



DELEGATION OF AUTHORITY

DELEGATION NO: 2009-25 (V2)

DELEGATION TITLE: Liquor

Delegation from Council to: Chief Executive Officer

Date and Resolution No.:

Delegation from the Chief Executive Officer to: Date
Refer attached schedule

Source of Authority:
Local Government Act 2009
Liquor Act 1992

Delegated Power:

1. To exercise the Council's powers and functions to provide powers of the local government under the *Liquor Act 1992* including but not limited to the following:
 - (a) make comments in regard to the grant of an adult entertainment permit;
 - (b) raise a matter and make comment to the Liquor Licensing — Division in respect to chief executive, where Council is consulted in relation to an application for an extended hours permit;
 - (c) comment on the reasonable requirements of the public in the locality or object;
 - (d) comment on particular applications lodged pursuant;
 - (e) make comment in regard to the *Liquor Act 1992* grant of an application;
 - (f) 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;
 - (g) advertise the designation permitting the consumption of alcohol, and the *Wine Industry Act 1994* power to erect signs advising of the designation, the period and times of the designation;

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- (h) repeal or amend the designation permitting the consumption of alcohol, 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the repeal or amendment; erect signs that the designation has been amended; or remove signs if the designation has been repealed;
- (i) display a notice regarding a designation at or near each entrance to a place within a restricted area;
- (j) suspend a restricted area designation for a public place for up to 10 days if the local government reasonably believes it is in the best interests of the area's residents to do so;
- (k) display a notice about the suspension on each of the notices about the restricted area designation while the suspension is in force; and
- (l) notify the Queensland Police Service about the suspension.

Delegation Criteria:

1.2 ~~2.~~ The Delegated Officer may exercise the powers of the ~~Council~~local government in relation to the powers delegated in paragraph 1 (a), (b), (c), (d) and (e) of this delegation provided that:

(a) The comment or objection is provided to the ~~chief executive of the department~~commissioner, which administers the *Liquor Act 1992* ~~and the Wine Industry Act 1994~~

(i) if the relevant application was required to be advertised – on or before the last day for filing objections to the application; or

(ii) -in any other case - within 14 days of receiving advice about the application , or within a longer time stated by the chief executive of the department, which administers the *Liquor Act 1992* ~~and the Wine Industry Act 1994~~ in the advice.

Delegation Administrative Procedure:

3. ~~The following procedure is to be undertaken for~~

The powers conferred by this delegation:

2. (a) ~~This delegation is to~~ must be exercised in accordance with the ~~Liquor Act 1992 and Wine legislation conferring the authority, including any obligations which are imposed in exercising the power (e.g. performing the function or exercise the power in a way that best achieves the object of the Act),~~ *Industry Act 1994*;

~~(b) The extent of authority is in accordance with the delegated criteria;~~

3. ~~(c) 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.~~

3.4. The delegated officer ~~shall cause~~must make and keep a register ~~to be kept~~ of all instances of where this delegation has been exercised.

4-5. ~~Unless compliance would be contrary to any law, compliance with the policies and codes of conduct of the local government must be achieved.~~



DELEGATION OF AUTHORITY

DELEGATION NO: 2009-32 (V3)

DELEGATION TITLE: Roads

Delegation from Council to: Chief Executive Officer

Date and Resolution No.:

Delegation from the Chief Executive Officer to: Date
Refer attached schedule

Source of Authority:
Local Government Act 2009
Land Act 1994

Delegated Power:

1. To exercise Council's powers under the *Land Act 1994* and the *Local Government Act 2009* (~~the Act~~) (section 68) including but not limited to: ~~the following:~~

- (a) decide whether or not to lodge an objection and, if so decided, to lodge an objection to the proposed road closure notified to council by the Minister;
- (b) apply for the simultaneous opening and closing of roads;
- (c) appeal against a condition imposed by the Minister;
- (d) ask that land in the road being closed be amalgamated;
- (~~b~~)(e) make application to the Minister for the opening or closure of roads in accordance with the *Land Act 1994*; and
- (~~e~~)(f) submit objection to application for opening or closing of a road in a local government area by someone other than the local government.

2. To exercise Council's powers under section 69 of the ~~Local Government Act (2009) Act~~ including but not limited to the ~~power to:~~ following:

- (a) close a road (permanently or temporarily) to traffic or particular traffic.

