



Redland
CITY COUNCIL

GENERAL MEETING

Wednesday, 21 June 2017

LATE ATTACHMENTS

ITEM 11.3.3

***Delegations for the
New Planning Act 2016***

[Attachment 1 – Delegation Register for Planning Act 2016](#)

[Attachment 2 – Delegation Register for *Planning Regulation 2017*](#)

[Attachment 3 – Delegation Categories and Limitations](#)

REGISTER OF DELEGATIONS COUNCIL TO CEO

[Planning Act 2016]

Version information:

Date Reviewed:	25/5/2017
Reprint No:	25/5/2016
Updated Items:	Sections 19, 46, 75, 115
New Items:	Section 37, 41, 51, 64, 84, 86, 93, 105, 175, 181, 229
Removed Items:	

NO.	DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION	DATE AND NUMBER OF RESOLUTION	CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
	Chief Executive Officer	Power to make submissions to the Minister about the making or amending of a State Planning instrument.	Section 10 <i>Planning Act 2016</i>		
	Chief Executive Officer	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.	Sections 18, 20 and 26 <i>Planning Act 2016</i>		This delegation does not include any powers that are required to be exercised by Council pursuant to a resolution of Council.
	Chief Executive Officer	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	Section 19 <i>Planning Act 2016</i>		

REGISTER OF DELEGATIONS COUNCIL TO CEO

[Planning Act 2016]

NO.	DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION	DATE AND NUMBER OF RESOLUTION	CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
	Chief Executive Officer	Power to follow the process for the making or amending of an LGIP as set out in the Minister's rules or as directed by the Minister. 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.	Sections 21 and 26 <i>Planning Act 2016</i>		This delegation does not include any powers that are required to be exercised by Council pursuant to a resolution of Council.
	Chief Executive Officer	Power to follow the process for the making or amending of a planning scheme policy as set out in the Minister's rules or as directed by the Minister. 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.	Sections 22 and 26 <i>Planning Act 2016</i>		This delegation does not include any powers that are required to be exercised by Council pursuant to a resolution of Council.
	Chief Executive Officer	Power to follow the process for the making or amending of a TLPI as set out in the Minister's rules or as directed by the Minister. 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.	Sections 23 and 26 <i>Planning Act 2016</i>		This delegation does not include any powers that are required to be exercised by Council pursuant to a resolution of Council.
	Chief Executive Officer	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.	Section 24 <i>Planning Act 2016</i>		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)).

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[Planning Act 2016]

NO.	DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION	DATE AND NUMBER OF RESOLUTION	CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
	Chief Executive Officer	Power to review a planning scheme and a LGIP and follow the process for the review as set out in the Minister's rules or as directed by the Minister. 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.	Sections 25 and 26 <i>Planning Act 2016</i>		This delegation does not include any powers that are required to be exercised by Council pursuant to a resolution of Council.
	Chief Executive Officer	Power to decide whether or not to agree to a superseded planning scheme request and give notice of the decision.	Section 29 <i>Planning Act 2016</i>		
	Chief Executive Officer	Power, as an affected party, to make submissions about the proposal to the Minister.	Section 37(4) <i>Planning Act 2016</i>		
	Chief Executive Officer	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.	Section 42 <i>Planning Act 2016</i>		
	Chief Executive Officer	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, 52, 53, 54, 59, 60, 61, 62, 63, 64, 65, 66, 67, 71, 75, 76, 84, 85, 86, 87, 93, 100, 101, 105, 107 and 109 of the <i>Planning Act 2016</i> .	Sections 48, 51, 52, 53, 54, 59, 60, 61, 62, 63, 64, 65, 66, 67, 71, 75, 76, 84, 85, 86, 87, 93, 100, 101, 105, 107 and 109 <i>Planning Act 2016</i>		This delegation is to be exercised in accordance with the development assessment rules made under the <i>Planning Act 2016</i> and prescribed by regulation.

