

Delegation No. 2008-04

Sunshine Coast  
Council

Sunshine Coast Regional Council

## DELEGATION OF AUTHORITY

**TITLE:** *Disaster Management*

**Delegation by Council to:**  
Chief Executive Officer

**Council Resolution date:**  
7 May 2008 OM08/13

**Delegation from Chief Executive Officer to:**  
Director Infrastructure Services (Position No. 1004)

**Date:**

**Source of Authority:**

*Local Government Act 2009 (Qld)*  
*Disaster Management Act 2003*

**Delegated Power:**

1. Appointment of the Executive Officer for the Sunshine Coast Local Disaster Management Group.
2. To appoint members to the Sunshine Coast Local Disaster Management Group (excluding Councillors).
3. Appointment of a person to the Sunshine Coast District Disaster Management Group.

**Conditions:**

NIL

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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 comes into effect on 1 January 2014

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CHIEF EXECUTIVE OFFICER

\_\_\_\_\_/\_\_\_\_\_/\_\_\_\_\_  
DATE

<b>DELEGATION OF AUTHORITY</b>	
<b>TITLE: LOCAL LAWS</b>	
<b>Delegation by Council to:</b> Chief Executive Officer	<b>Council Resolution date:</b> 26 July 2012 OM12/94
<b>Delegation by the Chief Executive Officer:</b> Refer to attached schedule	<b>Date:</b> 11 September 2012
<b>Source of Authority:</b> <i>Local Government Act 2009 – Section 257 &amp; 259</i>	

**Delegated Power:**

1. To exercise the following powers of council in respect of approvals under the Local Government's Local Laws:
  - (a) keep and maintain a register;
  - (b) approve, renew, extend, transfer, amend, suspend, restrict cancel, make null and void, apply conditions, waive requirements and issue an approval<sup>1</sup>;
  - (c) give a show cause notice;
  - (d) give a written notice; and
  - (e) give an information notice;
2. To exercise the following powers of council in respect of appeals, offences and enforcement under the Local Governments Local Laws:
  - (a) offer a reward for information;
  - (b) review a reviewable decision;
  - (c) impound an item that has been delivered into council's custody;
  - (d) advise the community by signage from where animals are prohibited, or the designation of dog off leash areas;
  - (e) declare an animal other than a dog to be dangerous and require the responsible person to take specific actions;
  - (f) give a written notice or notice of impounding;
  - (g) keep and maintain a register of impounded animals;

<sup>1</sup> An approval means a consent, permit, authorisation, registration, membership, label or approval under a local government Act or a local law and includes all the conditions of a consent, permit, authorisation, registration, membership or approval.



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- (h) make a destruction order; and
- (i) offer an animal for sale by public auction.

**Delegation Criteria:**

3. The Delegated Officer may exercise the powers of council in accordance with paragraph 1(a) and 2(g) of this delegation subject to the following conditions:
  - (a) The Delegated Officer may approve the insertion, amendment or deletion of any information within a register required to be kept by council under a Local Law where the insertion, amendment or deletion is necessary to:
    - (i) correct an error; or
    - (ii) give effect to a decision acting in accordance with a delegation of council or the Chief Executive Officer; or
    - (iii) otherwise comply with the council's obligations under a Local Law, a Local Government Act or the *Local Government Act 2009*.
4. The Delegated Officer may exercise the powers of council in relation to the powers delegated in paragraph 2 of this delegation in respect of:
  - (a) the conduct and resolution of an appeal made to a court, tribunal or other judicial or administrative body by a person in respect of a determination of council under a Local Law; and
  - (b) the initiation, conduct and resolution of proceedings in a court, tribunal or other judicial or administrative body in respect of a breach of a Local Law.

**Delegation Administrative Procedure:**

5. The following procedure is to be undertaken for this delegation in accordance with the powers delegated in paragraph 1(a) and 2(g) of this delegation:
  - (a) The Delegated Officer may following a request insert, alter, change or amend a register maintained by council under a Local Law.
  - (b) In deciding whether to approve a change to a register, the delegated officer is to give due consideration to compliance or otherwise with the delegated criteria.
6. The following procedure is to be undertaken for this delegation in accordance with the powers delegated in paragraph 1(b) of this delegation:
  - (a) An application for an approval must be made by or on behalf of the applicant on the prescribed form and accompanied by the prescribed fee.
  - (b) In deciding whether to approve or refuse the application, the Delegated Officer is to:
    - (i) give due consideration to compliance or otherwise with the Delegation Criteria; and
    - (ii) make a recommendation to grant or refuse to grant the approval; and



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- (iii) give the applicant written notice advising of the approval unconditionally, subject to conditions or refuse to grant the approval .

7. The Delegated Officer may amend the Register of Approvals.

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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

11/9/2012  
DATE

**DELEGATION OF AUTHORITY**

**TITLE:** Administration and Enforcement of the *Public Health (Infection Control for Personal Appearance Services)*

**Delegation by Council to:**  
Chief Executive Officer

**Council Resolution date:**  
17 September 2009 OM 4.2.1

**Delegation from Chief Executive Officer to:**  
Refer to schedule attached

**Date approved:**  
19/12/14

**Source of Authority:**

*Local Government Act 1993* – Section 472 & 1132  
*Public Health (Infection Control for Personal Appearance Services) Act 2003*

**Delegated Power:**

1. To exercise powers set out in the *Public Health (Infection Control for Personal Appearance Services) Act 2003 (the Act)*, to the extent that such powers for administration & enforcement of the Act have been devolved to the Council under Section 9 of that Act as shown below:-
  - (a) to permit authorised persons to assess, inspect, condition and administer all matters relating to applications, licences and compliance actions for all licensable and non licensable businesses providing higher risk and / or non higher risk personal appearance services;
  - (b) Authority to start a proceeding for an offence against the Act including to;
    - (i) issue a information notice;
    - (ii) issue a remedial notice;
    - (iii) issue a show cause notice;
    - (iv) issue a review notice.
  - (c) to allow a review of an original decision given under the Act;
  - (d) to conduct and resolve legal proceedings for breaches of the Act.

**Delegation Criteria:**

2. The Delegated Officer may exercise the powers of Council in accordance with the powers delegated in paragraph 1 (c) of this delegation in respect of:
  - (a) the powers of the Council as assessment manager in relation to the conduct and resolution of an appeal or other proceedings.

3. The Delegated Officer may conduct and resolve legal proceedings in accordance with the powers delegated in paragraph 1 (d) of this delegation provided the following matters are referred to the Council for determination:
- (a) all offers of settlement or compromise by defendants or respondents;
  - (b) all requests by defendants or respondents for special consideration or discontinuance of the Council's legal proceedings; and
  - (c) exercise of any appeal rights in respect of the Council's legal proceedings.

