

Delegation No: 2009-25
Version: (1)

Sunshine Coast Council		Sunshine Coast Regional Council	
DELEGATION OF AUTHORITY			
TITLE: LIQUOR LICENCE APPLICATIONS			
Delegation by the Council to: Chief Executive Officer		Date and Resolution No.: 17 September 2009 OM 4.2.1	
Delegation by the Chief Executive Officer to: Director Community Services (Position # 1003) Manager Community Response (Position # 1022) Coordinator Community Land Permits and Parking (Position # 1100) Coordinator Healthy Places (Position # 1120) Team Leader Operations (Position # 4594)		Date approved:	
Source of Authority: Local Government Act 2009 Liquor Act 1992 Wine Industry Act 1994			

Delegated Power:

1. To exercise the Council's powers and functions to provide comment to the Liquor Licensing Division in respect to applications lodged pursuant to the *Liquor Act 1992 and the Wine Industry Act 1994*.

Delegation Criteria:

2. The Delegated Officer may exercise the powers of the Council in relation to the powers delegated in paragraph 1 of this delegation provided that:
 - (a) The comment or objection is provided to the chief executive of the department, 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.

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Delegation Administrative Procedure:

3. The following procedure is to be undertaken for this delegation:
- (a) This delegation is to be exercised in accordance with the *Liquor Act 1992 and Wine Industry Act 1994*;
 - (b) The extent of authority is in accordance with the delegated criteria;
 - (c) The Delegated Officer shall cause a register to be kept of all instances of where this delegation has been exercised.

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- 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.
 - 3. This delegation schedule comes into effect on 1 January 2014

CHIEF EXECUTIVE OFFICER

DATE



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DELEGATION OF AUTHORITY	
TITLE: <i>Plumbing and Drainage</i>	
Delegation by Council to: Chief Executive Officer	Council Resolution date: 26 July 2012 OM12/94
Delegation by Chief Executive Officer: Refer to attached schedule	Date: 3 October 2012
Source of Authority: <i>Local Government Act 2009 – Section 257</i> <i>Plumbing and Drainage Act 2002</i> <i>Standard Plumbing and Drainage Regulation 2003</i>	

Delegated Power:

1. To exercise the powers of the Local Government under the *Plumbing and Drainage Act 2002* (the Act) including the authority to:
 - (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;
 - (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. 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.

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*.



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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 the authority to:
 - (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. To exercise the powers of the Local Government under the *Plumbing and Drainage Act 2002* (the Act) including the authority to:
 - (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 facilities²; and
 - (g) keep records, registers and to monitor installations in sewered and non-sewered areas.

Delegation Criteria:

5. 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.

Delegation Administrative Procedure:

5. The following procedure is to be undertaken for this delegation:
 - (a) This delegation is to be exercised in accordance with the *Plumbing and Drainage Act 2002* and regulations.
 - (b) The extent of authority is in accordance with the delegated criteria.

² On-site sewerage facilities installed for testing purposes in sewered areas in the council's local government area.



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- (c) The Delegated Officer shall cause a register to be kept of all instances of where this delegation has been exercised.

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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.

John Knaggs
CHIEF EXECUTIVE OFFICER

3 October 2012
DATE

DELEGATION OF AUTHORITY	
TITLE: ROAD CLOSURES	
Delegation by Council to: Chief Executive Officer	Council Resolution date: 28 February 2013 OM13/27
Delegation from Chief Executive Officer to: See attached schedule	Date approved:
Source of Authority: <i>Local Government Act 2009</i> <i>Land Act 1994</i>	

Delegated Power:

1. To exercise Council's powers under the *Land Act 1994* and the *Local Government Act 2009* (section 68) including to:
 - (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) make application to the Minister for the opening or closure of roads in accordance with the *Land Act 1994*; and
 - (c) 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)* including the power to:
 - (a) Close a road (permanently or temporarily) to traffic or particular traffic.
 - (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.



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3. To exercise Council's powers under section 70 of the *Local Government Act (2009)* including the power to:
 - (a) Make a temporary road through land adjoining the road to be used while the road is being remade or repaired.

Delegation Criteria

4. 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.
5. In relation to exercising the powers under the *Local Government Act 2009*, the delegated Officer may exercise the powers delegated in paragraph 2 and paragraph 3 of this delegation in respect of the following:
 - (a) comply with the procedural requirements of section 69 and section 70 of the *Local Government Act 2009*; and
 - (b) where appropriate, give due consideration to council's plans and priorities for the immediate area and surrounds, including council's capital works program and planning scheme.

Delegation Administrative Procedure:

6. The following procedure is to be undertaken for this delegation in relation to the powers delegated in this delegation:
 - (a) This delegation is to be exercised in accordance with the *Local Government Act 2009* and the *Land Act 1994*;
 - (b) The extent of authority is in accordance with the delegated criteria.
7. The following procedure is to be undertaken for this delegation in relation to the powers delegated in paragraph 2 and paragraph 3 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	
TITLE:	<i>Transport Operations (Road Use Management) Act 1995 (TORUMS)</i>
Delegation by Council to: Chief Executive Officer	Council Resolution date: 17 September 2009 OM09/254
Delegation from Chief Executive Officer to: Refer to attached Schedule	Date approved: 22/3/2011
Source of Authority: <i>Local Government Act 1993 – Section 472 & 1132</i> <i>Transport Operations (Road Use Management) Act 1995</i>	

Delegated Power:

1. To exercise Council's powers in accordance with the *Transport Operations (Road Use Management) Act 1995 (the Act)*, pursuant to Chapter 5, Part 2 of the Act including to:
 - (a) install and remove official traffic signs.

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:
 - (a) remove and detain a vehicle, tram or animal;
 - (b) give notice to the owner of a vehicle, tram or animal;
 - (c) offer the vehicle, tram or animal for sale by auction;
 - (d) dispose of a vehicle, tram or animal, as the local government deems appropriate, if no offer is received at auction;
 - (e) deliver possession of the vehicle, tram or animal to the owner.

Delegation Criteria:

2. The delegated officer may exercise the powers of Council in accordance with paragraph 1 (a) 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;
 - (iii) where it is decided that there is a danger, hindrance or obstruction to traffic or other emergency exists;

Supersedes: ()

- (iv) which may be necessary, required or desirable for the purpose of regulating, guiding or warning traffic;
 - (v) as specified by the MUTCD¹.
3. The Delegated Officer may exercise the powers of Council in accordance with paragraph 2 (a) 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*.
4. The Delegated Officer may exercise the powers of Council in accordance with paragraph 2 (b) 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 as soon as practicable and the notice must include:
 - (i) details of vehicle, tram or animal removed; and
 - (ii) details of the place at which the vehicle, tram or animal is detained.
 - (b) The delegated officer shall serve a notice on the owner personally, if practicable.
 - (b) 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.
5. The Delegated Officer may exercise the powers of Council in accordance with paragraph 2 (c) of this delegation subject to the following conditions:

¹ Manual for uniform and traffic control devices (MUTCD)

Supersedes: ()

- (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 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
 - (c) 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
 - (d) 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 this delegation:
- (a) This delegation is to be exercised in accordance with the *Transport Operations (Road Use Management) Act 1995* and regulations;
 - (b) The extent of authority is in accordance with the delegated criteria;
 - (c) The Delegated Officer shall cause a register to be kept of all instances of where this delegation has been exercised.

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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.

John Knaggs
CHIEF EXECUTIVE OFFICER

29 /10/2009
DATE

Supersedes: ()

