or a landing;</li><li>(f) Fishing from a boat ramp or a landing in a manner that obstructs or impedes, or is likely to obstruct or impede, ship, vehicular or pedestrian traffic on the boat ramp or landing;</li><li>(g) Carrying a loaded or cocked spear gun on a boat ramp or a landing;</li><li>(h) Lighting a fire on a boat ramp or a landing, whether in a container or otherwise;</li><li>(i) Diving off a boat ramp or a landing;</li><li>(j) A person causing themselves or any other person or object to fall or be projected into waters surrounding a boat ramp or a landing;</li><li>(k) Obstructing another person's use of a boat ramp or landing;</li><li>(l) Using a boat ramp or</li></ul>
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		<p>landing in a manner which is inconsistent with —</p> <ul style="list-style-type: none"> <li>(i) the safe, secure and efficient operation of the boat ramp or landing; or</li> <li>(ii) the protection of the environment at the boat ramp or landing; or</li> <li>(iii) the maintenance or improvement of the convenience of users of the boat ramp or landing;</li> </ul> <p>(m) Cleaning or gutting a fish on or near a boat ramp or landing;</p> <p>(n) Disposing of fish scraps or other waste other than in a waste container provided by the local government for the purpose of the collection of waste;</p> <p>(o) Behaving in a manner which is likely to encourage a crocodile attack, for example, fishing whilst standing—</p> <ul style="list-style-type: none"> <li>(i) in knee deep water; or</li> <li>(ii) on a log overhanging water.</li> </ul>
7	All local government swimming pools within the local government area, including each local government swimming pool identified in schedule 6	<ul style="list-style-type: none"> <li>(a) Bringing any glass or any item made from glass into the swimming pool;</li> <li>(b) Bringing any animal onto the land on which the swimming pool is situated;</li> <li>(c) Engaging in conduct which is dangerous or which creates a risk to the safety of other users of the swimming pool;</li> </ul>

		<ul style="list-style-type: none"><li>(d) Causing wilful damage to the swimming pool;</li><li>(e) Behaving in a way that endangers the safety of, or causes a nuisance to, other users of the swimming pool;</li><li>(f) If a person is more than 5 years of age — entering any part of the swimming pool which is set apart for the exclusive use of the opposite sex, other than for the purpose of rendering emergency assistance;</li><li>(g) Entering the swimming pool whilst intoxicated or under the influence of a stupefying drug;</li><li>(h) Entering the swimming pool whilst carrying or having possession of any alcohol or a stupefying drug;</li><li>(i) Disposing of waste other than in a waste container provided by the local government for the purpose of the collection of waste;</li><li>(j) Entering into the swimming pool if the person has an infectious or contagious disease or illness or a skin complaint;</li><li>(k) Interfering with the property of another person at the swimming pool other than with the consent of the other person;</li><li>(l) Entering the swimming pool unless the person has paid the entrance fee prescribed by the local government from time to time for entry to the swimming pool;</li></ul>
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		<p>(m) Using a season ticket for the swimming pool otherwise than in accordance with the rules of the local government for the use of a season ticket for the swimming pool;</p> <p>(n) Behaving in a threatening, abusive or insulting manner to another person at the swimming pool.</p>
8	All local government camping grounds within the local government area	<p>(a) Disposing of liquid waste other than at a drainage point provided for that purpose;</p> <p>(b) Disposing of waste other than in a waste container provided for that purpose;</p> <p>(c) Using facilities in a way that makes them unclean or insanitary;</p> <p>(d) Behaving in a righteous, disorderly, indecent, offensive, threatening or insulting manner;</p> <p>(e) Carrying out an activity or behaving in a manner reasonably likely to injure, endanger, obstruct, inconvenience or cause fear or excessive annoyance to another person;</p> <p>(f) Interfering with a plant or any turf, sand, clay, soil or other material;</p> <p>(g) Interfering with any facility or equipment located at the local government camping ground.</p>
9	All local government offices within the local government area, including each local government office identified in schedule 6	<p>(a) Obstructing or interfering with a person who is a local government employee or a contractor of the local government in the performance of the duties to be performed by the</p>

		<p>person at the local government office;</p> <p>(b) Disposing of waste other than in a waste container provided for that purpose;</p> <p>(c) Using facilities in a way that makes them unclean or insanitary;</p> <p>(d) Behaving in a righteous, disorderly, indecent, offensive, threatening or insulting manner;</p> <p>(e) Carrying out an activity or behaving in a manner reasonably likely to injure, endanger, obstruct, inconvenience or cause fear or excessive annoyance to another person;</p> <p>(f) Interfering with any facility or equipment located at the local government office;</p> <p>(g) Depositing, storing or abandoning any goods;</p> <p>(h) Any activity which fouls, litters, pollutes or interferes with the local government office or a facility in the local government office;</p> <p>(i) Wilfully breaking, destroying, damaging, defacing, disfiguring or writing upon any part of the local government office or a notice erected or displayed by the local government at the local government office;</p> <p>(j) Using any part of the local government office in a manner which is inconsistent with—</p> <p>(i) the safe, secure and efficient operation of the local</p>
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		<p>government office; or</p> <p>(ii) the maintenance or improvement of the convenience of users of the local government office.</p>
10	Fitzroy River Barrage	<p>Swimming or bathing in—</p> <p>(a) the Fitzroy River Barrage; or</p> <p>(b) any creek flowing into the Barrage within 200m upstream or 400m downstream of the Barrage.</p>
11	Causeway Lake, Causeway Esplanade, Causeway Lake, described as Lot 1 on SP107101	<p>(a) Use of a spear gun or fishing spear;</p> <p>(b) Use of aquatic equipment in or near a bathing area in a way that creates a risk to the safety of others.</p>
12	The area of Farnborough Beach (North) which is north of the Dune Crossover  Five Rocks Beach	Bringing a motor vehicle onto, or driving a motor vehicle on, the area of bathing reserve or foreshore.

## Schedule 2 Restricted activities for local government controlled areas or roads

Section 5(2)

	<b>Column 1 Local government controlled area or road</b>	<b>Column 2 Restricted activity</b>	<b>Column 3 Extent of restriction</b>
1	All local government controlled areas within the local government area	Busking	Permitted only if authorised under the conditions of an approval for a prescribed activity.
2	All roads within the local government area	(a) The washing or cleansing, painting, repairing, alteration or maintenance of vehicles on a road' (see s.66(3)(b) of the Transport Operations (Road Use Management) Act 1995, which permits local laws to regulate these activities on roads).	(a) Permitted only if the vehicle is temporarily disabled with a minor fault and the driver of the vehicle stops for no longer than is necessary for the performance of maintenance work limited to the minimum necessary to allow the vehicle to be moved from the road.
		(b) Busking	(b) Permitted only if authorised under the conditions of an approval for a prescribed activity.
3	All local government cemeteries within the local government area, including each local government cemetery identified in schedule 6	(a) Carrying out a burial outside the hours during which burials may be performed as fixed by the local government.	(a) Permitted only— (i) between the hours of 9am and 4pm; or (ii) with the written authorisation of the chief executive officer.
		(b) A disposing of human remains in a local government cemetery.	(b) Permitted only with the written authorisation of the chief executive officer of the local

			government.
		(c) Digging or preparing a grave in a local government cemetery.	(c) Permitted only if the grave is dug or prepared by a person employed by the local government or with the written authorisation of the sexton.
		(d) After a burial — reopening a grave for a further burial.	(d) Permitted only with the written authorisation of the sexton.
		(e) Bringing human remains into a local government cemetery.	(e) Permitted only— (i) with the written authorisation of the chief executive officer of the local government; and (ii) if the remains are enclosed in a coffin or other form of container appropriate to the proposed form of disposal.
		(f) Erecting or installing a memorial to a deceased person in a local government cemetery.	(f) Permitted only with the written authorisation of the chief executive officer of the local government.
		(g) Reserving a niche or site in a local government cemetery.	(g) Permitted only under the conditions of a written authorisation of the chief executive officer of the local government.
		(h) Carrying out maintenance or repair work on a memorial to a deceased person in a local government cemetery.	(h) Permitted only— (i) by a member of the family of the deceased person, or another person who has a proper interest in the maintenance of the memorial to the

			<p>deceased person; and</p> <p>(ii) with the written approval of the sexton; and</p> <p>(iii) subject to conditions about how the work is to be carried out as are included in the written authorisation of the sexton.</p>
4	All parks and reserves within the local government area	(a) Lighting or maintaining a fire.	<p>(a) Permitted only if the fire is—</p> <p>(i) lit and maintained in a fireplace established by the local government for the purpose; or</p> <p>(ii) lit and maintained in accordance with the written authorisation of the chief executive officer of the local government.</p>
		(b) Sleeping, occupying or remaining overnight in a park or reserve.	(b) Permitted only with the written authorisation of the chief executive officer of the local government.
		(c) Conducting a social gathering or meeting of more than 50 people.	(c) Permitted only if authorised under the conditions of an approval for a prescribed activity.
		(d) Erecting or installing a building, structure or facility in, on, across or over a park or reserve.	(d) Permitted only if authorised under the conditions of an approval for a prescribed activity.

		(e) Conducting or taking part in an organised sporting activity of regional, State or national significance.	(e) Permitted only if authorised under the conditions of an approval for a prescribed activity.
		(f) Operating a model aircraft propelled by a motor.	(f) Permitted only with the written authorisation of the chief executive officer of the local government.
		(g) Using, storing or possessing fireworks.	(g) Permitted only with the written authorisation of the chief executive officer of the local government.
		(h) Operating a device which amplifies noise.	(h) Permitted only with the written authorisation of the chief executive officer of the local government.
		(i) Displaying a sign or advertisement.	(i) Permitted only if authorised under the conditions of an approval for a prescribed activity.
5	All local government caravan parks within the local government area	(a) Lighting or maintaining a fire in the open.	(a) Permitted only —  (i) if the fire is in a fireplace or incinerator approved for the purpose by the local government; or (ii) with the written authorisation of an authorised person.
		(b) Camping, sleeping, occupying or remaining overnight in a caravan or complementary accommodation at a	(b) Permitted only if—  (i) the person undertaking the activity maintains the caravan site and any caravan or

		<p>caravan site at a local government caravan park</p>	<p>complementary accommodation on the caravan site in a clean and sanitary condition; and</p> <ul style="list-style-type: none"> <li>(ii) the person deposits all waste in a waste container, or a waste disposal system, provided by the local government for the purpose; and</li> <li>(iii) the person does not use facilities at the local government caravan park in a way that makes them unclean or unsanitary; and</li> <li>(iv) the person who occupies the caravan site allows onto the site no more persons than the limit fixed under a relevant approval or as notified by notice displayed by the local government at the local government caravan park; and</li> <li>(v) the person pays all fees for use of the caravan site in advance to the local government; and</li> <li>(vi) if required by the local government or an Act—the person enters into a written agreement with the local government about undertaking the activity at the local</li> </ul>
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			<p>government caravan park; and</p> <p>(vii) at the end of the period of occupation of the caravan site — the person vacates and leaves the caravan site in a clean and tidy condition; and</p> <p>(viii) the person ensures that the caravan or complementary accommodation is not let or hired to another person; and</p> <p>(ix) the person ensures that the caravan site is kept and maintained in good repair and clean, tidy and sanitary condition; and</p> <p>(x) the person ensures that the caravan site is not left unoccupied for more than 2 days; and</p> <p>(xi) the person ensures that the activity does not cause a nuisance, annoyance, disturbance or inconvenience to other persons using the local government caravan park.</p>
6	The boat ramps and landings within the local government area identified in schedule 6	<p>(a) Driving or standing a vehicle on a boat ramp.</p> <p>(b) Launching or retrieving a ship at a</p>	<p>(a) Permitted only to launch or retrieve a ship from the boat ramp.</p> <p>(b) Permitted only if the person launching or</p>

		boat ramp.	retrieving the ship does so as quickly as is reasonably possible.
		(c) Anchoring, mooring or placing a ship in the water around a boat ramp or a landing.	(c) Permitted only if the anchoring, mooring or placing of the ship is not likely to obstruct another person's use of the boat ramp or landing.
		(d) Carrying out the rigging of a sailing ship on a boat ramp or landing.	(d) Permitted only if the carrying out of the rigging does not, or is not likely to, impede access to the boat ramp or landing.
		(e) Taking or driving a vehicle onto a boat ramp.	(e) Permitted only if the mass of the vehicle and its load (if any), together with any trailer that the vehicle is towing and its load (if any), is not more than—  (i) 5 tonnes; or  (ii) if the local government erects on or near the boat ramp a notice approved by the local government and displaying a greater mass—the greater mass.



		<p>(f) Taking or driving a vehicle onto a landing.</p>	<p>(f) Permitted only if—</p> <p>(i) the local government erects on or near the landing a notice that—</p> <p>(A) is approved by the local government;</p> <p>and</p> <p>(B) authorises the taking or driving of a vehicle on the landing for the purpose mentioned in paragraph (ii);</p> <p>and</p> <p>(C) states the maximum mass of the vehicle and its load (if any) together with any trailer that the vehicle is towing and its load (if any) that may be taken or driven on the landing;</p> <p>and</p> <p>(ii) the vehicle is taken or driven on the landing only to take goods or passengers to, or pick up goods or passengers from, a ship moored at the landing.</p>
		<p>(g) Taking or driving a vehicle onto a boat ramp or landing.</p>	<p>(g) Permitted only if the vehicle moves on wheels fitted with pneumatic or rubber tyres.</p>

7	All local government swimming pools within the local government area, including each local government swimming pool identified in schedule 6	(a) Conducting—  (i) a swimming club competition or carnival; or  (ii) an inter-school or intra-school swimming competition or carnival; or  (iii) learn to swim training, lifesaving training or competitive swimming training by a swimming club or school; or  (iv) a private function.	(a) Permitted only if authorised under the conditions of an approval for a prescribed activity.
		(b) Bringing an object (including water sports equipment) into a swimming pool if the object is dangerous or may be used in a dangerous way.	(b) Permitted only with the written authorisation of an authorised person.
8	All local government camping grounds within the local government area	(a) Lighting or maintaining a fire in the open.	(a) Permitted only —  (i) if the fire is in a fireplace or incinerator approved for the purpose by the local government; or  (ii) with the written authorisation of an authorised person.
		(b) Camping, sleeping, occupying or remaining overnight at a camping site at a local government camping ground.	(b) Permitted only if—  (i) the person undertaking the activity maintains the camping site, and any tent or other

			<p>accommodation on the camping site, in a clean and sanitary condition; and</p> <p>(ii) the person deposits all waste in a waste container, or a waste disposal system, provided by the local government for the purpose; and</p> <p>(iii) the person does not use facilities at the local government camping ground in a way that makes them unclean or unsanitary; and</p> <p>(iv) the person who occupies the camping site allows onto the site no more persons than the limit fixed under a relevant approval or as notified by notice displayed by the local government at the local government camping ground; and</p> <p>(v) the person pays all fees for use of the camping site in advance to the local government; and</p> <p>(vi) if required by the local government or an Act—the person enters into a written agreement with the local government about undertaking the activity at the local</p>
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			<p>government camping ground; and</p> <p>(vii) at the end of the period of occupation of the camping site — the person vacates and leaves the camping site in a clean and tidy condition; and</p> <p>(viii) the person ensures that the camping site, tent or other accommodation is not let or hired to another person; and</p> <p>(ix) the person ensures that the camping site is kept and maintained in good repair and clean, tidy and sanitary condition; and</p> <p>(x) the person ensures that the camping site is not left unoccupied for more than 2 days; and</p> <p>(xi) the person ensures that not more than 1 tent or other accommodation occupies a camping site at the camping ground; and</p> <p>(xii) the person ensures that the activity does not cause a nuisance, annoyance, disturbance or inconvenience to other persons using the local government camping ground.</p>
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9	All local government offices within the local government area, including each local government office identified in schedule 6	(a) The activity of a person bringing an animal onto, or permitting or allowing an animal to remain on, the local government office.	(a) Permitted only if—  (i) the animal is an assistance dog, a guide dog or a hearing dog; and  (ii) the person is the handler of the dog.
		(b) Entering or remaining at a local government office or a part of a local government office	(b) Permitted if—  (i) the local government office or relevant part of the local government office is a public place; and  (ii) if the local government erects on or near the local government office or the relevant part of the local government office, a notice that is approved by the local government which authorises entry to the local government office or the relevant part of the local government office—the person complies with the requirements of the notice.
10	Fitzroy River Barrage	Entering or remaining at the Barrage on a part of the Barrage	Permitted if the Barrage or the part of the Barrage is a public place
11	Each area of bathing reserve and foreshore identified as follows—  Cooee Bay Beach  Emu Park Beach and Shelleys Beach  Farnborough Beach	Bringing a motor vehicle onto, or driving a motor vehicle on, the area of bathing reserve or foreshore	Permitted only if the motor vehicle is—  (a) an essential services vehicle being used to provide the service for which it is designed or ordinarily used; or

	(South) Fishermans Beach – Emu Park Haven - Tanby Point Beach Kemp Beach Keppel Sands Beach Kinka Beach Lammermoor Beach Mulambin Beach Nine Mile Beach Ritamada Beach Statue Bay Beach Zilzie / Muskers Beach		(b) a life-saving patrol vehicle being used to provide the service for which it is designed or ordinarily used; or  (c) attached to a trailer and the driver of the motor vehicle is using a boat ramp on the area to launch or retrieve a trailable vessel from the trailer.
12	The area of bathing reserve identified as Yeppoon Main Beach	Bringing a motor vehicle onto, or driving a motor vehicle on, the area of bathing reserve	Permitted only if the motor vehicle is driven by a person who is—  (a) a member or invitee of the Keppel Bay Sailing Club Incorporated; and  (b) using the area of foreshore and seashore 250m either side of the clubhouse of the Keppel Bay Sailing Club Incorporated for the purpose of the launch or retrieval of a trailable vessel from a trailer attached to the motor vehicle.
13	The area of bathing reserve identified as Great Keppel Island Beaches	Bringing a motor vehicle onto, or driving a motor vehicle on, the area of bathing reserve	Permitted only if the motor vehicle is driven by a person who is—  (a) an officer, employee or agent of a tourist resort complex or a retail shop on Great Keppel Island; and  (b) driving the motor vehicle on the area in the course of his or her

			duties as an officer, employee or agent of, as the case may be, the tourist resort complex or retail shop.
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**Schedule 3 Motor vehicle access areas in local  
government controlled areas**

Sections 6 and 7

<b>Column 1</b> <b>Motor vehicle access areas</b>	<b>Column 2</b> <b>Prohibited vehicles</b>
No motor vehicle access area declared.	



**Schedule 4      Opening hours for local government  
controlled areas**

Section 8

<b>Column 1</b> <b>Local government controlled area</b>	<b>Column 2</b> <b>Opening hours<sup>1</sup></b>
No local government controlled area mentioned.	

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<sup>1</sup> Public holidays excepted.

**Schedule 5      Permanent closure of local government  
controlled areas**

Section 9

No local government controlled area described.

## Schedule 6 Identification of local government controlled areas

### Section 5

#### Local government cemeteries

Facility Common Name	Description	Street Address	Real Property Description	
			Lot	Plan
Bajool Cemetery	Operating Cemetery	Mills Street, Bajool	193	C1852
Cawarral Cemetery	Operating Cemetery	Cemetery Road, Cawarral	18	C852
Emu Park Cemetery	Operating Cemetery	Emu Park Road, Emu Park	132	CP906602
Gracemere Cemetery	Operating Cemetery	Corner Fisher and Bland Streets, Gracemere	326	LN32897
Gracemere Cemetery	Operating Cemetery	Corner Fisher and Bland Streets, Gracemere	1	SP163921
Joskeleigh Cemetery	Operating Cemetery	Joskeleigh Road, Joskeleigh	32	LN2641
North Rockhampton Cemetery	Operating Cemetery	Yaamba Road, North Rockhampton	235	LN2502
Mt Morgan Cemetery	Operating Cemetery	Burnett Highway, Mt Morgan	184	C8190
Rockhampton Memorial Gardens	Operating Cemetery	21 Hartington Street, North Rockhampton	62	CP891377
Yeppoon Cemetery	Operating Cemetery	Cordingley Street, Yeppoon	135	LN2048
Milman Cemetery	Operating Cemetery	Milman Road, Milman	102	CP886608
Marlborough Cemetery	Closed Cemetery	Coorumburra Road, Marlborough	87	C8119
South Rockhampton Cemetery	Closed Cemetery	Upper Dawson Road, Rockhampton	1	RP604898
Yaamba Cemetery	Closed Cemetery	Iris Street, Yaamba	79	LN1342

#### Boat ramps and landings

Facility Common Name	Description	Street Address	Real Property Description	
			Lot	Plan
North bank of Pumpkin Creek	Boat Ramp LV11	Keppel Sands, Limpus Avenue, upstream		
Fitzroy River near St Christopher's Chapel Road	Boat Ramp LV12	Nerimbera, St Christopher's Chapel Road		
North Bank of Pumpkin Creek	Boat Ramp LV15	Keppel Sands, Limpus Avenue, downstream		
Musa Heads, Keppel Bay	Boat Ramp LV16	Keppel Sands, Taylor Street		
North bank of Coorooman Creek, Emu Park	Boat Ramp LV21	Coorooman Creek (Svendsen Road) Boat Ramp, Emu Park		
Emu Point	Boat Ramp LV31	Emu Park, Hill Street		

Facility Common Name	Description	Street Address	Real Property Description	
			Lot	Plan
Causeway lake	Boat Ramp LV41	Mulambin, Yeppoon – Emu Park Road		
Yeppoon – near Beak Bridge	Boat Ramp LV61	Yeppoon, Emu Park Road – Fig Tree Creek		
Waterpark Creek	Boat Ramp LV66	Corbetts Landing, Corbetts Landing Road		
Thirsty Sound at the end of Banksia Road	Boat Ramp LV67	Stanage Bay, Banksia Road		
North bank of Fitzroy River	Boat Ramp RK11	Rockhampton, Reaney Street		
North bank of Fitzroy River barrage	Boat Ramp RK21	Rockhampton, Larcombe Street		
South bank of Fitzroy River	Boat Ramp RK31	Rockhampton, Ski Gardens via Huet Street		
South bank of Fitzroy River	Jetty RK41	Rockhampton, Derby Street		
South Side of Dee River Dam	Boat Ramp MM10	Mount Morgan, Dee River		
Zilzie, Muskens Beach	Boat Ramp	At the eastern end of Kennedy St, Zilzie		
Zilzie, Zilzie Beach	Boat Ramp	At the northern end of the beach off the Esplanade, Zilzie		
Emu Park, Ritamada Beach	Boat Ramp	At the eastern end of Haven Road, Emu Park		
Mulambin, Mulambin Beach	Boat Ramp	At the northern end of the beach off Scenic Highway, Mulambin		
Bangalee, Farnborough Beach	Boat Ramp	At the end of Hinz Avenue, Bangalee		

#### Local government swimming pools

Facility Common Name	Description	Street Address	Real Property Description	
			Lot	Plan
Cooee Bay Swimming Pool - Yeppoon Aquatic Centre	Swimming Pool	Matthew Flinders Drive, Cooee Bay	1	RP844401
Emu Park Swimming Pool - Don Ireland Complex	Swimming Pool	Pattison Street, Emu Park	8	LN801329
Gracemere Swimming Pool	Swimming Pool	Cedric Archer Sports Complex Fisher Street, Gracemere	1	LN837879
Marlborough Public Swimming Pool	Swimming Pool		11	RP602167
Mount Morgan Swimming Pool	Swimming Pool	Thompson Avenue, Mt Morgan	1	SP187981
World War II Memorial Pool (Southside Pool)	Swimming Pool	Lion Creek Road, Rockhampton	252	LN759
Rockpool	Swimming Pool	330-360 Berserker Street, North Rockhampton	2	SP175995

**Local government offices**

Facility Common Name	Description	Street Address	Real Property Description	
			Lot	Plan
Mt Morgan Council Office		32 Hall Street, Mt Morgan	Lot 4 Lot 3 Lot 5	M31111 M31127 M31127
Gracemere Council Office		1 Ranger Street, Gracemere	Lot 1 Lot A Lot 2	CP860880 SP163796 CP860880
Yeppoon Council Office		70 Anzac Parade, Yeppoon	Lot 39	LN2298
Rockhampton City Hall		232 Bolsover Street, Rockhampton City	Lot 2	R2616

## Schedule 7 Dictionary

### Section 4

**accommodation**, at a local government caravan park, means—

- (a) a caravan; or
- (b) a complementary accommodation.

**animal** has the meaning given in *Local Law No. 2 (Animal Management) 2011*.

**assistance dog** has the meaning given in the *Guide, Hearing and Assistance Dogs Act 2009*.

**authorised person** has the meaning given in *Local Law No. 1 (Administration) 2011*.

**bathing reserve** has the meaning given in *Local Law No. 6 (Bathing Reserves) 2011*.

**boat ramp**—

- (a) means a ramp or other device or structure used or capable of use or designed or intended for use for the purpose of launching and retrieving a trailable vessel and which is the property of, or under the control of, the local government; and
- (b) includes any area of foreshore used or capable of use, for the purpose of launching and retrieving a trailable vessel and which is the property of, or under the control of, the local government.

*Example—*

The slope of an area of foreshore may make the area capable of use for the purpose of launching and retrieving trailable vessels despite the fact that no device or structure has been constructed on the area of foreshore for the purpose of the launching and retrieving of trailable vessels.

**building** has the meaning given in the *Building Act 1975*.

**busking** means a musical or theatrical performance undertaken by a person—

- (a) to entertain the public; and
- (b) seeking voluntary reward for the performance.

**camping**, at a place, includes sleeping, occupying or remaining overnight at the place.

**camping ground** means land that is approved by the local government for camping but does not include a caravan park.

**camping site** means a part of a camping ground which is designated for occupation by a tent, inclusive of ropes, poles, supports and pegs incidental to the erection and use of the tent.

**caravan** has the meaning given in *Local Law No. 1 (Administration) 2011*.

**caravan park** means a place for parking and residing in caravans, including a place that provides also for complementary accommodation.

**caravan site**, at a local government caravan park, means a part of the local government caravan park which is designated for a single accommodation of a particular type.

**complementary accommodation** has the meaning given in *Subordinate Local Law No. 1.8 (Operation of Caravan Parks) 2011*.

**Cooee Bay Beach** means the area identified (hatched in black) on the map of Cooee Bay Beach which forms part of this schedule 7.

**driver** has the meaning given in the *Transport Operations (Road Use Management) Act 1995*.

**emergency services officer** means—

- (a) an officer of the Queensland Ambulance Service or an Ambulance Service of another State; or
- (b) an officer of the Queensland Fire and Rescue Service or a Fire and Rescue Service of another State; or
- (c) an officer or employee of another entity with the written permission of the Commissioner of the Police Service; or
- (d) an officer of the State Emergency Service or a State Emergency Service of another State; or
- (e) an officer or employee of an authority permitted by law to conduct utility installation or utility maintenance; or
- (f) an officer of Emergency Management Queensland.

**Emu Park Main Beach and Shelleys Beach** means the area identified (hatched in black) on the map of Emu Park Main Beach and Shelleys Beach which forms part of this schedule 7.

**essential services vehicle** means a motor vehicle that is in the care and control of—

- (a) an emergency services officer; or
- (b) another person specified by subordinate local law.

**Farnborough Beach (North)** means the area identified (hatched in black) on the map of Farnborough Beach (North) which forms part of this schedule 7.

**Farnborough Beach (South)** means the area identified (hatched in black) on the map of Farnborough Beach (South) which forms part of this schedule 7.

**Fishermans Beach – Emu Park** means the area identified (hatched in black) on the map of Fishermans Beach – Emu Park which forms part of this schedule 7.