**Delegation Administrative Procedure:**

4. The following procedure is to be undertaken for this delegation in accordance with the powers delegated in paragraph 1 (d) of this delegation:
- (a) The Delegated Officer shall instruct the Council's solicitors to initiate legal proceedings on Council's behalf.
  - (b) The Delegated Officer shall issue instructions to the Council's solicitors in relation to the ongoing conduct of legal proceedings.
5. The following course of action is to be undertaken for this delegation in accordance with the powers delegated in paragraph 1 (a) to 1 (d) of this delegation:
- (a) The Delegated Officer shall cause a register to be kept of all instances of where these delegations have been exercised.
  - (b) These delegations are to be exercised in accordance with the *Public Health (Infection Control for Personal Appearance Services) Act 2003*.
  - (c) The extent of authority is in accordance with the delegated criteria.

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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.

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CHIEF EXECUTIVE OFFICER

19/12/14

DATE

<b>DELEGATION OF AUTHORITY</b>	
<b>TITLE:</b>	<b>Animal Management (Cats and Dogs) Part A – (incorporating in part Chapter 3, Part 2, 3 &amp; 4, Chapter 4, Part 3, 4 &amp; 6 of the Animal Management (Cats and Dogs) Act 2008);</b>
<b>Delegation by Council to:</b> Chief Executive Officer	<b>Council Resolution date:</b> 17 September 2009 OM 4.2.1
<b>Delegation from Chief Executive Officer to:</b> Refer to schedule attached	<b>Date approved:</b> 22/3/2011
<b>Source of Authority:</b> <i>Local Government Act 1993</i> – Section 472 & 1132 <i>Animal Management (Cats and Dogs) Act 2008</i> - Chapter 3, Part 2, 3 & 4, Chapter 4, Part 3, 4 & 6 & s.206	

**Delegated Power:**

1. To exercise Council's powers under *Animal Management (Cats and Dogs) Act 2008* including to:
  - (a) issue, amend, cancel, renew or withdraw a notice;
  - (b) determine, amend, suspend, cancel, transfer, renew, apply conditions, refuse, grant, issue or request additional information to assist in determining an application; and
  - (c) recover costs.

**Delegation Criteria:**

2. The Delegated Officer may exercise the powers of Council, in relation to the powers delegated in–
  - (a) paragraph 1(a) of this delegation, subject to the following conditions. The delegated officer–
    - (i) must give a registration notice;
    - (ii) may issue a proposed declaration notice;
    - (iii) may make a declaration notice;
    - (iv) must give the Chief Executive Officer who administers the *Animal Management (Cats and Dogs) Act 2008*, notice on the making or a change of status to a restricted dog or dangerous animal.
  - (b) paragraph 1(b) of this delegation, subject to the following conditions:
    - (i) may request information or documents to assist in determining an application for registration or permit;

- (ii) grant, refuse, amend, renew, consider representations or impose conditions on a regulated animal.
- (c) paragraph 1(c) of this delegation, subject to the following conditions:
  - (i) recover costs involved in the seizure, holding or destruction of a regulated animal

**Delegation Administrative Procedure:**

3. The following procedure is to be undertaken for this delegation in relation to the powers delegated in paragraph 1 (a) of this delegation:
  - (a) the delegated officer must give the owner of the animal a notice (the registration notice) within 14 days after the animal is registered, advising the animal is registered and of its details being recorded in the animals register.
  - (b) if a regulated dog declaration is proposed, the delegated officer shall issue a proposed declaration notice on the owner.
  - (c) after 14 days of issuing the proposed declaration notice, the delegated officer shall make a decision to issue a regulated dog declaration or withdraw the proposed declaration notice.
4. The following procedure is to be undertaken for this delegation in relation to the powers delegated in paragraph 1 (b) of this delegation:
  - (a) the delegated officer must within 21 days of receipt, grant, refuse, renew or amend an application for a restricted dog permit. If granted, renewed or amended, the permit must be issued with any conditions noted. If refused, the applicant must be advised as soon as practicable possible.
5. The following procedure is to be undertaken for this delegation in relation to the powers delegated in paragraph 1 (c) of this delegation:
  - (a) The delegated officer may seek to recover any costs, reasonably or necessarily incurred as a result of seizing, holding, releasing or destroying a regulated animal from the dog's owner or former owner.
6. The following procedure is to be undertaken for this delegation in relation to the powers delegated in paragraph 1 of this delegation:
  - (a) This delegation is to be exercised in accordance with the *Animal Management (Cats and Dogs) Act 2008*.
  - (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

7/10/2009  
DATE



Delegation No: 2009-20  
Version: (3)

Sunshine Coast Council		Sunshine Coast Regional Council	
<b>DELEGATION OF AUTHORITY</b>			
<b>TITLE: BULDING SERVICES</b>			
<b>Delegation by the Council to:</b>		<b>Date and Resolution No..</b>	
Chief Executive Officer			
<b>Delegation by the Chief Executive Officer to:</b>		<b>Date approved:</b>	
<b>Source of Authority:</b> <i>Local Government Act 2009 – 257 and 259</i> <i>Building Act 1975</i> <i>Sustainable Planning Act 2009</i> <i>Sustainable Planning Regulation 2009</i> <i>Residential Services (Accreditation) Act 2002</i>			

**Delegated Power:**

1. To exercise the following powers of the Council under the *Building Act 1975 (the Act)*, *Sustainable Planning Act 2009 (SPA)* and the *Sustainable Planning Regulation 2009* including without limitation the authority to:
  - (a) perform building certifying functions;
  - (b) receive, assess and decide building development applications under IDAS with or without conditions;
  - (c) appoint or employ a building certifier;
  - (d) issue a building development approval; and
  - (e) release security;
  - (f) consult with private certifiers;
  - (g) grant, refuse, use or provide concessional approval for BCA classification change or use change;
  - (h) take enforcement action;
  - (i) approve the use of a building for residential purposes<sup>1</sup>;

<sup>1</sup> Other than a class 1,2,3 or 4 building for residential purposes

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- (j) give a building certificate of classification if built before the 30 April 1998;
  - (k) give a show cause notice to a building certifier;
  - (l) consider any representations made under the show cause notice;
  - (m) apply to the QCAT<sup>2</sup> to start a disciplinary proceeding against a building certifier;  
and
  - (n) notify the Queensland Building Services Authority (BSA) with regards to an application to QCAT.
2. To exercise the powers of the Council under the Act with respect to building works under section 65, section 87, section 92(2) and section 93(1).
3. To exercise the following powers of the Council under the Act with respect to budget accommodation buildings, including without limitation the authority to:
- (a) consult with any other entity;
  - (b) grant an application for a longer period of conformity with the fire safety standard with or without conditions;
  - (c) refuse an application; for a longer period of conformity with the fire safety standard;
  - (d) on written application<sup>3</sup> from the owner, decide and give notice if the building conforms with the fire safety standard; and
  - (e) inspect budget accommodation buildings.
4. To exercise the powers of the Council under the Act with respect to residential care buildings including without limitation the authority to approve an application with or without conditions, for a later day to obtain a fire safety certificate or certificate of classification
5. To exercise the following powers of the Council under the Act with respect to pool safety standards, including without limitation the authority to:
- (a) determine all applications in respect of exemption from complying with swimming pool fencing standards (with or without conditions);
  - (b) give a show cause notice about revoking an existing exemption;
  - (c) consider representations made under a show cause notice and give a further notice<sup>4</sup> to the applicant;
  - (d) make copy of exemption available for inspection and purchase;
  - (e) as owner of adjoining land, the authority to exercise the powers under the Act relating to pool barriers along the common boundary under section 245XG(1), 245XN(2), 245XS(1), 245XS(3) and 245XV(2);
  - (f) where the local government receives for a regulated pool a (a) notice of pool immersion incident under section 245I of the Act or (b) a pool safety complaint notice or a (c) notice under section 245UA under the Act the authority to:

