



DELEGATION OF AUTHORITY

DELEGATION NO:	2009-12 (V2.0)
DELEGATION TITLE:	Disaster Management
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: <i>Local Government Act 2009</i> <i>Disaster Management Act 2003</i> <i>Disaster Management Regulation 2014</i>	

Delegated Power:

1. 1. Appointment The authority to exercise the powers of the Executive Officer for the Sunshine Coast local government under the *Disaster Management Act 2003 (the Act)* including, without limitation the following:

(a) establish a Local Disaster Management Group for the local government area;

(b) 2. To appoint power to agree to unite with one or more other local government/s for the purpose of establishing a local group provide, at least once a year, written notice of the members to the Sunshine Coast of a Local Disaster Management Group (excluding Councillors).

~~(b)(c) 3. Appointment of a person to the Sunshine Coast District to the chief executive and the chairperson for the disaster district in which the Local Disaster Management Group is situated;~~

Conditions:

~~NIL~~

~~(d) prepare a local disaster management plan for disaster management in the local government's area council's approval;~~

~~(e) review, or renew, its local disaster management plan when local government considers it appropriate;~~

~~(f) on payment of the appropriate fee, give a person a copy of the local disaster management plan;~~

~~(g) agree to unite with one or more other local governments for the purpose of preparing a local disaster management plan.~~

~~2. The authority to exercise the powers of the local government under the *Disaster Management Regulation 2014 (the Reg)* including, without limitation the following:~~

~~(a) appoint a person to a district disaster management group for a disaster district;~~

~~(b) inform the chief executive of the department, and the chairperson of the district group, of the person appointed to the district disaster management group for a disaster district.~~

~~(c) nominate a person to a temporary district disaster management group;~~

~~(d) appoint a person as a member of a local disaster management group; and~~

~~(e) appoint a chairperson and deputy chairperson of a local disaster management group.~~

Delegation Criteria:

~~3. The delegated officer may only exercise the powers of the local government as delegated under this delegation in accordance with the relevant provisions as outlined in the Act, Reg and the *Local Government Act 2009*.~~

Delegation Administrative Procedure:

~~4. The powers conferred by this delegation must be exercised in accordance with the 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).

5. The powers conferred by this delegation must not be exercised in circumstances where the power is not capable of delegation under sections 257, 257A, 258 and 259 of the Local Government Act 2009.
6. The delegated officer must make and keep a register of all instances of where this delegation has been exercised.
7. 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:	2009-17 (V2.0)
DELEGATION TITLE:	Administration and Enforcement of the Public Health (Infection Control for Personal Appearance Services)
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:	<i>Local Government Act 2009 – Section 257 & 259 Public Health (Infection Control for Personal Appearance Services) Act 2003</i>

Delegated Power:

1. ~~1. To exercise powers set out in~~ To administer and enforce the Public Health (Infection Control for Personal Appearance Services) Act 2003 (the Act), ~~to for the extent that such powers for administration & enforcement~~ local government area as defined in section 9 of the Act ~~have been devolved to.~~
- 1-2. To exercise the Council powers of the local government under Section 9 of that Act as shown below: ~~the Act including, but without limitation the following:~~
 - (a) ~~to permit authorised persons to assess, inspect, condition and administer~~ consider all matters ~~relating to applications, renewals, amendments, transfers and replacement for~~ licences and ~~compliance actions~~ determine whether to grant or refuse the application, renewal, ~~transfer, replacement;~~

- ~~(b)~~ issue a single licence to cover an application or renewal of 2 (two) or more premises;
- ~~(c)~~ grant an application for all-licensable licence;
- ~~(d)~~ decide whether a person is suitable to hold a licence;
- ~~(e)~~ assess the suitability of an application and non-licensable-businesses premises;
- ~~(f)~~ assess the suitability to an application for renewal of an applicant and premises;
- ~~(a)(g)~~ decide whether a premises is suitable for providing higher risk and / or non higher risk personal appearance services;

- ~~(h)~~ ~~(b)~~ Authority give notice to an applicant and/or licensee;
- ~~(i)~~ impose conditions;
- ~~(j)~~ decide an earlier date to end a licence;
- ~~(k)~~ form a belief;
- ~~(l)~~ issue a show cause notice;
- ~~(m)~~ issue a remedial notice;
- ~~(n)~~ determine whether grounds exist for the suspension or cancellation of a licence;
- ~~(o)~~ issue an information notice;
- ~~(p)~~ suspend a licence immediately;
- ~~(q)~~ make an agreement with a licensee;
- ~~(r)~~ notify the first local government;
- ~~(s)~~ take action under the Act as the first local government;
- ~~(t)~~ monitor compliance with the Act by having authorised persons inspect places of business in the local government's area and recover monitoring costs from business proprietors;
- ~~(u)~~ charge a business proprietor an inspection fee;
- ~~(v)~~ prosecute a business proprietor;
- ~~(w)~~ extend time for applying for a review of council's original decision;
- ~~(x)~~ review an original decision and make a determination;
- ~~(y)~~ issue a notice of the original decision;
- ~~(z)~~ issue a notice of the further decision (the review decision);
- ~~(aa)~~ apply to start a proceeding the court for an offence order against the Act including person for payment of the costs incurred by council;
- ~~(b)(bb)~~ deal with a thing forfeited to council, including destroying the thing;

- ~~(i)~~ issue a information notice;
- ~~(ii)~~ issue a remedial notice;
- ~~(iii)~~ issue a show cause notice;

- ~~(iv) issue a review notice.~~
- ~~(cc) (e) to allow a review commence proceedings against a person; and~~
- ~~(dd) approve forms.~~
- ~~2.3. To exercise the powers of an original decision given the local government under the Act; including, but without limitation the following:~~
- ~~(a) (d) to conduct appoint authorised persons; and resolve~~
- ~~(b) apply conditions to an authorised person's powers.~~
- ~~4. To exercise the powers of the local government under the *Local Government Act 2009*, including, but without limitation the following:~~
- ~~(a) act for the local government in legal proceedings for breaches of including the Act 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. ~~2.~~ The Delegated Officer may exercise the powers of Council in accordance with the powers delegated in paragraph 1 ~~(e)~~ 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.~~
-
- ~~(a) 3. power to grant a licence only if council is satisfied that the applicant-~~
- ~~(i) is suitable to hold a licence; and~~
- ~~(ii) the premises at which the higher risk personal appearance services are to be provided are suitable for providing the service.~~

The delegated officer may ~~conduct and resolve legal proceedings only~~ exercise the powers of the local government as delegated under this delegation in accordance with the ~~powers delegated in paragraph 1 (d) of this delegation provided the following matters are referred to the Council for determination:~~

~~all offers of settlement or compromise by defendants or respondents;~~

~~all requests by defendants or respondents for special consideration or discontinuance of the Council's legal proceedings; and~~

6. ~~_____ (c) _____ exercise of any appeal rights~~ relevant provisions as outlined in respect of the Council's legal proceedings, ~~the Act and the *Local Government Act 2009*.~~

Delegation Administrative Procedure:

~~7. _____ 4. _____ The following procedure is to be undertaken for~~ The powers conferred by this delegation must be exercised in accordance with the ~~powers delegated~~ legislation conferring the authority, including any obligations which are imposed in paragraph 1 (d) exercising the power (e.g. performing the function or exercise the power in a way that best achieves the object of the Act).