**Five Rocks Beach** means the area identified (hatched in black) on the map of Five Rocks Beach which forms part of this schedule 7.

**Fitzroy River Barrage** means the area commencing at the northern corner of Lot 7 on RP9002, thence by the west boundary of subdivision 40 of portion 46, Parish of Rockhampton, 54.295m to the Fitzroy River, thence by a line northerly across the Fitzroy River to the south-eastern corner of subdivision 2 of portion 257, Parish of Murchison, then by the south-eastern boundary of that subdivision bearing 47° 18.306m, thence by a line parallel to and 15.088m distant from the left bank to the Fitzroy River, thence by a line southerly across the Fitzroy River on the north-western corner of Lot 8 on RP9002, being part of original portion, Parish of Rockhampton, thence by the western and southern boundaries of Lot 2 on RP10008 and Lot 9 on RP9002, to the point of commencement.

**footpath** has the meaning given in the *Transport Operations (Road Use Management) Act 1995*.

**goods** includes wares, merchandise, chattels, money, stone, timber, metal, fluid and any other article, substance or material whatsoever.

**Great Keppel Island Beaches** means the area identified (hatched in black) on the map of Great Keppel Island Beaches which forms part of this schedule 7.

**guide dog** has the meaning given in the *Guide, Hearing and Assistance Dogs Act 2009*.

**handler** has the meaning given in the *Guide, Hearing and Assistance Dogs Act 2009*.

**Haven - Tanby Point Beach** means the area identified (hatched in black) on the map of Haven - Tanby Point Beach which forms part of this schedule 7.

**hearing dog** has the meaning given in the *Guide, Hearing and Assistance Dogs Act 2009*.

**interfere** means prevent from continuing or being carried out properly, get in the way of, or handle or adjust without permission, and **interference** has a corresponding meaning.

**Kemp Beach** means the area identified (hatched in black) on the map of Kemp Beach which forms part of this schedule 7.

**Keppel Sands Beach** means the area identified (hatched in black) on the map of Keppel Sands Beach which forms part of this schedule 7.

**Kinka Beach** means the area identified (hatched in black) on the map of Kinka Beach which forms part of this schedule 7.

**Lammermoor Beach** means the area identified (hatched in black) on the map of Lammermoor Beach which forms part of this schedule 7.

**landing** includes jetty, pontoon and wharf.

**life-saving club** has the meaning given in *Local Law No. 6 (Bathing Reserves) 2011*.

**life-saving patrol vehicle** means a motor vehicle that is in the care or control of a member of a recognised life-saving club assigned by the club or SLSQ to patrol a bathing reserve, or part of a bathing reserve, at a particular time.



**local government camping ground** means a camping ground under the control of the local government, including a camping ground located on land owned by the local government or on land for which the local government is the trustee.

**local government caravan park** means a caravan park under the control of the local government, including a caravan park located on land owned by the local government or on land for which the local government is the trustee.

**local government cemetery** has the meaning given in *Local Law No. 1 (Administration) 2011*.

**local government employee** has the meaning given in the *Local Government Act 2009*.

**local government office** includes—

- (a) the public office of the local government; and
- (b) each place used by the local government for local government administration or management purposes.

**local government swimming pool** means a swimming pool under the control of the local government, including a swimming pool located on land owned by the local government or on land for which the local government is the trustee.

**memorial** includes—

- (a) a headstone; and
- (b) an inscribed plaque or commemorative plate; and
- (c) monumental, ornamental or other structures erected on a grave site; and
- (d) anything else erected or placed to mark the site where human remains have been buried or placed, or to commemorate a deceased person.

**motor vehicle** has the meaning given in the *Transport Operations (Road Use Management) Act 1995*.

**Mulambin Beach** means the area identified (hatched in black) on the map of Mulambin Beach which forms part of this schedule 7.

**Nine Mile Beach** means the area identified (hatched in black) on the map of Nine Mile Beach which forms part of this schedule 7.

**non-public place** means—

- (a) the whole or any part of a local government office that is not a public place; and
- (b) the whole or any part of a local government office, including a public place, that is designated as a non-public place by—
  - (i) an authorised person; or
  - (ii) a notice displayed at a prominent place at—
    - (A) if the whole of the local government office is a non-public place—the

local government office; or

- (B) if a part of the local government office is a non-public place—the part of the local government office.

**park** means a public place which the local government has, by resolution, set apart for park, recreational or environmental purposes, and includes land designated as a park in the planning scheme of the local government.

**plant** has the meaning given in the *Land Protection (Pest and Stock Route Management) Act 2002*.

**public office** has the meaning given in the *Local Government Act 2009*.

**public place** —

- (a) has the meaning given in the *Local Government Act 2009*; but
- (b) does not include a non-public place.

**recognised life-saving club** has the meaning given in *Local Law No. 6 (Bathing Reserves) 2011*.

**reserve** means land dedicated as a reserve, or granted in trust, under the *Land Act 1994* and for which the local government is a trustee under that Act and other land held in trust by the local government which the local government has, by resolution, set apart for recreational or environmental purposes, and includes land designated as a reserve in the planning scheme of the local government.

**retail shop** has the meaning given in the *Retail Shop Leases Act 1994*.

**Ritamada Beach** means the area identified (hatched in black) on the map of Ritamada Beach which forms part of this schedule 7.

**road** has the meaning given in the *Local Law No. 1 (Administration) 2011*.

**sewerage system** has the meaning given in the *Plumbing and Drainage Act 2002*.

**sexton** means a person appointed by the local government to act as the sexton of a local government cemetery

**ship** has the meaning given in the *Transport Operations (Marine Safety) Act 1994*.

**SLSQ** has the meaning given in *Local Law No. 6 (Bathing Reserves) 2011*.

**Statue Bay Beach** means the area identified (hatched in black) on the map of Statue Bay Beach which forms part of this schedule 7.

**stormwater drain** has the meaning given in the *Local Government Act 2009*.

**structure** has the meaning given in the *Local Government Act 2009*.

**swimming pool** has the meaning given in the *Building Act 1975*.

**tourist resort complex** means a complex that operates as a single integrated facility providing all, or substantially all, the recreational and personal needs of guests resident at the complex and visitors at the complex.

**unregistered**, for a vehicle that is required to be registered under the *Transport Operations (Road Use Management – Vehicle Registration) Regulation 1999*, means that the vehicle is not a registered vehicle.

**utility installation** means—

- (a) the supply of water, hydraulic power, electricity or gas; or
- (b) the provision of sewerage or drainage services; or
- (c) the provision of telecommunications services.

**utility maintenance** means the maintenance of—

- (a) water, hydraulic power, electricity or gas services; or
- (b) sewerage or drainage services; or
- (c) telecommunications services.

**vegetation** means trees, plants and all other organisms of vegetable origin (whether living or dead).

**vehicle** has the meaning given in the *Transport Operations (Road Use Management) Act 1995*.

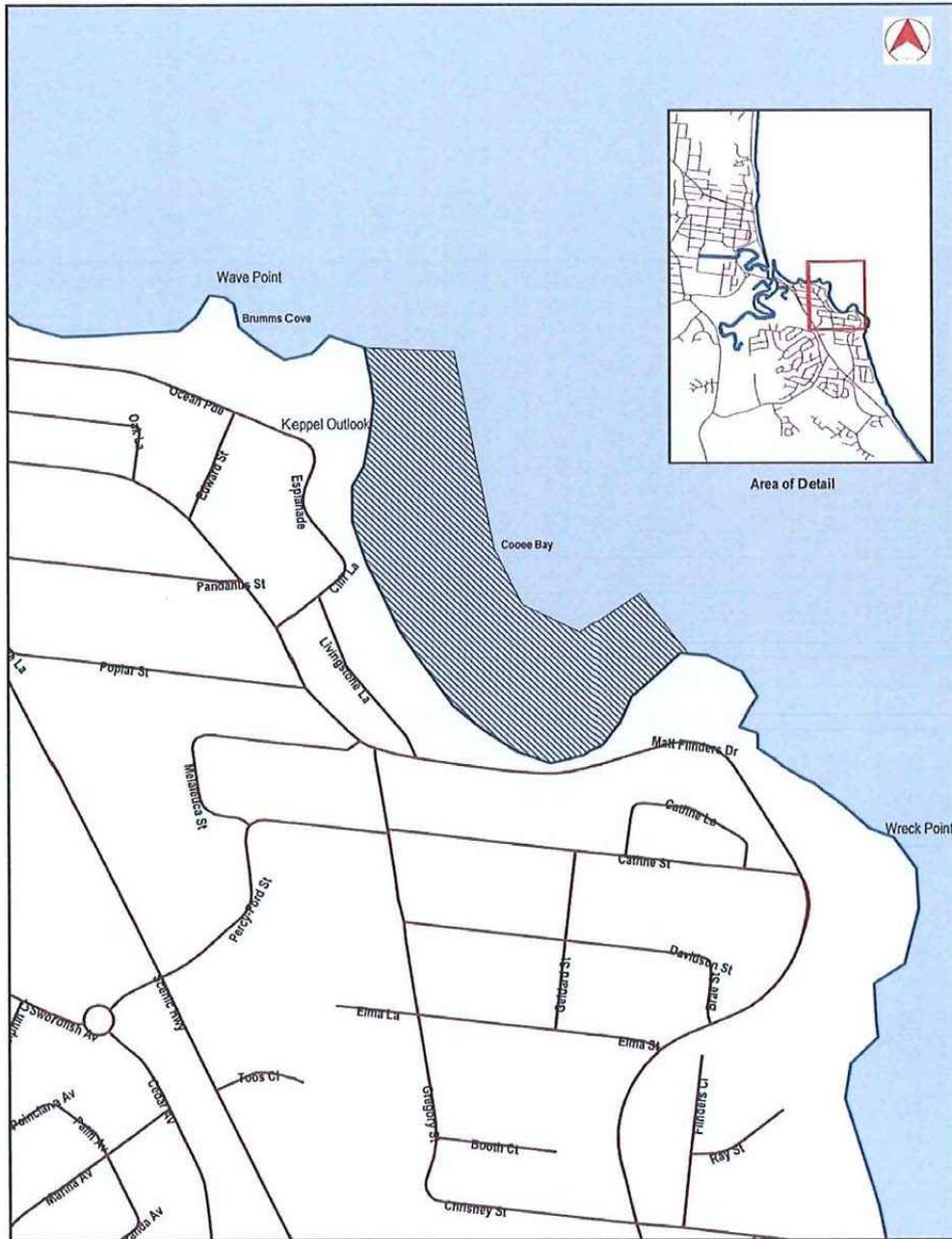
**waste** has the meaning given in the *Environmental Protection Act 1994*.

**water supply system** has the meaning given in the *Standard Plumbing and Drainage Regulation 2003*.

**Yeppoon Main Beach** means the area identified (hatched in black) on the map of Yeppoon Main Beach which forms part of this schedule 7.

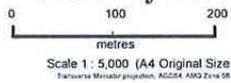
**Zilzie/Muskers Beach** means the area identified (hatched in black) on the map of Zilzie/Muskers Beach which forms part of this schedule 7.

### Cooee Bay Beach

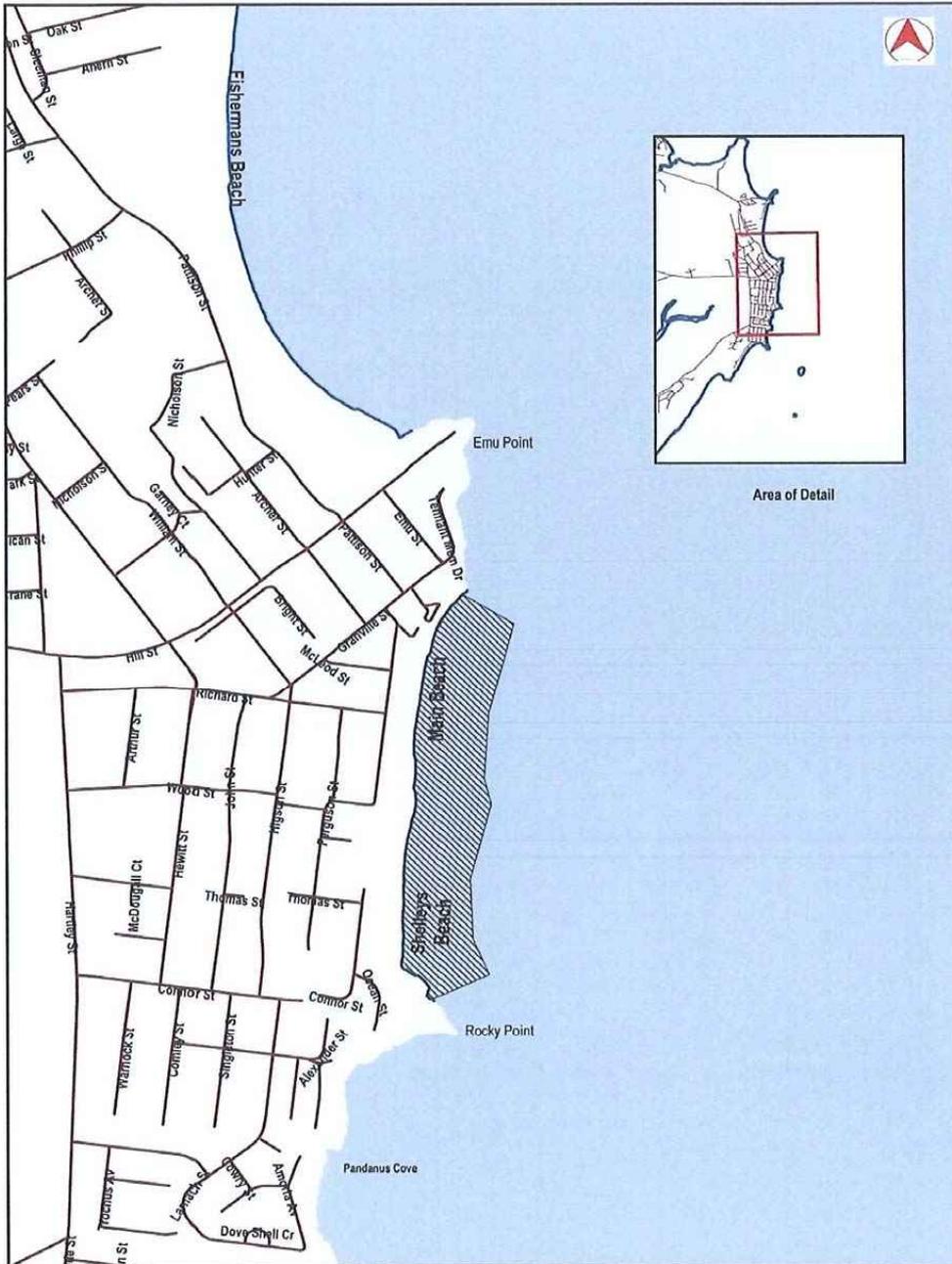


### Cooee Bay Beach

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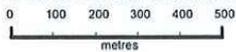


### Emu Park Main Beach and Shelleys Beach



**Emu Park Main Beach & Shelleys Beach**

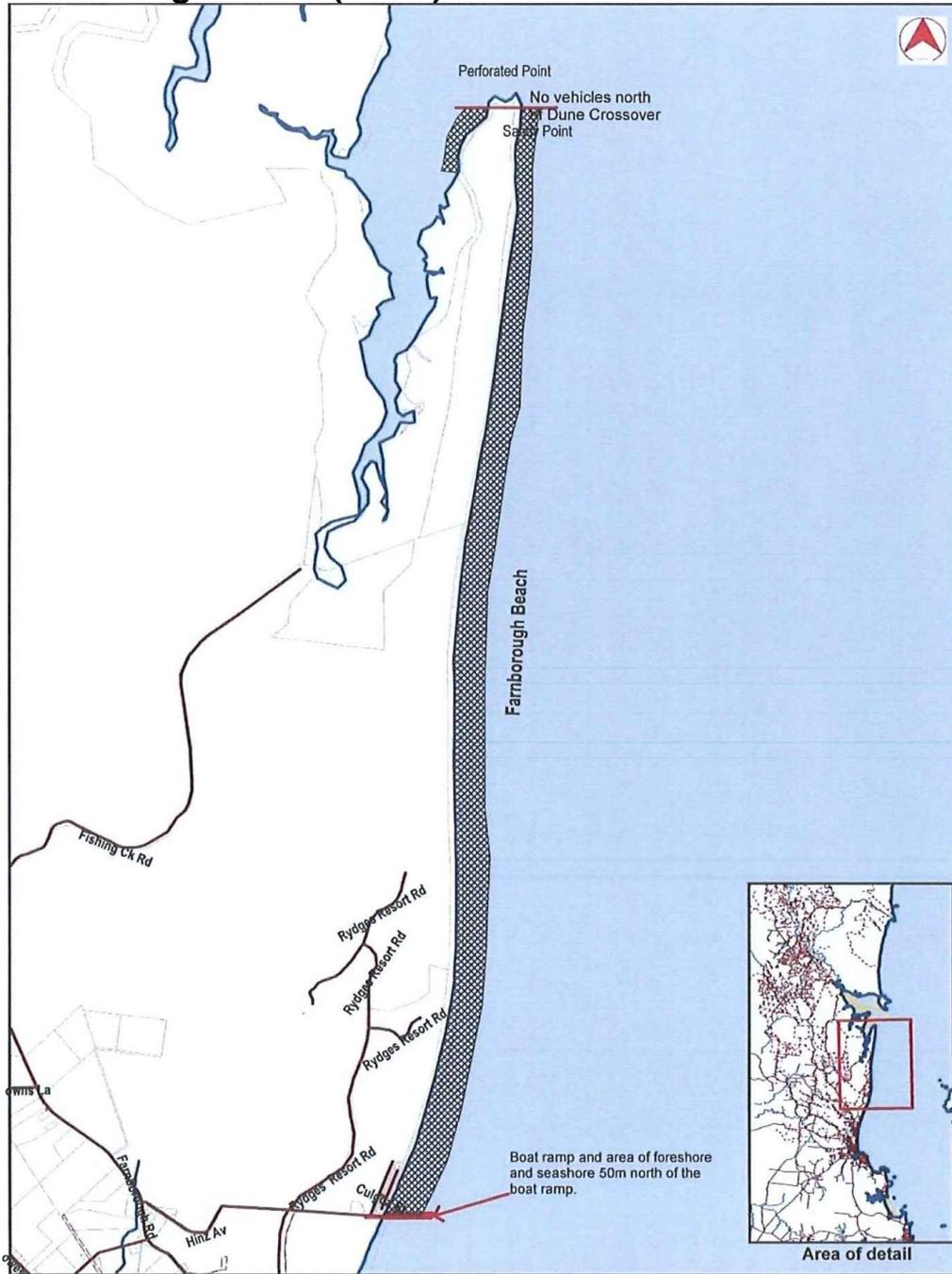
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Scale 1 : 12,000 (A4 Original Size)  
Transverse Mercator projection, GDA94, AMG zone 56

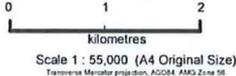


### Farnborough Beach (North)



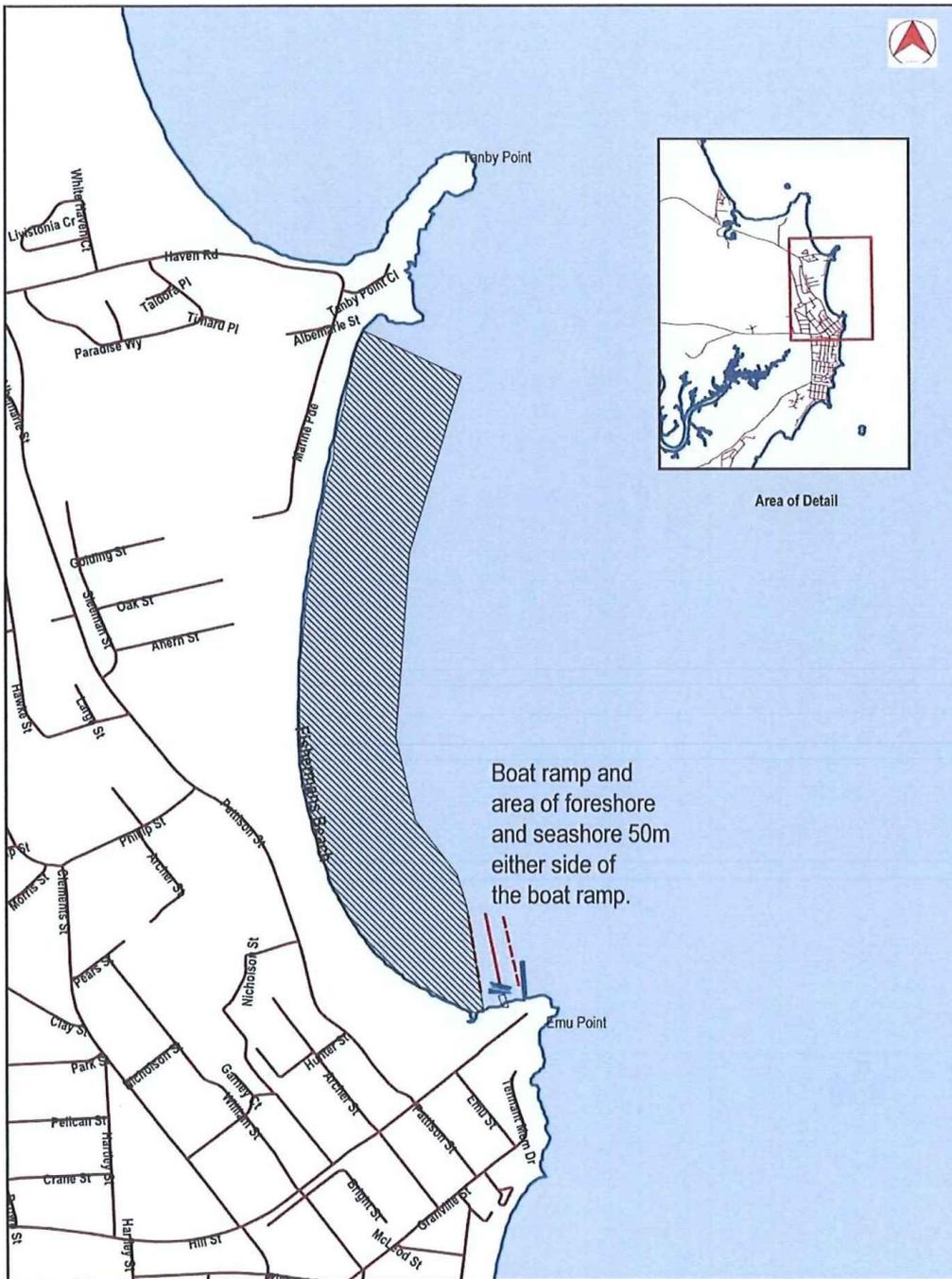
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### Farnborough Beach (North)

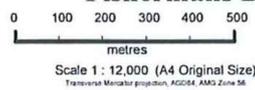




### Fishermans Beach – Emu Park

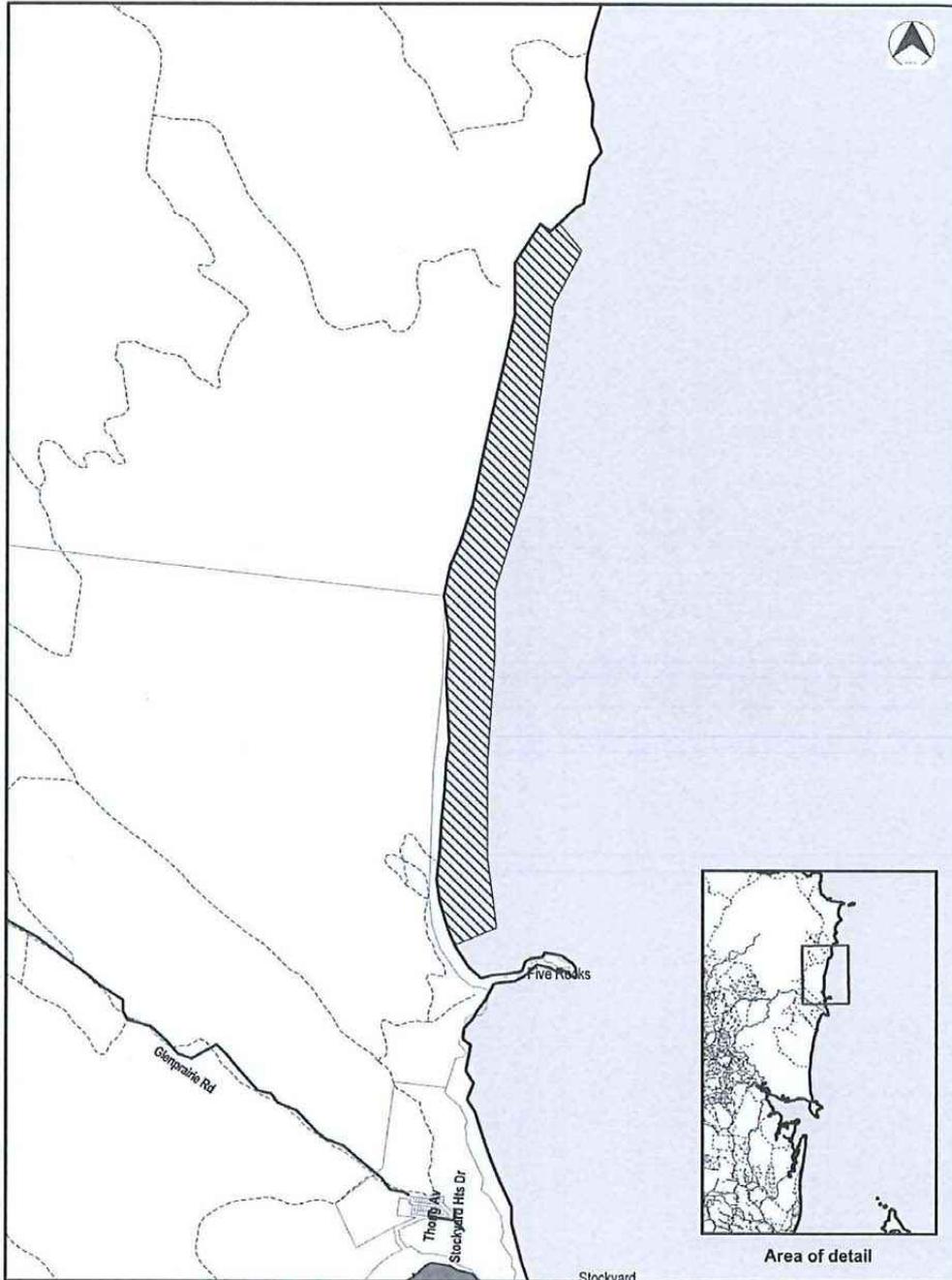


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### Five Rocks Beach

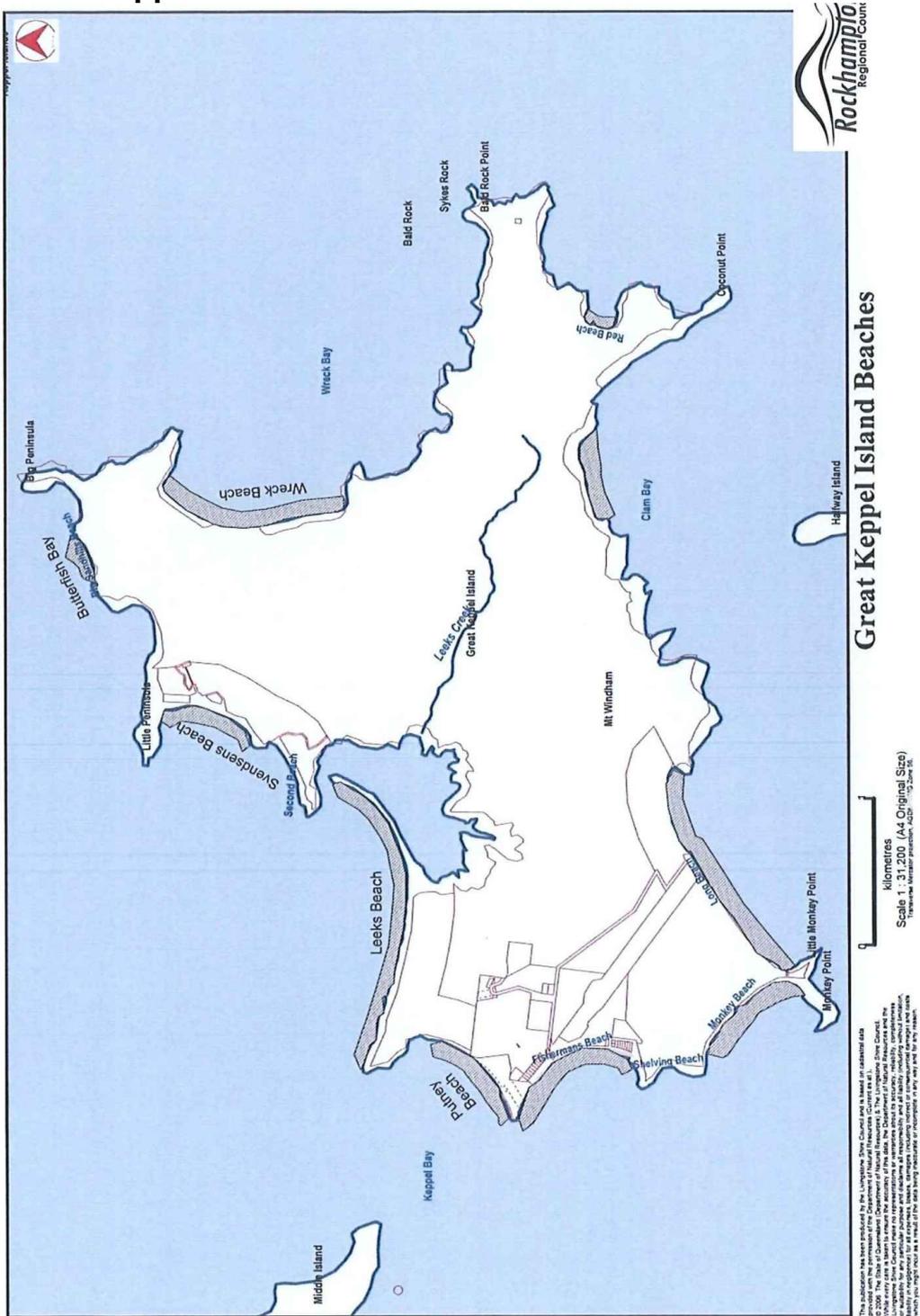


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**Five Rocks Beach**  
0 1  
kilometres  
Scale 1 : 35,000 (A4 Original Size)