<sup>2</sup> Queensland Civil and Administrative Tribunal

<sup>3</sup> Within 20 business days after receiving the application.

<sup>4</sup> Revocation Notice

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- I. inspect a regulated pool for compliance; and
  - II. take necessary enforcement action to ensure a pool is compliant with pool safety standards or fencing standards for the pool;
  - (g) cancel a pool safety certificate for a regulated pool;
  - (h) give a show cause notice about cancelling a pool safety certificate;
  - (i) consider submissions and decide whether to cancel a pool safety certificate;
  - (j) extend the time for an owner of a swimming pool to comply with the Act<sup>5</sup>; and
  - (k) appoint or employ a pool safety inspector.
6. To exercise the powers of the Council under the Act to designate land as a transport noise corridor by gazette notice.
  7. To exercise the following powers of the Council with respect to offences made under the Act, including without limitation the authority to:
    - (a) give a show cause notice;
    - (b) give an enforcement notice; and
    - (c) make a complaint for an offence made under section 256 (2)<sup>6</sup>.
  8. To exercise the powers of the council to conduct and resolve legal proceedings for breaches of the Act and *Sustainable Planning Act 2009*.

**Delegated Criteria:**

9. The Delegated Officer may exercise the powers delegated only in accordance with the relevant provisions outlined in the Act and *Sustainable Planning Act 2009* and regulations.

**Delegation Administrative Procedure:**

10. The following procedure is to be undertaken for this delegation in accordance with the powers delegated:
  - (a) Delegated Officers should consider the impacts of any obligations and contractual responsibilities being imposed on council as a result of exercising the powers in this delegation;
  - (b) The Delegated Officer must act impartially and consider any potential conflicts of interest when exercising this delegation;
  - (c) The Delegated Officer must follow lawful and fair procedures, gather information relevant to any decision and give procedural fairness to ensure due process is followed when exercising this delegation; and
  - (d) will apply all relevant policies, guidelines and procedures.

<sup>5</sup> Only where an extension under section 49H(11)(b) of the *Local Government Act 1936* is still in force.

<sup>6</sup> Other than 256(2)(a), (b), (c)(i) and (j).

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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.

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CHIEF EXECUTIVE OFFICER

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DATE



Delegation No: 2009-21  
Version: (2)

<b>DELEGATION OF AUTHORITY</b>	
<b>TITLE: ENVIRONMENTAL PROTECTION</b>	
<b>Delegation by Council to:</b> Chief Executive Officer	<b>Council Resolution date:</b> 26 July 2012 OM12/94
<b>Delegation by the Chief Executive Officer:</b> Refer to attached schedule	<b>Date:</b> 11/9/2012
<b>Source of Authority:</b> <i>Local Government Act 2009</i> – Sections 257, 259 and 260 <i>Environmental Protection Act 1994</i> – Chapter 4; Chapter 7 Parts 2, 3, 4, 5, 6 and 8; Chapter 9; Chapter 11 Part 4; Chapter 12 Part 2; and sections 445(2), 514, 517, 518 and 521 <i>Environmental Protection Regulation 2008</i> – Chapter 7 Part 1 Division 1 and section 156 <i>Environmental Protection (Waste Management) Regulation 2000</i> – Parts 2 and 3 and Part 7 Division 2	

**Delegated Power:**

1. To exercise the powers that have been devolved to the Council pursuant to the *Environmental Protection Act 1994 (Act)*, the *Environmental Protection Regulation 2008 (Regulation)* and the *Environmental Protection (Waste Management) Regulation 2000 (Waste Regulation)* including to:
  - (a) in respect of a chapter 4 activity which has been devolved to the Council pursuant to section 101 of the Regulation:
    - (i) exercise the Council's powers as administering authority:
      - (A) under chapter 4 of the Act;
      - (B) with respect to environmental evaluations, transitional environmental programs and financial assurances pursuant to chapter 7 parts 2, 3, 4 and 6 of the Act; and
      - (C) with respect to transitional environmental program submissions and suitability investigations pursuant to chapter 12 part 2 of the Act;
    - (ii) issue an environmental protection order pursuant to chapter 7 part 5 of the Act to a person:
      - (A) if the person does not comply with a requirement to conduct or commission an environmental evaluation or to prepare a transitional environmental program and submit the evaluation or program to the Council;
      - (B) if, because of an environmental evaluation, the Council is satisfied unlawful environmental harm is being, or is likely to be, caused by an activity carried out, or proposed to be carried out; or



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- (C) to secure compliance with:
  - (1) a development condition of a development approval;
  - (2) a standard environmental condition of a code of environmental compliance for a chapter 4 activity;
  - (3) a condition of a site management plan; or
  - (4) a regulation; and
- (iii) exercise the Council's powers to appoint a person as an authorised person pursuant to section 445(2) of the Act to exercise the powers of an authorised person pursuant to chapter 9 of the Act;
- (b) in respect of an original decision, review the original decision, consider any properly made submissions and make a review decision pursuant to section 521 of the Act;
- (c) keep registers and give an annual report required of the Council as administering authority pursuant to chapter 11 part 4 of the Act;
- (d) exercise the powers of the Council with respect to:
  - (i) waste management for the local government area as devolved by section 68A of the Waste Regulation; and
  - (ii) waste receipt and disposal to the extent it relates to a waste facility owned, operated or otherwise controlled by the Council pursuant to part 3 of the Waste Regulation as devolved by section 68AA of the Waste Regulation; and
- (e) take, conduct and resolve legal proceedings where the proceeding is about a matter that has been devolved or delegated to the Council pursuant to the Act, the Regulation or the Waste Regulation.

#### Delegation Criteria

2. The Delegated Officer may exercise the powers of the Council as the administering authority pursuant to the Act, in relation to the powers delegated in paragraph 1(a)(i)(A) of this delegation to assess development applications if:
  - (a) any relevant regulatory requirements have been complied with;
  - (b) the standard criteria<sup>1</sup> have been considered;
  - (c) any additional information given in relation to the application has been considered; and
  - (d) where the application is for an increase in the scale or intensity of a chapter 4 activity, regard is had to:
    - (i) the proposed activity; and
    - (ii) the existing activity; and

<sup>1</sup> See Schedule 4 (Dictionary) of the Act.