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- (b) close a road to traffic:
 - (i) during a temporary obstruction to traffic; or
 - (ii) if it is in the interests of public safety; or
 - (iii) if it is necessary or desirable to close the road for a temporary purpose (including a fair, for example).
- (c) publish notice of closing of road.
- (d) do everything necessary to stop traffic using the road after it is closed.
- (e) permit the use of any part of a road after it is closed to traffic for a temporary purpose subject to appropriate conditions.

1.3. To exercise Council's powers under section 70 of the Local Government Act (2009) including but not limited to the power to following:

- (a) make a temporary road through land adjoining the road to be used while the road is being remade or repaired;
- (b) agree with the owner or occupier of the land regarding local government entry and give a written or oral notice;
- (c) agree with the owner of land and amount of compensation for physical damage caused by the local government entering, occupying or using the land.

4. To exercise Council's powers under chapter 3, part 3 of the Act including but not limited to the following:

- (a) fix and advise the owner or occupier or change the permanent level of a road;
- (b) agree to the amount of compensation payable;
- (c) assess impact on road of specified activities;
- (d) require an entity conducting an activity on a road to provide information;
- (e) give the entity conducting an activity a direction about the use of the road to lessen the impact and to require the entity to carry out works to lessen the impact or to pay an amount as compensation for the impact;
- (f) categorise the roads in the local government area according to the surface of the road;
- (h) approve the carrying out of works on a road or interference with a road or its operation subject to conditions;
- (i) prepare and keep up to date a map of every road in the local government area and a register of roads; and
- (j) approve the carrying out works on a road or interference with a road or its operation.

5. To exercise control of all roads in the local government area including but not limited to the following:

- (a) survey and resurvey roads;
- (b) construct roads;

- (c) maintain and improve roads;
- (d) approve the naming and numbering of private roads; and
- (e) approve the naming and numbering of other roads.

6. To exercise the powers of the local government under the *Local Government Act 2009*, including but not limited to the following:

- (a) act for the local government in legal proceedings including the authority to:
 - (i) give instructions and act as the authorised agent for the local government;
 - (ii) effect substituted service; and
 - (iii) sign all documents for the local government.

Delegation Criteria:

7. In relation to exercising the powers under the *Local Government Act (2009)* and *Land Act 1994*, the delegated Officer may exercise the powers delegated in paragraph 1 of this delegation in respect of:

- (a) Council's approved internal processes for road closure applications.

8. In relation to exercising the powers under the *Local Government Act (2009)*, the Delegated Officer may exercise the powers delegated in paragraph 2, 3, 4 and paragraph 35 of this delegation in respect of the following:

- (a) comply with the procedural requirements of section 69 and section 70 Chapter 3, Part 3 of the *Local Government Act 2009*; and
- (b) where appropriate, give due consideration to council's policies and any plans and priorities for the immediate area and surrounds, including council's capital works program and planning scheme.

Delegation Administrative Procedure:

~~2. The following procedure is to be undertaken for~~ The powers conferred by this delegation in relation to the powers delegated in this delegation:

9. ~~This delegation is to~~ must be exercised in accordance with the *Local Government Act 2009* and the *Land Act 1994*; legislation conferring the authority, including any obligations which are imposed in exercising the power (e.g. performing the function or exercise the power in a way that best achieves the object of the Act).

- (a) ~~The extent of authority is in accordance with the delegated criteria.~~

10. 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*.

11. The delegated officer must make and keep a register of all instances of where this delegation has been exercised.

12. Unless compliance would be contrary to any law, compliance with the policies and codes of conduct of the local government must be achieved.

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~~40.13.~~ Where applicable, the following procedure is to be undertaken for this delegation in relation to the powers delegated in paragraph 2.3 and ~~paragraph 34~~ of this delegation:

- (a) where necessary, the delegated officer should liaise with affected branches of council and local residents.