### Great Keppel Island Beaches



### Haven – Tanby Point Beach



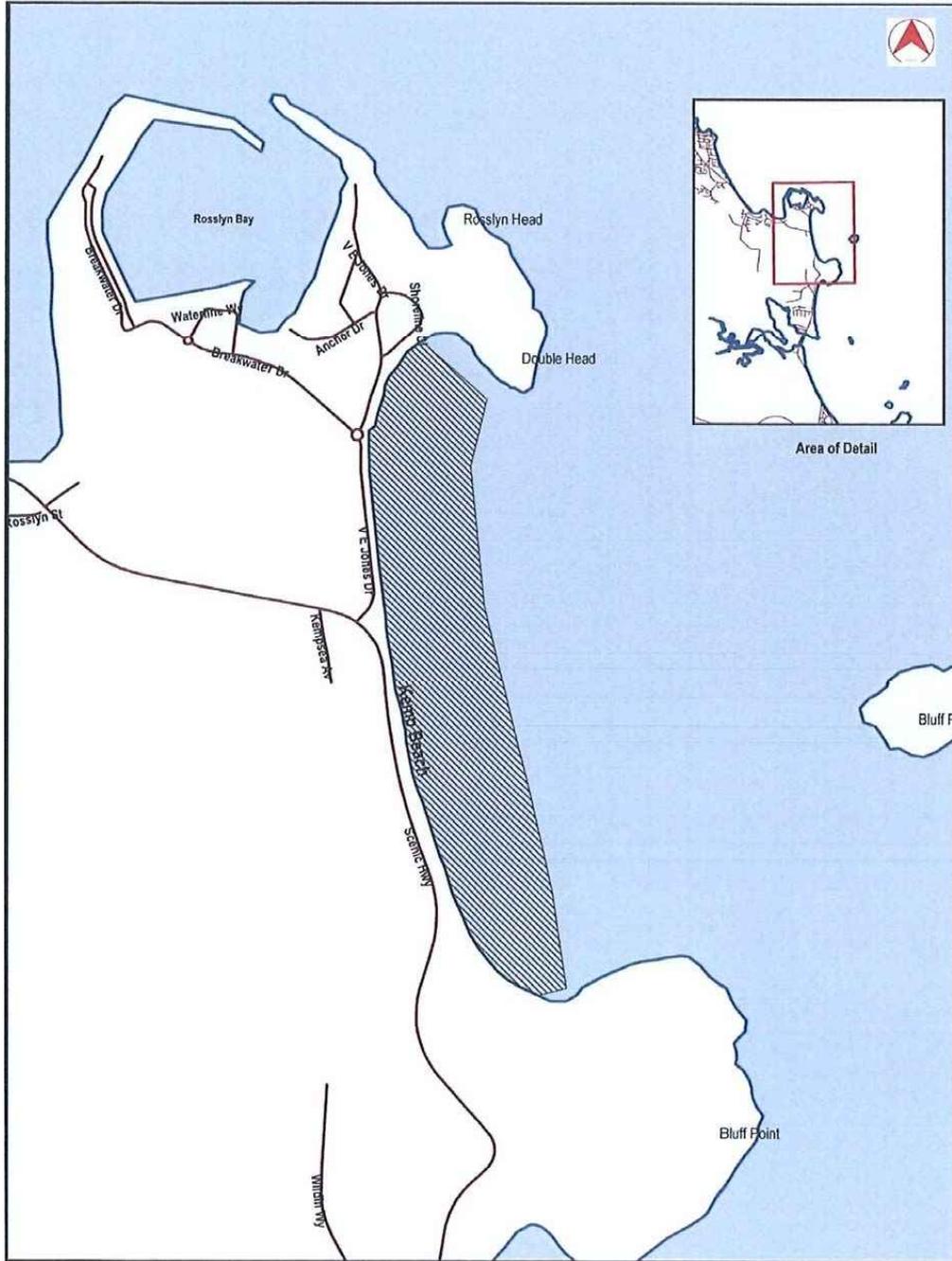
#### Boat Ramp - Haven - Tanby Point Beach

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0 100 200 metres  
Scale 1 : 5,000 (A4 Original Size)  
Township Memorandum: 27204 4145 2104 14



### Kemp Beach

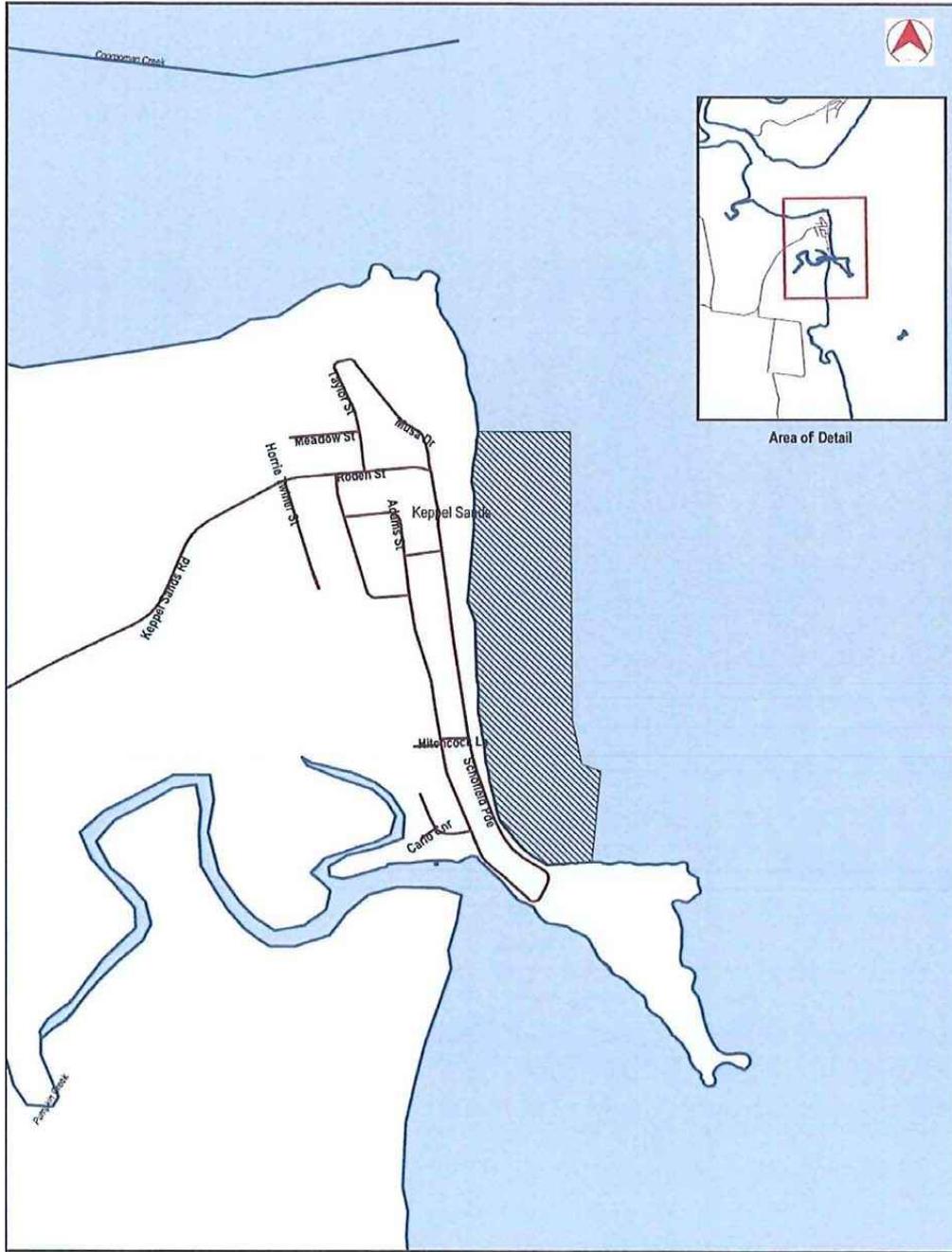


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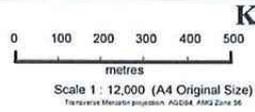
**Kemp Beach**  
0 100 200 300 400 500  
metres  
Scale 1 : 12,000 (A4 Original Size)  
Township Merapen projection, AG564, AMS Zone 58



### Keppel Sands Beach



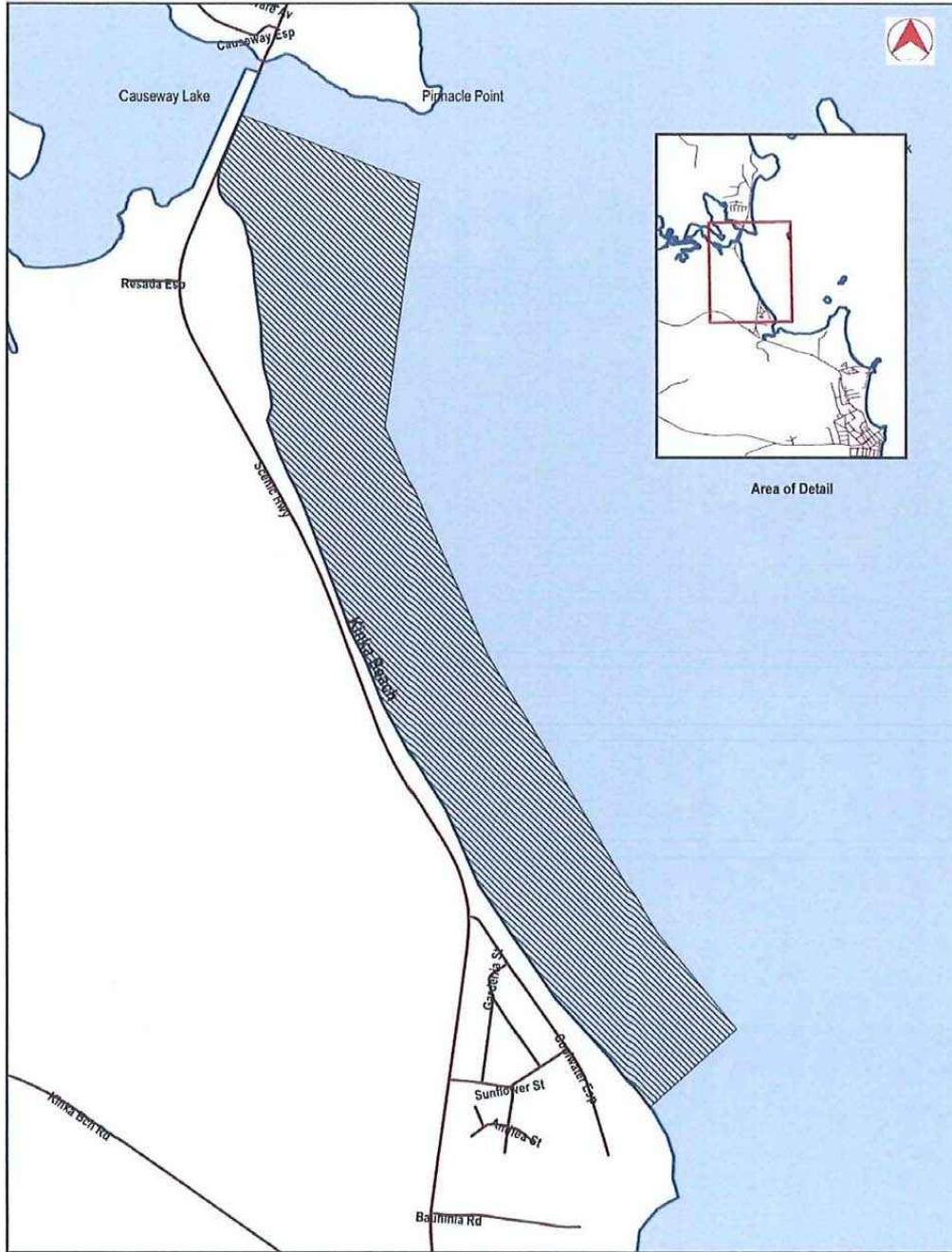
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### Keppel Sands Beach



### Kinka Beach

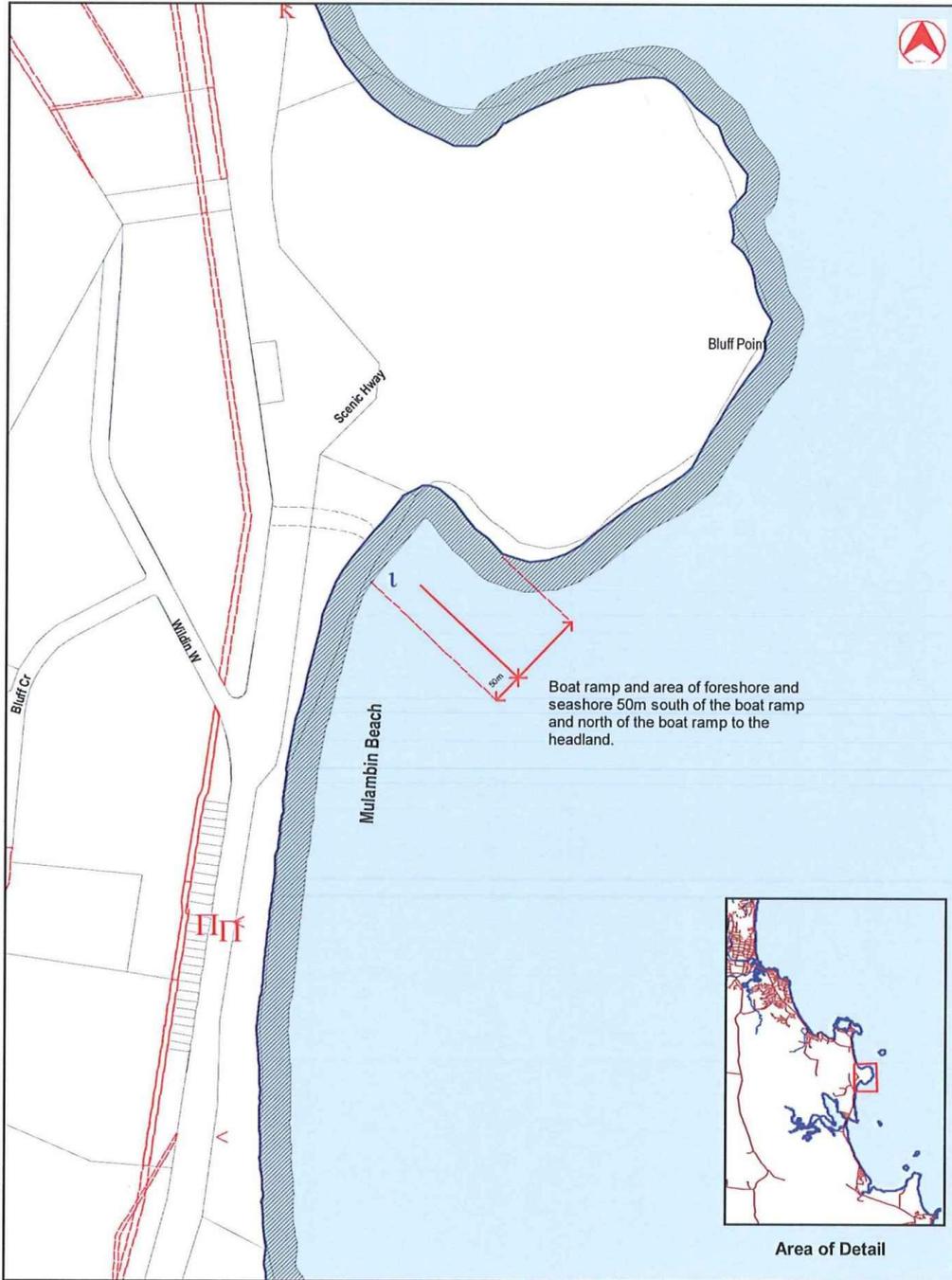


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### Mulambin Beach



### Boat Ramp - Mulambin Beach

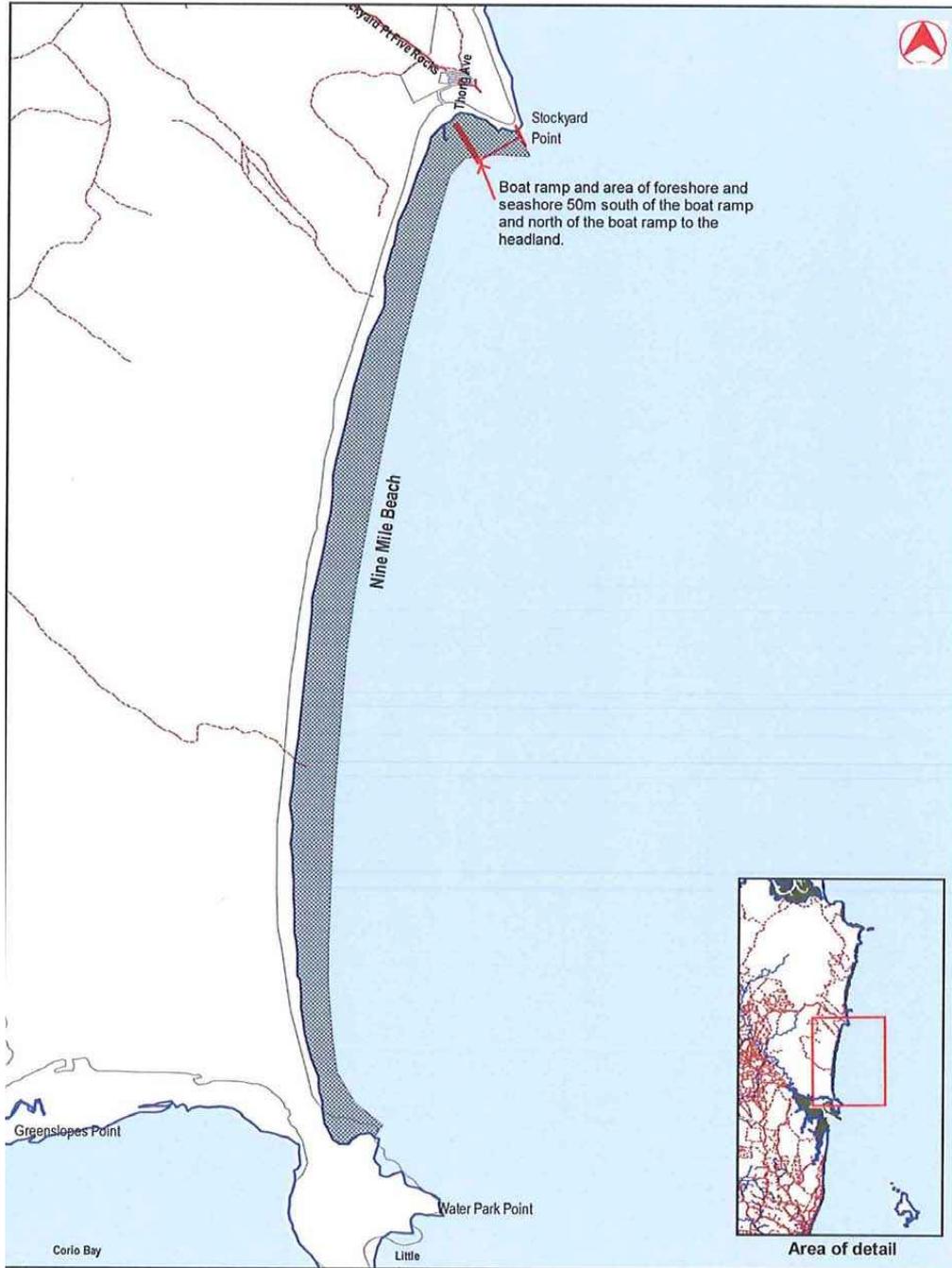
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0 100 200  
metres  
Scale 1 : 5,000 (A4 Original Size)  
Transverse Mercator projection, AGD84, AMG Zone 59.

  
Printed  
16 Sep 2005



### Nine Mile Beach

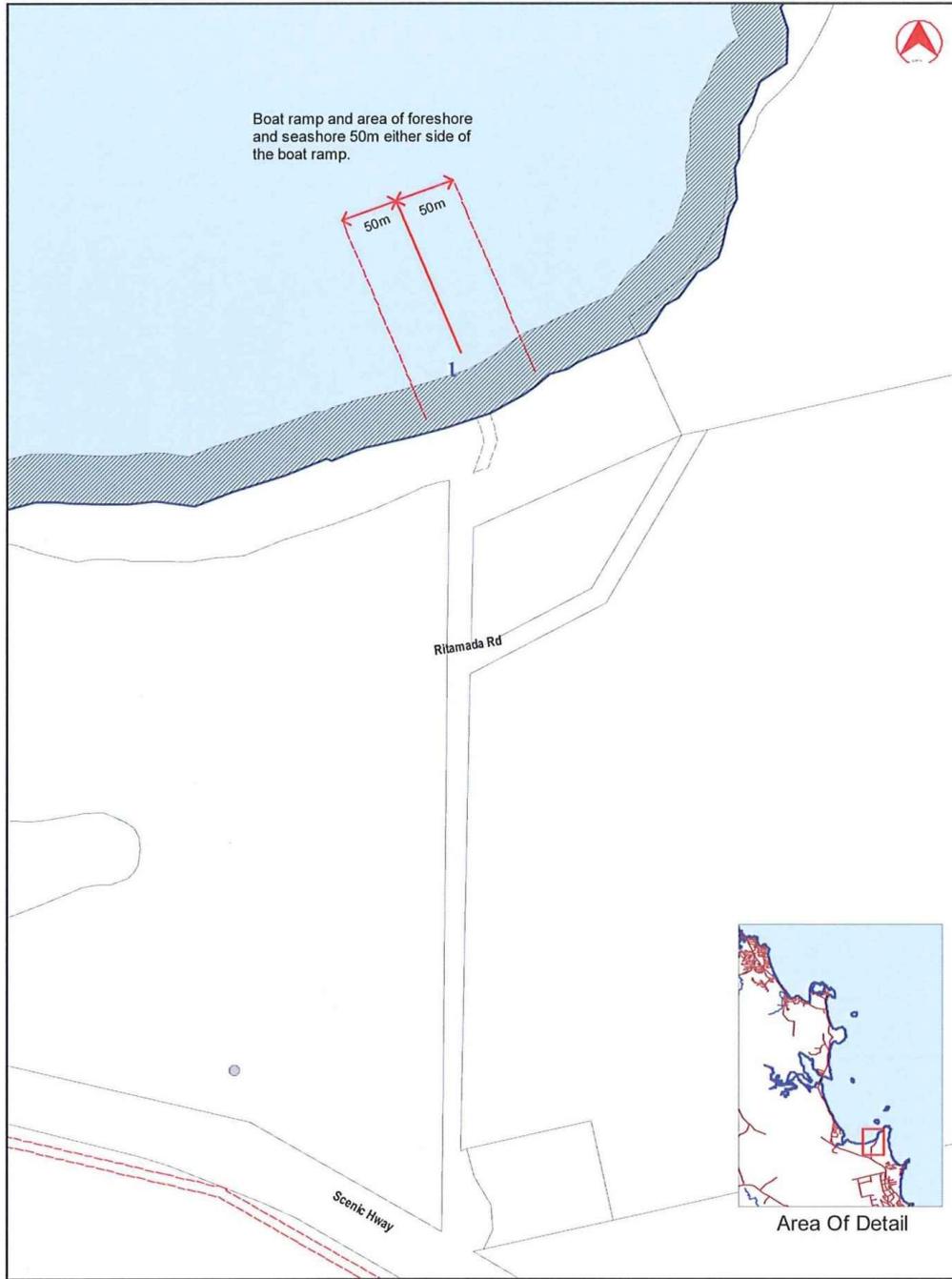


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**Nine Mile Beach**  
0 1 2  
kilometres  
Scale 1 : 55,000 (A4 Original Size)

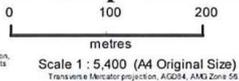
**Rockhampton**  
Regional Council  
Printed  
16 Sep 2005