~~7.8. _____ 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.

~~The Delegated Officer shall instruct the Council's solicitors to initiate legal _____ proceedings on Council's behalf.~~

~~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:~~

~~8.9. _____ The Delegated Officer shall cause~~ must make and keep a register ~~to be kept~~ of all instances of where ~~_____ these delegations have~~ this delegation has been exercised.

~~These delegations are~~ Unless compliance would be contrary to ~~be exercised in accordance any law,~~ compliance with the *Public Health _____ (Infection Control for Personal Appearance Services) Act 2003.*

~~The extent of authority is in accordance with the delegated criteria.~~

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

9-10. ~~2. This Delegation is authorised for inclusion in the Delegation~~ codes of conduct of Authority Register the local
government must be achieved.

19/12/14

CHIEF EXECUTIVE OFFICER

DATE



DELEGATION OF AUTHORITY

DELEGATION NO:	2009-18 (V2.0)
DELEGATION TITLE:	Animal Management (Cats and Dogs)
Delegation from Council to:	Chief Executive Officer
Date and Resolution No.:	
Delegation from the Chief Executive Officer to: Refer attached schedule	Date
Source of Authority: <i>Local Government Act 2009</i> <i>Animal Management (Cats and Dogs) Act 2008</i>	

Delegated Power:

1. To exercise ~~Council's~~the powers of the local government under *Animal Management (Cats and Dogs) Act 2008* (the Act) including, but without limitation the following:
- (a) give identifying information to particular persons;
 - (b) recognise a body supervising an:
 - (i) exhibition; and or
 - (ii) obedience trial
 - (c) give a registration notice;
 - (d) keep registration form and information;
 - (a)(e) require applicant to give a stated document or information;
 - (f) grant or refuse a permit application;
 - (g) decide whether desexing is likely to be a serious risk to the health of a dog;
 - (h) to keep the dog registry of the local government;
 - (i) sign a certificate about the state of, or a fact in, a record of the local government;
and

- (j) approve forms for use under the Act.
2. To exercise the powers of the local government under the Act with regards to restricted and regulated dogs including, but without limitation the following:
- (a) impose conditions on the grant of an application for a restricted dog permit;
 - (b) issue, a restricted dog permit;
 - (c) issue a decision notice;
 - (d) grant or refuse a renewal application;
 - (e) seek further information;
 - (f) issue a renewed permit;
 - (g) amend, cancel, renew a restricted dog permit;
 - (a)(h) give and/or withdraw a dog owner a proposed declaration notice;
 - (i) consider any written representations and evidence within a period stated in a proposed declaration notice and make a regulated dog declaration;
 - (j) give a notice about a decision;
 - (k) destroy a surrendered regulated dog;
 - (l) recover reasonable seizure or destruction costs;
 - (m) give notice of a proposed inspection program;
 - (n) include other information considered appropriate in the general register;
 - (o) authorise an employee to verify a copy of a document;
 - (p) inspect information kept in the regulated dog register;
 - (q) give notice to the chief executive if a restricted dog is registered in the local government's area or the local government makes a regulated dog declaration in its area;
 - (r) give the chief executive notice of changed information or notice of a holder's new residential address upon receiving a notice; and
 - (s) respond to the chief executive regarding confirmation of particular information.
3. To exercise the powers of the local government under the Act with regards to animal registration including, but without limitation the following:
- (a) ask for further information;
 - (b) record the information about a registration in the appropriate register;
 - (c) ask the owner of a dog for other information or documents;
 - (d) update the information in the relevant register;
 - (e) give the owner a notice of the amended information;
 - (f) give renewal notice to renew registration for a dog;
 - (g) ask the owner of a dog for other information or documents; and
 - (h) update information in the appropriate register and give a registration device to the owner of the registered dog;

4. To exercise the powers of the local government under the Act with regards to the appointment of authorised persons including, but without limitation the following:
 - (a) appoint authorised persons;
 - (b) determine, amend, suspend, cancel, transfer, renew, apply conditions, refuse, grant, and sign a signed notice;
 - (c) issue or request additional information an identity card to assist each authorised person;
 - (d) accept a resignation from an authorised person in determining the form of a signed notice; and
 - (e) collect the identity card of a person who ceases to be an authorised person.
5. To exercise the powers of the local government under the Act with regards to a reviewable decision including, but without limitation the following:
 - (a) accept an application, and recover costs, for an internal review of a decision made by council or an authorised person appointed by council;
 - (b) extend the time for making a general review application;
 - (c) conduct an internal review of a concurrent regulated dog declaration and a destruction order at the same time;
 - (d) conduct an internal review and make a decision to confirm, amend or substitute the original decision; and
 - (e) issue the applicant with a notice of internal review decision.
6. To exercise the powers of the local government under the Local Government Act 2009, including, but without limitation 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:

- ~~1.~~ The delegated officer may only exercise the powers of Council, in relation to the powers local government as delegated in-
- ~~1.7.~~ paragraph 1(a) of under this delegation, subject to the following conditions. The delegated officer in accordance with the relevant provisions as outlined in the Act and the Local Government Act 2009.
 - ~~(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.~~
 - ~~(iii) paragraph 1(c) of this delegation, subject to the following conditions:~~
 - ~~(iv) recover costs involved in the seizure, holding or destruction of a regulated animal~~

Delegation Administrative Procedure:

- ~~8. The following procedure is to be undertaken for~~The powers conferred by this delegation must be exercised in relation to accordance with the powers delegated legislation conferring the authority, including any obligations which are imposed in paragraph 1 (exercising the power (e.g. performing the function or exercise the power in a) way that best achieves the object of the Act).
- ~~2-9. 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.
 - ~~a) The delegated officer must give the owner of the animal~~make and keep 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.~~
- ~~2. 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.~~
- ~~3. 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.~~
- ~~4. 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.~~

~~3.10. (c) The Delegated Officer shall cause 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.~~