~~1. The powers and authorities set out above are hereby delegated to the Officer(s) designated.
2. This Delegation is authorised for inclusion in the Delegation of Authority Register.~~

CHIEF EXECUTIVE OFFICER

DATE



DELEGATION OF AUTHORITY

DELEGATION NO: 2009-27 (V3)

DELEGATION TITLE: Plumbing, Drainage and Stormwater

Delegation from Council to: Chief Executive Officer

Date and Resolution No.:

Delegation from the Chief Executive Officer to: Date
Refer attached schedule

Source of Authority:

Local Government Act 2009

Plumbing and Drainage Act 2002

Standard Plumbing and Drainage Regulation 2003

Delegated Power:

1. ~~1.~~ To exercise the powers of the local government under the *Plumbing and Drainage Act 2002 (the Act)* including without limitation the authority to following:
 - (a) carry out a compliance assessment;
 - (b) issue a compliance permit;
 - (c) issue a compliance certificate;
 - (d) respond to a compliance request for compliance assessable work or on-site sewerage work, including requesting further information, deciding the request and imposing reasonable and relevant conditions;
 - (e) give a copy of a compliance permit;
 - (f) give an information notice about a decision;
 - (g) assess and decide all requests for compliance assessments;
 - (h) decide whether to assess compliance assessable work¹;
 - (i) request to supply a plan of the assessed and completed work;
 - (j) replace a compliance certificate with a certificate;

¹ Only where an approved person for the assessment gives council a notice in the approved form verifying that the work complies with the relevant compliance permit and the *Standard Plumbing and Drainage Regulation 2003*.

- (k) issue a written notice;
 - (l) amend any compliance certificate; and
 - (m) where the local government has been notified of completed work, assess the work.
2. ~~2~~—The authority to administer the *Standard Plumbing and Drainage Regulation 2003* (Regulation) for council's area, or those areas not under council's control where council has been requested to administer the regulation by the entity that has control of the area.
3. ~~3~~—To exercise the powers of the local government with regards to the appointment of inspectors under the *Plumbing and Drainage Act 2002 (the Act)* including without limitation the authority to following:
- (a) appoint an individual as an inspector;
 - (b) issue an instrument of appointment to an inspector; and
 - (c) issue an identity card to an appointed inspector.
4. ~~4~~—To exercise the powers of the local government under the *Plumbing and Drainage Act 2002 (the Act)* including without limitation the authority to following:
- (a) issue a show cause notice;
 - (b) issue an enforcement notice;
 - (c) authorise a person to dismantle or take away all or part of a grey- water treatment plant or on-site sewerage facility;
 - (d) approve the disposal of the contents of a grey-water treatment plan into the infrastructure of the sewerage service provider;
 - (e) approve the disposal of the contents and effluent of an on-site sewerage facility;
 - (f) monitor grey-water use facilities and on-site sewerage facilities¹; and
 - (g) keep records, registers and to monitor installations in sewered and non-sewered areas.
5. To exercise the powers of the Local Government under Chapter 3, Part 3 of the *Local Government Act 2009* including without limitation the following:
- (a) require an owner of a property (by written notice) to connect a stormwater installation to the local governments stormwater drain in any way, under the conditions and within the time stated in the notice;
 - (b) give approval for the connection of a stormwater installation to the local government's stormwater drain, including the imposition of conditions;
 - (c) give a notice requiring the owner of a property to perform sewerage installation works; and
 - (d) perform work to fix damage and recover reasonable costs for the work from a person who put a prohibited substance in the stormwater drain.

¹ On-site sewerage facilities installed for testing purposes in sewered areas in the council's local government area.

6. To exercise the powers of the local government under the *Local Government Act 2009*, including but not limited to the following:
- (a) act for the local government in legal proceedings including the authority to:
- (i) give instructions and act as the authorised agent for the local government;
 - (ii) effect substituted service; and
 - (iii) sign all documents for the local government.

Delegation Criteria:

- 5.7 The Delegated Officer may appoint an inspector in relation to the powers delegated in paragraph 3 (a) of this delegation subject to the following:
- (a) the individual is qualified for appointment; and
 - (b) the Plumbing Industry Council is advised of the appointment of each inspector within 20 business days; and
 - (c) after July 1 in each year provide the Plumbing Industry Council a list of all inspectors appointed as at that date.

8. In relation to exercising the powers under the *Local Government Act (2009)*, the delegated Officer may exercise the powers delegated in paragraph 5 of this delegation in respect of:
- (a) comply with the procedural requirements of the *Local Government Act 2009*.

Delegation Administrative Procedure:

5. The following procedure is to be undertaken for this delegation:
- (a) This powers conferred by this delegation is ~~to~~ must be exercised in accordance with the *Plumbing and Drainage Act 2002* and regulations.
- 6.9 The extent of legislation conferring the authority is in accordance with the delegated criteria, including any obligations which are imposed in exercising the power (e.g. performing the function or exercise the power in a way that best achieves the object of the Act).
10. 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*.
- 7.11 The delegated officer ~~shall cause~~ must make and keep a register ~~to be kept~~ of all instances of where this delegation has been exercised.
12. Unless compliance would be contrary to any law, compliance with the policies and codes of conduct of the local government must be achieved.