### Ritamada Beach

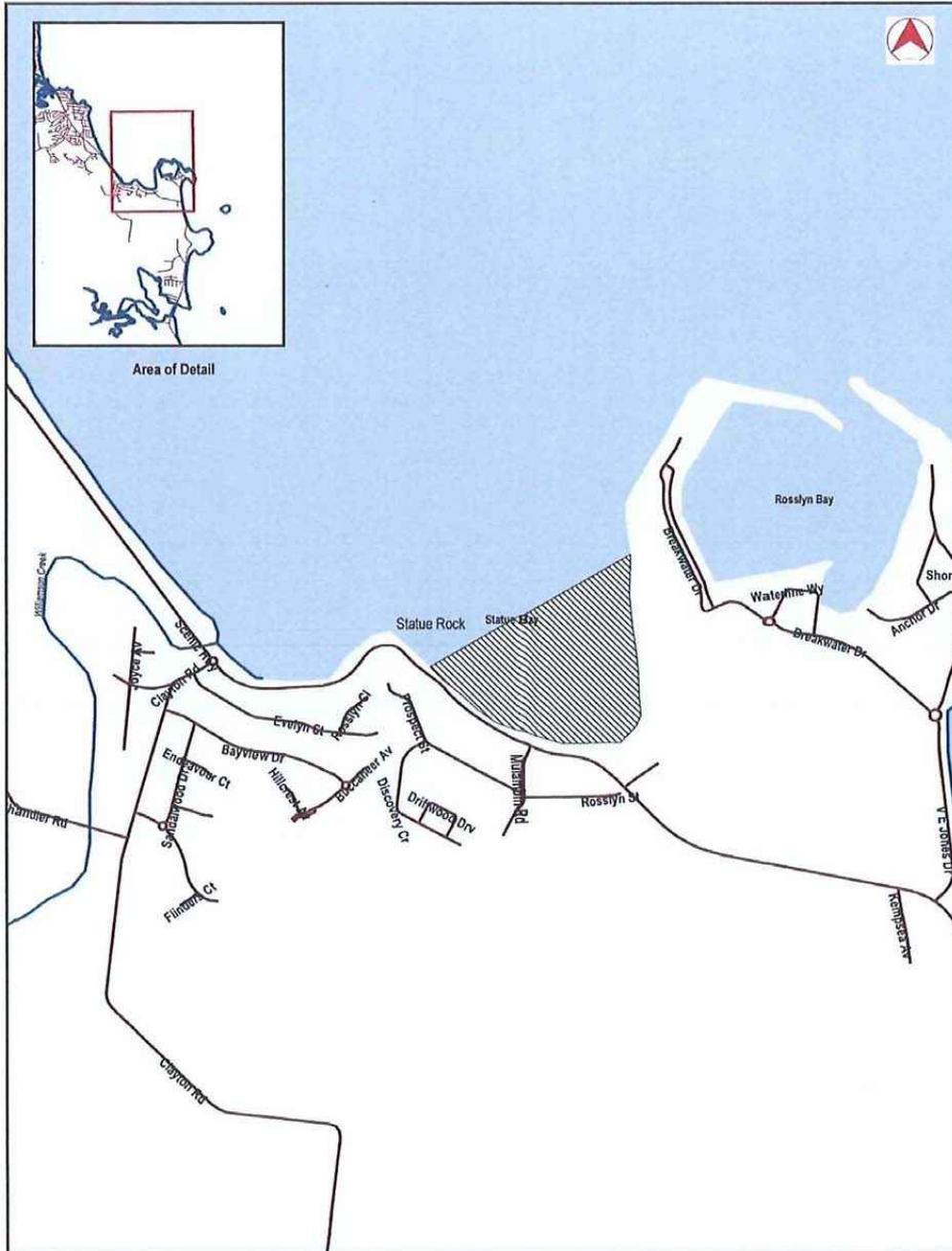


### Boat Ramp - Ritamada Beach

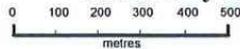
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### Statue Bay Beach



### Statue Bay Beach



Scale 1 : 12,000 (A4 Original Size)

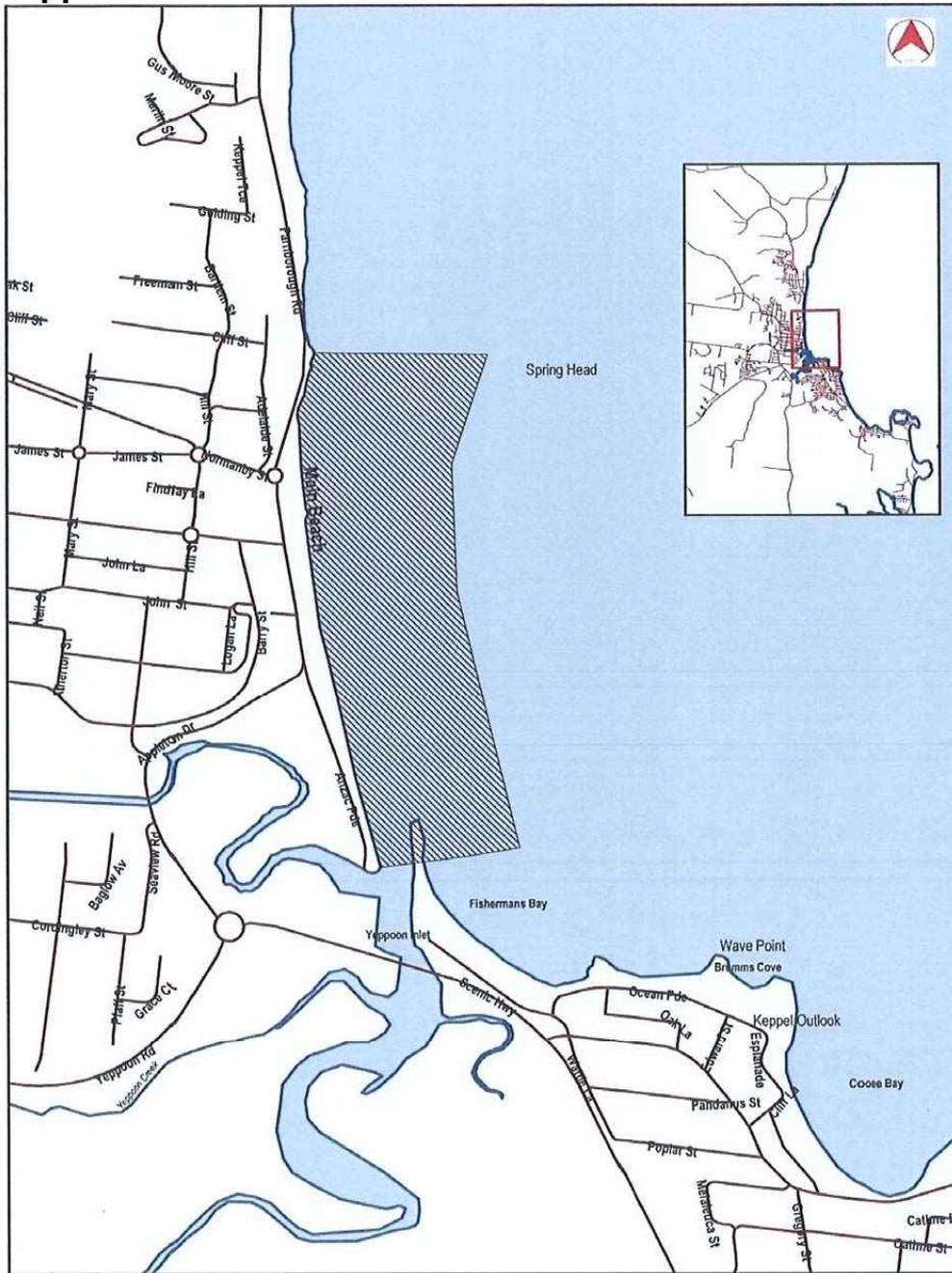
Terraviva Monitor project, ACCOA, AMS, June 06

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Printed 15 Jan 2007

### Yeppoon Main Beach



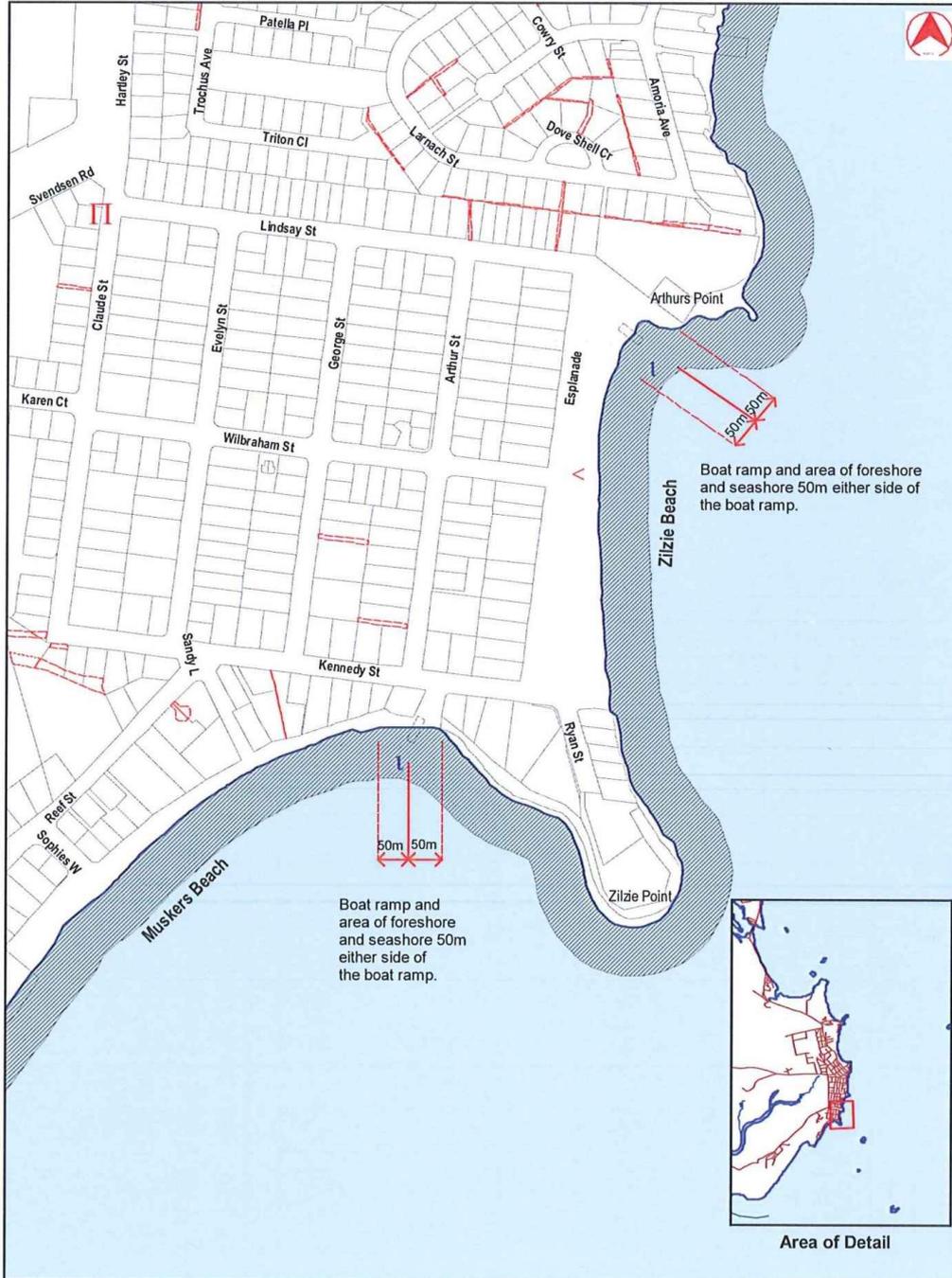
**Yeppoon Main Beach**

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0 100 200 300 400 metres  
Scale 1 : 10,000 (A4 Original Size)  
Terrestrial Mapper program, AGCS, 480 2 June 08

**Rockhampton**  
Regional Council  
Printed 11 Jan 2007

### Zilzie /Muskers Beach



### Boat Ramp - Zilzie / Muskers Beach

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0 100 200  
metres  
Scale 1 : 5,000 (A4 Original Size)  
Transverse Mercator projection, AGD94, AMG Zone 56.

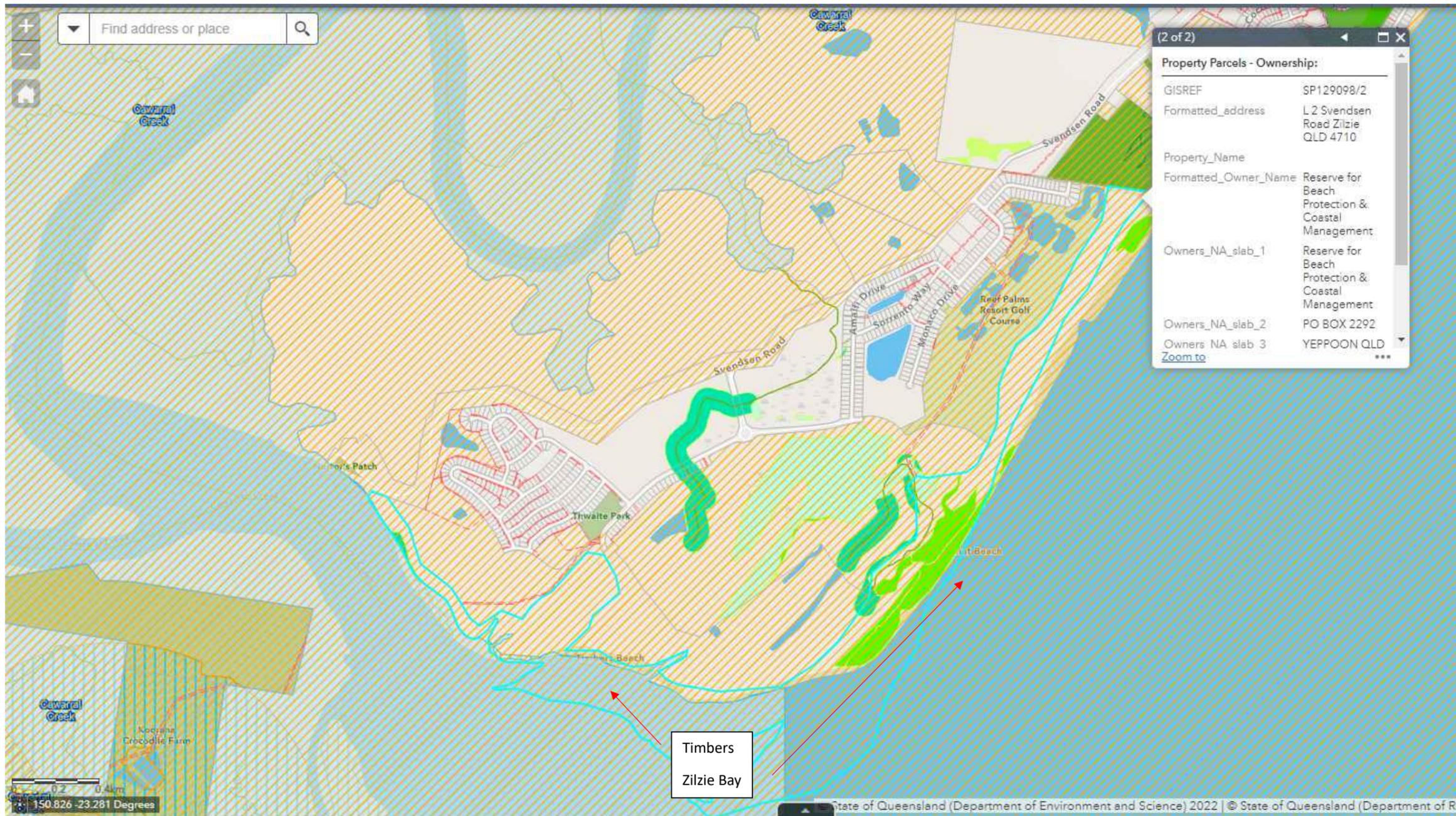


# **11.19 - SOUTHERN BEACHES VEHICLE ACCESS HISTORY, LOCAL LAWS AND REFERENCE GROUP.**

## **Southern Beaches Mapping**

**Meeting Date: 20 May 2024**

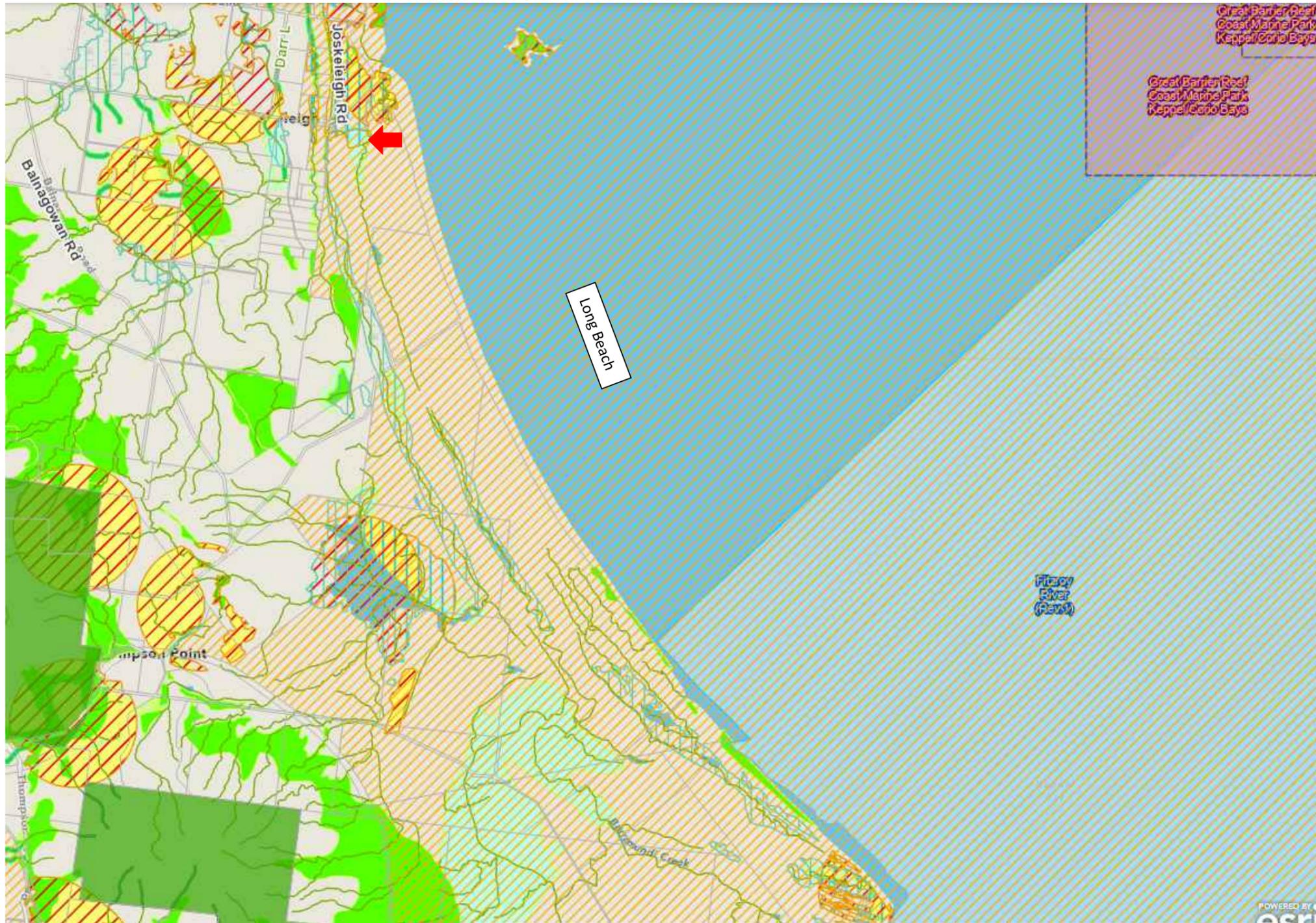
**Attachment No: 5**



Timbers Beach/Zilzie Bay Beach – Zilzie

Within a State Reserve for Beach Protection and Coastal Management (related legislation - *QLD Coastal Protection and Management and Other Legislation Amendment Act 2001*).

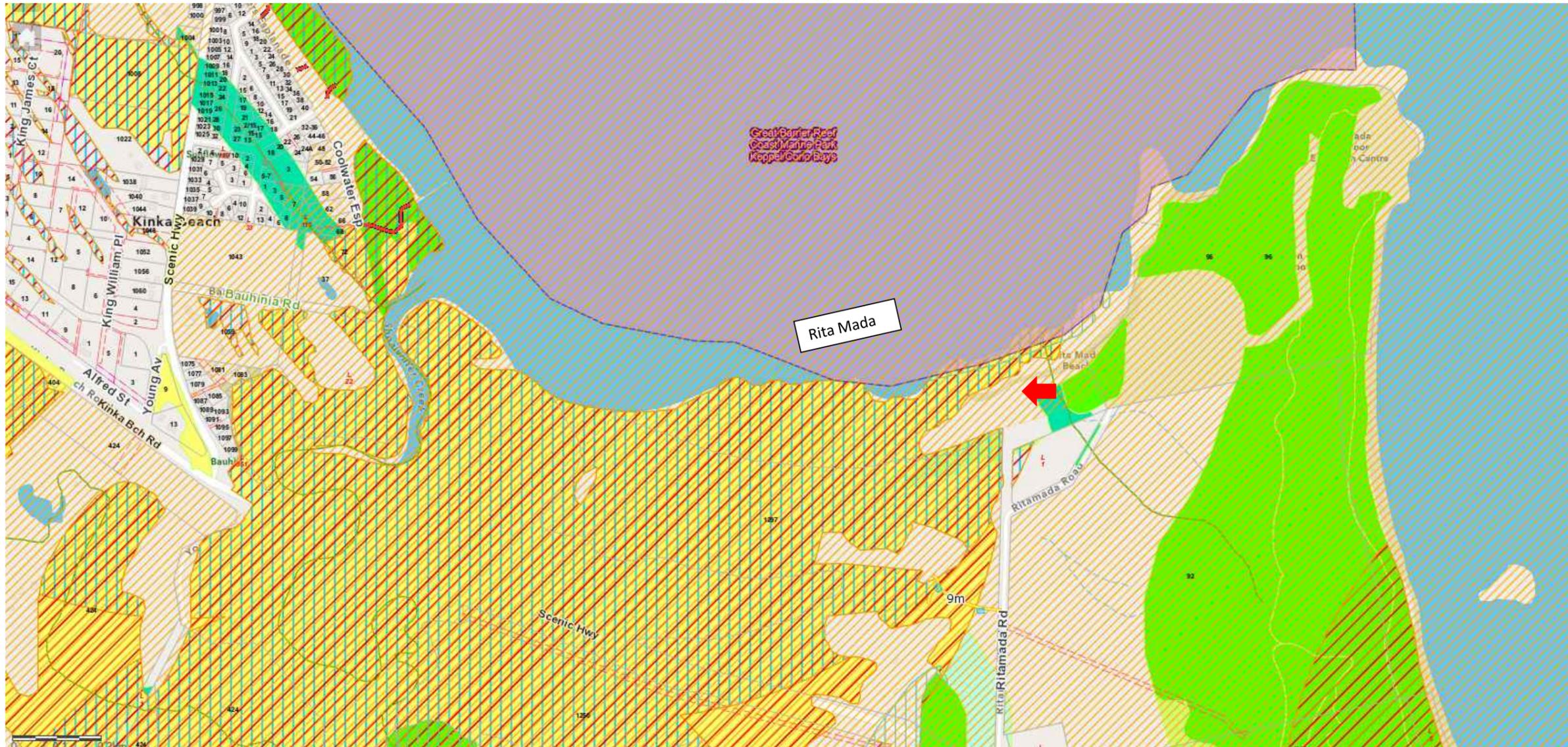
Lawful access via the boat ramp on Svendsen Rd – only for vessel supply, retrieval or launching. There is no other lawful access (pedestrian or vehicle), access is occurring via private land and/or via the reserve.



Long Beach – Keppel Sands

← Approx location of unconstructed road reserve.





Rita Mada

Approx location of lawful access.

Legend	Legend
<p><b>State of Qld Coastal Management</b></p> <p>Coastal management district</p> 	<p>MSES declared high ecological value waters [watercourse]</p> 
<p><b>Matters Of State Environmental Significance</b></p> <p>MSES conservation areas</p> <p>MSES protected area [estates]</p>  <p>MSES protected area [nature refuges]</p>  <p>MSES marine park [highly protected]</p>  <p>MSES declared fish habitat area [A and B areas]</p>  <p>MSES legally secured offset area [offset register]</p>  <p>MSES legally secured offset area [vegetation offsets]</p> 	<p>MSES declared high ecological value waters [wetland]</p>  <p>MSES high ecological significance wetlands</p>  <p>MSES strategic environmental area [designated precinct]</p> 
<p>MSES wetland values</p> <p>MSES regulated vegetation [defined watercourse]</p>  <p>MSES declared high ecological value waters [watercourse]</p>  <p>MSES declared high ecological value waters [wetland]</p>  <p>MSES high ecological significance wetlands</p>  <p>MSES strategic environmental area [designated precinct]</p> 	<p>MSES wildlife habitat</p> <p>MSES wildlife habitat [endangered or vulnerable]</p>  <p>MSES wildlife habitat [special least concern animal]</p>  <p>MSES wildlife habitat [SEQ koala habitat - core]</p>  <p>MSES wildlife habitat [SEQ koala habitat - locally refined]</p> 
	<p>MSES regulated vegetation</p> <p>MSES regulated vegetation [category B - endangered or of concern]</p>  <p>MSES regulated vegetation [category C - endangered or of concern]</p>  <p>MSES regulated vegetation [category R - GBR riverine]</p>  <p>MSES regulated vegetation [essential habitat]</p>  <p>MSES regulated vegetation [100m from wetland]</p> 



**11.19 - SOUTHERN BEACHES VEHICLE ACCESS HISTORY,  
LOCAL LAWS AND REFERENCE GROUP.**

**History 1980 to September 2022**

**Meeting Date: 20 May 2024**

**Attachment No: 6**



## History - 1980 to September 2022

### 1<sup>st</sup> November 1980

Proclamation in the Queensland Government Gazette by Queensland Governor Sir James Maxwell Ramsay;

*'Place all the foreshores of the Shire of Livingstone under the management and control of the Council of the Shire of Livingstone.'*

### 30<sup>th</sup> May 1987

An Order in the Queensland Government Gazette was made by Queensland Governor Sir Walter Campbell;

*His excellency the Governor, acting by and with the advice of the Executive Council and in pursuance of the provisions of the Local Government Act 1936-1987, does hereby:-*

*(i) Declare as a bathing reserve:-*

*(a) Each of the parts of the sea-shore and the land under the sea described in the Schedule hereto; and*

*(b) The sea above such parts of the sea-shore and the land described in the said Schedule; and*

*(ii) Place each bathing reserve described in the Schedule hereto under the management and control of the Council of the Shire of Livingstone.*

The schedule referenced identifies the following gazetted bathing reserves; Cooee Bay Beach, Emu Park Beach, Shelleys Beach, Farnborough Beach (South), Fisherman's Beach (Emu Park), Haven – Tanby Point Beach, Kemp Beach, Keppel Sands Beach, Kinka Beach, Lammermoor Beach, Mulambin Beach, Nine Mile Beach, Ritamada Beach, Statue Bay Beach, Zilzie/Muskers/Timbers Beach, Yeppoon Main Beach, and Great Keppel Island Beaches.

### 21<sup>st</sup> August 1996

Livingstone Shire Council's Corporate Plan 1996 was adopted by Council.

One objective was to complete a review of the current local laws by June 30, 1997.

### Schedule of Charges 1997/98

Vehicles on Beaches – no charge – permits need to be obtained from:

Livingstone Shire Council, 70 Anzac Parade, BP Yeppoon, 13 James Street, CCTO Information Centre, Scenic Highway Yeppoon.

### 23<sup>rd</sup> June 1999 Council Resolution

THAT Council resolves to make resolve to make Livingstone Shire Council Parks and Reserves Local Law (No.17).

**27<sup>th</sup> June 2001 Council Resolution**

Proposed Local Law – Control of Vehicles on Beaches:

THAT, further investigation be undertaken into possible licence conditions and effective deterrents for offences.

**Schedule of Charges 2001/2002**

Vehicles on Beaches – no charge – permits need to be obtained from:

Livingstone Shire Council, 70 Anzac Parade, BP Yeppoon, 13 James Street,  
CCTO Information Centre, Scenic Highway Yeppoon.