DELEGATION OF AUTHORITY

DELEGATION NO:	2009-20 (V4.0)
DELEGATION TITLE:	Building
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: <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~~local government under the *Building Act 1975 (the Act)*, *Sustainable Planning Act 2009 (SPA)* and the *Sustainable Planning Regulation 2009 (the Reg)* including, but without limitation the ~~authority to:~~ following:
 - (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 purposes¹;
 - (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 QCAT² to start a disciplinary proceeding against a building certifier; ~~and~~
 - (n) notify the Queensland Building ~~Services Authority (BSA)~~ Commission (QBCC) with regards to an application to QCAT; ~~and~~
 - (o) authorise an officer to enter a building or structure and remove all persons found there.
2. To exercise the powers of the ~~Council~~ local government 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~~ local government under the Act with respect to budget accommodation buildings, including, but without limitation the ~~authority~~ te: following:
- (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 application³ 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~~ local government 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~~ local government under the Act, on an application by the owner of an RCB for a later day to obtain a fire safety compliance certificate or certificate of classification including, but without limitation the following:
- (a) consult on the application;
 - (b) decide the application;
 - (c) impose conditions on the grant of an application; and

¹ Other than a class 1,2,3 or 4 building for residential purposes

² Queensland Civil and Administrative Tribunal

³ Within 20 business days after receiving the application.

- (d) give an information notice about the decision.
- 5-6. To exercise the following powers of the local government under the Act with respect to pool safety standards, including, but without limitation the ~~authority to:~~ following:
- (a) determine all applications in respect of exemption from complying with swimming pool fencing standards (with or without conditions);
 - (b) require further information for an application for an exemption from complying with swimming pool fencing standards;
 - (c) give a written notice;
 - (d) give an information notice;
 - (e) give the chief executive a notice;
 - (b)(f) give a show cause notice about revoking an existing exemption;
 - (e)(g) consider representations made under a show cause notice and give a further notice¹ to the applicant;
 - (d)(h) make copy of exemption available for inspection and purchase;
 - (e)(i) 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)(i) 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:
 - 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)(k) cancel a pool safety certificate for a regulated pool;
 - (h)(l) give a show cause notice about cancelling a pool safety certificate;
 - (i)(m) consider submissions and decide whether to cancel a pool safety certificate;
 - (j)(n) extend the time for an owner of a swimming pool to comply with the Act²; and
 - (k)(o) appoint or employ a pool safety inspector.
- 6-7. To exercise the powers of the ~~Council~~local government under the Act to designate land as a transport noise corridor by gazette notice.
- 7-8. To exercise the following powers of the ~~Council~~local government with respect to offences made under the Act, including, but without limitation the ~~authority to:~~ following:
- (a) give a show cause notice;

¹ Revocation Notice

² Only where an extension under section 49H(11)(b) of the *Local Government Act 1936* is still in force.

- (b) give an enforcement notice; and
- (c) make a complaint for an offence made under section 256 (2)¹.

~~8.9.~~ To ~~exercise the powers~~act on behalf of the ~~council to conduct and resolve~~local government in legal proceedings ~~for breaches of the Act and Sustainable Planning~~under the Local Government Act 2009.
including, but without limitation the following:

(a) ~~Delegated~~ give instructions and act as the authorised agent for the local government;

(b) effect substituted service; and

(c) sign all documents for the local government.

10. To exercise the powers of the local government under the Residential Services (Accreditation) Act 2002 including, but without limitation the following:

(a) on application by a person conducting, or proposing to conduct, a residential service in premises, to assess and determine whether a building complies with the prescribed building requirements;

(b) issue a building compliance notice;

(c) approve the form to be used for an application; and

(d) issue a notice stating the extent to which the premises comply with the prescribed building requirements.

Delegation Criteria:

~~9.11.~~ The delegated officer may only exercise the powers of the local government as delegated ~~only under this delegation~~ in accordance with the relevant provisions as outlined in the Act, SPA, the Reg and ~~Sustainable Planning~~the Local Government Act 2009 and regulations.

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~~1. The Delegated Officer may conduct and resolve legal proceedings in relation to the powers delegated in paragraph 9 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~~

¹Other than 256(2)(a), (b), (c)(i) and (j).

~~(c) the exercise of any appeal rights in respect of the council's legal proceedings.~~

Delegation Administrative Procedure:

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

~~10.12. Delegated Officers should consider the impacts of legislation conferring the authority, including any obligations and contractual responsibilities being which are imposed on council as a result of in exercising the powerspower (e.g. performing the function or exercise the power in this delegation;a way that best achieves the object of the Act).~~

13. 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.

~~(a) The delegated officer must act impartially and consider any potential conflicts of interest when exercising this delegation;~~

~~11.14. 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 exercisingmake and keep a register of all instances of where this delegation; and will apply all relevant policies, guidelines and procedures 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.~~

CHIEF EXECUTIVE OFFICER _____ DATE

~~12.15. 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:	2009-21 (V3.0)
DELEGATION TITLE:	Environmental Protection
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: <i>Environmental Protection Act 1994</i> <i>Environmental Protection Regulation 2008</i> <i>Local Government Act 2009</i>	

Delegated Power:

Interpretation

1. To exercise the power extent that have been devolved this delegation confers a power to the Council pursuant to take any action, including making a decision, the power extends to doing anything which is necessary or convenient to perform that action such as:
 - (a) considering factual and legal matters and issues in order to:
 - (i) form any belief which is required;
 - (ii) be satisfied about any matter or thing;
 - (b) issuing any notices;
 - (c) extending any period; and
 - (d) providing reasons.
2. Under this delegation, the words used are to take their meaning from the legislation conferring the authority or to the extent that no meaning is prescribed, the words will take their ordinary meaning unless otherwise specified in this delegation.
3. Under this delegation, the words used have the meanings set out below:

'application for an environmental authority' means an application for an environmental authority under the *Environmental Protection Act 1994* (**Act**), the *Environmental Protection Regulation 2008* (**Regulation**) and the *Environmental Protection (Waste Management) Regulation 2000* (**Waste Regulation**) including to including:

(a) in respect of a chapter 4 activity which has been devolved to the Council pursuant to section 101 of the Regulation;

(a) exercise the Council's powers as a standard application;

(b) a variation application; and

(c) a site-specific application.

'powers of the local government' means all powers conferred on the local government from the legislation which is the subject of this delegation whether devolved or delegated and any powers, rights or interests arising out of the local government's ownership or occupation of premises including, but not limited to, the local government's powers and functions as:

(a) 'administering authority; authority';

(b) 'local government'; and

(c) 'entity'.