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- (iii) the total likely or potential environmental harm the proposed activity and the existing activity may cause.
3. The Delegated Officer may exercise the powers of the Council as the administering authority pursuant to the Act, in relation to the powers delegated in paragraph 1(a)(i)(A) of this delegation with respect to registration to carry out 1 or more chapter 4 activities to:
- (a) refuse an application for a registration certificate if:
    - (i) the applicant is not a suitable person having regard to the applicant's environmental record;
    - (ii) a disqualifying event has happened in relation to the applicant or another person of whom the applicant is a partner; or
    - (iii) a disqualifying event has happened in relation to any of a corporation's executive officers, or another corporation of which any of the corporation's executive officers are, or have been, an executive officer;
  - (b) amend a registration to correct a clerical or formal error if the proposed amendment does not adversely affect the interests of the registered operator or anyone else, and give written notice of the amendment to the registered operator;
  - (c) cancel or suspend a registration certificate if:
    - (i) the certificate was issued because of materially false or misleading representation or declaration, made either orally or in writing;
    - (ii) the registered operator is convicted of an environmental offence; or
    - (iii) the registered operator has been given an annual notice and the notice has not been complied with;
  - (d) approve or refuse the surrender of a registration certificate if the delegated officer has considered:
    - (i) the standard criteria;
    - (ii) any audit statement required to be provided under chapter 7 part 5 of the Act;
    - (iii) whether conditions on the activity or approval have been complied with;
    - (iv) any transitional environmental program for the land;
    - (v) whether the land has been removed from the environmental management register or has a site management plan approved for it;
    - (vi) any financial assurance given for the activity;
    - (vii) any other matter prescribed under an environmental protection policy or regulation.
4. The Delegated Officer may exercise the powers of the Council as the administering authority pursuant to the Act, in relation to the powers delegated in paragraph 1(a)(i)(B) of this delegation to require a:



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- (a) person to conduct or commission an audit of the matter and submit a report on the audit to the Delegated Officer if satisfied on reasonable grounds that:
    - (i) a person is, or has been, contravening a development condition of a development approval; or
    - (ii) a person is, or has been, contravening a regulation, an environmental protection policy or a transitional environmental program; and
  - (b) person who has carried out, is carrying out or is proposing to carry out an activity to conduct or commission an investigation and submit a report on the investigation to the Delegated Officer if satisfied on reasonable grounds that:
    - (i) an event has happened causing environmental harm while the activity was being carried out; or
    - (ii) an activity or proposed activity is causing, or is likely to cause environmental harm.
5. The Delegated Officer may exercise the powers of the Council as the administering authority pursuant to the Act, in relation to the powers delegated in paragraph 1(a)(i)(B) to:
- (a) require a person or public authority to prepare and submit for approval a draft transitional environmental program if satisfied that:
    - (i) an activity carried out, or proposed to be carried out, by the person or authority is causing, or may cause, unlawful environmental harm; or
    - (ii) it is not practicable for the person or public authority to comply with an environmental protection policy or regulation on its commencement; or
    - (iii) that a condition of an environmental authority held by the person or public authority is, or has been, contravened; or
    - (iv) that a standard environmental condition of a code of environmental compliance for a chapter 4 activity is, or has been, contravened by the person or public authority; or
    - (v) a development condition of a development approval is, or has been, contravened and the person or public authority is an owner of the land for which the approval is granted or another person in whom the benefit of the approval vests; and
  - (b) In deciding whether to approve or refuse to approve the draft program or the conditions (if any) of the approval of a draft program, the administering authority:
    - (i) must comply with any relevant regulatory requirement; and
    - (ii) subject to paragraph (i), must also consider the following:
      - (A) the standard criteria;
      - (B) additional information given in relation to the draft program; and
      - (C) the views expressed at any conference held in relation to the draft program.





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6. The Delegated Officer may exercise the powers of the Council as the administering authority pursuant to the Act, in relation to the powers delegated in paragraph 1(a)(i)(B) to require a person to give a financial assurance only if it is satisfied the requirement is justified having regard to:
  - (a) the degree of risk of environmental harm being caused, or that might reasonably be expected to be caused, by the activity carried out, or to be carried out; and
  - (b) the likelihood of action being required to rehabilitate or restore and protect the environment because of environmental harm being caused by the activity; and
  - (c) the environmental record of the holder or registered operator.
7. The Delegated Officer may exercise the powers of the Council as the administering authority pursuant to the Act, in relation to the powers delegated in paragraph 1(a)(ii) to issue an environmental protection order if the standard criteria have been considered.
8. The Delegated Officer may exercise the powers of the Council as the administering authority pursuant to the Act, in relation to the powers delegated in paragraph 1(a)(i)(B) of this delegation to decide to extend the time in which it is required to decide whether or not to accept an environmental report or a site investigation report if:
  - (a) it has required additional relevant information about the report; or
  - (b) it is satisfied there are special circumstances for extending the time.
9. The Delegated Officer may exercise the powers of the Council as the administering authority pursuant to the Act, in relation to the powers delegated in paragraph 1(a)(i)(B) of this delegation, to consider and decide an application for a transitional environmental program notwithstanding that public notice requirements have not been complied with, where the Delegated Officer:
  - (a) has authority to consider and decide the application; and
  - (b) is of the opinion that:
    - (i) no person will be adversely affected by the non-compliance; and
    - (ii) there has been substantial compliance with the Act.
10. The Delegated Officer may exercise the powers of the Council to pursuant to the Act, in relation to the powers delegated in paragraph 1(a)(iii) of this delegation to appoint a person as an authorised person, including to:
  - (a) approve the expertise and experience that is necessary for the appointment of an authorised person; and
  - (b) appoint a person as an authorised person where:
    - (i) the person is an employee of the local government; and
    - (ii) the person has the necessary expertise, experience or training for the appointment as an authorised person as approved by the Delegated Officer.