**4<sup>th</sup> December 2002 – Finance and Strategy Committee Meeting Resolutions**

THAT the Council's policy proposal in relation to Zilzie South Beach and Three Rivers to 5 Rocks Beach be amended to reflect that launch and retrieval of boats (and parking of tow/carry vehicles) be limited to –

1. within 50m of the boat ramp at the northern end, and
2. within 100m of the 'rocks' located approximately 1kkm south of the boat ramp.

THAT the current policy position as noted in the Local Law Committee Minutes of 5 October 2002 be held in abeyance pending further negotiations with the community and relevant government departments.

Additional motion: Corio-Bangalee – THAT vehicle permits also be issued to 2wheel drive vehicles. This motion lost.

**18<sup>th</sup> December 2002 Council Resolution**

THAT the following entry in respect of foreshore areas by made in the Parks and Reserves Register compiled pursuant to section 7 (Parks and Reserves) Local Law No. 17, namely:-

**FORESHORES**

As from 18th December 2002, all 'foreshore' areas of the Shire south of 5 Rocks (Stockyard Point) to the Fitzroy River, these having been included in those foreshore areas placed under the control and management of the Council by Proclamation dated 1st November 1980 shall be designated as reserves. The 'foreshore' areas are described as those lying between high water mark and low water mark at ordinary spring tides at the respective locations. Vehicles may be driven on some foreshore areas subject to the following constraints and conditions:-

**Nine-Mile Beach**

Once a permit system is implemented only those persons who are in possession of a permit will be permitted to drive an approved vehicle on the

foreshore subject to compliance with the conditions thereon.

### **Corio Bay to Bangalee**

Only a person who has been issued a permit may drive an approved vehicle on the foreshore subject to compliance with the conditions thereon.

### **Prohibited Vehicle Access**

Except where approved in writing by the Council, vehicle access to the following foreshore areas is prohibited:

1. Bangalee - Barwells Creek - Yeppoon Inlet (exceptions Surf Lifesaving Club and Keppel Bay Sailing Club at Yeppoon Main Beach)
2. Yeppoon Inlet - Cooee Bay
3. Lammermoor Beach
4. Statue Bay
5. Kemp Beach
6. Kinka Beach
7. Ladies Beach to Zilzie (Surf Lifesaving Club excepted)
8. Zilzie South - Coorooman Creek (only access point is the Coorooman Creek boat ramp)
9. Keppel Sands Main Beach.

### **Restricted Vehicle Access**

Access to the following foreshore areas is permitted for the launch and retrieval of boats only unless the written permission of Council has first been obtained for a particular purpose.

1. Access is restricted to within 50m north and/or south of the boat ramp or designated access point at the following locations:-
  - 1.1 Mulambin Beach (access point at the northern end)
  - 1.2 Rita Mada Beach (informal access point)
  - 1.3 Haven - Tanby Point Beach (access point near southern extremity)
  - 1.4 Zilzie (boat ramp at northern extremity)

At locations 1.1, 1.2 and 1.3 such vehicles may be parked on the foreshore above the high tide mark as there are no constructed carpark areas.

2. Vehicle access and parking at Fishermans Beach Emu Park, is restricted to the area adjacent to the jetty northwards to the small gully which discharges from Bell Park (signed). Parking is permitted above the high tide mark.

3. Vehicle access and parking at Zilzie South Beach is permitted as follows:-



3.1 within 100m of the boat ramp at the northern extremity, and 3.2 within 100m of the rocks located approximately 11km south of the boat ramp (signed).

Vehicles may traverse the foreshore in between for the purpose of accessing the Southern area for boat launch and retrieval purposes only.

Vehicles may be parked at the above locations above the high tide mark due to the distances involved and the limited parking facilities.

#### **22<sup>nd</sup> October 2003 Council Resolution**

THAT Council adopts the Livingstone Shire Council Development and Environment, Public and Environmental Health Services Policy No. H1.21 – Vehicle Access to Foreshores and Beaches under Care and Control of Council.

See Attachment Seven for the policy.

#### **28<sup>th</sup> June 2006**

##### **Officer Commentary**

In 2005 Livingstone Shire Council (Parks and Reserves) Local Law No.17 was found to be deficient in a number of areas. As a result a review was conducted and a report into the proposed changes was forwarded to Council which endorsed the proposed changes.

The proposed review was forwarded to King and Company Solicitors to develop the draft local law and review the document for any possible anti-competitive provisions. A copy of the draft local law was forwarded to the Minister of Local Government and Planning for State interest test. On receipt of the reply from the Department of Local Government and Planning, the draft local law was returned to King and Co for amending as per the Minister's directions.

Council must, at a general meeting of Council, agree to satisfy each condition.

Council is then required to consult with the public about the local law and the subordinate local law.

##### **Council Resolution**

THAT the Council resolves that Council agrees to satisfy each condition about the content of Livingstone Shire Council Parks and Reserves (Amendment) Local Law (No.1) 2006 advised by the Minister for Local Government and Planning in the Minister's letter to Council dated 4 April 2006.

And

THAT Council hereby resolves, pursuant to section 472 of the Local Government Act 1993, to delegate to the Chief Executive Officer it's powers under section 889 of the Act to decide;-

- a) how the public interest test of the local law and subordinate local law particularised in the schedule is to be conducted;
- b) the matters with which the public interest test report in relation to the local law and the subordinate local law particularised in the schedule must deal; and
- c) the consultation process for the public interest test and how the process is to be used in the public interest test.

#### Schedule

Livingstone Shire Council Parks and Reserves (Amendments) Local Law (No.1) 2006: Livingstone Shire Council Subordinate Local Law No.17 (Parks and Reserves) 2006.

#### 12<sup>th</sup> August 2006

##### Public Notice in The Morning Bulletin.

Livingstone Shire Council ("Council") has proposed to make *Livingstone Shire Council Parks and Reserves (Amendment) Local Law (No.1) 2006* ("the proposed local law") and conduct a public interest test in relation to possible anti-competitive provisions identified in the proposed local law.

The proposed local law amends *Livingstone Shire Council (Parks and Reserves) Local Law No.17* ("the local law").

Council has also proposed to make *Livingstone Shire Council Subordinate Local Law No.17 (Parks and Reserves) 2006* ("the proposed subordinate local law"). *Livingstone Shire Council (Parks and Reserves) Local Law No.17* is the authorising local law for the proposed subordinate local law.

The purpose of the local law and the proposed subordinate local law is to:-

- (a) provide for the establishment of parks and reserves on land within the Area under Council's control; and
- (b) provide for appropriate public access to parks and reserves for active and passive recreation; and
- (c) protect the health and safety of persons using parks and reserves; and
- (d) preserve features of the natural and built environment and other aspects of the amenity of parks and reserves; and
- (e) regulate activities in parks and reserves and ensure appropriate standards of conduct.

The purpose of the proposed local law is to:-

- (a) provide Council with the power to require that ingress or egress to a park or reserve must be through a designated access; and

- (b) provide Council with the power to designate a park or a reserve or a part of a park or a reserve as a beach area; and
- (c) regulate motor vehicle access to parks and reserves; and
- (d) regulate motor vehicle access to beach areas; and
- (e) protect environmentally sensitive areas.

On 19 July 2006, Council published a notice about the proposed local law and the proposed subordinate local law in a newspaper circulating generally in Council's local government's area inviting written submissions by any person in support of, or objecting to, the proposed local law and the proposed subordinate local law for a period commencing on 20 July 2006 and ending on 9 August 2006.

Council has resolved, pursuant to sections 868 and 878 of the *Local Government Act 1993*, to again consult with the public about the proposed local law and the proposed subordinate local law. The purpose of this notice is to again invite written submissions by any person in support of, or objecting to, the proposed local law or the proposed subordinate local law.

Written submissions by any person in support of, or objecting to, the proposed local law or the proposed subordinate local law are invited for a period commencing on 14 August 2006 and ending on 15 September 2006.

#### **22<sup>nd</sup> February 2007 Officer Commentary**

Local Law No.17 (Parks and Reserves): As there was a need to amend certain aspects of this local law after it was presented for public comment, King and Co Solicitors requested further information and maps. After incorporating the new amendments into the Local Law, the solicitors will forward the completed draft to Council. Unfortunately, as the new amendments substantially change the content of the previous amending Local Law, Council will be required to submit the new amended Local Law for public consultation.

#### **25<sup>th</sup> July 2007**

This report was specific to Farnborough Beach, however the legal advice provided had impact on the overall Local Law no.17 Parks and Reserves.

#### **Officer Commentary**

...the legal opinion also states that Council hasn't adopted a subordinate local law that gives the Council power to compel users to obtain a permit. This raises the issue of the validity of the permits that are currently issued by Council. The current policy H1.21 "Vehicle access to foreshores and beaches under care and control of Council" is as administrative policy not a subordinate local law and cannot be used to control access of types of access to the foreshore. Council must immediately amend the local law and adopt a subordinate local law.

**Council Resolution**

THAT Council

1. Review the local law to ensure that the foreshores are suitable covered, ensure the permit system is covered and a subordinate local law is enacted to clearly define areas to which the local law will apply.
2. Create a shared zone that is appropriated speed limited.
3. Erect the appropriate shared zone signage at all beach accesses.
4. Initiate a user education program to inform users that the beach is a shared zone.
5. Issue an information brochure with permits.
6. Encourage the resort operators to inform guests of the beach issues.
7. Engage the police to patrol the area on a more regular basis.
8. A report be prepared for an annual fee to be charged to acquire a permit to cover future infrastructure maintenance and local law monitoring.

**25<sup>th</sup> July 2007**

Review of (Parks and Reserves) Local Law No.17 Omission of Amendments of Resolution of Council (27/06/07).

**Officer commentary**

In 2005 Livingstone Shire Council (Parks and Reserves) Local Law No. 17 was found to be deficient in a number of areas. As a result a review was conducted and a report into proposed changes to Council's (Parks and Reserves) Local Law and the making of a Subordinate Local Law was presented to Council. Council accepted the report and endorsed the proposed changes at its meeting on 27 June 2007. However, it has subsequently been noted that two items of change to Council's (Parks and Reserves) Subordinate Local Law were accidentally omitted from the report to Council. As a result, these items were also omitted from the formal resolution made by Council at its meeting on 27 June 2007. Consequently, it is proposed that Council pass new resolutions to make Livingstone Shire Council Parks and Reserves (Amendment) Local Law (No.1) 2007 and Livingstone Shire Council Subordinate Local Law No. 17 (Parks and Reserves)2007 so as to include the additional amendments.

In 2006 the proposed review document was forwarded to King and Company Solicitors to develop a draft of the local law and subordinate local law and to conduct a review for any possible anti-competitive provisions.

The proposed local law and subordinate local law were publicly notified on three occasions. Written submissions suggesting amendments to be made were received on each occasion and appropriate amendments were incorporated into the versions presented to Council.

During the initial public consultation the matter of access to certain beaches was raised, in particular Five Rocks/Three Rivers and Long Beach. These were considered as possible permitted beaches, however, despite them being traditionally used by the residents and public for many years, they have always had access problems.

Submissions from the Australian Defence Force and Queensland Parks and Wildlife Service were forwarded to Council's legal representatives. Subsequently, amendments were recommended to Council to have the Five Rocks/Three Rivers beach excluded from vehicular access and the permit system.

With current and future access to these beaches in doubt, Council may consider including them in the local law as permitted beaches once management plans and access matters have been resolved. Consequently, albeit that the local law will prohibit vehicles on these beaches, until such time as the aforementioned is in place, Council may take such action as is necessary based on a complaint basis for behavioural or environmental reasons.

Council, at its General Meeting held on 27 June 2007, resolved to make Livingstone Shire Council Parks and Reserves (Amendment) Local Law (No.1) 2007 (previously Livingstone Shire Council Parks and Reserves (Amendment) Local Law (No.1) 2006) as advertised and Livingstone Shire Council Subordinate Local Law No. 17 (Parks and Reserves) 2007 with the amendments specified in the resolution.

However due to an administrative oversight, two of the amendments to the subordinate local law were not included in the resolution. A copy of the subordinate local law, containing all the amendments made to it including the two changes omitted from the recommendations, was attached to the report, but the formal Council resolution was deficient.

It is now requested that the Council agree to include the two amendments that were omitted from the General Meeting resolution of 27 June 2007. To facilitate that, it is requested that Council repeal the resolution made on 27 June 2007 to make Livingstone Shire Council Parks and Reserves (Amendment) Local Law (No.1) 2007 (previously Livingstone Shire Council Parks and Reserves (Amendment) Local Law (No.1) 2006) as advertised and Livingstone Shire Council Subordinate Local Law No. 17 (Parks and Reserves) 2007 with the amendments specified in the resolution of 27 June, 2007 and pass new resolutions to make Livingstone Shire Council Parks and Reserves (Amendment) Local Law (No.1) 2007 (previously Livingstone Shire Council Parks and Reserves (Amendment) Local Law (No.1) 2006) as advertised and Livingstone Shire Council Subordinate Local Law No. 17 (Parks and Reserves) 2007 as advertised, but subject to the amendments referenced.

Recommendation:

That Council:

1. repeals minute 8.1.3 from the General Council meeting 27 June 2007; and
2. resolve to proceed with the making of Livingstone Shire Council Parks and

Reserves (Amendment) Local Law (No.1) 2007 (previously Livingstone Shire Council Parks and Reserves (Amendment) Local Law (No.1) 2006) as advertised; and

3. note that a public interest test report has been presented to a meeting of Council about Livingstone Shire Council Parks and Reserves (Amendment) Local Law (No.1) 2007 and Livingstone Shire Council Subordinate Local Law No. 17 (Parks and Reserves) 2007 and pursuant to section 891 (1) of the Local Government Act 1993, Council resolve to implement the recommendations of the public interest test report about Livingstone Shire Council Parks and Reserves (Amendment) Local Law (No.1) 2007 and Livingstone Shire Council Subordinate Local Law No. 17 (Parks and Reserves) 2007; and

4. resolve to make Livingstone Shire Council Parks and Reserves (Amendment) Local Law (No.1) 2007 as advertised; and

5. resolve to make Livingstone Shire Council Subordinate Local Law No. 17 (Parks and Reserves) 2007 as advertised, but subject to the following amendments:-

(a) Section 9(5) - omit.

(b) Schedule 1, Dictionary, definition 'Five Rocks Beach', 'cross'-omit.

(c) Schedule 1, Dictionary insert- 'retail shop has the meaning given in the Retail Shop Leases Act 1994'.

(d) Schedule 2, item 9, 'cross'-omit.

(e) Schedule 3, paragraph (b), after 'Mile Beach', ','; and'- omit, insert-, ,

(f) Schedule 3, paragraph (c) -omit.

(g) Schedule 4- The person or class of persons who are entitled to bring motor vehicles on to beach areas or part of a beach area-

(i) Item 10, paragraph (a), after 'complex'-insert- 'or a retail shop'; and

(ii) Item 10, paragraph (b), after 'agent of insert-"as the case may be,';  
and

(iii) Item 10, paragraph (b), after 'complex' -insert-'or retail shop'.

(h) Schedule 5, paragraph (b), after 'Mile Beach', ','; and'-omit, insert-, ,

(i) Schedule 5, paragraph (c) -omit.

(j) Schedule 14, map identifying Five Rocks Beach -omit, insert the map attached to this report to Council.

#### **19<sup>th</sup> September 2007 Council Resolution**

THAT Council hereby resolves to propose to make Parks and Reserves (Amendment) Subordinate Local Law (No.1) 2007 which amends Subordinate Local Law No.17 (Parks and Reserves) 2007.

**26<sup>th</sup> September 2007**

Draft of Livingstone Shire Council Parks and Reserves (Amendment) Subordinate Local Laws (No.1) 2007 provided to Council by King and Co Solicitors.

**27<sup>th</sup> October 2007**

Public Notice in the Morning Bulletin seeking written submissions in support or objection to proposed amendments to the subordinate local law.

**14<sup>th</sup> December 2007****Officer commentary**

As a result of concern from sections of the community about the exclusion of vehicles to Five Rocks (Three Rivers) Beach and Long Beach, Council at its October 2007 meeting, proposed amendments to Local Law No. 17 (Parks and Reserves) subordinate local law, to include vehicle access to the above beaches. Historically Council has never permitted vehicles to traverse Five Rocks (Three Rivers) Beach or Long Beach because of the lack of suitable safe access and the lack of resources to adequately police these areas. Similarly, permitted vehicle access to its beaches is only relatively new and has been brought about by requests from the public and in the interests of "better" management of beach use. It is recognised that the public has accessed these beaches for a long period of time despite the recent local law not permitting access.

On 27 October 2007 Council published a notice about the proposed amending subordinate local law in a newspaper circulating generally in Council's local government area, inviting written submissions by any person in support of or objecting to the proposed amendments to the subordinate local law.

Four (4) written submissions were received. These submissions were forwarded to Council's solicitors, King, and Company. The submissions received by Council were from:

- a) The Environmental Protection Agency
- b) The Department of Defence
- c) Capricorn Coast Conservation Group
- d) Stockyard Point residents

As mentioned, Council received four submissions which were sent to Council's legal representatives, King, and Company, for assessment. However, the solicitors have not suggested any alterations to the proposed amendments because of the submissions. They have made comment in relation to the submissions from the Environmental Protection Agency and the Department of Defence as these submissions appear to be of substance and require comment.

The Environmental Protection Agency (QPWS): Clearly the Environmental Protection Agency does not support Council's proposal to make the amending Subordinate Local Law. It considers that any amendment should only occur after the

management planning process has considered the issue of access through the park onto Five Rocks Beach and believes there seems little urgency for Council to amend the local law, given that it is directly engaged in the management planning process.

(As always, if there is a conflict between a local law and a State law then the State law will prevail to the extent of the inconsistency. In this instance, whether there is an inconsistency is a grey area. The State may decide to clarify that grey area at some time in the future. If so, the State may, effectively, negate the effect of the making of the Amending Subordinate Local Law.)

Department of Defence: The Department has referred Council to its previous letter dated 23 May 2007 in which certain matters were highlighted and objections made. Of particular concern is the reference in the correspondence from the Department of Defence to unexploded ordnance located within the SWBTA. There is a potential liability exposure for Council if it issues permits under the local law which allow access within the SWBTA in circumstances where the Department of Defence have clearly made Council aware of the existence of unexploded ordnance in the area of the overlap between the SWBTA and an area identified in the permit (issued under the local law).

King and Company are unaware of the extent to which unexploded ordnance is an issue in the areas identified in permits issued under the local law. However, this is an issue that should not be dismissed by Council as merely trifling or fanciful. "Council has sought clarification from the Department in relation to the possibility of unexploded ordnance on the beach area up to the high-water mark".

The Capricorn Coast Conservation Group: The Conservation Group made a detailed submission identifying the need for ecological and environmental conservation in the area. It too questioned the urgency for the amendment.

The Stockyard Point residents: The residents supported the action proposed by Council.

King and Company also makes the following comment: Motor vehicle access to each of the beach areas identified in the Amending Subordinate Local Law appears to be a matter of some concern and, effectively, the State may block access across environmentally sensitive areas. If the State adopts that course then the making of the Amending Subordinate Local Law will achieve little although they (King and Co) are unable to predict whether the State will take that course of action or not. There are a number of pieces of State legislation which impact on these issues in fairly broad terms. However, there is nothing specific in the legislation which effectively prohibits Council from making the Amending Subordinate Local Law.

Public Interest Test Report: As part of the local law and subordinate local law-making process, Council is required to consider the content of a public interest test report in relation to the Amending Subordinate Local Law and resolve pursuant to section 891 of the Local Government Act 1993 to implement the recommendations of the public interest test report prepared in relation to the draft local law and subordinate local law.



The report concluded, whilst the identified possible anti-competitive provisions are in fact anti-competitive provisions, it is recommended that they be retained in full as:-

- the benefits of these provisions to the community as a whole outweigh the costs; and
- the most appropriate way of achieving the objectives of the local law is by restricting competition in the way provided in these provisions.

a) draft public interest test report prepared in relation to the Amending Subordinate Local Law; and b) schedule of anti-competitive provisions included in the Amending Subordinate Local Law and reasons for their inclusion. (See Attachment Eight)

Council's legal representatives have provided Council with some options:

1. If Council decides to proceed:

Council hereby resolves to make Livingstone Shire Council Parks and Reserves (Amendment) Subordinate Local Law (No.1) 2007 as advertised.

2. If Council decides there is a need to amend the subordinate local law:

Council hereby resolves to defer the making of Livingstone Shire Council Parks and Reserves (Amendment) Subordinate Local Law (No.1) 2007 and refer the matter to its legal representatives to provide a report for its consideration.

3. If Council decides not to proceed:

Council hereby resolves not to make Livingstone Shire Council Parks and Reserves (Amendment) Subordinate Local Law (No.1) 2007.

4. If Council decides to wait for all the approvals and management plans to be finalised and clarification of any issues raised by the submitters is addressed:

Council hereby resolves to defer the making of Livingstone Shire Council Parks and Reserves (Amendment) Subordinate Local Law (No.1) 2007 until:

1. the finalising of the Queensland Parks and Wildlife Service Byfield Management Plan; and
  2. the accesses to Long Beach and Five Rocks Beach have been determined;
- and
3. further investigations and enquiries have been undertaken in relation to the comments made by the Department of Defence and the Capricorn Coast Conservation Group in their submissions.

#### **30<sup>th</sup> January 2008 Council Resolution**

Council hereby resolves to defer the making of *Livingstone Shire Council Parks and Reserves (Amendment) Subordinate Local Law (No. 1) 2007* until:

1. the finalising of the Queensland Parks and Wildlife Service Byfield Management Plan; and
  2. the accesses to Long Beach and Five Rocks Beach have been determined;
- and
3. further investigation and enquiries have been undertaken in relation to the comments made by the Department of Defence and the Capricorn Coast Conservation Group in their submissions.

This represents option four as presented to Council on 14 December 2008.

**15<sup>th</sup> March 2008**

Livingstone Shire Council amalgamation with Rockhampton Regional Council.

**28 April 2009**

**Officer Commentary**

A project to undertake the consolidation of Rockhampton Regional Council's current suit of local laws is underway. The first component of the project is to undertake a redundancy review. The purpose of the review is to identify laws, provision and activities undertaken that are outdated or can be better managed through other means.

Rockhampton Regional Council has some 84 continuing local laws and 55 continuing subordinate local laws. This report identifies and recommends the repeal of 12 redundant local laws and their subordinate local laws (where applicable).

Note: The list of the laws repealed at this time did not include Livingstone Shire Council (Parks and Reserves) No.17.

**18<sup>th</sup> August 2009**

**Officer commentary**

A review of Council's beach permit system was undertaken with the view to establish an appropriate fee for a fully self-funded system to provide 4WD recreational beach access. The review realised that constraints in *the Local Government Act 1993* prohibit Council from realising a fully funded system, therefore it is recommended that the system be disbanded.

**18<sup>th</sup> August 2009 Council Resolution**

THAT the Rockhampton Regional Council beach permit system be abolished from August 31, 2009.

**25<sup>th</sup> August 2009**

Further amendments and/or repeals of Local laws occurred in this meeting, however local laws relating to Parks and Reserves, bathing reserves or Council controlled areas were not included.

**November 2009 (letter)**

Legal advice provided to Livingstone;

*...we refer you to section 66 of the Transport Operations (Road Use Management) Act 1995...section 66(4) specifies matters about which a local government may not make a local law including, 'the manner of driving a vehicle or animal including the driving of the same dangerously or without due care and attention or without reasonable consideration for other persons or negligently, recklessly or at speed in excess of the maximum speed at which the vehicle may lawfully be driven...the Police are responsible for the enforcement of those pieces of legislation.*

**8<sup>th</sup> February 2011 Council Resolution**

THAT Council resolve to –

- a) propose to adopt each model local law listed in Schedule 1; and
- b) propose to make each proposed local law listed in Schedule 2; and
- c) propose to make each proposed subordinate local law listed in Schedule 3.

The Schedule 2 referred to includes Local Laws that are Livingstone Shire's current *Local Law No. 4 (Local Government Controlled Areas, Facilities and Roads) 2011* and the Schedule 3 referred to includes Livingstone Shire's current *Subordinate Local Law No. 4 (Local Government Controlled Areas, Facilities and Roads) 2011*.

The effective date of all Local Laws specified in the report is 1st July 2011.

**1<sup>st</sup> January 2014**

Livingstone Shire Council de-amalgamation from Rockhampton Regional Council.

**2<sup>nd</sup> February 2016 Councillor Workshop****Officer Commentary**

At the time of de-amalgamation, the local laws which applied across Rockhampton Region automatically transferred to Livingstone Shire. The current suite of Local Laws were adopted by the Rockhampton Regional Council in September 2011.

...in order to establish a preferred structure, it will be necessary to simultaneously rewrite all the Local Laws.

**16<sup>th</sup> June 2020 Council Resolution**

THAT the petition requesting access to Long Beach be received and referred to a Council briefing session for consideration.

Please see Attachment Nine for detailed history regarding Long Beach, Joskeleigh.

**27<sup>th</sup> October 2020 Council Resolution**

THAT Council move the following: Amend *Subordinate Local Law 4 (Schedule 2.11c)* that currently states, 'attached to a trailer and the driver of the motor

vehicle is using a boat ramp on the area to launch or retrieve a trailerable [sic] vessel from the trailer' to 'the driver of the motor vehicle is using a boat ramp on the area to launch, retrieve or supply a vessel.'

**16<sup>th</sup> March 2021 Council Resolution**

THAT Council

- 1) Resolve to incorporate the proposed amendments to Subordinate Local Laws 2 and 4 as part of the complete review and redrafting of Council's Local Laws which will be commencing later March 2021 with emphasis placed as a priority for Local Laws 2 and 4; and
- 2) Waive the requirement fees for applications for specified animal permits other than dogs and cates and take no enforcement action where the driver of the motor vehicle is using a boat ramp to launch, retrieve or supply a vessel.

**21<sup>st</sup> September 2021 Council Resolution**

THAT staff be authorized to contact all Queensland coastal Councils to identify which one/s may have introduced beach permits for driving on beaches, with the intention of gathering information involving but not restricted to the following:

- Which legislation governs such permits?
- Method of obtaining permits/cost of permits.
- Conditions applied to approvals.
- Penalties applied due to noncompliance.
- Who monitors/patrols the behaviour of permitted drivers?

**1<sup>st</sup> March 2022 Briefing Session**

Please see Attachment Ten for detailed officer commentary in response to 21 September 2021 resolution.

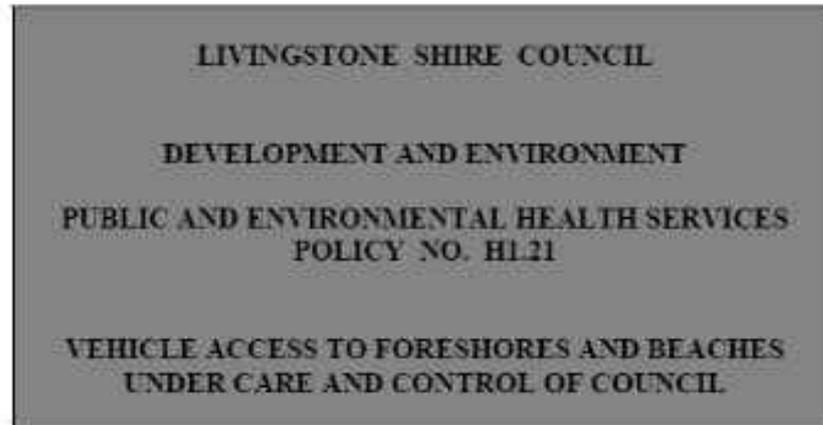
# **11.19 - SOUTHERN BEACHES VEHICLE ACCESS HISTORY, LOCAL LAWS AND REFERENCE GROUP.**

**Policy No.H1.21 2003**

**Meeting Date: 20 May 2024**

**Attachment No: 7**

**POLICY NO. H1.21**



**POLICY:**

**A. Overarching Policy**

1. No vehicular travel along any beach and foreshore unless authorised and issued with a permit.
2. The permit system will be limited to 4 wheel drive vehicles only unless specifically approved by Council.
3. The permit system shall apply from Bangalee Boat Ramp to Sandy Point.
4. Permits will only be issued to licensed drivers and in respect of registered vehicles and solely at Council's discretion.
5. Any breach of the permit conditions may result in Council withdrawing the permit.