Delegated Power:

Environmental Protection Act 1994

A. To exercise the powers of the local government 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;

1.4. issue an environmental protection order pursuant to chapter 7 part 5 of the Act to a person including, but without limitation, the following:

D. if the person does not comply with a requirement to conduct or commission to decide whether an application for an environmental evaluation or to prepare a transitional environmental program and submit the evaluation or program to the Council;

E. if, because of an environmental evaluation, the Council is satisfied unlawful environmental harm authority is being, or is likely to be, caused by an activity carried out, or proposed to be carried out; or

F. 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~~
- ~~(ii) 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;~~
- ~~(a) 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 application;~~
- ~~(b) keep registers and to give written agreement to the change to an application for an environmental authority;~~
- ~~(c) to decide whether an annual information request should be given and to make an information request;~~
- ~~(d) to assess and decide an application for an environmental authority including:~~
- ~~(i) for a standard application – that the application be approved subject to the standard conditions for the relevant activity or authority;~~
- ~~(ii) for a variation application – that the application be approved subject to the standard conditions for the relevant activity or authority or subject to different conditions;~~
- ~~(iii) for a site-specific application – that the application be refused or approved subject to conditions;~~
- ~~(e) to amend an environmental authority;~~
- ~~(f) to assess and decide applications to amalgamate or de-amalgamate an environmental authority;~~
- ~~(g) to assess and decide a transfer application for an environmental authority;~~
- ~~(h) to assess and decide a surrender application for an environmental authority including requesting further information;~~
- ~~(i) to cancel or suspend an environmental authority;~~
- ~~(j) to assess and decide a suspension application in respect of an environmental authority;~~
- ~~(k) to require the holder of an environmental authority to give a financial assurance and decide applications to amend the amount or form of the financial assurance or discharge the financial assurance, including requiring a compliance statement to be given;~~
- ~~(l) to require the holder of an environmental authority issued for a standard or variation application which does not comply with the eligibility criteria from the activity to make a site-specific application for a new environmental authority or an amendment application;~~
- ~~(m) to ask any entity for advice, comment or information about an application made under Chapter 5 of the Act at any time.~~
- ~~5. To exercise the powers of the local government under Chapter 5A of the Act including, but without limitation, to apply to be a registered suitable operator for the carrying out of an environmentally relevant activity.~~
- ~~6. To exercise the powers of the local government under Chapter 7 of the Act (other than part 8) including, but without limitation, the following:~~
- ~~(a) to require the holder of an environmental authority to commission an environmental audit or conduct or commission the audit itself;~~

- (b) to conduct or commission an environmental investigation;
 - (c) to request further information needed to decide whether to approve an environmental report required of the Council as about an environmental investigation;
 - (d) to decide to accept or refuse to accept an environmental report;
 - (e) to require a person to propose and submit to it for approval, a draft transitional environmental program and decide whether to approve any submitted draft program;
 - (f) to decide any application for approval to amend a transitional environmental program;
 - (g) to decide an application for a temporary emissions licence;
 - (h) to give an environmental protection order;
 - (i) to give a clean-up notice;
 - (j) to give a cost recovery notice.
7. To exercise the powers of the local government under Chapter 7, part 8 of the Act in respect of the local government's status as the owner or occupier of premises, including, but without limitation to, the following:
- (a) advise, waive a requirement, request a waiver, provide further information, notify, apply and make submissions to the administering authority pursuant to chapter 11 part 4 of the Act;
 - (b) conduct or commission or permit a site investigation;
 - (c) consent, conduct or commission remediation work;
 - (d) consent to the preparation, submission and amendment of a site management plan; and
 - (e) prepare, submit and amend a site management plan and draft amendment of a site management plan.
8. To exercise the powers of the Council with local government under Chapter 9 of the Act including, but without limitation, to, if the administration and enforcement of a matter is devolved to a local government, appoint a person as an authorised person.
9. To exercise the powers of the local government under Chapter 11 of the Act including, but without limitation, the following:
- (a) to act on behalf of the local government in commencing and responding to legal proceedings under the Act and the *Local Government Act 2009* to support the local government's powers and functions under the Act including, but without limitation, to the following:

 - (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; and
 - (iv) settling any issues in dispute.
 - (b) in respect of an original decision, to assess and decide an application for review of an original decision;
 - (c) keep and maintain all registers required to be kept under the Act and provide all annual reports; and

~~(d) negotiate agreements, give instructions and sign all documents for the local government to give effect to any agreement.~~

~~10. To exercise the powers of the local government under Chapter 12 of the Act.~~

~~11. To exercise the powers of the local government under Chapter 13 of the Act.~~

Environmental Protection Regulation 2008

~~2.12. To exercise the powers of the local government under the *Environmental Protection Regulation 2008 (Regulation)* including, but without limitation, the following:~~

- ~~(a) waste management for the local government area as outlined devolved by section 68A of the Waste Regulation; and to the local government;~~
- ~~(b) 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 local government.~~

~~(b) 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 criteria¹ 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~~
 - ~~(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~~~~

¹ See Schedule 4 (Dictionary) of the Act.

- ~~(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:
 - ~~(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.~~
- ~~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:~~
- ~~3-13. the person is an employee of the local government; and as outlined in the Act, Regulation and the Local Government Act 2009.~~
- ~~(i) the person has the necessary expertise, experience or training for the appointment as an authorised person as approved by the Delegated Officer.~~

Delegation Administrative Procedure:

- ~~11. The powers conferred by this delegation is to must be exercised in accordance with the Act.~~
- ~~14. The extent of legislation conferring the authority is, including any obligations which are imposed in accordance with the exercising the power (e.g. performing the function or exercise the power in a way that best achieves the object of the Act under section 5).~~
- ~~15. 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.~~
- ~~12. The delegated criteria where stated.~~
- ~~4-16. The Delegated Officer shall cause officer must make and keep a register to be kept of all instances of where this delegation has been exercised.~~
- ~~13. The Delegated Officer may, in relation to an application regarding a development approval or certificate of registration, decide the application if:~~
- ~~(a) the decision Unless compliance would not be contrary to any law, compliance with the Council's:~~
 - ~~(i) planning scheme or planning scheme policies;~~
 - ~~(ii) local laws or subordinate local laws;~~
 - ~~(iii) standards or guidelines; or~~
- ~~5-17. a and codes of conduct of the local government Act¹; and must be achieved.~~
- ~~(b) the Delegated Officer:~~

¹ See Schedule 2 (Dictionary) of the Local Government Act 1993.