DELEGATION OF AUTHORITY

DELEGATION NO: 2009-33 (v2)

DELEGATION TITLE: Transport Operations

Delegation from Council to: Chief Executive Officer

Date and Resolution No.:

Delegation from the Chief Executive Officer to: Date
Refer attached schedule

Source of Authority:

Local Government Act 2009

Transport Operations (Road Use Management) Act 1995

Transport Operations (Road Use Management – Vehicle Registration) Regulation 2010

Transport Operations (Marine Safety) Regulation 2004

Transport Operations (Marine Pollution) Act 1995

Delegated Power:

1. 1. To exercise Council's the powers in accordance of the local government under the Transport Operations (Marine Pollution) Act 1995 including without limitation the following:
 - (a) consult with the chief executive; and
 - (b) consult with the State, the port authority or port operator.
2. To exercise the powers of the local government under the Transport Operations (Marine Safety) Act 1994 and the Transport Operations (Marine Safety) Regulation 2004 including without limitation the following:
 - (a) consult with chief executive in developing marine safety implementation programs;
 - (b) give the general manager a proposal for an area (a proposed area) to be a marine zone; and
 - (c) consult with the proposing entity.
3. To exercise the powers of the local government under the Transport Operations (Road Use Management) Act 1995 (the Act), pursuant) including without limitation the following:

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(a) ~~maintain and continue official traffic signs installed where the chief executive officer is reasonably satisfied that there is a danger, hindrance, obstruction to Chapter 5, Part 2 of the Act including to, traffic or other emergency;~~

(b) ~~take all reasonable action for the removal of things from roads, including the giving of a notice and determining the manner and terms of their disposal and the disposal of contents;~~

(b)(c) ~~install and remove official traffic signs on council roads and off street regulated parking;~~

~~2. To exercise Council's powers in accordance with the *Transport Operations (Road Use Management) Act 1995 (the Act)*, pursuant to Chapter 5, Part 5 of the Act including to:~~

(d) ~~take proceedings against a person;~~

(e) ~~remove unauthorised traffic signs;~~

(e)(f) ~~remove and detain a vehicle, tram or animal at a place for safe keeping any vehicles, trams and animals;~~

(a) ~~give notice to the owner of a vehicle, tram or animal;~~

(b) ~~offer the vehicle, tram or animal for sale by auction;~~

(c) ~~dispose of a vehicle, tram or animal, as the local government deems appropriate, if no offer is received at auction;~~

(d) ~~deliver possession of the vehicle, tram or animal to the owner.~~

(g) ~~regulate parking in its area on a road or on an off-street regulated parking area;~~

(h) ~~regulate parking by installing official traffic signs indicating how parking is regulated;~~

(i) ~~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;~~

(j) ~~install a parking meter or parkatarea for a designated parking space if it is installed in a way specified by the MUTCD¹ or approved by the chief executive; and~~

(k) ~~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.~~

Delegation Criteria:

~~4.4 2. The delegated officer may exercise the powers of council in accordance with paragraph 1 ~~-(a)(c), (h)~~ of this delegation subject to the following conditions:~~

(a) the delegated officer may install and remove official traffic signs in it's area –

(i) on a road that is not declared road; or

(ii) on a declared road where the chief executive of the department which administers the *Transport Planning and Coordination Act 1994* has given written agreement to the local government;

¹ Manual for uniform and traffic control devices (MUTCD)

- (iii) where it is decided that there is a danger, hindrance or obstruction to traffic or other emergency exists;
- (iv) which may be necessary, required or desirable for the purpose of regulating, guiding or warning traffic;
- (v) as specified by the MUTCD¹.

~~2.5~~ **3.** The Delegated Officer may exercise the powers of Council in accordance with paragraph ~~2~~ ~~(a1 (f))~~ of this delegation subject to the following conditions:

- (a) The delegated officer may remove and detain a vehicle, tram or animal in it's area –
 - (i) that has been left or found on a road unattended whether temporarily or otherwise where it is causing or likely to cause, danger, hindrance or obstruction to traffic; or
 - (ii) that has been left or found on a road unattended whether temporarily or otherwise where it is preventing or likely to prevent, hinder or obstruct the use of the road or a part of the road for a lawful purpose;
 - (iii) where the driver of the vehicle, tram or animal:
 - (A) can not readily be located; or
 - (B) has failed to immediately remove the vehicle, tram or animal when required by the local government to do so.