**B. Restricted Vehicle Access**

Access to the following foreshore areas is permitted for the launch and retrieval of boats only unless the written permission of Council has first been obtained for a particular purpose:

1. Access is restricted to within 50m north and/or south of the boat ramp or designated access point at the following locations:-
  - 1.1 Mulambin Beach (access point at the northern end)
  - 1.2 Rita Mada Beach (informal access point)
  - 1.3 Haven – Tanby Point Beach (access point near southern extremity)

1.4 Zilzie (boat ramp at northern extremity)

At locations 1.1, 1.2 and 1.3 such vehicles may be parked on the foreshore and above the high tide mark, but not on any dunal area, as there are no constructed car park areas).

2. Vehicle access and parking at Fishermans Beach Emu Park, is restricted to the area adjacent to the jetty northwards to the small gully which discharges from Bell Park (signed). Parking is permitted above the high tide mark.

Vehicle access and parking at Zilzie South Beach is permitted as follows:-

within 100m of the boat ramp at the northern extremity, and

within 100m of the rocks located approximately 1km south of the boat ramp (signed).

C. **Prohibited Vehicle Access**

Except where approved in writing by the Council, vehicle access to the following foreshore areas is prohibited:

1. Bangalee – Barwells Creek – Yeppoon Inlet  
(exceptions Surf Lifesaving Club and Keppel Bay Sailing Club at Yeppoon Main Beach)
2. Yeppoon Inlet – Cooee Bay
3. Lammermoor Beach
4. Statue Bay
5. Kemp Beach
6. Kinka Beach
7. Ladies Beach to Zilzie (Surf Lifesaving Club excepted)
8. Keppel Sands Main Beach

**ADOPTED:** GENERAL MEETING 22<sup>ND</sup> October, 2003 (Page 4)  
(Recommendation of Community Services Committee Meeting held 16<sup>th</sup> October, 2003 – page 40)

**SIGNED:**



15 / 4 / 2004

**CHIEF EXECUTIVE OFFICER.**





# **11.19 - SOUTHERN BEACHES VEHICLE ACCESS HISTORY, LOCAL LAWS AND REFERENCE GROUP.**

## **Public Interest Test 2007**

**Meeting Date: 20 May 2024**

**Attachment No: 8**

Livingstone Shire Council  
General Meeting 14 December 2007: Agenda

APPENDIX 1 to Item 8.4.11

**Public Interest Test Report**  
**Livingstone Shire Council Parks and Reserves (Amendment)**  
**Subordinate Local Law (No. 1) 2007**

**INTRODUCTION**

A public interest test has been conducted as part of the National Competition Policy reforms on anti-competitive provisions identified in proposed Livingstone Shire Council Parks and Reserves (Amendment) Subordinate Local Law (No. 1) 2007. The public interest test has been conducted against the principles and objectives set by the Competition Principles Agreement which were outlined in the public interest test plan. A copy of the public interest test plan is attached.

The public interest test report has been prepared in accordance with guidelines issued by the Department of Local Government and Planning and applied by regulation under the *Local Government Act 1993*.

**RESULTS OF CONSULTATION PROCESS**

Consultation with the public and key stakeholders occurred in October and November 2007. An advertisement was placed in the local paper at the commencement of the consultation period advising of the review and calling for submissions. Notices were posted on notice boards within the shire during the consultation period. Direct notification of the review was sent to all key stakeholders.

**POSITIVE AND NEGATIVE IMPACTS ON STAKEHOLDERS FROM MOVING TO ALTERNATIVE**

*No regulation together with a public information and education program*

Stakeholder	Impact	Weighting
<b>Local government</b>	Loss of revenue from application fees Less administration costs. Potential increase in complaints from park users and neighbours. Potential increases in cost in maintaining public information and education programs including signs. The local government inability to enforce community expectations. Increase in vehicle activities in parks may lead to greater maintenance obligations for the local government.	Low Neg (-1) Low Pos (+1) Low Neg (-1)  Low Neg (-1) Low Neg (-1) Low Neg (-1)  <b>Overall Moderate Negative</b>
<b>Commercial operators</b>	Lower operation costs due to no permit fees. Increase in trading opportunities in unregulated market place. Possible loss of market share due to increase in competition from other traders in unregulated market.	Low Pos (+1) Low Pos (+1)  Low Neg (-1)  <b>Overall Low Positive</b>
<b>Users of parks and reserves</b>	Unrestricted use of vehicles in parks and reserves could possibly lead to loss of amenity. Possible increase in choice and range of activities and services.	Low Neg (-1) Low Pos (+1)  <b>Overall Neutral</b>
<b>Existing business</b>	Increase use of parks and reserves for business activities may lead to loss of trade.	Low Neg (-1)  <b>Overall Low Negative</b>
<b>Neighbours</b>	Potential loss of amenity due to increased vehicle use in	Low Neg (-1)

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**Livingstone Shire Council  
General Meeting 14 December 2007: Agenda**

Stakeholder	Impact	Weighting
	parks and reserves. Increase in range of services available to residents.	Low Pos (+1)  <b>Overall Neutral</b>
<b>State Government</b>	Without direct local government control, State agencies may have a possible increase in complaints, together with representations that they introduce some form of control and policing of vehicular activities.	Low Neg (-1)  <b>Overall Low Negative</b>
<b>Ratepayers/ Ratepayers Association</b>	Potential increase in local government rates to cover maintenance of non-regulatory regime in parks and reserves.	Low Neg (-1)  <b>Overall Low Negative</b>
<b>Indigenous groups</b>	Possible impact on Native Title claims.	Low Neg (-1)  <b>Overall Low Negative</b>

**SUMMARY OF NET IMPACTS ASSOCIATED WITH ALTERNATIVE**

In summary, analysis of the costs and benefits of moving to the alternative provides the following information:

*No regulation together with public information and education*

Stakeholders	Summary of impacts
Local government	<b>Removing the permit requirement takes away the local government power to control the use of vehicles in parks and reserves. The lack of control may lead to the use of vehicles in parks and reserves in a manner which exposes the community to health and safety risks. The continued maintenance of the education and public information campaign would be a continual drain on ratepayer resources.</b>  Overall Moderate Negative
Commercial operators	<b>There is potential for lower cost of use of vehicles in parks and reserves. Also, another positive benefit would be the increase in trading opportunities by business operators. The increased trading potential would have a negative impact on existing operators using parks and reserves.</b>  Overall Low Positive
Users of parks and reserves	<b>The increase in the use of vehicles may lead to an increase in the range of services available to users of the parks and reserves. However, this positive impact is offset by the potential loss of amenity from increased use of vehicles in parks and reserves.</b>  Overall Neutral

*No regulation together with public information and education*

Stakeholders	Summary of impacts
Existing businesses	<b>By opening up parks and reserves to greater use of vehicles, existing businesses could suffer a loss of trade.</b>  Overall Low Negative
State Government	<b>The lack of local government enforcement may lead to an increase in complaints to State agencies. Also users of parks and reserves and existing businesses may lobby the State to introduce State</b>

*Livingstone Shire Council  
General Meeting 14 December 2007: Agenda*

Stakeholders	Summary of impacts
	regulations to control vehicle use in parks and reserves. Overall Low Negative
Neighbours	There is potential for an increase in nuisances as the conduct and number of vehicle users could not be regulated. However, this stakeholder group would benefit from access to a greater range of activities and services. Overall Neutral
Ratepayers/Ratepayer Association	An increase of rates due to the high cost of maintenance of the public information and education campaign together with increased costs of park and reserve maintenance. Overall Low Negative
Indigenous groups	Possible impact on Native Title issues. Overall Low Negative

Overall, the analysis of costs and benefits has clearly determined there would be a net cost in moving to the alternative of no regulation together with a public information and education regime. While some positive impacts would result, the direct net cost to the majority of stakeholders far outweighs these positive impacts.

It is considered the local government would not be exercising good rule and government of its area to remove the existing control over the use of vehicles in parks and reserves. It is considered the objects of the local law are best achieved by retaining the anti-competitive provisions in their current form.

#### RECOMMENDATIONS

Whilst the identified possible anti-competitive provisions are in fact anti-competitive provisions, it is recommended that they be retained in full as:-

- the benefits of these provisions to the community as a whole outweigh the costs; and
- the most appropriate way of achieving the objectives of the local law is by restricting competition in the way provided in these provisions

having regard to the local government duty of good rule and government of its area.

**NB:** Where anti-competitive provisions are retained in a local law following a public interest test, the *Local Government Act 1993* provides that the local law must be reviewed again within 10 years from the date of the resolution to retain the provisions.

*Livingstone Shire Council  
General Meeting 14 December 2007: Agenda*

**APPENDIX 2 to Item No., 8.4.11**

SCHEDULE OF ANTI COMPETITIVE PROVISIONS INCLUDED IN LIVINGSTONE SHIRE COUNCIL PARKS AND RESERVES (AMENDMENT) SUBORDINATE LOCAL LAW (NO. 1) 2007 AND REASONS FOR THEIR INCLUSION

Name and number of local law or subordinate local law	Details of anti-competitive provisions
Livingstone Shire Council Parks and Reserves (Amendment) Subordinate Local Law (No. 1) 2007	Part 2.

The identified anti-competitive provisions were retained in full in the public interest, because:-

- (a) the benefit of these provisions to the community as a whole outweighs the cost; and
- (b) the most appropriate way of achieving the objectives of the local law or subordinate local law, as the case may be, is by restricting competition in the way provided in these provisions

having regard to the local government duty of good rule and government of its area.

# **11.19 - SOUTHERN BEACHES VEHICLE ACCESS HISTORY, LOCAL LAWS AND REFERENCE GROUP.**

## **Long Beach Joskeleigh History**

**Meeting Date: 20 May 2024**

**Attachment No: 9**

## Long Beach Joskeleigh - History

16 June 2020

### Council Resolution

THAT the petition requesting access to Long Beach be received and referred to a Council briefing session for consideration.

18 May 2021

### Officer Commentary

Long Beach is well loved by the local community who for years have used it for fishing and recreational activities. The area is a pristine coastal precinct in a rural zone. Prior to 2007 access to the beach was through private property, (Lot15 RP600753), which is no longer available for public use. The tidal flat area (3.5km<sup>2</sup>) incorporates Struber Creek / Pumpkin Creek systems which all alternative accesses must traverse in different locations (traverse width varies from 0.65km to 1.0km). Refer Figure 1. Existing access to Long Beach.

In April 2020, concerns were raised by the Joskeleigh community (via a petition) regarding the current state of the existing unmaintained access to Long Beach from Joskeleigh Road. A site meeting was convened on 1 July 2020 which was attended by Councillors, Council officers and Joskeleigh community representatives. The existing unsealed access alignment for vehicle movements crossing tidal tributaries, saltpan and dry sand areas was generally sound. However, numerous vehicle tracks off alignment were visible.

Council officers carried out preliminary investigations to determine the most appropriate and cost effective treatment for meeting the Joskeleigh community's petition. Preliminary desktop investigations suggest that the existing beach access track along road reserve is the most suitable location. However, there are a number of matters that need addressing to effectively assess the impact of development works in a tidal zone as well as complying with stringent State agency regulations for works in a coastal management district.

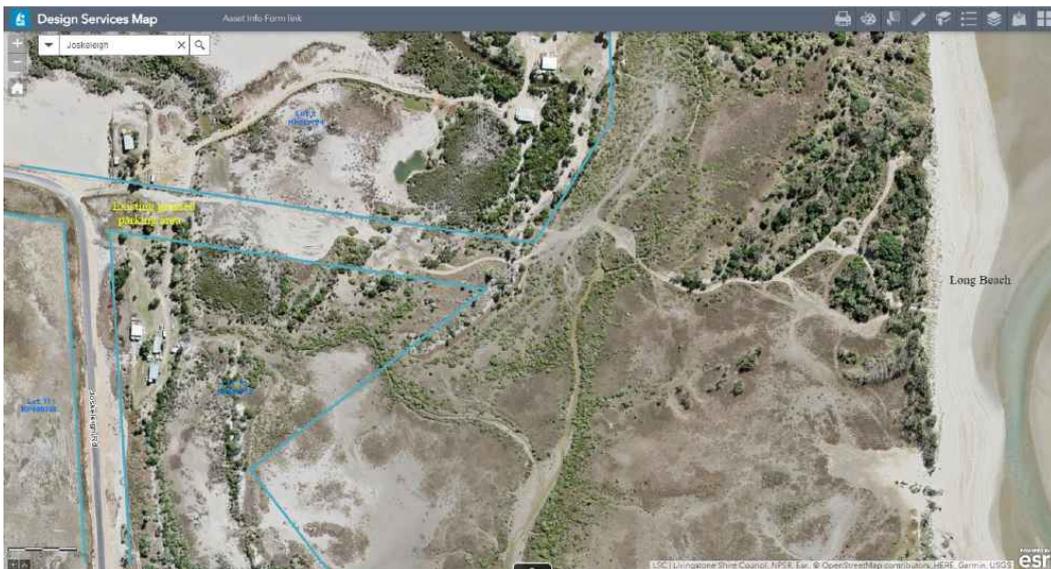


Figure 1. Existing Access from Joskeleigh Road to Long Beach

Council undertook further community engagement at Joskeleigh in March 2021 seeking input from local stakeholders regarding Council's proposal of progressing a bed level access. The additional engagement meeting coincided with a community online survey based on the initial community requests to better gain stakeholder's objectives and expectations.

Outcomes from the additional engagement produced a different community outlook when compared to the original petition and on-site meeting. The focus at the local community meeting had shifted to unanimously requesting Council to provide a better pedestrian access to the beach, while removing any need to improve vehicle access. The online survey provided similar responses. The following comment, received through the survey, proved to be the common shared sentiment:

*"My biggest fear is that allowing a better access road closer to beach is just going to entice 4wd hooligans to the area and we will have the same problem as what Farnborough Beach are having and will be unsafe for other beach users. I think it would create more issues than benefits and locals will not be able to enjoy something that they think will benefit them at the beginning but will be an ongoing issue."*

Following the initial suggested approach of providing a bed level type construction proposal to provide for a stable access track along existing disturbed areas to the boundary of the road reserve, Council officers sought pre-lodgment advice from all State referral agencies.

The Joskeleigh Road reserve falls within the Coastal Management District (CMD) and is also located in the erosion prone area and a tidal area where marine plants are present. The State Referral and Assessment Agency (SARA) interests relate to operational works in the CMD, damage to marine plants and waterway barrier works. SARA advice indicated that any works that disturb the tidal zones supporting marine plants, such as a bed level crossing or culverts, would not be supported.

Based on State advice a gravel pathway with elevated boardwalks through the tidal areas is the preferred treatment.

Costings for elevated walkways/boardwalks are site dependent, varying from site to site. Footings & length of posts required depend on soil testing e.g. length of posts to reach bearing capacity. Site specific design costings have not been investigated as part of this report. However, conceptual costings for walkways/elevated boardwalks are expected to be in the order of \$1,250 to \$2,500 per linear metre, for timber and other non-natural materials. Timber boardwalks would incur higher maintenance costs than alternative non-natural materials.

The minimum length of boardwalk is approximately 175m, involving two separate elevated sections & one small bridge over Struber Creek. This would only provide for the portions of boardwalk required to cross the tidal restrictive zones.

Construction of a gravel pathway from the car parking area to boardwalks, including between boardwalks, is in the order of \$15,000. The remaining areas of track would remain as a walking track on natural surface, generally above highest tide mark. Detailed design is estimated to cost \$50,000 which includes permits and approvals.

The estimated total cost of constructing the boardwalk with gravel pathway is in the order of \$465,000. To ease the burden on Council's capital works budget, the project can be delivered over a number of years with detailed design to be carried out in advance and construction staged over two financial years.

- Year 1 – Planning, detailed design, permits and approvals                      \$50,000



- Year 2 – Construction of gravel pathways \$15,000
- Year 3 – Construction of boardwalks \$400,000

Public access to the foreshore area is a right. The Joskeleigh community initially indicated that this beach access is of benefit to the whole Livingstone Shire community. Vehicle access within the Livingstone Shire to the foreshore zone in front of the primary dune system **is restricted**. The only beaches lawfully accessible for vehicles to drive along are Farnborough Beach (north from Hinz Avenue, Bangalee), Nine Mile beach (north from Corio Bay) and Three Rivers beach (north from Stockyard Point to the SWBMTA border).

Council adopted the Livingstone Coastal Hazards Adaptation Strategy (CHAS) 'Our Living Coast' on 16 March 2021 and it will be progressively implemented. The CHAS assists Councils in responding to the potential impacts of coastal hazards and climate change. This report investigation identified the Joskeleigh site as being located within the CHAS area. Future planning, design and construction works will have to consider the CHAS framework and the CHAS outcomes. In particular, the effects of the predicted future sea level rise, projected out to the year 2100.

Council undertook further community engagement at Joskeleigh on 6 March 2021 seeking input from local stakeholders regarding Council's proposal of progressing a bed level access. The additional engagement meeting coincided with a community online survey based on the initial community requests to better gain stakeholder's objectives and expectations.

Outcomes from the additional engagement produced a different community outlook when compared to the requests and desires as raised at the initial on-site meeting. The focus at the local community meeting had shifted to unanimously request providing better pedestrian access to the beach, while removing any need to improve vehicle access. The online survey provided similar responses.

The Get Involved Survey - *Joskeleigh all-weather vehicle access to beach* consisted of questions created following initial on-site community meeting (based upon initial raised issues of vehicle access).

Survey results as follows:

	Yes	No
Support for providing better access to Long Beach	27	20
Car parking area to end of Road Reserve	29	18
Perceived car parking spaces	15 spaces considered mean avg.	
Anticipated issues with proposal plan	28	19

**Note:** The second / main community consultation held at the Museum produced a different community outlook when compared to the requests/desires as raised at the initial community on-site meeting. Additionally, the existing vehicular track was to remain when considering potential pathway alignments.

Public access to public beaches is a right and has been considered in this report. Vehicle access to public beaches is restricted.

The area is already disturbed so there may be no cultural heritage issues. The dedicated road reserve alignment should negate any native title investigations. Discussions with the

Darumbal People will be required with both cultural heritage and native title matters to be confirmed.

No funding has been allocated for planning and design in the current or future budgets. Potential State approval assessment fees could be up to approx. \$20,000 - as detailed in the legislative context of this report.

Based on State regulations, the preferred treatment involves supplying a gravel pathway with approximately 175m of boardwalks to traverse the lower mud flat tidal areas; while the remaining areas would be traversed as a walking track on natural surface, generally above highest tide mark.

The approximate cost of the project is \$465,000 and will be funded through Council's capital works budget. External grant funding opportunities will be considered.

Planning Scheme, and Council is assessment manager or lodgement to SARA under the following provisions of the Planning Regulation 2017:

- Schedule 10, Part 6, Division 3, Subdivision 1, Section 11 – Removal destruction or damage of a marine plant
  - This will require **a fee of \$3,373** to be paid in accordance with Schedule 10, Part 6, Division 3, Subdivision 2, Table 1, Item 5 (a).
- Schedule 10, Part 6, Division 4, Subdivision 1, Section 12 – constructing or raising waterway barrier works
  - This will require **a fee of \$13,486** to be paid in accordance with Schedule 10, Part 6, Division 4, Subdivision 2, Table 1, Item 5 (c)(ii).
- Schedule 10, Part 17, Division 1, Section 28 – Tidal works or work in a coastal management district
  - This will require **a fee of \$3,373** to be paid in accordance with Schedule 10, Part 17, Division 2, Table 1, Item 5 (d).

SARA would be a referral agency if Council is assessment manager for the proposed application.

Furthermore, the Joskeleigh area contains nationally important Wetlands. The wetland and foreshore systems within and adjacent to Joskeleigh Road area are known to support significant populations of migratory bird species. Australia is party to international conventions and agreements to protect many migratory species. Promoting a policy of restricted vehicle access to the foreshore zone in front of the primary dune system within Livingstone Shire is considered best practice in protecting shore birds.

Environmental risk of expanding public access to an environmentally sensitive area. These impacts will need to be reviewed with any application.

Considering the original petition requested a vehicular beach access and the latest round of consultation and site meetings suggests that the community prefer a pedestrian beach access, some members of the public who signed the original petition may be upset with the pedestrian beach access proposal.

Planning, design and construction works for this project would need to consider the adopted CHAS framework and outcomes. In particular, the predicted future sea level rise, projected out to the year 2100.

Joskeleigh is a natural low-lying sensitive coastal environment vulnerable to impacts from hazards via both the open ocean and the extensive network of estuarine waterways.

Joskeleigh residents and the wider community currently enjoy visiting Long Beach, though the access track is becoming increasingly hazardous for vehicles and pedestrians alike. In response to the Joskeleigh community's request to provide better pedestrian access to Long Beach, Officers determined the most suitable location is the existing alignment located at the eastern end of the Joskeleigh Road reserve.

The preferred treatment is for Council to construct a gravel pathway adjacent to the existing gravel vehicle track, with connecting boardwalks to traverse the tidal restrictive zones, at an estimated cost of \$465,000. External grant funding with 50% subsidy will be sourced in order to reduce the burden on Council's budget.

Should Council support the preferred treatment, officers will prepare a business case for future budget deliberations.

**18 May 2021**

#### **Council resolution**

SUPPORT pedestrian access to Long Beach along the Joskeleigh Road reserve and notify the Joskeleigh community of the outcome of Council investigations and seek feedback via a second community consultation meeting.

**21 September 2021**

#### **Officer Commentary**

In April 2020, concerns were raised by the Joskeleigh community (via a petition) regarding the current state of the existing unmaintained access to Long Beach from Joskeleigh Road. An onsite meeting was convened on 1 July 2020 which was attended by Councillors, Council officers and Joskeleigh community representatives. The existing unsealed access alignment for vehicle movements crossing tidal tributaries, saltpan and dry sand areas was generally sound. However, numerous vehicle tracks off alignment were visible.

Officer commentary - Public access to the foreshore area is a right. The Joskeleigh community initially indicated that this beach access is of benefit to the whole Livingstone Shire community. Vehicle access within the Livingstone Shire to the foreshore zone in front of the primary dune system **is restricted**. The only beaches lawfully accessible for vehicles to drive along are Farnborough Beach (north from Hinz Avenue, Bangalee), Nine Mile beach (north from Corio Bay) and Three Rivers beach (north from Stockyard Point to the SWBMTA border).

Council adopted the Livingstone Coastal Hazards Adaptation Strategy (CHAS) 'Our Living Coast' on 16 March 2021 and it will be progressively implemented. The CHAS assists Councils in responding to the potential impacts of coastal hazards and climate change. This report investigation identified the Joskeleigh site as being located within the CHAS area. Future planning, design and construction works will have to consider the CHAS framework and the CHAS outcomes. In particular, the effects of the predicted future sea level rise, projected out to the year 2100.

Considering the original petition (April 2020) requested a vehicular beach access and the latest round of consultation and site meetings (2021) **confirms** that the community prefer a pedestrian beach access, some members of the public who signed the original petition may be upset with the pedestrian beach access proposal.

As a result of community consultation, Officers have prepared a Master Plan with staging strategy to extend the elevated boardwalk all the way to Long beach.

To ease the burden on Council's capital works budget, the project can be delivered over a number of years with detailed design to be carried out in advance and construction staged over consecutive future financial years.

Year 1 Planning, detailed design, approvals (Stage 1) \$50,000

Year 2 Construction of gravel pathways (175m) (Stage 2) \$15,000

Year 3 Construction of boardwalks & bridge (180m) (Stage 3) \$400,000

Future stages to extend the boardwalk:

Year 4 Construction of linking boardwalks (140m) (Stage 4) \$300,000

Year 5 Construction of linking boardwalks (105m) (Stage 5) \$220,000

Year 6 Construction of linking boardwalks (120m) (Stage 6) \$260,000

Year 7 Construction of linking boardwalks (100m) (Stage 7) \$220,000

Year 8 Construction of Parking / Setdown (200m2) (Stage 8) \$50,000

To deliver the Master Plan, a total cost of approximately \$1.5M (plus inflation) would be required over 8 years.

**Officer recommendation**

THAT Council resolves to:

1. Accept the outcome of this report in response to the petition;
2. Support the preparation of a business case to provide a pedestrian walking path to Long Beach, as per the master plan and staging strategy.

This motion lost.

# **11.19 - SOUTHERN BEACHES VEHICLE ACCESS HISTORY, LOCAL LAWS AND REFERENCE GROUP.**

## **March 2022 Officer Commentary**

**Meeting Date: 20 May 2024**

**Attachment No: 10**

## 1<sup>st</sup> March 2022 Briefing Session

### Officer commentary.

#### Legislation which governs permits

In the limited circumstances (as described below) where councils do issue permits for accessing or driving on a beach, such permits are administered pursuant to a local law. The ability to create a local law (and subsequently administer it) is prescribed by the *Local Government Act 2009*.

With respect to Farnborough Beach, the access ramp and the beach to the north are all part of gazetted roads and accordingly Council has no lawful means of requiring permits for access onto it or driving along it. This is a consequence of the road gazettal. Whilst Council may exercise control over the commercial use of Council controlled land (which includes roads), it does not have the statutory ability to regulate vehicle usage of a designated road via a permit system. Council's ability to regulate the vehicular use of a road is limited to matters such as load limits (which are often associated with road or asset condition), vehicle types (for example, B-Double routes), and road conditions (for example, flood damage).

#### Permits

Officers have contacted thirty-four (34) coastal councils within Queensland, of those twenty-two (22) responded. The following is a summary of the information received:

- (a) sixteen (16) councils do not have a permit system;
- (b) one council issues permits for recreational use;

Douglas Shire Council issues permits for quad bikes (all-terrain vehicles) and utility task vehicles (also known as side-by-side) only, for access by recreational users who are permanent residents of Wonga Beach. It has issued twenty-eight (28) such permits;

- (c) Four (4) councils issue permits for commercial use;

Douglas Shire Council, Gold Coast City Council, Mackay Regional Council and Moreton Bay Regional Council issues permits for limited use for commercial activities (such as for commercial fisherman and public events);

- (d) one council issues permits for local residents only;

Redland City Council issues permits for local residents of North Stradbroke Island to launch and retrieve boats only; and

- (e) one council issues permits to access private land only;

Gladstone City Council issues permits to access private land prior to entering the beach which is a designated gazetted road. The permit is required through a contractual arrangement with the private landowner due to the fact that the only access to the beach is via that property and a record of the vehicles utilising the beach is required for liability reasons. The permit is not associated with driving on the gazetted road; rather it is associated with crossing private land. The legal basis for the issuing of such permits is rather opaque.

#### Method of obtaining permits

The method for obtaining a permit is the lodgement of an application to the relevant local authority. The application is lodged and assessed pursuant to the relevant local law and if approved, a permit is used which includes conditions (where relevant) and an identification sticker, or similar, which must be displayed on the vehicle at all times.