- ~~(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.~~~~

~~14. 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.~~
- ~~(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.~~



DELEGATION OF AUTHORITY

DELEGATION NO:	2009-23 (V3.0)
DELEGATION TITLE:	Land
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: <i>Acquisition of Land Act 1967</i> <i>Land Act 1994</i> <i>Land Regulation 1995</i> <i>Land Title Act 1994</i> <i>Land Valuation Act 2010</i> <i>Local Government Act 2009</i> <i>Local Government Regulation 2012</i> <i>Integrated Planning Act 1997</i> <i>Sustainable Planning Act 2009</i> <i>Trust Act 1973</i> <i>Water Act 2000</i>	

Delegated Power:

1. To exercise ~~Council's~~the powers of the local government as a person¹, land owner, registered owner of a deed, trustee, lessee, licensee or permittee under the *Land Act*

¹ Person – a separate legal entity, recognised by the law as having rights and obligations. An artificial person being an entity to which the law attributes personality e.g. a body of persons incorporated, or an

1994, Trust Act 1973, Land Regulation 1995, Land Title Act 1994, Acquisition of Land Act 1967 and ~~the Land Title Act 1994~~ all other relevant local government acts including ~~to~~, without limitation the following:

~~(a) approve, grant, issue and sign local government execute~~ documents related to the following on behalf of ~~Council~~ the local government including;

- (a) correspondence;
- i. certificates;
 - ii. agreements;
 - iii. licences and permits;
 - iv. commercial leases;
 - v. community and sporting ground leases;
 - vi. easement documents;
 - vii. covenants;
 - ~~vii-viii.~~ survey plans (as land owner or trustee);
 - ~~viii-ix.~~ land title documents;
 - x. applications;
 - ~~ix-xi.~~ any documents originating from or pertaining to the scope of responsibility of the delegated officer.

2. To exercise ~~Council's~~ the powers of the local government as a person, land owner, registered owner of a deed, trustee or lessee under the Land Act 1994, Sustainable Planning Act 2009 (SPA) and the Integrated Planning Act 1997(IPA) including ~~to~~, without limitation the following:

- (a) provide council's comments on land dealings; and
- (b) provide "Land Owner's Consent" pursuant to statutory applications over council's owned or controlled land.

3. To exercise ~~Council's~~ the powers of the local government as a person, land owner, registered owner of a deed, trustee or lessee under the Land Act 1994 and Land Regulation 1995 including, without limitation the following:

- (a) exercise the right of access, right of grazing and bring action against a person who trespasses under section 13A of the Land Act 1994.;
- (b) make an appeal;
- (c) enter into an agreement;
- (d) exchange all or part of the term of a lease;
- (e) apply to the Governor in Council;
- (f) apply to the chief executive;
- (g) agree to the Minister;

unincorporated body recognised by law as a person. *Australian Legal Dictionary, Butterworths, LexisNexis*

Delegation No. 2009-23 (v3) Page 2 of 6

- (h) occupy a forest entitlement area;
- (i) buy a forest entitlement area;
- (j) apply to the Minister;
- (k) make a submission;
- (l) consult with and ask the Minister;
- (m) make an application;
- (n) remove or carry out improvements (with Minister's approval where required);
- (o) accept appointment as trustee;
- (p) advise the chief executive of change in details;
- (q) comply with Minister;
- (r) maintain and manage trust land;
- (s) surrender all or part of a deed of grant;
- (t) lease all or part of the trust land;
- (u) seek Minister's approval;
- (v) transfer, mortgage and sublease;
- (w) issue and lodge a permit;
- (x) seek consent;
- (y) cancel a lease or permit;
- (z) wind up a trust;
- (aa) repair or remove structures, monuments or tombstones from a cemetery on trust land;
- (bb) take on trusteeship and agree to terms of the transfer;
- (cc) exhume a body from a cemetery;
- (dd) take action required under a remedial notice;
- (ee) give notice of intention;
- (ff) surrender land;
- (gg) start proceedings in a magistrates court; and
- (hh) agree to the allocation or dedication of land from the State.

3.4. To exercise the powers of the local government under the *Acquisition of Land Act 1967* (and the *Land Act, 1994*) including ~~to~~, without limitation the following:

- (a) act as council's delegate to hear grounds of objection to taking of any land (including an easement) 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 (including an easement) 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 (including an easement) following a council resolution that the land is required;
5. To sign-exercise the powers of the local government documents to acquire land to widen a road under the ~~Land~~Local Government Act 1994, ~~Land~~2009, Local Government Regulation 1995, 2012 and Acquisition of Land Act 1967 including, without limitation the following:
- (a) give the owner of the land a notice of intention to acquire land to widen a road (including an easement);
 - (b) lodge a notice with the Registrar of titles;
 - (c) claim, assess and ~~the pay~~ compensation;
 - (d) acquire land (including an easement);
 - (e) serve a notice of decision;
 - (f) withdraw a notice of decision; and
 - (g) decide any other information considered appropriate for the inclusion in a land record.
- 4.6. Sign all documents as a person, land owner, registered owner of a deed, trustee or lessee under the Local Government Act 2009, Trust Act 1973, Land Act 1994, Land Regulation 1995, Acquisition of Land Act 1967, Land Title Act 1994, Sustainable Planning Act 2009 and the Integrated Planning Act 1997 on behalf of Council pursuant to section 236, 257 and section 259 of the Local Government Act 2009.
- 5.7. The authority to acquire and dispose of land in accordance with a council approved capital works program or land acquisition and/or disposal program (where the land acquisition or disposal has been identified within the specific program).
- 6.8. 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).
9. The power to consult with the Valuer-General about an annual valuation of land under the Land Valuation Act 2010.
10. To exercise the powers of the local government under the Local Government Act 2009, including, without limitation 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.
11. To exercise the powers of the local government under the Trust Act 1973 including, without limitation the following:
- (a) where appointed trustee for certain purposes, to administer trust property.
12. To act as council's representative to exercise all the powers as a committee member on a body corporate established under the Body Corporate and Community Management (Accommodation Module) Regulation 2008, Body Corporate and Community Management (Commercial Module) Regulation 2008, Body Corporate and Community Management (Small Schemes Module) Regulation 2008, Body Corporate and Community Management (Standard Module) Regulation 2008 (the Regulations) and the Body Corporate and Community Management Act 1997 without limitation.

Delegation Criteria:

~~1.~~ The delegated officer may exercise the powers of ~~Council~~ the local government 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.~~

~~7.13.~~ The delegated officer may exercise the powers of Council in relation to the powers delegated in paragraph ~~57 and 8~~ of this delegation subject to the following:

- ~~(a) the funding for the acquisition or on disposal has been approved by Council in a Capital Works Program or Land Acquisition and Disposal Program of land is undertaken in accordance with the requirements of the Local Government Regulation 2012;~~ 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 Council file.~~

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 paragraph 3 (a):

~~(a) The Delegated Officer shall comply with the requirements of Section 8 of the Acquisition of Land 1967.~~

~~3.~~ The following procedure is to be undertaken for this delegation:

~~(a) This delegation is to~~ must 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 legislation conferring the authority is in accordance with the delegated criteria;~~

~~8.14.~~ ~~Delegated Officers should consider the impacts of, including any obligations and contractual responsibilities being which are imposed on Council as a result of in exercising the powers delegated in paragraph 1, 2, 3, 4 and 5. power (e.g. performing the function or exercise the power in a way that best achieves the object of the Act).~~