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**Delegation Administrative Procedure:**

11. This delegation is to be exercised in accordance with the Act.
12. The extent of authority is in accordance with the delegated criteria where stated.
13. The Delegated Officer shall cause a register to be kept of all instances of where this delegation has been exercised.
14. The Delegated Officer may, in relation to an application regarding a development approval or certificate of registration, decide the application if:
  - (a) the decision would not be contrary to the Council's:
    - (i) planning scheme or planning scheme policies;
    - (ii) local laws or subordinate local laws;
    - (iii) standards or guidelines; or
    - (iv) a local government Act<sup>2</sup>; and
  - (b) the Delegated Officer:
    - (i) has consulted with those Council Divisions that the Delegated Officer and the Executive Director of Community Services considers necessary;
    - (ii) has been notified of the requirements of any Division of the Council with which consultation was undertaken; and
    - (iii) is of the opinion that:
      - (A) the applicant is not precluded by a local government Act;
      - (B) there has been compliance with any relevant conditions;
      - (C) the activity will not have a significant adverse effect on an environmental value.
15. When exercising the power delegated in paragraph 1(f) of this delegation, the following procedure is to be undertaken:
  - (a) The Delegated Officer shall instruct:
    - (i) the Council's solicitor to initiate legal proceedings on the Council's behalf;  
or
    - (ii) officers of the Council to initiate enforcement procedures.
  - (b) The Delegated Officer shall issue instructions to the Council's solicitors and Council officers in relation to the on-going conduct of the legal proceedings and other enforcement procedures.

<sup>2</sup> See Schedule 2 (Dictionary) of the *Local Government Act 1993*.



Delegation No: 2009-21  
Version: (2)

- (c) The Delegated Officer shall cause a report to be prepared for the Council's information about the on-going conduct of the legal proceedings and other enforcement procedures, where requested to do so by resolution of the Council.

- 
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

11/9/2012  
DATE

<b>DELEGATION OF AUTHORITY</b>	
<b>TITLE:</b>	<b>LAND</b>
<b>Delegation by Council to:</b> Chief Executive Officer	<b>Council Resolution date:</b> 1 July 2010 OM 10/177
<b>Delegation from Chief Executive Officer to:</b> Refer to attached schedule	<b>Date approved:</b>
<b>Source of Authority:</b> <i>Acquisition of Land Act 1967</i> <i>Land Act 1994</i> <i>Land Regulation 1995</i> <i>Land Title Act 1994</i> <i>Local Government Act 2009</i> <i>Integrated Planning Act 1997</i> <i>Sustainable Planning Act 2009</i>	

**Delegated Power:**

1. To exercise Council's powers under the *Land Act 1994*, *Land Regulation 1995*, *Acquisition of Land Act 1967* and the *Land Title Act 1994* including to:
  - (a) approve, grant, issue and sign local government documents on behalf of Council including;
    - (i) correspondence;
    - (ii) certificates;
    - (iii) agreements;
    - (iv) licences and permits;
    - (v) leases;
    - (vi) community and sporting ground leases;
    - (vii) easement documents;
    - (viii) survey plans (as owner or trustee);
    - (ix) land title documents;
    - (x) documents originating from or pertaining to the scope of responsibility of the delegated officer.
  
2. To exercise Council's powers under the *Land Act 1994*, *Sustainable Planning Act 2009* and the *Integrated Planning Act 1997(IPA)* including to:
  - (a) provide Council's comments on land dealings;
  - (b) provide "Land Owner's Consent" pursuant to statutory applications over Council's owned or controlled land.

3. To exercise Council's powers under the *Acquisition of Land Act 1967 (the Act)* including to:
  - (a) act as Council's delegate to hear grounds of objection to taking of any land and to report on the hearing convened in that regard;
  - (b) act as Council's delegate to settle compensation claims for amounts no greater than the delegated officers approved financial delegation or by Council resolution;
  - (c) issue and serve a Notice of Intention to Resume following a Council resolution proposing to take land under the Act;
  - (d) assess and decide an application for an advance on compensation and subject to being satisfied as to the claimant's entitlement to pay an advance pursuant to s. 23 of the Act;
  - (e) apply to the Minister to take land following a Council resolution that the land is required;
4. To sign local government documents under *the Land Act 1994, Land Regulation 1995, and Acquisition of Land Act 1967* and the *Land Title Act 1994* on behalf of Council pursuant to section 236, 257 and section 259 of the *Local Government Act 2009*.
5. The authority to acquire and dispose of land in accordance with a Council approved Capital Works Program or Land Acquisition and Disposal Program (where the land acquisition or disposal has been identified within the specific Program).
6. The authority to settle compensation claims on behalf of Council, where Council has been served with Notice of Intention to resume council land or an interest in council land (e.g. easements).

#### Delegation Criteria

7. The delegated officer may exercise the powers of Council in relation to the powers delegated in paragraph 1 (a) of this delegation in respect of:
  - (a) To approve, grant, issue and sign documents on behalf of Council, pursuant to the *Land Act 1994, Land Regulation 1995, Land Titles Act 1994* and the *Acquisition of Land Act 1967, Local Government Act 2009* where such approval has been gained through authorised approval processes.
8. The delegated officer may exercise the powers of Council in relation to the powers delegated in paragraph 5 of this delegation subject to the following:
  - (a) the funding for the acquisition or disposal has been approved by Council in a Capital Works Program or Land Acquisition and Disposal Program ; and
  - (b) a valuation has been obtained from a Queensland registered valuer; and
  - (c) where financial settlement of the land is greater than 10% of the value assessed by the valuer then reasons for the agreed settlement amount must be documented in the official file.



Delegation No: 2009-23  
Version: (2)

**Delegation Administrative Procedure:**

9. The following procedure is to be undertaken for this delegation in relation to the powers delegated in paragraph 3 (a):
  - (a) The Delegated Officer shall comply with the requirements of Section 8 of the *Acquisition of Land 1967*.
10. The following procedure is to be undertaken for this delegation:
  - (a) This delegation is to be exercised in accordance with the *Acquisition of Land Act 1967, Land Act 1994, Land Regulation 1995, Land Title Act 1994, Local Government Act 2009, Integrated Planning Act 1997* and the *Sustainable Planning Act 2009*;
  - (b) The extent of authority is in accordance with the delegated criteria;
  - (c) Delegated Officers should consider the impacts of any obligations and contractual responsibilities being imposed on Council as a result of exercising the powers delegated in paragraph 1, 2, 3, 4 and 5.

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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.

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CHIEF EXECUTIVE OFFICER

23/8/2010  
DATE

Delegation No: 2009-24  
Version: (1)

Sunshine Coast Council		Sunshine Coast Regional Council	
<b>DELEGATION OF AUTHORITY</b>			
<b>TITLE:</b> <i>Land Protection</i>			
<b>Delegation by Council to:</b> Chief Executive Officer		<b>Council Resolution date:</b> 17 September 2009 OM 4.2.1	
<b>Delegation from Chief Executive Officer to:</b> Refer to attached schedule		<b>Date approved:</b>	
<b>Source of Authority:</b> <i>Local Government Act 1993 – Section 472 &amp; 1132</i> <i>Land Protection (Pest and Stock Route Management) Act 2002</i>			

**Delegated Power:**

1. To exercise powers set out in the *Land Protection (Pest and Stock Route Management) Act 2002 (the Act)*, to the extent that such powers have been delegated to the Council pursuant to section 306 of the Act, in relation to Chapter 2 of the Act to:
  - (a) implement the pest management plan;
  - (b) issue a pest control notice and undertake subsequent actions;
  - (c) administer all registers;
  - (d) serve emergency quarantine notices.
  
