

Delegation No. C-068-2021
Version 1.0

DELEGATION AUTHORITY

DELEGATION NO.	C-068-2021 v1
DELEGATION TITLE:	Kawana Waters Master Plan applications
Delegation from Council to:	Chief Executive Officer
Date and Resolution No.	TBA
Source of Authority: <i>Local Government Act 2009 – Sections 257 and 259</i> <i>Development Control Plan 1 – Kawana Waters</i> <i>Kawana Waters Development Agreement</i>	

Delegated Power:

1. Authority to exercise Council's powers of the local government under Development Control Plan 1 – Kawana Waters and the Kawana Waters *Development Agreement* to:
 - a) Approve, approve with conditions or refuse an application for approval of a Site Development Plan
 - b) Approve, approve with conditions or refuse an application for amendments to a Site Development Plan
 - c) Approve, approve with conditions or refuse an application to make a *minor amendment* to a Neighbourhood Plan, Detailed Planning Area Plan or Precinct Estate Plan involving only freehold land
 - d) Make a recommendation to the Minister responsible for the management of State owned land in relation to a request to make a *minor amendment* to the Kawana Waters Structure Plan, a Neighbourhood Plan, Detailed Planning Area Plan or Precinct Estate Plan, involving land wholly, or partly, within the Kawana Waters Development (Term) Lease.
 - e) Make a recommendation to the Minister responsible for the management of State owned land in relation to an application for subdivision of land within the Kawana Waters Development (Term) Lease.
2. Specifically, in relation to the above powers of the local government, the Delegated Officer may:
 - a) In respect of an application made under Development Control Plan 1 - Kawana Waters for approval of, or amendment to, a Site Development Plan:
 - (i) Determine whether the application is duly made; and
 - (ii) For the purposes of deciding the application, request the applicant to provide such further particulars as are necessary to determine the Site Development Plan pursuant to section 7.6.2 (Further particulars) of Development Control Plan 1 - Kawana Waters and

- (iii) Decide the application pursuant to section 7.6.5 (Council's determination) of Development Control Plan 1 - Kawana Waters and
 - (iv) Give written notice to the applicant and the Minister responsible for the management of State owned land of the determination pursuant to section 7.6.6 (Notice of determination) of Development Control Plan 1 - Kawana Waters.
- b) In respect of an application made under Development Control Plan 1 - Kawana Waters for a *minor amendment* to the Kawana Waters Structure Plan, a Neighbourhood Plan, Detailed Planning Area Plan or Precinct Estate Plan:
- (i) Determine whether the application is duly made; and
 - (ii) For the purposes of assessing the application, request the applicant to provide such further particulars as are necessary to determine the application pursuant to section 7.6.2 (Further particulars) of Development Control Plan 1 - Kawana Waters and
 - (iii) For an application wholly or partly involving land within the Kawana Waters Development (Term) Lease, make a recommendation regarding the application to the Minister responsible for the management of State owned land pursuant to section 7.6.5 (Council's determination) of Development Control Plan 1 - Kawana Waters and
 - (iv) For an application involving only freehold land, decide the application pursuant to section 7.6.5 (Council's determination) of Development Control Plan 1 - Kawana Waters and
 - (v) Give written notice to the applicant and the Minister responsible for the management of State owned land of Council's recommendation or decision pursuant to section 7.6.6 (Notice of determination) of Development Control Plan 1 - Kawana Waters.
- c) In respect for an application for subdivision involving land within The Kawana Waters Development (Term) Lease:
- (i) Determine whether the application is duly made; and
 - (ii) For the purposes of assessing the application, request the applicant to provide such further particulars as necessary to determine their recommendation in respect of the application pursuant to section 6.6 of the Development Agreement ; and
 - (iii) Make a recommendation to the Minister responsible for the management of State owned land regarding the application pursuant to section 6.9 of the Development Agreement; and
 - (iv) Give written notice to the applicant and the Minister responsible for the management of State owned land of Council's recommendation pursuant to section 6.10 of the Development Agreement.

Delegation Criteria

The following procedure is to be undertaken for this delegation:

3. The matter must be referred to the Council where:
 - (a) a Councillor requests that the matter be considered by full Council
 - (b) the application relates to a matter of significant public interest
 - (c) the application includes a significant conflict with one or more of Council's adopted policy positions

- (d) the application relates to a development which has an estimated value of \$100 million or greater (excluding land content).
4. The Divisional Councillor must be informed of the Delegated Officers proposed recommendation, and given the opportunity to request the matter be referred to full Council, prior to delegation being exercised.
 5. The powers conferred by this delegation must not be exercised in circumstances where the power is not capable of delegation under sections 257, 257A, 258 and 259 of *the Local Government Act 2009* or its successor.
 6. The Delegated Officer must make and keep a register of all instances of where this delegation has been exercised.
 7. The policies and codes of conduct of the local government must be complied with.
 8. This delegation must be exercised in accordance with the Delegations Guiding Principles Document – Delegations from Council to the CEO
 9. The Delegated Officer must notify the applicant of the Delegated Officer's decision within the time specified in Development Control Plan 1 - Kawana Waters.
 10. The Delegated Officer must ensure that the provisions of the Development Documents, as defined in the Development Agreement, are complied with in respect of the determination of the application.

Definitions:

"Development Agreement" means the Development Agreement between the Sunshine Coast Regional Council, the Master Developer and the Minister responsible for the management of State owned land dated 6th September 1996 which is intended to constitute an infrastructure agreement under Part 6 of *Local Government (Planning and Environment Act) 1990*.

A **"minor amendment"** to a Master Plan, is a change that would not, because of the change:

- (a) result in a substantially different development
- (b) result in a conflict with a higher order Master Plan, the Kawana Waters Structure Plan or Development Control Plan 1 – Kawana Waters and
- (c) if the application for the approval were remade including the change require referral to additional statutory authorities.