~~15.~~ ~~1. 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 authorities set out above are hereby 259 of the Local Government Act 2009.~~

~~16.~~ ~~The delegated officer must make and keep a register of all instances of where this delegation has been exercised.~~

~~9.17.~~ ~~Unless compliance would be contrary to the Officer(s) designated any law, compliance with the policies and codes of conduct of the local government must be achieved.~~

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

~~23 / 8 / 2010~~

~~CHIEF EXECUTIVE OFFICER~~ _____ ~~DATE~~



DELEGATION OF AUTHORITY

DELEGATION NO:	2009-24 (V2.0)
DELEGATION TITLE:	Land Protection (Pest and Stock Route Management)
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: <i>Local Government Act 2009</i> <i>Land Protection (Pest and Stock Route Management) Act 2002</i> <i>Stock Act 1915</i>	

Delegated Power:

1. — To exercise ~~the~~ 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.~~

1. ~~To exercise powers set out in local government under~~ 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~~ including, without limitation the following:
- (a) ~~issue, develop, draft, prepare, review or renew or cancel council's~~ stock route ~~permits; management plans;~~
 - ~~(a) — issue notices for fencing, mustering, stock reduction or seizure;~~
 - ~~(b) — direct an authorised person;~~
 - ~~(c) — enter into agreement with landowners for water and land to build or complete the building of a fence or make the fence stock proof;~~
 - ~~(b)(d) — determine whether it is reasonably necessary to muster stock facilities on relevant land;~~
 - ~~(b) — keep a register of agreements for water and stock facilities;~~
 - ~~(e) — enter land to muster stock;~~
 - ~~(f) — determine that sufficient pasture will not be available for travelling stock on the network;~~
 - ~~(e)(g) — seize, issues notices, deal with and dispose of stray stock found on the stock route network;~~
 - ~~(d)(h) — issue a review give written notice- of seizure of seized stock;~~
 - ~~(i) — release stock to a person entitled to possession;~~
 - ~~(j) — sell seized stock by public auction or tender or dispose seized stock;~~
 - ~~(k) — destroy stock in an appropriate manner, where:
 - i. ~~stock found on the stock route network are stray stock; and~~
 - ii. ~~where is not is practical to seize stock;~~
 - iii. ~~it is necessary to destroy stock in the interest of public safety.~~~~
 - ~~(l) — issue and give a notice or make a request;~~
 - ~~(m) — take action and comply with any notice and provide any information requested by the Minister;~~
 - ~~(n) — grant, refuse, renew, amend, impose conditions, amend conditions and cancel a permit;~~
 - ~~(o) — ask for further information or documents about an application;~~
 - ~~(p) — require the return of a permit;~~
 - ~~(q) — consider it necessary to build a stock-proof fence on the boundary of land adjoining a stock route network;~~
 - ~~(r) — manage and conserve pasture on a stock route network;~~

- (s) require an owner to reduce the number of stock on the land; and
 - (t) consent to the burning or removal of pasture.
2. To exercise the powers ~~set out in~~ of the local government under the *Stock Act 1915* including, without limitation the following:
- (a) destroy stray diseased stock found on any road or land under council control.
- ~~2.3.~~ To exercise the powers of the local government under 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 ~~including, without limitation the following:~~
- ~~(a) — conduct and resolve legal proceedings for breaches under the Act.~~
- (a) Authority to give develop, draft, prepare, review or renew Council's pest management plans;
 - (b) issue an emergency quarantine notice;
 - (c) direct an authorised person to take action under an emergency quarantine notice;
 - (d) issue a pest control notice;
 - (e) consider, grant or refuse the compliance period for a pest control notice;
 - (f) consider, grant or refuse a change to the required action;
 - (g) issue an information notice ~~for a decision made;~~
 - (h) issue an entry notice;
 - (i) authorise a pest controller to take action stated in the notice; and
 - (j) give notice of a proposed pest survey program.
- ~~3.4.~~ To exercise the powers of the local government under the *Land Protection (Pest and Stock Route Management) Act 2002 (the Act)* including, without limitation the following:
- (a) appoint an authorised person;
 - (b) issue an identity card.
5. To exercise the powers of the local government under the *Local Government Act 2009*, including, without limitation 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:

4.6. ~~The delegated officer may only exercise the powers of the Council in relation to the powers of local government as delegated in paragraph 3 (a) of under this delegation in respect of: accordance with the relevant provisions as outlined in the Act, Stock Act 1915 and the Local Government Act 2009.~~

~~(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:

~~2. — The following procedure is to be undertaken for:~~ The powers conferred by this delegation:

~~(a) — This delegation is to must be exercised in accordance with the Land Protection (Pest and Stock Route Management) Act 2002.~~

~~5.7. — 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).~~

~~8. — 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.~~

~~6.9. — The delegated officer shall cause must make and keep a register to be kept of all instances of where this delegation has been exercised.~~

~~10. — 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.~~

CHIEF EXECUTIVE OFFICER _____ DATE



DELEGATION OF AUTHORITY

DELEGATION NO:	2009-26 (V3.0)
DELEGATION TITLE:	Local Laws
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: <i>Local Government Act 2009</i> <i>Sunshine Coast Regional Council Local Law No. 1 (Administration)2011</i> <i>Sunshine Coast Regional Council Subordinate Local Law No. 1 (Administration)2011</i> <i>Sunshine Coast Regional Council Local Law No. 2 (Animal Management) 2011</i> <i>Sunshine Coast Regional Council Subordinate Local Law No. 2 (Animal Management) 2011</i> <i>Sunshine Coast Regional Council Local Law No. 3 (Community Health and Environmental Management) 2011</i> <i>Sunshine Coast Regional Council Subordinate Local Law No. 3 (Community Health and Environmental Management) 2011</i> <i>Sunshine Coast Regional Council Local Law No. 4 (Local Government Controlled Areas, Facilities, Infrastructure and Roads) 2011</i> <i>Sunshine Coast Regional Council Subordinate Local Law No. 4 (Local Government Controlled Areas, Facilities, Infrastructure and Roads) 2011</i> <i>Sunshine Coast Regional Council Local Law No. 5 (Parking) 2011</i> <i>Sunshine Coast Regional Council Subordinate Local Law No. 5 (Parking) 2011</i> <i>Sunshine Coast Regional Council Local Law No. 6 (Bathing Reserves) 2011</i> <i>Sunshine Coast Regional Council Subordinate Local Law No. 6 (Bathing Reserves) 2011</i>	

Delegated Power:

1. To exercise the following powers of ~~council in respect of approvals~~ local government under the Local Government's Local Laws including, without limitation the following:

(a) keep and maintain a register;