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[Planning Act 2016]

NO.	DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION	DATE AND NUMBER OF RESOLUTION	CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
	Chief Executive Officer	Power, as the owner of premises, to give written consent to the making of the development application.	Section 51(2)		
	Chief Executive Officer	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, 52, 54, 55, 56, 57, 58, 65, 66, 67, 84, 85, 100, 107 and 109 of the <i>Planning Act 2016</i> .	Sections 46, 52, 54, 55, 56, 57, 58, 65, 66, 67, 84, 85 100, 107 and 109 <i>Planning Act 2016</i>		This delegation is to be exercised in accordance with the development assessment rules made under the <i>Planning Act 2016</i> and prescribed by regulation.
	Chief Executive Officer	Power to consult with the Minister about making or amending the instrument mentioned in subsection (8)(c).	Section 64(9)		
	Chief Executive Officer	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 79, 80, 81, 82, 83, 93, 100, 105, 107 and 109 of the <i>Planning Act 2016</i> .	Sections 79, 80, 81, 82, 83, 93 and 100, 105, 107 and 109 <i>Planning Act 2016</i>		This delegation is to be exercised in accordance with the development assessment rules made under the <i>Planning Act 2016</i> and prescribed by regulation.

REGISTER OF DELEGATIONS COUNCIL TO CEO

[Planning Act 2016]

NO.	DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION	DATE AND NUMBER OF RESOLUTION	CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
	Chief Executive Officer	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> .	Section 80 <i>Planning Act 2016</i>		
	Chief Executive Officer	Power, as the owner of land, to give written consent to the cancellation application.	Section 84(3)(b)(i) <i>Planning Act 2016</i>		
	Chief Executive Officer	Power, as a public utility, to give written consent to the cancellation application.	Section 84(3)(b)(iii) <i>Planning Act 2016</i>		
	Chief Executive Officer	Power, as the owner of land, to give written consent to the extension application.	Section 86(2)(b)(ii) <i>Planning Act 2016</i>		
	Chief Executive Officer	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.	Section 89 <i>Planning Act 2016</i>		
	Chief Executive Officer	Power to comply with a direction given by the Minister.	Section 93(2) <i>Planning Act 2016</i>		
	Chief Executive Officer	Power to make submissions in response to a proposed call in notice received by Council.	Section 102 <i>Planning Act 2016</i>		
	Chief Executive Officer	Power, as the decision-maker, to give the Minister reasonable help.	Section 105(3) <i>Planning Act 2016</i>		

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NO.	DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION	DATE AND NUMBER OF RESOLUTION	CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
	Chief Executive Officer	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.	Section 115 <i>Planning Act 2016</i>		
	Chief Executive Officer	Power to carry out the steps required after making a charges resolution.	Section 118 <i>Planning Act 2016</i>		
	Chief Executive Officer	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.	Sections 119, 120, 121 and 129 <i>Planning Act 2016</i>		
	Chief Executive Officer	Power, as a local government that gave an infrastructure charges notice, to agree with the recipient about whether infrastructure may be provided instead of paying all or part of the levied charge.	Section 123 <i>Planning Act 2016</i>		
	Chief Executive Officer	Power, as a local government, to consider representations made on an infrastructure charges notice and, issue a negotiated notice or give a decision notice.	Section 125 <i>Planning Act 2016</i>		

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NO.	DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION	DATE AND NUMBER OF RESOLUTION	CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
	Chief Executive Officer	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.	Section 128(1) <i>Planning Act 2016</i>		
	Chief Executive Officer	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.	Section 128(2) <i>Planning Act 2016</i>		
	Chief Executive Officer	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.	Sections 130, 131, 132, 133, 134 and 135 <i>Planning Act 2016</i>		
	Chief Executive Officer	Power in the circumstances referred to in subsection (1) to, by notice given to the applicant, amend the infrastructure charges notice.	Section 137 <i>Planning Act 2016</i>		

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NO.	DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION	DATE AND NUMBER OF RESOLUTION	CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
	Chief Executive Officer	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	Sections 140, 141 and 142 <i>Planning Act 2016</i>		
	Chief Executive Officer	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.	Section 144(2) <i>Planning Act 2016</i>		
	Chief Executive Officer	Power, as a local government, to impose a development condition about non-trunk infrastructure.	Section 145 <i>Planning Act 2016</i>		
	Chief Executive Officer	Power in the circumstances referred to in subsection (1) to:- <ul style="list-style-type: none"> (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. 	Section 149 <i>Planning Act 2016</i>		
	Chief Executive Officer	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.	Chapter 4, Part 4 <i>Planning Act 2016</i>		