#### Conditions applied to approvals

Douglas Shire Council is the most germane (given the other two examples of Councils issuing permits are limited to very specific circumstances) for the purpose of this discussion. Douglas

Shire Council issues permits to local residents of Wonga Beach only and the conditions which it contemplates as part of the assessment of any application are:

Standard Conditions

Conditions of the approval are as follows;

- (a) *the approval will be valid only for the dates specified in the approval;*
- (b) *the approval will be valid only for the specific vehicle or type of vehicle specified in the approval;*
- (c) *the approval is not transferable;*
- (d) *the approval holder will comply with any restrictions specified in the approval regarding of the parts of the local government controlled area that may be accessed by vehicle and notwithstanding any contrary restrictions in the area;*
- (e) *the approval holder must ensure the safety of other users of the local government controlled area arising from the carrying out of the approved activity;*
- (f) *the approval holder will be liable to pay to the local government the cost of rectifying any significant damage caused by the use of the vehicle in the area to the satisfaction of an authorised person.*

Non-Standard Conditions

Conditions of the approval are as follows;

- (a) *the vehicle is not to be driven above the high tide mark, except when travelling to and from the beach.*
- (b) *under no circumstances, including at high tide, is the vehicle to be driven on or over frontal dunes or foreshore areas not designated as access points.*
- (c) *vehicles will be restricted to travelling on the beach between the hours of 8am and 6:30pm.*
- (d) *vehicles must not be driven by persons under the influence of intoxicating liquor or drugs. The QLD Police Service will be notified where an authorised officer reasonably believes this is occurring.*
- (e) *vehicles are to be driven only in the area specified on the approval.*
- (f) *the maximum speed limit on the beach area adjacent to Marlin Drive and the Esplanade will be 20kph. In all other areas north of the Giblin Street access point the maximum speed limit will be 40kph. Hooning, fishtailing, and racing of vehicles is not permitted.*
- (g) *only the vehicle nominated on the approval is to be driven on the beach.*
- (h) *vehicles must give way at all times to pedestrians and wildlife.*
- (i) *vehicles must be kept in a good state of repair or an approval will be revoked.*
- (j) *approval holders will be issued an approval identification sticker, or similar, which must be visible on the vehicle at all times.*
- (k) *approval holders must only access the beach at the designated access points. Vehicles that cannot be registered and legally driven on a road must be pushed or transported by utility or trailer to the designated access point. Approvals will be revoked, and enforcement action taken by Council officers and QLD Police, if users are found in breach of this condition.*

- (l) *as per QLD State law, approval holders operating quad bikes or UTV's must wear an approved motorbike helmet and not carry a passenger unless on a seat designated for that purpose.*
- (m) *as per QLD State law, passengers on a vehicle approved for passengers, must be at least 8 years of age.*
- (n) *approval holders must at all times carry their drivers licence when conducting the activity and provide to an authorised officer, on request.*

Additional Non-Standard Conditions

Conditions of the approval are as follows;

- (a) *parents or legal guardians of minor children 11 years or older may apply for an approval on behalf of the minor child.*
- (b) *parents or legal guardians must supervise the minor child at all times when the vehicle is being used on the beach, including any movement of the vehicle between home and the beach.*
- (c) *parents or legal guardians will be responsible for the conduct and behaviour of the minor child at all times when the vehicle is being used on the beach, including any movement of the vehicle between home and the beach.*
- (d) *when making application for an approval for a minor child, the parent or legal guardian will become legally liable and responsible for any enforcement action taken by Douglas Shire Council with respect to any breaches of the approval. Enforcement action may include the issue of a Penalty Infringement Notice (fine).*
- (e) *vehicles must be the appropriate size for the user and must not be a vehicle designed to be operated by an adult.*
- (f) *no passengers will be permitted.*

Penalties

The standard fine issued by Douglas Shire Council for not having the required permit is \$689.00.

Monitoring of driver behaviour

There was limited information provided in respect to this by the other councils (or those which issue permits). From the information available and discussions with other councils, it would appear that the monitoring of the driver behaviour is limited, spasmodic, and generally complaint driven. There was certainly no evidence of a structured regime of monitoring and enforcement. However, that is unsurprising, given the limited number of permits issued and the competing priorities for local law teams across Queensland.





**11.19 - SOUTHERN BEACHES VEHICLE  
ACCESS HISTORY, LOCAL LAWS AND  
REFERENCE GROUP.**

**Southern Beaches Vehicle Access  
Reference Group Beaches Table**

**Meeting Date: 20 May 2024**

**Attachment No: 11**



	Type of Access (formal/informal)	Native Title	Emergency Vehicle Access? (Y/N)	Is the access through private land/state forest/national park?	What classification is the land or area surrounding?	What is the nearby population density?	What environmental impacts? Flora fauna.	Overlays?
Timbers Beach	Northern Access – San Merino Drive. Potential southern access near Zilzie Creek? Potential extension Monaco Drive	? Private – extinguished Reserved land – check.	Yes – southern and northern entry. 4x4 only	Through private property and national park before the beach reserve.	Privately owned and National Park, Purpose of reserve - Coastal Management and Beach Protection Fish Habitat Area	Low – 400	Shorebirds - Turtles (minimal)– October to February (not a big turtle beach – diminished dunes) Matters of state environmental significance – all beaches are turtle nesting in Livingstone Shire	Coastal Hazard Overlays Storm Surge Biodiversity overlay – sand dunes Erosion prone mapping
Long Beach (south of keppel sands)	Corridor Access off Joskeleigh Road (group decided southern area would not be accessed)	Reserved land – check South Sea Island Community	4x4 only	Road reserve.	Road Reserve State Land – check Fish Habitat Area – Southern area (special declared area)	Low	Dept of Fisheries have to approve – Fisheries Act 1994 Shorebirds feeding ground Multiple environmental values at southern end.	Coastal Hazard Overlays Storm Surge Biodiversity overlay – sand dunes Erosion prone mapping
Zilzie Bay Beach	Northern Access – San Merino Drive. Potential southern access near Zilzie Creek? Potential extension Monaco Drive	? Private – extinguished Reserved land – check.	Yes – southern and northern entry. 4x4 only	Through private property and national park before the beach reserve.	Privately owned and National Park, Purpose of reserve - Coastal Management and Beach Protection	Low	Shorebirds - Turtles (minimal)– October to February (not a big turtle beach – diminished dunes) Matters of state environmental significance – all beaches are turtle nesting in Livingstone Shire	Coastal Hazard Overlays Storm Surge Biodiversity overlay – sand dunes Erosion prone mapping
Ritamada Beach	Legal access via Ritamada Road Additional road through private land – may have to be closed if other access formalised.	Reserved land – check	4x4	Road reserve Other Reserve State Marine Park up to high tide. Private land at very end of beach – school property	Road reserve Reserve land – same as transfer station tbc	Low	Shorebirds Mangroves Mud crabs Green turtles Vegetation of state significance Marine Park to high tide	Coastal Hazard overlay Storm surge Biodiversity overlay – sand dunes Erosion prone mapping



**11.19 - SOUTHERN BEACHES VEHICLE ACCESS HISTORY,  
LOCAL LAWS AND REFERENCE GROUP.**

**Capricorn Coast Conservation Council Submission**

**Meeting Date: 20 May 2024**

**Attachment No: 12**





**Meghan Peters**  
Communications and Engagement  
Officer  
4WDs on Southern Beaches Reference  
Group Representatives  
Livingstone Shire Council  
4 Lagoon | Yeppoon Q 4703  
[Meghan.Peters@livingstone.qld.gov.au](mailto:Meghan.Peters@livingstone.qld.gov.au)

**Cr Adam Belot**  
Deputy Mayor of Livingstone Shire  
Chair of the 4WDs on Southern  
Beaches Reference Group  
Livingstone Shire Council  
4 Lagoon | Yeppoon Q 4703  
[adam.belot@livingstone.qld.gov.au](mailto:adam.belot@livingstone.qld.gov.au)

**ATT: Meagan Peters, Cr Adam Belot and 4WDs on Southern Beaches Reference Group  
Representatives**

***RE: Environmental Impacts of 4WD's on Southern Beaches, Livingstone Shire-  
Southern Great Barrier Reef.***

***Capricorn Conservation Council acknowledges and respects the Traditional Owners  
and Elders of the land and waters we work to conserve and protect- the Darumbal  
Country. We pay respect to the Darumbal Elders- past and present as they hold the  
memories, the culture and the dreams of the Darumbal People. Sovereignty was never  
ceded- this always was and always will be Darumbal Land.***

I, Sophie George, Coordinator of Capricorn Conservation Council, write to you on behalf of my organisation, committee, youth ambassadors and members as a voice for the environment- for this generation and the next. CCC has been protecting and conserving CQ and Livingstone Shire since 1973, across the history of our organisation we have faced this question multiple times: should 4WDs be permitted on our Capricorn beaches? Unanimously CCC provides you the answer- NO.

CCC would also like to inform the Reference Group that we have withdrawn from completing the survey to nominate a Southern Beach to drive on as this is a conflict of interest [for CCC] and is against our core values- protecting and conserving CQ. We advise there is no beach that is appropriate to drive 4WDs and motorbikes across Zilzie, Ritamada, Keppel Sands, Joskeleigh and the wider Capricorn Coast. These beaches have significant environmental value and it is evident the ecosystems of these beaches, for example Zilzie beach, have been destroyed from this activity. CCC calls for immediate rehabilitation of this beach and will work alongside Livingstone Shire Council to ensure this happens.

CCC would also like to acknowledge the Traditional Owners and Elders of Livingstone Shire- the Darumbal People and the Woppaburra People. CCC cannot part-take in this decision making process without having a representative from these groups at the table. CCC is led

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by Traditional Owners and Elders and would like to ensure what we are advocating for aligns with Darumbal and Woppaburra values. We ask Livingstone Shire Council makes contact with both Darumbal Corporation, Woppaburra Saltwater Aboriginal Corporation and Woppaburra TUMRA Aboriginal Corporation (again) ensuring there is some benefit to these parties contributing to this Reference Group. We ask Traditional Owners and Elders of Darumbal and Woppaburra Land and Sea Country to lead the decision making process.

**Reference Group Representative, Robbie Fletcher notes:**

Although not zoned for vehicle access, Muskens Beach has become a hub for wheel drive clubs and illegal drag racing events, marked by start and finish lines delineated by cones, attracting numerous spectators consuming alcohol from the backs of four-wheel drives. Despite being designated for bathing, the excessive recklessness in driving makes walking along Muskens Beach a high-risk activity. The sand dunes are routinely used for reckless driving manoeuvres and camping grounds, resulting in the destruction of surrounding flora for illegal campfires. The area is, at times, strewn with broken glass bottles and subject to frequent acts of arson. (see appendix).

The Coastal Management Act (1995) serves as a foundational guide for the responsible management of coastal areas in Queensland. Regrettably, the flagrant and hedonistic misuse of this sensitive coastal zone starkly contradicts the objectives outlined in the Act. Sophie George, an Environmental Scientist, and member of our group, articulated that the damage to Muskens Beach is catastrophic, necessitating approximately ten years for regeneration, including substantial local government financial contributions.

The Queensland state government entrusted the oversight and safeguarding of Muskens Beach to the Livingstone Shire Council in 2016. However, it is evident that the council has fallen short in fulfilling its responsibilities, turning a blind eye to the wanton destruction of the beach and its adjacent areas. Despite the knowledge that numerous unregistered dirt bikes and four-wheel drive vehicles were unlawfully accessing and causing damage to Muskens Beach over an extended period, the council failed to take any enforcement action. In 2021, local laws organised the placement of trail cameras at Muskens Beach to monitor vehicular activity. The cameras recorded over 120 vehicles, including unregistered dirt bikes and four-wheel-drives accessing the beach from limited vantage points within a seven-day period, indicating a notably high volume of offences.

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In 2022, Councillor Adam Belot formed a reference group to address the damage to Farnborough Beach and the detriment to the surrounding community (Livingstone Shire Council, 2017). Councillor Belot was quoted saying:

“It also aims to protect the Bangalee community from hooning between the hours of 8pm to 4am. It’s incumbent on all levels of Government to try and make things better ultimately for the people they serve and that’s really what this Council is trying to do in relation to a very complex problem.”

In contrast, despite the illegality of accessing Musklers and Timbers Beach, the neighbouring communities have experienced an unprecedented and prolonged wave of disruptive hooning, every day, night, and early hours of the morning. There is compelling evidence indicating the neglect of Musklers Beach by the local government, highlighting a two-tier system that seems to depend on factors such as the location of lawbreaking, the affected parties, instances of trespassing, and the environmental conservation areas damaged.

This mismanagement has inflicted severe detriment upon this environmentally sensitive coastal zone, directly contravening ethical, responsible, and environmentally sound practices. An argument could be made that permitting future vehicular access over this significantly degraded coastal area would not only be unethical but also environmentally hazardous. Such a decision may warrant future investigations (Coastal Protection and Management Act, 1995 s59 Coastal Protection Notice).

In conclusion, Livingstone Shire Council has failed to manage and protect Musklers Beach which has contributed to its degradation in direct contradiction to the principles outlined in the Coastal Management Act. Furthermore, failing to enforce the law concerning the unlawful operation of vehicles on these beaches has caused detriment to the community under Livingstone Shires governance.

In my view, immediate and comprehensive action is required to rectify the extensive damage inflicted upon this vital coastal ecosystem.

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Please refer to '**Concerns Re- Southern Beaches Reference Group**' authored by Robbie Fletcher.

**Michael McCabe (former CCC Coordinator and current Vice President, former Chair of Capricorn Coast GBR LMAC, Member Australian Coastal Society):**

Capricorn Coast beaches, inter and intra-tidal areas, marine plains and estuaries are part of the UNESCO Great Barrier Reef World Heritage Area which encompasses the entire Great Barrier Reef Marine Park, ports, marinas and the littoral zone to the height of 10 metres AHD and within 5 kilometres inland. The International Union for the Conservation of Nature (IUCN) and UNESCO have a watching brief on whether 'the state' (Australian Government and entities like GBRMPA, Queensland Government, LGA's, catchment managers et al.) are fulfilling their responsibilities to protect the 'outstanding universal value' (OUV) of the World Heritage Area, lest as in the case of the GBR, are under review for listing as 'in danger' of losing World Heritage Area status.

The most recent (2009) GBRMP Outlook Report lists as management partners; Local governments, industry groups (for example, ports and shipping), regional natural resource management bodies, advisory committees and the community are involved in actions to minimise impacts, address threats and improve outcomes for the Region. As a Reef Guardian council Livingstone Shire has a special responsibility to prevent activities such as unregulated, illegal, unsafe beach, dune, salt-flat vehicle use. Such risks are numerous; from the loss of amenity, and increased safety risks for passive recreational users (swimmers, walkers), disturbance to shorebird roosting, feeding and nesting areas (Australia is signatory to international migratory bird agreements like CAMBA, JAMBA and the Ramsar International Wetlands Convention, e.g., Shoalwater and Corio Bay), marine turtle nesting destruction, sand compaction causing loss of micro and macro flora and fauna essential for beach stability and the coastal food-web, loss of dune stabilising vegetation...

Despite the best efforts of 4WD Drive clubs to encourage members to 'tread lightly', signage and education programs, compliance regimes, (LG Law Officers, Police, Department of Defence, QPWS) have proven ineffective in managing 'reasonable use', remediation or prevention of environmentally harmful vehicle access activities on beaches, dunes and adjacent areas. Other than at closely monitored and registered boat launching areas, or for permitted scientific, regulatory or for cultural purposes of approved community activities like marine debris removal activities, vehicles should be strictly banned from driving on beaches and adjacent coastal zones.

Extract from: Pro-Environmental Beach Driving is Uncommon and Ineffective in Reducing Disturbance to Beach-Dwelling Birds (Weston, M., (Deakin), Schlacher, T., (USC), Lynn, D., (USC), 2014

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“Vehicles on beaches cause numerous deleterious effects to coastal wildlife. These impacts may, hypothetically, be lessened if drivers act to reduce disturbance. Since it is unknown to what extent such behaviour occurs, and whether it can reduce disturbance, we quantified the behaviour of drivers who encountered birds on open-coast, sandy beaches in eastern Australia and the consequent bird responses. Drivers of commercial tourist buses never slowed or altered course (“evaded birds”) to avoid disturbing birds; conversely, 34 % of drivers of private cars did evade birds. Drivers of vehicles with fishing rod holders tended ( $P = 0.09$ ) to evade birds more frequently than non-fishing vehicles. Evasion, when it occurred, was modest, and did not significantly decrease the intensity of bird response or the probability of escapes on the wing. Voluntary behavioural adjustments to alleviate impacts on wildlife may be unworkable, suggesting that other solutions (e.g., beach closures) might be the only effective and feasible way to reduce disturbance to birds on ocean beaches.”

**John McCabe (former CCC Coordinator and former Committee Member, current CCC Life Member):**

Beach access must provide EQUITY for all users- community, wildlife, marine invertebrates, marine animals, shorebirds and every other organism that relies on that ecosystem. Livingstone Shire Council must ensure EQUITY and needs to construct a proper, enforceable plan to protect Southern Beaches and these users.

The social issues and implications of this decision cannot be ignored- there are major costs to neighbouring communities and beach go-ers which may threaten human lives. LSC must protect lives and put policies in place to protect the environment too. Beaches, their ecosystems and their visitors must be considered- by the Council and by the law.

**Zahara Evans 15 Years Old (CCC Youth Ambassador, Keppel Turtle Fund Youth Ambassador, Team Turtle Hatchlings Fitzroy Basin Association):**

Driving on beaches will cause serious degradation of the coastal environment by damaging beach vegetation which holds sand dunes together. Driving on beaches will accelerate erosion; compact the sand which will make it increasingly more difficult for animals to nest on the beaches- such as our local marine turtles. In addition to this, the compaction of sand will crush the eggs that have been laid, any surviving hatchlings will find it difficult to dig their way out of the nests. Surviving hatchlings will be confronted with deep ruts and tyre tracks that can trap them, adding challenges for these hatchlings to reach the ocean. This disturbance is significant as nearly all species of sea turtle are currently endangered. The current survival rate of turtle hatchlings is 1 in 100- these odds are scarce on their own, is Livingstone Shire Council willing to decrease this chance even more? Legalising 4WDs in beaches, even if regulated, elucidates the impression that driving on beaches has no harmful effects on our environment and coastal ecosystems. Livingstone, protect our beaches and protect our turtles and their hatchlings.

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**Leigh Dennis (CCC Member):**

Beach access for 4WD on Southern Beaches should not be allowed, walking access should be the only beach access. I see no need to impact the beaches and dunes, more than what mother nature throws at them. I have lived on the coast all my life and have seen the various 'fix them up' plans that have caused more destruction than helped. An example is the silting up of Ross Creek, the beach at Statue Bay and its loss of sand. The diversity and protection of our environment has to be the only objective along the shoreline.

My big question is *WHY* do we need to drive on beaches? Not everyone cares about the beach or the dunes and animal life. When I asked about turtles etc, they\* told me that no one is allowed on the dunes, how are hatchlings supposed to navigate back to the water if there is driving allowed on beaches?

Do we need this access for anything other than personal gratification?

How do the Indigenous communities feel about this as there is no representation from these groups at the meeting\* in which I attended.

The proposed beaches; Long Beach (Keppel Sands), Timbers Beach, Muskers Beach (Zilzie Bay) and Ritamada must all be protected.

To me, no one has any reason except for a couple of fisher people who clearly have been doing this illegally for years and just don't want to change. There is no value in destroying our beaches.

\*Referring to the 4WD on Southern Beaches Reference Group meeting 4th December 2023

**Scott Forest Treacy 9 Years Old (CCC Junior Member, Team Turtle Hatchlings Fitzroy Basin Association):**

*"You might run over the turtles I am trying to protect. The beach is for animals that need this ecosystem. Driving on the beach at night is bad for turtles too because of the lights and you might run over them. I like to play and surf at the beach and I don't want four-wheel drives on them. Please protect our beaches and the animals on them."*

**Summer Stringer (CCC Conservation Officer and Remi Stringer 4 Years Old (CCC Junior Member):**

*"Remi and I do not support 4WDs accessing our Southern Beaches. These beaches require immediate intervention due to their current degradation from this illegal access. Southern beaches should be a safe space for wildlife, marine animals, bathers, community and the coastal families enjoying them. Please protect our coastal ecosystems and biodiversity-while protecting our children and communities too! Remi and I request Council contact Darumbal and Woppaburra Traditional Owners to ensure they are part of this consultation process, we cannot have this discussion without them."*

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**Ian Herbert (CCC Member and former CCC Treasurer):**

LSC Councillor Adam Belot has proposed the opening up of some Capricorn Coast beaches to driving by four wheel drive vehicles. This proposal would have adverse effects in four ways:

1. The Natural Environment. The crushing of natural beach life, such as crabs, small marine creatures; the creation of tyre grooves that are a barrier to hatchling marine turtles struggling to get to the safety of the sea; and disturbance of birds, etc. These effects have been well documented by others, so I won't repeat them here.
2. The effect on beach users. Beaches in Australia, and in most civilised places in the world are renowned and cherished as places where people can walk, swim, sit, lie, or run, in freedom; where they can enjoy the beauty, the scenery, the nature, and the peace and quiet, without interruption. Once vehicles are allowed on beaches, it dramatically changes the whole dynamic. People who would otherwise be carefree, would now be on constant guard, watching out for a rogue vehicle heading their way. The beach should be an area where children are free to play, including running around without having to be tethered to an adult. Some years ago, when the Iwasaki Resort was operating, we would go there from time to time for various functions, and would enjoy taking the short stroll to the beach so that we could go for a long walk, and maybe a swim. We enjoyed that experience in the earlier years. However as vehicle traffic from Bangalee increased, it got to the point where my wife refused to even go to the beach, not wanting to be subject to the terror that these vehicles subjected us to. Beach driving is not permitted on most beaches in Queensland. Just think of the outcry if beach driving by the public were allowed on Gold Coast beaches. There are huge problems resulting from beach driving on Cooloola and K'gari Fraser Island, with many deaths and serious injuries. Had these areas been developed differently with a proper internal road network, the whole feel of these areas would be totally different. At present the beach is used as a highway and the areas are over-run with 4wds. There is no need for Capricorn Coast beaches to be used as a highway.
3. Phantom Demand There are a large number of people who own four wheel drive vehicles but who have no real need for them. Many buy them so that they sit up higher in the traffic. A considerable number of 4wds have never driven on a surface where four wheel drive is even needed. I have been a bushwalker and needed a 4wd to gain access to walking places in the past. (We also owned a 500 hectare mountainous property near Mt Morgan where a 4wd was essential.) Nowadays

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nearly every National Park has either a bitumen road or a good quality gravel road as access, and a 4wd is not essential. However there are some people who are seeking an area to USE their 4wd just because they have bought one. LSC should not feel that they need to satisfy this demand. When people bought their 4wd it was with the knowledge that driving was not permitted on southern Capricorn Coast beaches.

4. Behaviour of beach drivers A minority of people who drive on beaches feel unrestrained by the lack of white lines and behave on the beach as if it were their private race track. Allowing beach driving feeds the ego of these people and encourages bad behaviour. It only takes a minority to spoil the beach for all of us. The atrocious behaviour of some drivers at Nine Mile Beach – Byfield National Park and at Bangalee should warn LSC that providing more beaches with vehicle access will only exacerbate the situation, not make it better.

LSC published a booklet “***Our Living Environment Biodiversity Strategy 2021-2027***” dated May 2022. Quoting from page 35 ‘Livingstone Shire Council expressed the view that “the beaches are the lifeblood of the Capricorn Coast tourist industry and accordingly no limit can be placed on their value.” In countless other ways LSC proudly boasts of its good environmental record, and this is acknowledged by most residents. If beach driving were to be allowed on southern Capricorn Coast beaches, it would leave LSC’s good environmental reputation in tatters.

Therefore I recommend that the proposal to allow beach driving be completely rejected. Beaches are for nature and people, not vehicles.

**Paul Bambrick (former CCC President and CCC Member):**

*“Vehicles on beaches, a well attended meeting in Joskaleigh last year unanimously voted to keep vehicles off ocean beach (Joskeliegh). Zilzie beach has hoons on the beach everyday and the noise can be heard loud and clear on Keppel Sands beach. This is a sensitive wilderness area already stressed from high erosion and adjacent population pressure. We all choose to live in this unspoilt area, but a very few are taking advantage of the freedom and open space to trample our most precious resource - nature”.*

**From CCC’s President Mick Jones:** *“It’s vital that we preserve our beaches and coastal habitat and build both a community and governmental culture that ensures far better outcomes. If we continue to abuse the places we treasure, then we’ll lose what makes them so wonderful and valuable”.*

Capricorn Conservation Council will also be discussing the proposal of 4WDs on beaches across the Capricorn Coast with the Department of Environment and Science. There are

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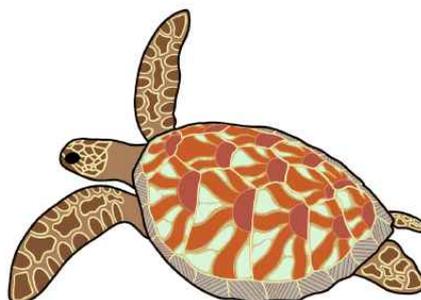
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many legal implications with this proposal alongside the indicated environmental (and social) impacts. CCC will supply additional information to Livingstone Shire Council in 2024. There is no support across our community and our membership for this proposal- our members have unanimously voted NO. Cr Adam Belot, Meaghan Peters and members of the Reference Group I welcome your response to this submission to ensure the right decision is made for our environment, our biodiversity, our community and our Southern Beaches. Capricorn Conservation Council requests to be part of all consultation, future Reference Group meetings and any correspondence regarding this proposal- so we may continue to defend these coastal ecosystems. CCC is a voice for the environment- for this generation and the next.

Respectfully,

**Sophie George** BEnvSci BSciBio  
Co-Ordinator



**Mick Jones** BA  
CCC President

**Michael McCabe**  
CCC Vice President

**John McCabe**  
CCC Life Member

**Ian Herbet**  
CCC Member

**Paul Bambrick**  
CCC Member

**Leigh Dennis**  
CCC Member

**Zahara Dennis**  
CCC Youth Ambassador

**Scott Forest Treacy**  
CCC Junior Member

**Summer Stringer**  
CCC Conservation Officer

**Remi Stringer**  
CCC Junior Member

**Ged Salmon- Scientist**  
Reference Group Representative

**Robbie Fletcher**  
Reference Group Representative



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# **11.19 - SOUTHERN BEACHES VEHICLE ACCESS HISTORY, LOCAL LAWS AND REFERENCE GROUP.**

## **Mr Clive King's Submission**

**Meeting Date: 20 May 2024**

**Attachment No: 13**

Clive King

[REDACTED]  
Zilzie, QLD, 4710

RE: Non-closure of beaches on Capricorn Coast

Thank you for the opportunity to voice my opinion on the importance of keeping our beaches open.

Beaches affected as per the current Southern Beaches Reference Group discussions are:-

- o Timbers/Zilzie Bay beach
- o Rita Mada beach
- o Long beach
- o Mullambin beach

I have realised that closing the beaches wasn't the greatest decision Livingstone Shire Council (LSC) has ever made. In fact, it was very poor, with zero thought of any alternate fix, rather than the shoot from the hip response which was made.

Personally, I feel it could have been handled differently, by way of policing with random ranger patrols, coupled up with cameras. Signage is another educational tool and I strongly recommend utilising this moving forward. Signage must be of a decent visible size, of at least 1000mm wide x 800mm deep.

Closing beaches to vehicles takes away the livability of our region. It also destroys any chance of my own ability to teach my grandson how to fish from a shoreline, how to look after our beaches and to never drive on the dunes or at the base of the dunes (when he is of age to drive a vehicle).

People like myself use fishing as a means of therapy, especially after my Cancer treatment that has caused me some mental issues. I was using Timbers/Zilzie Bay beach as my solace, to escape the stresses of life. This has been stripped away from me and has caused anxiety and frustration to say the least.

I have been using these beaches for the past 20 years since returning here from 17 years in Darwin NT. Prior to this, as a youngster, I was brought up in the amateur fishing club scene in Rockhampton and taught by my elders how to respect our environment.