~~(a) approve, renew, extend, transfer, amend, suspend, restrict, cancel, make null and void, apply conditions, waive requirements and issue an approval¹;~~

~~(b) approve a form;~~

~~(c) accept or obtain a certificate;~~

~~(d) grant an approval²;~~

~~(e) by written notice request an applicant to provide further reasonable information or clarification of information, documents or materials included in the application;~~

~~(b) give a show cause notice;~~

~~(b)(f) give a written notice; and~~

~~(g) waive any requirements;~~

~~(h) refuse to grant an approval;~~

~~(i) grant the approval subject to non-standard conditions;~~

~~(j) give an approval holder a renewal application;~~

~~(a) amend conditions of approval;~~

~~(b) refuse an application to amend conditions;~~

~~(c) renew or extend an approval;~~

~~(d) grant an application to transfer an approval;~~

~~(e) refuse an application to transfer an approval;~~

~~(f) amend existing conditions of a transferred approval;~~

~~(a)(g) give an information notice;~~

~~1. To exercise the following powers of council in respect of appeals, offences and enforcement under the Local Governments Local Laws:~~

~~(h) make a decision to amend, suspend, restrict or cancel an approval;~~

~~(i) immediately suspend an approval;~~

¹ 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.

² An approval means 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.

- ~~(j)~~ keep a register of approvals;
- ~~(k)~~ provide an interested person with a copy of an approval from the register of approvals;
- ~~(l)~~ declare the unlawful possession of an approval null and void and act or attempted act, null and void;
- ~~(m)~~ give a show cause or compliance notice;
- ~~(n)~~ take a sample for analysis;
- ~~(b)(o)~~ offer a reward for information;
- ~~(p)~~ recover the cost of an action as a debt from the responsible person;
- ~~(e)(q)~~ review a ~~reviewable~~ original decision;

- ~~(a)~~ impound an item that has been delivered into council's custody;

- ~~(r)~~ give an applicant notice of a decision (review notice);
- ~~(s)~~ confirm, amend or substitute another decision for an original decision;
- ~~(t)~~ extend the time for making a review on an original decision;
- ~~(u)~~ give a stop order;
- ~~(d)(v)~~ advise the community by signage from where animals are prohibited, or the designation of dog off leash areas;
- ~~(w)~~ declare ~~or revoke~~ an animal other than a dog to be a declared dangerous ~~and require the responsible person~~ animal;
- ~~(e)(x)~~ establish an animal pound¹ or join with another local government or agency to take specific actions;
establish an animal pound;
- ~~(b)~~ give a written notice or notice of impounding;

- ~~(f)(y)~~ keep and ~~maintain a~~ make available for inspection a register of impounded animals;
- ~~(g)(z)~~ make a destruction order; and destroy an animal;
- ~~(h)(aa)~~ dispose of or offer an animal for sale by public auction-
or tender;
- ~~(bb)~~ erect, install and maintain a sign;
- ~~(cc)~~ give a relevant place a name;
- ~~(dd)~~ establish policies, guidelines, and procedures regarding the operation and use of the relevant place;

¹ Subject to the *Sustainable Planning Act 2009*

- (ee) establish specified classes, criteria and terms of membership regarding persons entitled to use the relevant place and any local government property, assets or resources at the relevant place;
 - (ff) seize, impound and dispose of goods, things or structures;
 - (gg) deal with seized and impounded items (goods, structures or things other than an animal);
 - (hh) recover damages;
 - (ii) provide notice to the community regarding the designation of dog off leash areas;
 - (jj) declare an animal other than a dog to be a declared dangerous animal;
 - (kk) revoke a declaration;
 - (ll) make a destruction order;
 - (mm) offer an animal for sale by public auction or by tender;
 - (nn) sell the animal by private agreement;
 - (oo) dispose of an animal in some other way without destroying it;
 - (pp) destroy an animal;
 - (qq) form an opinion for land adjoining a road to be fenced to prevent risk;
 - (rr) issue a parking permit; and
 - (ss) issue a commercial vehicle identification label.
2. To exercise the powers of local government under *Sunshine Coast Council Local Law No. 6 (Bathing Reserves) 2011* including, without limitation the following:
- (a) an employee of the local government as an authorised person;
 - (b) other persons who are eligible for appointment as authorised persons under the *Local Government Act 2009*;
 - (c) assign to a lifesaving club the responsibility for patrolling a bathing reserve.
3. To exercise the powers of the local government under the *Local Government Act 2009*, including, without limitation 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;
 - (iii) sign all documents for the local government.
4. To exercise the powers of the local government under the *Local Government Act 2009*, including, without limitation the following:
- (a) decide the local government's process for making a local law; and
 - (b) consult with relevant government entities about the overall State interest in a proposed local law.

Delegation Criteria:

5. The Delegated Officer may exercise the powers of ~~council~~local government under the Sunshine Coast Council's local laws only in accordance with ~~paragraph 1(a) and 2(g) of this delegation subject to the following conditions:~~the relevant provisions set out in the council's local laws.
- (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.~~
6. ~~The Delegated Officer may~~ exercise the powers of ~~council~~the local government in relation to the powers delegated in paragraph 24 of this delegation ~~in respect of~~subject to the following:
- (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.~~
- (c) The local law making process must be consistent with the requirements set out in Chapter 3 of the Local Government Act 2009; and
- (d) All relevant council policies and guidelines; where such documents exist.

Delegation Administrative Procedure:

7. ~~The following procedure is to be undertaken for~~The powers conferred by this delegation must be exercised in accordance with the ~~powers delegated~~ legislation conferring the authority, including any obligations which are imposed in ~~paragraph 1(a) and 2(~~exercising the power (e.g. performing the function or exercise the power in a way that ~~best achieves the object of the Act).~~
- 7.8. ~~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.

~~(a) The Delegated Officer may following a request insert, alter, change or amend a register maintained by council under a Local Law.~~

~~9. In deciding whether to approve a change to a register, the The delegated officer ~~is to give due consideration to~~ must make and keep a register of all instances of where this delegation has been exercised.~~

~~(b) Unless compliance ~~or otherwise with the delegated criteria.~~~~

~~2. 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 would be contrary to any law, compliance ~~or otherwise with the Delegation Criteria; policies~~ and~~

~~8-10. make a recommendation to grant or refuse to grant codes of conduct of the approval; and local government must be achieved.~~

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

~~3. The Delegated Officer may amend the Register of Approvals.~~

~~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.~~

	11 / 9 / 2012
CHIEF EXECUTIVE OFFICER	DATE



DELEGATION OF AUTHORITY

DELEGATION NO:	2009-28 (V2.0)
DELEGATION TITLE:	Public Health
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:	
<i>Local Government Act 2009</i> <i>Public Health Act 2005</i> <i>Public Health Regulation 2005</i>	

Delegated Power:

1. To exercise ~~Council's~~the powers ~~set out in of the local government as the issuing authority~~under the *Public Health Act 2005* (the **Act**) ~~pursuant to Chapter 2 including to, without~~limitation the following:
 - (a) administer and enforce the powers under the Act;
 - (b) apply to a magistrate for an order enforcing a public health order;
 - (c) enter a place;
 - (d) recover an amount, plus interest;
 - (e) lodge with the registrar of titles;
 - (f) consult with the chief executive;
 - (g) enter into an agreement with the chief executive;
 - (h) give a notice;

(i) inspect a thing and copy a document;

(j) apply to the court for an order; and

(k) deal with a thing forfeited.