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NO.	DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION	DATE AND NUMBER OF RESOLUTION	CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
	Chief Executive Officer	Power, as an enforcement authority, to give a show cause notice.	Section 167 <i>Planning Act 2016</i>		
	Chief Executive Officer	Power, as an enforcement authority, to give an enforcement notice.	Section 168 <i>Planning Act 2016</i>		
	Chief Executive Officer	Power to consult with a private certifier before giving an enforcement notice.	Section 169 <i>Planning Act 2016</i>		
	Chief Executive Officer	Power as an enforcement authority to give notice of the giving or withdrawal of a show cause notice or an enforcement notice to the chief executive.	Section 170 <i>Planning Act 2016</i>		
	Chief Executive Officer	Power to bring offence proceedings for an offence against the Act.	Section 174 <i>Planning Act 2016</i>		
	Chief Executive Officer	Power to consent to proceedings being brought on behalf of the corporation.	Section 175(1)(a) <i>Planning Act 2016</i>		
	Chief Executive Officer	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.	Section 176(10) <i>Planning Act 2016</i>		
	Chief Executive Officer	Power, as an enforcement authority in an offence proceeding, to apply for an order for the payment of the expenses.	Section 178(1)(b) <i>Planning Act 2016</i>		

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NO.	DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION	DATE AND NUMBER OF RESOLUTION	CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
	Chief Executive Officer	Power to start proceedings in the P&E Court for an enforcement order.	Section 180 <i>Planning Act 2016</i>		
	Chief Executive Officer	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.	Section 180(13) <i>Planning Act 2016</i>		
	Chief Executive Officer	Power to apply to the P&E Court to cancel or change an enforcement order or interim enforcement order.	Section 181(4) <i>Planning Act 2016</i>		
	Chief Executive Officer	Power, as an enforcement authority in an offence proceeding, to apply for a disposal order.	Section 214 <i>Planning Act 2016</i>		
	Chief Executive Officer	Power as a respondent or co-respondent to be heard in an appeal.	Section 229(4) <i>Planning Act 2016</i>		
	Chief Executive Officer	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.	Section 229(5) <i>Planning Act 2016</i>		
	Chief Executive Officer	Power to elect to be a co-respondent in an appeal.	Section 230(6) <i>Planning Act 2016</i>		

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NO.	DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION	DATE AND NUMBER OF RESOLUTION	CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
	Chief Executive Officer	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.	Sections 239(1), 240 and 241, <i>Planning Act 2016</i>		
	Chief Executive Officer	Power to give the registrar information that the registrar reasonably requires for the proceedings.	Section 246(2) <i>Planning Act 2016</i>		
	Chief Executive Officer	Power to appear as a party to a tribunal proceeding.	Section 248 <i>Planning Act 2016</i>		
	Chief Executive Officer	Power to make submissions to the tribunal.	Section 249 <i>Planning Act 2016</i>		
	Chief Executive Officer	Power to give notice to the Registrar once a tribunal's direction or order has been complied with.	Section 257 <i>Planning Act 2016</i>		
	Chief Executive Officer	Power to give an applicant the planning and development certificate applied for.	Section 265 <i>Planning Act 2016</i>		
	Chief Executive Officer	Power to note the registration of premises on Council's planning scheme.	Section 267(13) <i>Planning Act 2016</i>		

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NO.	DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION	DATE AND NUMBER OF RESOLUTION	CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
	Chief Executive Officer	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 :- <ul style="list-style-type: none"> (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. 	Section 270 <i>Planning Act 2016</i>		
	Chief Executive Officer	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.	Section 293(5) <i>Planning Act 2016</i>		This delegation does not include any powers that are required to be exercised by Council pursuant to a resolution of Council.

REGISTER OF DELEGATIONS COUNCIL TO CEO

[Planning Regulation 2017]

NO.	DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION	DATE AND NUMBER OF RESOLUTION	CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
	Chief Executive Officer	Power to extend the period mentioned in subparagraph (a).	Section 12(b) <i>Planning Regulation 2017</i>		
	Chief Executive Officer	Power, as an assessment manager, to make the requested decision.	Sections 26 and 30, Schedule 11, Section 10(1) <i>Planning Regulation 2017</i>		
	Chief Executive Officer	Power, as an assessment manager, to give notice of the decision.	Sections 26 and 30, Schedule 11, Section 10(2) <i>Planning Regulation 2017</i>		
	Chief Executive Officer	Power, as an assessment manager, to give notice of the decision, including the reasons for the decision.	Sections 26 and 30, Schedule 11, Section 10(3) <i>Planning Regulation 2017</i>		
	Chief Executive Officer	Power, where the request complies with the criteria stated in section 2, to approve the request.	Section 69, Schedule 18, Section 3(1) <i>Planning Regulation 2017</i>		