2. To exercise powers set out in the *Land Protection (Pest and Stock Route Management) Act 2002 (the Act)*, to the extent that such powers have been delegated to the Council pursuant to section 306 of the Act, in relation to Chapter 3 of the Act to:
  - (a) issue, renew or cancel stock route permits;
  - (b) issue notices for fencing, mustering, stock reduction or seizure;
  - (c) enter into agreement with landowners for water and stock facilities;
  - (d) keep a register of agreements for water and stock facilities;
  - (e) seize, issues notices, deal with and dispose of stray stock;

Delegation No: 2009-24  
Version: (1)

- (f) issue a review notice.
3. To exercise powers set out in the *Land Protection (Pest and Stock Route Management) Act 2002 (the Act)*, to the extent that such powers have been delegated to the Council pursuant to section 306 of the Act, in relation to Chapter 8 of the Act to:
- (a) conduct and resolve legal proceedings for breaches under the Act.
4. Authority to give an information notice for a decision made under the *Land Protection (Pest and Stock Route Management) Act 2002 (the Act)*.

**Delegation Criteria**

5. The Delegated Officer may exercise the powers of the Council in relation to the powers delegated in paragraph 3 (a) of this delegation in respect of:
- (a) the conduct and resolution of an appeal made to a court, tribunal or other judicial or administrative body by a person in respect of a determination of the council under a *Land Protection (Pest and Stock Route Management) Act 2002*; and
  - (b) the initiation, conduct and resolution of proceedings in a court, tribunal or other judicial or administrative body in respect of a breach under the *Land Protection (Pest and Stock Route Management) Act 2002*; and

**Delegation Administrative Procedure:**

6. The following procedure is to be undertaken for this delegation:
- (a) This delegation is to be exercised in accordance with the *Land Protection (Pest and Stock Route Management) Act 2002*.
  - (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.

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CHIEF EXECUTIVE OFFICER

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DATE



<b>DELEGATION OF AUTHORITY</b>	
<b>TITLE:     <i>Public Health – Part A</i></b>	
<b>Delegation by Council to:</b> Chief Executive Officer	<b>Council Resolution date:</b> 17 September 2009 OM 4.2.1
<b>Delegation from Chief Executive Officer to:</b> Refer to attached Schedule	<b>Date approved:</b> 7/10/2009
<b>Source of Authority:</b> <i>Local Government Act 1993 – Section 472 &amp; 1132</i> <i>Public Health Act 2005</i>	

**Delegated Power:**

1. To exercise Council's powers set out in the *Public Health Act 2005 (the Act)* pursuant to Chapter 2 including to:
  - (a) consult with the Chief Executive (State Government) regarding the authorisation of a prevention and control program;
  - (b) register a charge over land with the register of titles.
2. To exercise Council's powers set out in the *Public Health Act 2005 (the Act)* pursuant to Chapter 9 including to:
  - (a) approve an approved inspection program made under Section 61 of the Regulation;
  - (b) recover reasonable costs in exercising powers.
3. To exercise Council's powers set out in the *Public Health Act 2005 (the Act)* pursuant to Chapter 10 including to:
  - (a) register a charge over land with the register of titles.

**Delegation Administrative Procedure:**

4. The following procedure is to be undertaken for this delegation in relation to the powers delegated in paragraph 2 (b) of this delegation:
  - (a) The Delegated Officer is provided full details of debt and action taken to date.
  - (b) The Delegated Officer reviews all previous action and assesses recoverability of debt.
  - (c) Delegated Officer to summarise details of actions taken in accordance with this delegation in Council Quarterly report.
5. The following course of action is to be undertaken for this delegation in relation to the powers delegated in paragraph 1 (a) to 3 (a) of this delegation:



Delegation No: 2009-28  
Version: (1)

- (a) This delegation is to be exercised in accordance with the *Public Health Act 2005*.
- (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.

- 
- 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.

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CHIEF EXECUTIVE OFFICER

7 / 10 / 2009  
DATE

**DELEGATION OF AUTHORITY**

**TITLE:** *Public Health – Part B*

**Delegation by Council to:**  
Chief Executive Officer

**Council Resolution date:**  
17 September 2009 OM 4.2.1

**Delegation from Chief Executive Officer to:**  
Refer to attached Schedule

**Date approved:**  
7/10/2009

**Source of Authority:**  
*Local Government Act 1993 – Section 472 & 1132*  
*Public Health Act 2005*

**Delegated Power:**

1. To exercise Council's powers set out in the *Public Health Act 2005 (the Act)* pursuant to Chapter 2 including to:
  - (a) apply to a magistrate for an enforcement order;
  - (b) recover costs under an enforcement order.
2. To exercise Council's powers set out in the *Public Health Act 2005 (the Act)* pursuant to Chapter 9 including to:
  - (a) allow an employee or agent to enter a place under a public health order.
3. To exercise Council's powers set out in the *Public Health Act 2005 (the Act)* pursuant to Chapter 10 including to:
  - (a) destroy and dispose of things seized.

**Delegation Criteria:**

4. The Delegated Officer may exercise the powers of the Council in relation to the powers delegated in paragraph 1 (a) of this delegation in respect of:
  - (a) the conduct and resolution of an appeal made to a court, tribunal or other judicial or administrative body by a person in respect of a determination of the council; and
  - (b) the initiation, conduct and resolution of proceedings in a court, tribunal or other judicial or administrative body in respect of a breach of the *Public Health Act 2005*; and
  - (c) the taking of an enforcement action under a *Public Health Act 2005* including the issuing of:
    - (i) a public health order.



Delegation No: 2009-29  
Version: 1

**Delegation Administrative Procedure:**

5. The following course of action is to be undertaken for this delegation in relation to the powers delegated in paragraph 1 (a) to 1 (d) of this delegation:
  - (a) This delegation is to be exercised in accordance with the *Public Health Act 2005*.
  - (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.

- 
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.