I have total respect for our regions beaches and have played a strong part in its preservation. Examples of this is in LSC records, regarding my concern for a tidal estuary on timbers beach, which has been filled in (by individuals) to gain access to the beach. This is a monumental environmental disaster in the destruction of a fish habitat and is still yet to be rectified.

1

As mentioned previously, my time in the fishing club, taught us all the importance of driving on the beach between the high and low tide marks, as this was the hardest compound. It was never acceptable to drive on or near the base of dunes, as these areas are where a possible turtle hatchling could be.

The reason Mullambin beach has been mentioned and should be included in discussions is because of the allowed usage of Blokarts. These wheeled vehicles can reach speeds in excess of 70klm p/h. This act is clearly why beaches are to be kept open to vehicles, so LSC can be consistent with their laws across all beaches.

I have spoken with traditional land owners of our Joskeleigh region about the closure of Long beach. To my knowledge these people have been disregarded in the decision-making process which was sudden and without consultation. LSC has stripped them of their traditional hunting grounds, which has provided food to many, for a lifetime. Some share the same thoughts as myself, with mental stability as one of the main reasons that freedom of accessing the beach holds. These people are not happy and some to date, do not even know of the closures.

We must remember that the bad behavior that caused LSC to react in closing the beaches, has been from random "P" plate drivers and others of the similar age group. These people do exactly the same bad behavior on our roads! Do we close the streets, no, we police them, just the same as what should be done on our beaches, mainly Timbers/Zilzie Bay beach. I am sure council officers have the ability to change bi-laws to accommodate this. Cameras can assist here too I believe.

My wife and I have travelled extensively throughout Australia in the past 45 years and one of the highlights of any coastal town or city was the ability to access some beaches by vehicle. These beaches all had clear signage stating risk, rules and regular beach usage guidelines.

I highly recommend keeping our stated beaches open so as we do not jeopardise our livability of our region for tourists and locals alike.

Regards  
Clive King

# **11.19 - SOUTHERN BEACHES VEHICLE ACCESS HISTORY, LOCAL LAWS AND REFERENCE GROUP.**

## **Current Legislation and Livingstone Shire Council Policy and Strategy**

**Meeting Date: 20 May 2024**

**Attachment No: 14**

### **Current QLD Legislation and Livingstone Shire Council Policy**

#### **The Queensland Coastal Protection and Management Act (1995) and Coastal Management Plan.**

The Coastal Management Plan is prepared under the *Coastal Protection and Management Act 1995 (Coastal Act)* to describe how the coastal zone of Queensland is to be managed. The objects of the *Coastal Act* related to coastal management are to-

- provide for the protection, conservation, rehabilitation, and management of the coastal zone, including its resources and biological diversity, and
- encourage the enhancement of knowledge of coastal resources and the effect of human activities on the coastal zone.

The Coastal Management Plan includes a range of measures to achieve objects of the *Coastal Act* that can be adopted to minimise any potential adverse impacts resulting from use of coastal resources.

Principle:- Matters of state environmental significance (MSES) are conserved by avoiding impacts or where impacts cannot be avoided residual impacts are mitigated through rehabilitation measures.

#### Protecting MSES through management of beach driving

Activities such as beach driving should be actively managed to prevent significant adverse impacts on coastal ecosystems, including beach and benthic plants and animals. Research indicates that compaction of sand by vehicles is destructive for sand-dwelling invertebrates. Vehicle traffic can also disturb feeding or roosting shorebirds and nesting turtles and destabilise dune systems by damaging the vegetation.

Generally vehicle access to and along foreshore areas is regulated by local governments under the *Local Government Act 1993*. Additionally, councils are often appointed as the trustee of State coastal reserves. The Department of Environment, Science and Innovation has jurisdiction to regulate the use of vehicles on beaches that are within protected areas under the *Nature Conservation Act 1992*, in marine parks under the *Marine Parks Act 2004* and in declared recreation areas under the *Recreation Areas Management Act 2006*.

Once specific regulations or laws are in place to govern vehicle access, the *Transport Operations (Road Use Management) Act 1995* can be administered on these beaches by the authority that regulates access (i.e. DESI, if within a protected area; or local government in all other instances).

Prior to allowing beach driving, the relevant authority should have a qualified and experienced ecologist prepare a report identifying the relevant ecological and species values of the beach. The report should recommend how adverse impacts on these values (caused by beach driving) can be minimised.

Where it is necessary to allow beach driving to provide access to foreshore or adjacent areas, adverse impacts are managed using a range of tools including: a permit system, speed limits, closure during the period two or more hours each side of high tide, night closures, temporary or permanent diversions onto inland tracks

that avoid sensitive areas, and seasonal closures during nesting periods for sea turtles and times when migratory bird species are present.

Where vehicles are used on beaches, they should be driven below the drift line, away from dune vegetation. Vehicles also should not be driven along debris or drift lines, as these often harbour wildlife. Specific regulations or local laws, using signs and physical exclusion devices will help ensure compliance with conditions for vehicle use of beaches. A regular compliance presence will also be necessary. Revenue raised through a beach driving permit system can be used to offset the costs of coastal protection and rehabilitation programs.

Suggested management actions;

- Seasonal and night closures of turtle nesting beaches.
- Preventing artificial light pollution on turtle nesting beaches.
- Seasonal closures for areas with nesting migratory birds or other protected species.
- Pest control at turtle nesting beaches.
- Beach clean ups to remove marine debris.
- Education about the impacts of boat strikes and marine debris on MSES.
- Regulating beach driving by - introducing a permit system, speed limits, beach closures, seasonal and night closures for protected species, and restricting vehicle access to below the drift line, away from dune vegetation.
- Rehabilitating damaged vegetation.

### 3. Indigenous cultural heritage

Principle :- Aboriginal People and Torres Strait Islanders are the primary guardians, keepers, and knowledge holders of their cultural heritage; their connection to coastal and marine resources should be maintained and enhanced.

Coastal management outcomes

3.1 Management plans and programs should engage Traditional Owners to enable access to coastal resources for cultural activities.

3.2 Changes to arrangements to allow access to cultural resources, including beach driving and access to facilities, should occur in consultation with relevant Traditional Owners to prevent any adverse impacts on cultural resources.

### 4. Public access and enjoyment of the coast

Principle:- Public access and use of the coast is maintained or enhanced for current and future generations.

Coastal management outcomes

4.1 Public access and use of the coast is maintained by avoiding the use of State coastal land for:

- creating exclusive private access to the foreshore
- creating exclusive private use of beaches
- locating erosion control structures to protect private property from coastal erosion.

4.2 The use of undeveloped esplanades and road reserves vulnerable to coastal erosion for vehicular access is supported if they provide the only lawful means of vehicular access.

4.3 The use of State coastal land for public beach access and associated facilities is encouraged if the facilities are located, designed, constructed, and managed to conserve coastal resources and their values.

4.4 Beach driving is supported where:

- no practical alternative to access the coast exists or can be reasonably established
- management ensures there are no significant adverse impacts to the stability of dunes, coastal ecosystems, or species
- it does not adversely affect public access to and enjoyment of beaches and foreshore areas by other users, including pedestrians

Beaches that are used for the driving or riding of motor vehicles (whether on payment of a fee or otherwise) are roads under the *Transport Operations (Road Use Management) Act 1995* and all road rules apply. Allowing beach driving, where it is necessary to provide access to the foreshore or adjacent areas should be actively managed to maintain public access and enjoyment.

#### **Livingstone Community Plan: Towards 2050**

1.3.1 Provide community facilities and services to encourage healthy and active lifestyles.

2.1.3 Conserve items and places of Aboriginal cultural heritage significance and celebrate Indigenous culture and people through community events and partnership approaches.

2.3.1 Develop a tourism strategy which capitalises on the location of Livingstone, celebrates its Indigenous culture and natural assets, and reflects the needs to retain Livingstone's identity as a relaxed, coastal and rural area.

2.3.3 Maintain foreshore facilities to a high standard for the benefit of the community and to continue to attract visitors.

3.2.2 Develop coastline and ocean health strategies to minimise pollution, protect Livingstone's unique marine environment and manage future sea level rise.

3.2.3 Pursue excellence in environmental and industry practices to protect and enhance environmental health.

3.3.1 Consult with Traditional Owners about traditional land management and protection methods and consider their interests in conservation policies.

3.3.2 Participate in and promote innovative, localised conservation and enhancement programmes to ensure the preservation of natural assets, bushland and biodiversity and manage threats to the environment.

4.1.1 Ensure that all decisions are strategically aligned with Livingstone Community Plan: Towards 2050 and regularly report the progress against the plan to the community.

5.1.2 Ensure land use planning and development is sustainable and considers the importance of local habitat and green corridors.

### **Livingstone Shire Council Reef Guardian Council Action Plan 2023-2026**

Strategic Action 2.3 – Improve practices in sensitive shoreline ecosystems.

Strategic Action 5.3 Enhance protection, rehabilitation and restoration of key coastal and catchment ecosystems.

### **Livingstone Shire Shoreline Management Plan 2022-2032**

Purpose of the plan: Livingstone Shire Council has a multitude of responsibilities regarding the shoreline, including:

- Management and control of most of the coastline (on behalf of the Queensland Government).
- Custodianship of many coastal assets including roads, bridges, footpaths, beach accesses, parks, playgrounds, and more.
- Stewardship of the natural assets (flora and fauna) of the coast including sand dunes, native coastal vegetation, migratory shorebird species, turtles, and other animals who live or nest on our beaches.
- A responsibility to keep members of the Livingstone Shire community as safe as practically possible from the threat of coastal hazards.

With these responsibilities in mind, the Shoreline Management Plan has been developed to assess the status of our shoreline and to provide guidance on management measures to address key issues and further protect our coastal assets and encourage ecosystem resilience. This includes recommendations for on-ground works, nature-based solutions to build environmental resilience, future studies, partnerships, and community engagement that will contribute to the wellbeing and strength of Livingstone Shire's shoreline.

### **Livingstone Open Space Framework 2023**

Livingstone is one of the most biodiverse regions within Queensland, with 300 kilometres of open coastline and beaches adjacent to the Great Barrier Reef Marine Park.

Action 8.4: Develop a coordinated strategy to address the protection and rehabilitation of natural areas. Support Traditional Owner's engagement in raising the community's environmental and cultural awareness around natural and protected areas.

### **Low Carbon Livingstone: 2030 Strategy**

Being a coastal locality, Livingstone Shire is vulnerable to the predicted impacts of climate change in relation to coastal inundation, cyclones and sea level rise. There are many other potential impacts as well. These include habitat loss, species extinctions, reduced water quantity and quality, more intense weather events etc. It is in Council's and the community's interest to contribute to global mitigation of those impacts by reducing Council's carbon emissions.

### **Our Living Coast – Livingstone Coastal Hazards Adaptation Strategy 2021**

The coastal landscape and access to the coast underpins not only our economy but our lifestyle here. Everyone in our community has a role in caring for our coast and we all need to work together. The Livingstone coastline is currently prone to coastal hazard impacts such as erosion and storm tide inundation, driven by cyclones and



storm events. These coastal hazard impacts are predicted to increase with climate change.

Our Living Coast provides a roadmap of actions that enables us to be better prepared to reduce the impacts of coastal hazards on our communities, environment, cultural values, infrastructure, liveability and services.

One of the best lines of defence to protect our coastal infrastructure and valued places from coastal hazard impacts, is our natural environment – a wide beach, healthy dunes, coastal vegetation and intact habitats – which provides a protective buffer. These are also the qualities and features that our community values most on the coast.

An analysis of our risk show that:

- More of our beaches, public and community infrastructure and places that matter most (special places) will be at a very high risk of erosion because this is the most prevalent coastal hazard affecting our coast, and our communities are clustered along the coastline.
- Fewer special places will be outside the erosion hazard area or at a low risk over time. This means our exposure is increasing and more of our coastal assets will be exposed to erosion.
- Sea level rise presents a lower risk to our special places. This is because its impacts are gradual and experienced over time, and mainly confined to places close to our estuaries.
- Climate change will increase the level of risk to our special places because of sea level rise, with some becoming high risk over time.
- Storm tide inundation does not present as high a risk over time because these events are infrequent and are temporary. However, the number of special places at a low risk today will decrease over time as more places become vulnerable to inundation.

Sea level rise is predicted to permanently or periodically inundate this same low-lying land – where natural habitats and grazing areas are located. Zilzie, Keppel Sands, Yeppoon and Farnborough areas are notably exposed to sea level rise in the future.

### Our Living Environment – Biodiversity Strategy 2021-2027

#### Sand Dunes

Values	Threats
Wildlife Habitats and Corridors	Water and Stormwater Pollution
Groundwater Storage	Marine Debris
Water Catchment	Accelerated Erosion
Recreation	Fire Management
Scenic Amenity	Weeds
Cultural Values	Pest Animals
Scientific and Educational Values	Vegetation Clearing
Economic Value of Water	Urban Development
Ecosystem Services	Harvest of Economically Valuable Species

Breeding Places	Climate Change Impacts (Sea Level Rise, Drought, Heatwaves)
Water Quality/Sediment Capture	Inappropriate Vehicle Access and Clearing
Capacity of the Dunes to Rebuild after Erosion	Associated with Camping

**Beaches and Headlands**

Values	Threats
Wildlife and Corridors	Water Pollution
Hydrology	Sedimentation
Groundwater Storage	Accelerated Erosion
Water Catchment	Fire Management
Refuge and Shelter	Weeds
Unique Ecosystems	Pest Animals
Recreation	Land Clearing
Scenic Amenity	Urban Development
Cultural Values	Harvest of Economically Valuable Species
Scientific and Educational Values	Inappropriate use of beaches and sand dunes
Economic Values of Rocks, Minerals, Timber and Water	Vehicle and pedestrian impacts
Ecosystem services	
Breeding Places	
Habitat	
Water Quality/Sediment Capture	
Geological Formations	

Livingstone has the longest coastline of any local government in Queensland, south of Cape York. The Beach Protection Authority compiled a study of Capricorn Coast Beaches in 1979. This study provides a historical baseline for the condition of our coastline. At that time, Livingstone Shire Council expressed the view that “the beaches are the lifeblood of the Capricorn Coast tourist industry and accordingly no limit can be placed on their value”.

To ensure biodiversity is preserved for the benefit of the whole community and future generations there is a need to maintain standards of public and private use and enjoyment of natural assets such as beaches, freshwater supplies, fisheries stocks and habitats. As human population grows and the economy is a vast world-wide marketplace, the impact we have on our natural assets increases. Governments at all levels have regulations to govern the take, use and management of land, water and wildlife. Individuals and businesses need to be aware of relevant regulations that

protect native animals and vegetation, watercourses, groundwater, and scenic features. Regulations are also required to provide community protection from natural hazards such as bushfire, landslide, coastal erosion, flooding and storm surge. The *Commonwealth Environmental Protection and Biodiversity Conservation Act 1999* provides protection to Matters of National Environment Significance such as threatened species and ecosystems. The State has legislation for the protection of fisheries, remnant vegetation, native wildlife, and water resources. The State has a regulatory role in the prevention of pollution and regulation of activities that have potential to harm the environment through the *Environmental Protection Act 1994*.

*The Queensland Biosecurity Act 2014* sets standards for the prevention and management of weeds and pest animals. The *Aboriginal Cultural Heritage Act 2003* provides recognition, protection and conservation of Aboriginal cultural heritage. . Local government is devolved responsibilities under State legislation; such as the investigation and compliance of illegal dumping and water contamination under the *Environment Protection Act 1994*; pest management obligations under the *Biosecurity Act* and management of urban flying fox roosts under *the Nature Conservation Act 1992*. Council must also comply with State legislation as a landowner and manager of reserve land.

Council policies and local laws guide the use of public spaces, such as the management of vegetation on Council controlled land, encroachment policies and local laws for Council controlled areas, facilities and roads. Local laws that are designed to protect environmental values include Community & Environmental Management, Animal Management and Waste Management. Council may issue compliance notices and infringements for breaches of local laws.

The Livingstone Shire Planning Scheme has provisions for land use on private land that include biodiversity protection and consideration of natural hazards. The Capricorn Municipal Development Guidelines provide a set of standards for infrastructure, endorsed at the regional level. Together with Australian Standards these guidelines inform public and environmental safety. Land under the control of Council includes many reserves; some are dedicated for environmental purposes such as beach protection reserves. The network of road reserves, constructed or unconstructed, provides nature corridors through the landscape. The management of these areas is important to biodiversity in the long term as they provide critical linkages for wildlife movement and support remnant vegetation that is lost elsewhere in the landscape.

**11.20 NAMING OF WETLAND OFF BOTTLEBRUSH DRIVE**

**File No:** qA24494  
**Attachments:** 1. [Community Survey Results](#)↓  
**Responsible Officer:** Sean Fallis - Manager Engineering Services  
Michael Kriedemann - General Manager Infrastructure  
**Author:** Jo Fursman - Administration Officer

**SUMMARY**

*This report involves a request for the renaming of Kedron Park. Given the environmental features of the park, it was suggested that the name "Kedron Wetland" may be more appropriate.*

**OFFICER'S RECOMMENDATION**

THAT Council resolve:

1. The area currently named *Kedron Park* be changed to *Kedron Wetland*;
2. Officers notify the community of the name change; and
3. Modify the wording on the signage to reflect the name change.

**BACKGROUND**

The parcel of land known as Kedron Park is a Reserve for Park and Recreation described as Lot 141 RP 890732 and was named at Council's General Meeting on 10/11 May 1994. The area is low lying and naturally swampy so not practical to be used for recreation purposes. There was a suggestion that the name Kedron Wetland would be more appropriate given the eco system, flora and fauna in the area. The change of name would not change the official title of "Reserve for Park and Recreation".



## COMMENTARY

In accordance with Council's *Naming of Infrastructure Assets Procedure*, section 5.1, the naming of an asset may be initiated by the following:

- a) By resolution of Council.
- b) When the Manager Engineering Services:
  - Authorises a request from a member of the community to be processed under this procedure.
  - Determines it is in the public interest to undertake the process outlined in the procedure; or
  - Is required to assign a number under item 5.5 of the procedure.

In accordance with the procedure, an advertisement was placed in the Saturday's edition of *The Morning Bulletin* (Digital only) on Saturday 29 April 2023 together with publication on Council's website and social media pages. Nominations closed on 1 May 2023.

In response to the call for nominations, Council received 2 submissions.

Proposed Name	No
Kedron Wetlands	1
Lammermoor Gardens Blue Butterfly Reserve	1

There was 1 alternative to the original request. In accordance with the procedure, names should be simple, concise and easy to recognize, spell and pronounce. The alternative name does not fit with this requirement.

A Flora and Fauna report has been provided by Council's Natural Resource Management team, which was presented to the Ordinary Meeting of Council in January 2024. The survey demonstrates diverse flora and fauna typical of a wetland environment which could justify the renaming to "Wetland".

There is some concern that the renaming to "Wetland" may create a perception that the area will be left in a natural state and receive less maintenance. This is not the case, as the area is on a maintenance program administered by Council's Open Spaces Team.

Although the renaming procedure has been undertaken, Council is not bound to rename the asset.

## PREVIOUS DECISIONS

At the Ordinary Meeting of Council held on 24 October 2023, Council resolved THAT pursuant to s2.18.1(d) and s2.18.11 of Livingstone Shire Council's Meeting Procedures Policy the matter lay on the table pending consultation with our Natural Resource Management team to provide a report of the flora and fauna within the area to come back to the table.

At the Ordinary Meeting of Council held on 16 January 2024, Council resolved THAT pursuant to s2.18.1(d) and s2.18.11 of Livingstone Shire Council's Meeting Procedures Policy the matter Item 11.7 – Naming of Wetland off Bottlebrush Drive lay on the table pending a survey to surrounding residents regarding the name change and the results to return to a Council Meeting.

## ACCESS AND INCLUSION

Nil

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## ENGAGEMENT AND CONSULTATION

In May 2023, community engagement in accordance with the *Naming of Infrastructure Assets Procedure*, was completed in order to gauge feedback on suitable names.

In April 2024, additional community engagement was undertaken to specifically ask for feedback regarding the name Kedron Park vs Kedron Wetland. The results of the survey are in attachment 1 and summarised as follows:

Total survey responses – 116

Agree with the name “Kedron Wetland” – 84 (72.41%)

Disagree with name “Kedron Wetland” – 32 (27.59%)

## HUMAN RIGHTS IMPLICATIONS

Nil

## BUDGET IMPLICATIONS

Nil

## LEGISLATIVE CONTEXT

Council’s *Naming of Infrastructure Assets Procedure* has been followed in this instance, which sits under the *Road Related Management and Functions Policy*.

## LEGAL IMPLICATIONS

Nil

## STAFFING IMPLICATIONS

Staff have undertaken this process through their normal roles.

## RISK ASSESSMENT

If the name is changed to “Wetland”, there is a risk of creating a perception that the area will receive less maintenance. This will be mitigated by explaining to the community that this area will remain on Council’s maintenance management plan administered by the Open Spaces Team.

## CORPORATE PLAN REFERENCE

### ***Leading Livingstone***

*Community Plan Goal 4.3 - Engagement with the community as advisors and partners*

*4.3.2 Commit to open and accountable governance to ensure community confidence and trust in Council and its democratic values.*

By engaging the community and inviting submissions, Council is supporting the community’s desire for greater transparency and partnership in decision making for activities that influence the *look and feel* of Livingstone.

## CONCLUSION

The Biodiversity Survey Summary indicates a wide variety of flora and fauna within the Kedron Park environs. After Community engagement in accordance with the *Naming of Infrastructure Assets Procedure*, Officers consider changing the name to Kedron Wetlands is appropriate.

# **11.20 - NAMING OF WETLAND OFF BOTTLEBRUSH DRIVE**

## **Community Survey Results**

**Meeting Date: 20 May 2024**

**Attachment No: 1**

Report Type: Form Results Summary  
 Date Range: 18-04-2024 - 29-04-2024  
 Exported: 29-04-2024 17:26:29

Open

Kedron Park Proposed Name Change Community Consultation  
[Kedron Park Proposed Name Change Community Consultation](#)

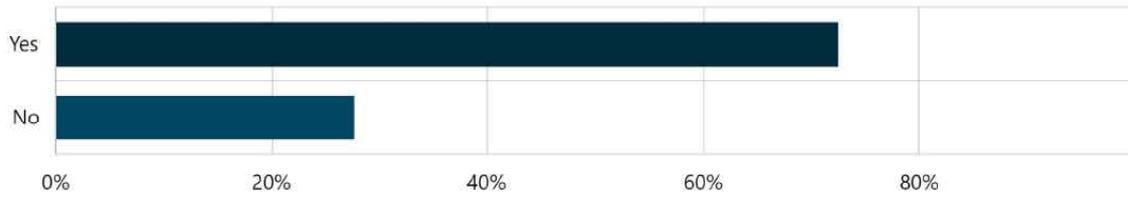
103  
Contributors

116  
Contributions

### Contribution Summary

**1. Do you support changing the name of 'Kedron Park' to 'Kedron Wetlands' to more closely align with the ecosystem and flora and fauna in the area?** Required

Select Box | Skipped: 0 | Answered: 116 (100%)



Answer choices	Percent	Count
Yes	72.41%	84
No	27.59%	32
<b>Total</b>	<b>100.00%</b>	<b>116</b>



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**2. Do you have any further comments regarding the proposed name change to Kedron Park?** Required  
Long Text | Skipped: 65 | Answered: 51 (44%)

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**Sentiment**

No sentiment data

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**Tags**

No tag data

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**Featured Contributions**

No featured contributions

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**12 AUDIT, RISK AND IMPROVEMENT COMMITTEE REPORTS**

Nil

**13 URGENT BUSINESS/QUESTIONS**

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



## 14 CLOSED SESSION

In accordance with the provisions of section 254J 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 of the *Local Government Regulation 2012*, for the reasons indicated.

#### 15.1 Request for Council's Views - Renewal of Term Lease over Lot 30 on CP899136

This report is considered confidential in accordance with section 254J(3)(g), of the *Local Government Regulation 2012*, as it contains information relating to negotiations relating to a commercial matter involving the local government for which a public discussion would be likely to prejudice the interest of the local government.

#### 15.2 Write Off - Unrecoverable Debt

This report is considered confidential in accordance with section 254J(3)(e), of the *Local Government Regulation 2012*, as it contains information relating to legal advice obtained by the local government or legal proceedings involving the local government including, for example, legal proceedings that may be taken by or against the local government.

#### 15.3 Keppel Sands Caravan Park - Update - Invitation to Tender - Management by Leasehold

This report is considered confidential in accordance with section 254J(3)(g), of the *Local Government Regulation 2012*, as it contains information relating to negotiations relating to a commercial matter involving the local government for which a public discussion would be likely to prejudice the interest of the local government.

## 15 CONFIDENTIAL REPORTS

### 15.1 REQUEST FOR COUNCIL'S VIEWS - RENEWAL OF TERM LEASE OVER LOT 30 ON CP899136

**File No:** fA43561

**Attachments:**

1. Email from Department of Resources
2. Smart Map of Term Lease Area

**Responsible Officer:** Sonia Tomkinson - Manager Economy and Places  
Chris Ireland - General Manager Communities

**Author:** Christine Macdonald - Principal Property Officer  
Alison Morris - Property Officer

This report is considered confidential in accordance with section 254J(3)(g), of the *Local Government Regulation 2012*, as it contains information relating to negotiations relating to a commercial matter involving the local government for which a public discussion would be likely to prejudice the interest of the local government.

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#### SUMMARY

*The report pertains to a request from the Department of Resources seeking Council's views in relation to the renewal of a term lease over Lot 30 on CP899136 to the current lessee.*

**15.2 WRITE OFF - UNRECOVERABLE DEBT**

**File No:** qA81009, qA24403, qA24324, fA1878  
**Attachments:** 1. Freehold Licence to Mr Geiszler  
**Responsible Officer:** Andrea Ellis - Chief Financial Officer  
**Author:** Priscilla Graham - Coordinator Revenue  
Christine Macdonald - Principal Property Officer

This report is considered confidential in accordance with section 254J(3)(e), of the *Local Government Regulation 2012*, as it contains information relating to legal advice obtained by the local government or legal proceedings involving the local government including, for example, legal proceedings that may be taken by or against the local government.

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**SUMMARY**

*This report seeks approval to write off (as unrecoverable debt) rates and charges arrears (including interest) accrued prior to the termination (under clause 13.2) of freehold licence - Lot 12 Augustus St, Yaamba.*

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**15.3 KEPEL SANDS CARAVAN PARK - UPDATE - INVITATION TO TENDER -  
MANAGEMENT BY LEASEHOLD**

**File No:** qA24785

**Attachments:**

1. Tender Process and Recommendation Process
2. Proposed Capital Investment

**Responsible Officer:** Chris Ireland - General Manager Communities

**Author:** Christine Macdonald - Principal Property Officer  
Sonia Tomkinson - Manager Economy and Places

**Previous Items:**

- 7.12 - Keppel Sands Caravan Park - Briefing Session - 06 Sep 2022 9.00am
- 7.9 - Keppel Sands Caravan Park Update - Briefing Session - 05 Dec 2023 9.00am
- 7.5 - Keppel Sands Caravan Park - Update - Invitation to Tender - Management by Leasehold - Briefing Session - 10 Apr 2024 9:00 AM

This report is considered confidential in accordance with section 254J(3)(g), of the *Local Government Regulation 2012*, as it contains information relating to negotiations relating to a commercial matter involving the local government for which a public discussion would be likely to prejudice the interest of the local government.

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**SUMMARY**

This report outlines the details of negotiations with the preferred tenderer for the Invitation to Tender for Keppel Sands Caravan Park Management by Leasehold prior to award.

**16 CLOSURE OF MEETING**