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[Planning Regulation 2017]

NO.	DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION	DATE AND NUMBER OF RESOLUTION	CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
	Chief Executive Officer	Power to give notice of the approval to the person making the request.	Section 69, Schedule 18, Section 3(2) <i>Planning Regulation 2017</i>		
	Chief Executive Officer	Power to keep the documents listed in subsection (1) available for inspection and purchase.	Section 70, Schedule 22, Section 1 <i>Planning Regulation 2017</i>		
	Chief Executive Officer	Power to keep the documents listed in subsection (1) available for inspection only.	Section 70, Schedule 22, Section 2 <i>Planning Regulation 2017</i>		
	Chief Executive Officer	Power to publish the documents listed in subsections (1) and (4) on Council's website.	Section 70, Schedule 22, Section 3 <i>Planning Regulation 2017</i>		
	Chief Executive Officer	Power, as an assessment manager, to keep the documents listed in subsections (1) and (2) available for inspection and purchase.	Section 70, Schedule 22, Section 5 <i>Planning Regulation 2017</i>		

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[Planning Regulation 2017]

NO.	DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION	DATE AND NUMBER OF RESOLUTION	CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
	Chief Executive Officer	Power, as an assessment manager, to keep the documents listed in subsection (1) available for inspection only.	Section 70, Schedule 22, Section 6 <i>Planning Regulation 2017</i>		
	Chief Executive Officer	Power, as an assessment manager, to publish the documents listed in subsections (1) and (4) on Council's website.	Section 70, Schedule 22, Section 7 <i>Planning Regulation 2017</i>		
	Chief Executive Officer	Power, as a referral agency, to keep the documents listed in subsections (a) to (d) available for inspection and purchase.	Section 70, Schedule 22, Section 8 <i>Planning Regulation 2017</i>		
	Chief Executive Officer	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.	Section 70, Schedule 22, Section 9 <i>Planning Regulation 2017</i>		
	Chief Executive Officer	Power, as a referral agency, to publish the documents listed in subsections (a) to (d) on Council's website.	Section 70, Schedule 22, Section 10 <i>Planning Regulation 2017</i>		

Delegation Categories for Development Assessment under the *Planning Act 2016*

Category 1

Minor Code and Referral Agency assessments

Minor Code assessable applications, Concurrence Agency Referral, minor Operational Works and minor Compliance Works; Minor Change requests and extension to currency period where the original application was Category 1. Procedural delegations for Limited and Standard Planning Certificates.

Delegation Level: Chief Executive Officer, General Manager, Group Managers, Service Managers, Team Leaders and Principal Planners as identified in the officer's instrument of delegation.

Category 2

Moderately complex Code and Impact assessments

In addition to Category 1, moderately complex Code assessable applications, including Operational Works and Compliance Works and Impact assessable applications without objecting submissions; Other Change requests and variation requests where the original application was Category 1, 2, 3 or 4*. Procedural delegations including approval of works on and off maintenance, release of bonds and Full Planning Certificates.

* Provided the requests do not affect the reason(s) for the call in by the Councillor (or that there is agreement from the Councillor that it can be dealt with under delegation).

Delegation Level: Chief Executive Officer, General Manager, Group Managers and Service Managers as identified in the officer's instrument of delegation.

Category 3

Complex Code and Impact assessments

In addition to Category 1 and 2, applications for Code or Impact assessment with a higher level of complexity. They may have minor level aspects outside a stated policy position that are subject to discretionary provisions of the planning scheme. Impact applications may involve submissions objecting to the proposal readily addressable by reasonable and relevant conditions. Assessing superseded planning scheme requests and approving a plan of subdivision.

Delegation Level: Chief Executive officer, General Manager and Group Managers as identified in the officer's instrument of delegation.

Category 4

Major and significant assessments

In addition to any elevated Category 1, 2 or 3, applications for significant development proposals having State and/or City wide significance or highly controversial development proposals attracting significant public interest and submissions; management of appeals and legal proceedings.

Delegation Level: Decided by Council or delegated at a General Meeting as appropriate.