(b) The delegated officer may dispose of any perishable goods contained in such vehicle, tram at the time of its removal in accordance with the provisions of ~~Chapter 5, Part 5 of the Transport Operations (Road Use Management) Act 1995.~~

(c) The delegated officer may deal with any goods, equipment or thing contained in, on or about the vehicle or tram at the time of its removal in accordance with the provisions of ~~Chapter 5, Part 5 of the Transport Operations (Road Use Management) Act 1995.~~

~~3.6~~ **4.** The Delegated Officer may exercise the powers of Council in accordance with paragraph ~~2~~ ~~1 (b) and (f)~~ of this delegation subject to the following conditions:

- (a) The delegated officer shall serve a notice on the owner of the vehicle, tram or animal ~~or thing from a road~~ as soon as practicable and the notice must include:
 - (i) details of vehicle, tram ~~or~~, animal ~~or thing~~ removed; and
 - (ii) details of the place at which the vehicle, tram ~~or~~, animal ~~or thing~~ is detained.

¹ Manual for uniform and traffic control devices (MUTCD)

- (b) The delegated officer shall serve a notice on the owner personally, if practicable.
- (c) Where the officer is unable to serve a notice on an owner of the vehicle, tram or animal within 14 days from the date of removal then the notice may be given by public advertisement in a newspaper circulating in the locality in which the vehicle, tram or animal was found.

~~4.7. 5. The Delegated Officer may exercise the powers of Council in accordance with paragraph 2 (e) (b) and (f) of this delegation subject to the following conditions:~~

- (a) If within 1 month from the date of service or advertisement of a notice to the owner of the vehicle, tram or animal, the owner has not claimed possession of the vehicle, tram or animal, the delegated officer may:
 - (i) advertise in a newspaper the sale of the vehicle, tram or animal by public auction;
 - (ii) after 14 days from the date of the public advertisement, offer the vehicle, tram or animal for sale by public auction.
- (b) Ensure that the proceeds of the sale or disposal of the vehicle, tram or animal are in accordance with the provisions of ~~Chapter 5, Part 5 of outlined in the~~ *Transport Operations (Road Use Management) Act 1995*.

~~6. The delegated officer may exercise the powers of Council in accordance with paragraph 2 (d) of this delegation if no offer for sale of the vehicle, tram or animal is received and in accordance with the provisions of Chapter 5, Part 5 of the Transport Operations (Road Use Management) Act 1995.~~

~~7. The Delegated Officer may exercise the powers of Council in accordance with paragraph 2 (e) of this delegation subject to the following conditions:~~

- ~~(a) the owner or a person acting on behalf of the owner must apply in writing to the Chief Executive Officer of the local government requesting the release of a vehicle, tram or animal which has been removed and detained; and~~
- ~~(b) the applicant or the person acting on behalf of the applicant, must provide proof of ownership or right of possession of the vehicle, tram or animal that meets the satisfaction of the delegated officer; and~~
- ~~(c) the person acting on behalf of the applicant must provide proof of authority to act on behalf of the owner of a vehicle, tram or animal; and~~
- ~~(b) ensure that the applicant has paid all expenses incurred by the local government in connection with the removal and detention of the vehicle, tram or animal; and~~

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~~(c) ensure that the applicant has signed a receipt for delivery of the vehicle, tram or animal.~~

Delegation Administrative Procedure:

~~8. The following procedure is to be undertaken for powers conferred by this delegation:~~

~~(a) This delegation is to must be exercised in accordance with the *Transport Operations (Road Use Management) Act 1995 and regulations;*~~

~~5.8. The extent of legislation conferring the authority is, including any obligations which are imposed in accordance with the delegated criteria, exercising the power (e.g. performing the function or exercise the power in a way that best achieves the object of the Act).~~

~~9. 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.~~

~~6-10. The delegated officer ~~shall cause~~ must make and keep a register ~~to be kept~~ of all instances of where this delegation has been exercised.~~

~~11. Unless compliance would be contrary to any law, compliance with the policies and codes of conduct of the local government must be achieved.~~

~~1. The powers and authorities set out above are hereby delegated to the Officer(s) designated.~~

~~2. This Delegation is authorised for inclusion in the Delegation of Authority Register.~~