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CHIEF EXECUTIVE OFFICER

7/10/2009  
DATE

<b>DELEGATION OF AUTHORITY</b>	
<b>TITLE:</b> <i>Regulation of Food Premises</i>	
<b>Delegation by Council to:</b> Chief Executive Officer	<b>Council Resolution date:</b> 17 September 2009 OM 4.2.1
<b>Delegation from Chief Executive Officer to:</b> Refer to attached Schedule	<b>Date approved:</b> 7 October 2009
<b>Source of Authority:</b> <i>Local Government Act 1993 – Section 472 &amp; 1132</i> <i>Food Act 2006 - Chapters 2, 3, 4, 6, 7, 9,10 and 11</i>	

**Delegated Power:**

1. To exercise Council's powers set out in the *Food Act 2006 (the Act)* authorising the delegated officer to administer, review, enforce, notify, form a belief and make decisions under Chapters 2, 3, 4, 6, 7, 9,10 and 11 of the Act including to:
  - (a) assess, inspect and enforce all matters relative to the handling and/or sale of food and monitor compliance with the food standards code;
  - (b) process applications, renewals, restorations, amendments and compliance actions for all licensable and non-licensable food businesses;
  - (c) issue licences and provisional licences;
  - (d) issue a show cause notice;
  - (e) suspend or cancel licences for all licensable food businesses;
  - (f) give an information notice;
  - (g) allow a review of the original decision of an information notice given;
  - (h) give a review notice;
  - (i) consider, amend, cancel or suspend applications for accredited food safety programs, and permit auditing, monitoring and reporting compliance actions on accredited food safety programs;
  - (j) approve improvement notices;
  - (k) approve particular improvement notices;
  - (l) approve forms;
2. To permit authorised persons to monitor, enforce and where required initiate legal proceedings for breach of the *Food Act 2006 (the Act)* under Chapter 7, and Chapter 10, of the Act.



Delegation No: 2009-31  
Version: (1)

**Additional Delegated Powers (S. 1132):**

3. Authority to appoint a person as an authorised person under the *Food Act 2006* (**the Act**).

**Delegation Criteria:**

4. The delegated officer may conduct and resolve legal proceedings in relation to the powers delegated in paragraph 2 of this delegation provided the following matters are referred to the Council for determination:
  - (a) all offers of settlement or compromise by defendants or respondents;
  - (b) all requests by defendants or respondents for special consideration or discontinuance of the Councils legal proceedings; and
  - (c) exercise of any right of appeal rights in respect of the Council's legal proceedings.

**Delegation Administrative Procedure:**

5. The following course of action is to be undertaken for this delegation:
  - (a) This delegation is to be exercised in accordance with the *Food Act 2006*.
  - (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 in accordance with the *Food Act 2006*.

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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.

\_\_\_\_\_  
CHIEF EXECUTIVE OFFICER

7/10/2009  
DATE

<b>DELEGATION OF AUTHORITY</b>	
<b>TITLE:</b> <i>Animal Management (Cats and Dogs) Act 2008- Part B</i>	
<b>Delegation from Chief Executive Officer to:</b>	<b>Date approved:</b>
Refer to attached schedule	4/4/2011
<b>Source of Authority:</b> <i>Local Government Act 1993 – Section 472 &amp; 1132</i> <i>Animal Management (Cats and Dogs) Act 2008 – s.206</i>	

**Delegated Power:**

1. The authority to exercise the powers of the Chief Executive Officer of the Local Government under the *Animal Management (Cats and Dogs) Act 2008 (the Act)* including to:
  - (a) ask for further information or documents;
  - (b) update information;
  - (c) appoint an authorised;
  - (d) sign a notice;
  - (e) issue an identity card;
  - (f) accept a resignation from an authorised person;
  - (g) collect an identity card from an authorised person;
  - (h) inspect information;
  - (i) give notice and respond to the chief executive;
  - (j) keep a registry;
  - (k) accept an application for an internal review;
  - (l) extend time;
  - (m) conduct an internal review and make a decision to confirm, amend or substitute of the original decision;
  - (n) issue the applicant with a notice of internal review decision;
  - (o) \_\_\_\_\_
  
- (a) give information with regard to identification, restricted dogs or regulated animals;
- (b) request information or documents;

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- (c) administer all registers;
- (d) issue, amend, cancel, renew or withdraw a notice;
- (e) approve forms;
- (f) conduct a general review, make a decision and give notice;
- (g) determine, amend, suspend, cancel, transfer, renew, apply conditions, refuse, grant, issue or request additional information to assist in determining an application; and
- (h) recover costs.

**Delegation Criteria:**

2. The Delegated Officer may exercise the powers of the Chief Executive Officer in relation to the powers delegated in–
  - (a) paragraph 1(a) of this delegation, subject to the following conditions–
    - (i) the delegated officer may grant access to identifying information (pertaining to an animal) where the consent has been granted by the owner; and
    - (ii) give the Chief Executive who administers the *Animal Management (Cats and Dogs) Act 2008*, notice on the making or a change of status to a restricted dog or dangerous animal within 7 days;
    - (iii) give the Chief Executive who administers the *Animal Management (Cats and Dogs) Act 2008* information regarding the accuracy of records, as requested and within 28 days of the request.
  - (b) paragraph 1(b) of this delegation, subject to the following conditions:
    - (i) request information or documents to assist in determining an application for registration or permit.
  - (c) paragraph 1(c) of this delegation, subject to the following conditions:
    - (i) amend, attach, insert, delete or cancel information, which must be kept on a register; and
    - (ii) allow access to a register of the local government, where the Act provides access.
  - (d) paragraph 1(d) of this delegation, subject to the following conditions:
    - (i) issue or withdraw a notice proposing to declare an animal to be dangerous, menacing, restricted or regulated; and
    - (ii) issue a notice and to–
      - (1) register, renew, apply for, amend, cancel, seize, collect, advise or comply with a direction; or
      - (2) destroy an animal.
  - (e) paragraph 1(e) of this delegation, subject to the following conditions:
    - (i) design, approve or amend an application form.
  - (f) paragraph 1(f) of this delegation, subject to the following conditions:
    - (i) conduct a general review, make a decision and give notice.
  - (g) paragraph 1(g) of this delegation, subject to the following conditions:





Delegation No: 2009-34  
Version: (1)

- (i) invite, determine, amend, suspend, cancel, transfer, renew, apply conditions, refuse, grant, issue, request additional information to assist in determining an application for registration or permit.
- (h) paragraph 1(h) of this delegation, subject to the following conditions:
  - (i) recover costs involved in the seizure, holding or destruction of a regulated.

**Delegation Administrative Procedure:**

3. The following procedure is to be undertaken for this delegation in relation to the powers delegated in paragraph 1 (a) of this delegation:
  - (a) The delegated Officer shall on the request, advice or declaration of a restricted or regulated animal inform the chief executive–
    - (i) within 7 days–
      - (1) after registration or on the making of a declaration notice; and
      - (2) after receiving notification from the owner or permit holder on the status of a regulated animal; and
    - (ii) within 28 days provide a response detailing the status of the regulated animal register.
4. The following procedure is to be undertaken for this delegation in relation to the powers delegated in paragraph 1 (b) of this delegation:
  - (a) the delegated officer may, by notice, request an owner to give within 14 days, other information or documents reasonably required to register an animal.
5. The following procedure is to be undertaken for this delegation in relation to the powers delegated in paragraph 1 (c) of this delegation:
  - (a) the delegated officer shall where satisfied that the criteria has been met update, amend, insert, cancel, update, allow access to a register.
6. The following procedure is to be undertaken for this delegation in relation to the powers delegated in paragraph 1 (d) of this delegation:
  - (a) the delegated officer must give the owner of the animal a notice (the registration notice) within 14 days after the animal is registered, advising the animal is registered and of its details being recorded in the animals register.
  - (b) if a regulated dog declaration is proposed, the delegated officer shall issue a proposed declaration notice on the owner.
  - (c) after 14 days of issuing the proposed declaration notice, the delegated officer shall make a decision to issue a regulated dog declaration or withdraw the proposed declaration notice.
7. The following procedure is to be undertaken for this delegation in relation to the powers delegated in paragraph 1 (e) of this delegation:
  - (a) the delegated officer must approve all forms used in the registration of animals and or the issuing of permits to keep restricted animals.
8. The following procedure is to be undertaken for this delegation in relation to the powers delegated in paragraph 1 (f) of this delegation:



Delegation No: 2009-34  
Version: (1)

- (a) the delegated officer shall on request undertake a review of an original decision and make a decision within 20 days of application.
  - (b) in making a decision the delegated officer must within 10 days give the applicant a decision on the original decision.
9. The following procedure is to be undertaken for this delegation in relation to the powers delegated in paragraph 1 (g) of this delegation:
- (a) the delegated officer must within 21 days of receipt, grant, refuse, renew or amend an application for a restricted dog permit. If granted, renewed or amended, the permit must be issued with any conditions noted. If refused, the applicant must be advised as soon as practicable possible.
10. The following procedure is to be undertaken for this delegation in relation to the powers delegated in paragraph 1 (h) of this delegation:
- (a) The delegated officer may seek to recover any costs, reasonably or necessarily incurred as a result of seizing, holding, releasing or destroying a regulated animal from the dog's owner or former owner.

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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

7/10/2009  
DATE



Delegation No: 2009-35  
Version: V3

<b>DELEGATION OF AUTHORITY</b>	
<b>TITLE:</b> <i>Sustainable Planning</i>	
<b>Delegation by Council to:</b> Chief Executive Officer	<b>Council Resolution date:</b> 26 July 2012 OM12/94
<b>Delegated by the Chief Executive Officer:</b>  Refer to attached Schedule	<b>Date:</b>
<b>Source of Authority:</b> <i>Local Government Act 2009 – Section 257 &amp; 259</i> <i>Sustainable Planning Act 2009 – Chapter 3, Chapter 6, Chapter 7, Chapter 8, Chapter 8A, Chapter 9 and Chapter 10</i>	

**Delegated Power:**

1. To exercise the Council's powers under Chapter 3 of the *Sustainable Planning Act 2009 (Act)*.
2. To exercise the Council's powers under Chapter 6 of the Act in respect of the Integrated Development Assessment System, including without limitation, the following:
  - (a) to receive and determine whether a development application is properly made;
  - (b) to assess and decide a development application, including the imposition of conditions an approval of a development application;
  - (c) to decide a request to change a development approval;
  - (d) to decide a request to extend the period of a development approval;
  - (e) to decide a request for the giving of a negotiated decision notice;
  - (f) to decide a request to cancel a development approval;
  - (g) to give the Minister all reasonable assistance the Minister requires to assess and decide a development application that has been called in by the Minister;
  - (h) to approve a plan of subdivision for the reconfiguring of a lot;
  - (i) to nominate an entity to carry out compliance assessment for the Council;

Delegation No: 2009-35  
Version: V3

- (j) to assess and decide a request for compliance assessment, including approving a request with or without conditions, or giving an action notice;
  - (k) to assess and decide representations made in respect of an action notice;
  - (l) to assess and decide a request to change a compliance permit or compliance certificate; and
  - (m) to assess and decide a request for application of a superseded planning scheme.
3. To exercise the Council's powers under Chapter 7 of the Act, except for the power contemplated in section 590(7) to give an enforcement notice ordering the demolition of a building, but otherwise without limitation, including the following:
- (a) to conduct an appeal or proceeding in which the Council is a party;
  - (b) to initiate a legal proceeding;
  - (c) to issue a show cause notice and enforcement notice.
4. To exercise the powers of the Council under Chapter 8 of the Act, limited to the following:
- (a) to impose conditions about infrastructure on an approval of a development application;
  - (b) to give an infrastructure charges notice;
  - (c) to give a regulated infrastructure charges notice;
  - (d) to give an adopted infrastructure charges notice;
  - (e) to enter into an infrastructure agreement.
5. To exercise the powers of the Council under Chapter 8A of the Act, including without limitation, the following:
- (a) to note registered premises on the planning scheme.

Delegation No: 2009-35  
Version: V3

6. To exercise the powers of the Council under Chapter 9 of the *Sustainable Planning Act 2009*, including without limitation, the following:
  - (a) the making available for inspection and purchase of documents which are required by the Act to be kept available for inspection and purchase;
  - (b) the maintenance of a register of development applications;
  - (c) the giving of a limited, standard or full planning and development certificate for a premises;
  - (d) the provision of a copy of a document from the register of all development applications at the request of members of the public;
  - (e) the publishing on Council's website information about each development application made to the Council as assessment manager in accordance with the requirements of the Act.
  
7. To exercise the powers of the Council under Chapter 10 (Transitional Provisions) of the Act.

**Delegation Criteria:**

8. The Delegated Officer may exercise the powers of the Council under the *Sustainable Planning Act 2009* for an application other than the following:
  - (a) an application where the estimated construction value of the proposed development exceeds \$50 million (excluding land content);
  - (b) an application for the approval of a master plan for a master planned area;
  - (c) an application for a preliminary approval mentioned in section 242 (Preliminary approval may affect a local planning instrument) of the Act that states the way in which the application seeks the approval to vary the effect of any applicable local planning instrument for the land;
  - (d) the approval for a proposed development where there is substantial non-compliance with a stated policy of the Council or a high order provision of the planning scheme being a desired environmental outcome, strategic outcome, or an overall outcome of a code;
  - (e) an application for a proposed development where more than 20 submissions have been received during the notification stage objecting to the proposed development.
  
9. However, even if paragraphs 8 (a) or (d) above apply, the Delegated Officer may exercise the powers of Council under the Act for an application where the application has the potential for "deemed approval" in accordance with sections 330-331 of the Act.

Delegation No: 2009-35  
Version: V3

**Delegation Administrative Procedure:**

10. This delegation is to be exercised in accordance with the Act.
11. The extent of authority is in accordance with the delegated criteria where stated.
12. The Delegated Officer shall cause a register to be kept of all instances of where this delegation has been exercised.
13. The following procedure is to be undertaken for this delegation:
  - (a) The policies of the Council are to be complied with and in particular any policy related to entering into an infrastructure agreement in accordance with the power delegated in paragraph 4(e) of this delegation.
  - (b) The policies and codes of conduct of the Council are to be complied with and in particular, a development application is to be referred to the Council for determination where a councillor or officer has a material personal interest in the development application.

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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.

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CHIEF EXECUTIVE OFFICER

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DATE