2. To exercise the powers of the local government under the Act including, without limitation the following:

(a) agree with and consult with, the chief executive;

(b) exercise the powers the local government has agreed to exercise pursuant to an agreement made by the State Government) regarding the authorisation of under the Act;

(c) sign and provide a certificate;

(a)(d) agree to the chief executive authorising the local government to undertake a prevention and control program;

(b)(e) register a charge over land with agree to the register appointment of titles a council employee;

1. To exercise Council's powers set out in the Public Health Act 2005 (the Act) pursuant to Chapter 9 including to:

(f) appoint an authorised person;

(g) issue an identity card to an authorised person;

(e)(h) approve an approved a systematic or selective inspection program made under Section 61 of the Regulation;

(a) recover reasonable costs in exercising powers.

(i) publish notice of an approved inspection program;

(j) charge a fee to a person; and

(k) approve forms.

3. To exercise Council's the powers set out in of the local government under the Public Health Act Regulation 2005 (including, without limitation the following:

(a) administer and enforce Part 1A, Divisions 1, 2 and 3; and

(b) approve a site for the disposal of asbestos waste.

~~2.4.~~ To exercise the powers of the local government under the *Local Government Act* pursuant to Chapter 10 *2009*, including to, without limitation the following:

~~(a) register a charge over land with the register of titles.~~

(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. The delegated officer may only exercise the powers of the local government as delegated under this delegation in accordance with the relevant provisions as outlined in the Act, *Public Health Regulation 2005* and the *Local Government Act 2009*.

Delegation Administrative Procedure:

~~2. 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.~~

6. The powers conferred by this delegation must be exercised in accordance with the 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).

~~(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 powers conferred by this delegation in Council Quarterly report.~~

~~3.7. The following course of action is to~~must not be undertaken for this ~~exercised in~~
~~circumstances where the power is not capable of delegation in relation to the~~ powers
~~delegated in paragraph 1 (a) to 3 (a) of this delegation:~~under sections 257, 257A, 258 and
259 of the Local Government Act 2009.

~~(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.

~~4.8. The Delegated Officer shall cause~~officer must make and keep a register ~~to be kept~~ of all
instances of where this delegation has been exercised.

9. 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.~~

CHIEF EXECUTIVE OFFICER _____ DATE



DELEGATION OF AUTHORITY

DELEGATION NO:	2009-31 (V2.0)
DELEGATION TITLE:	Regulation of food businesses
Delegation from Council to: Chief Executive Officer	
Date and Resolution No.	
Delegation from the Chief Executive Officer to: Refer attached schedule	Date
Source of Authority: <i>Local Government Act 2009</i> <i>Food Act 2006</i>	

Delegated Power:

1. To exercise ~~Council's~~ powers ~~set out in of the Local Government under~~ the *Food Act 2006 (the Act)* ~~authorising the delegated officer to~~ administer, assess, review, audit, inspect, enforce, notify, monitor compliance, form a belief and make decisions ~~under Chapters 2, 3, 4, 6, 7, 9, 10 and 11 of the Act~~ including ~~to~~, without limitation the following:
 - (a) ~~assess, inspect and enforce~~ deal with all matters relative to the handling and/or sale of food and monitor compliance with the food standards code;
 - (b) consult and agree with the chief executive;
 - (c) give directions to a person;
 - (d) deal with a seized thing and forfeited thing;
 - (b)(e) process applications, renewals, restorations, amendments and compliance actions for all licensable and non-licensable food businesses;

- ~~(e)(f)~~ issue licences and decide the term of a licence or provisional licences licence;
- ~~(d)(g)~~ issue give, consider representations, take no action and end a show cause notice;
- ~~(h)~~ as the second local government, to take the same action as the first local government (except the power to cancel, suspend or cancel licences, impose conditions or other similar action in relation to the licence);
- ~~(i)~~ as the second local government, to advise the first local government of the thing done or omitted to be done by a licensee of a mobile food business;
- ~~(j)~~ as the first local government, to take action in relation to a thing done or omitted to be done by the licensee in the second local government area;
- ~~(k)~~ sign a certificate;
- ~~(e)(l)~~ consider, grant, extend, further extend, refuse, impose conditions, renew, refuse to renew, restore, refuse to restore, amend, refuse to amend, suspend or cancel all types of licences ¹for all licensable food businesses;
- ~~(f)(m)~~ give an information notice;
- ~~(n)~~ obtain and consider the written advice of an auditor;
- ~~(o)~~ make decisions about the suitability of premises for carrying on a licensable food business;
- ~~(p)~~ make enquiries;
- ~~(q)~~ request further information or documents;
- ~~(r)~~ extend time;
- ~~(s)~~ agree with an applicant;
- ~~(g)(t)~~ allow a review of the original decision ~~of an information notice given~~ and extend the time to apply for a review;
- ~~(u)~~ make a further decision:
 - ~~(i)~~ confirm the original decision; or
 - ~~(ii)~~ amend the original decision; or
 - ~~(iii)~~ substitute another decision for the original decision.
- ~~(h)(v)~~ give a review notice;
- ~~(w)~~ consider ~~consider~~ an application to accredit or refuse to accredit a food safety program;
- ~~(x)~~ decide and change the number and frequency of compliance audits;
- ~~(y)~~ approve improvement notices;
- ~~(z)~~ approve particular improvement notices;
- ~~(aa)~~ approve forms; and
- ~~(f)(bb)~~ consider, approve, refuse to approve, amend, cancel or suspend applications for accredited food safety programs, and permit auditing, monitoring and reporting compliance actions on accredited food safety programs;

¹ Licences include but are not limited to – licence, provisional licence and replacement licences.

~~(a) approve improvement notices;~~

~~(b) approve particular improvement notices;~~

~~(c) 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—including, without limitation the following:

Additional Delegated Powers (S. 1132):

(a) apply to the district court.

3. Authority to appoint a person as an authorised person under the ~~Food Act 2006~~ including, without limitation the following:

(a) sign a notice that states the conditions on which an authorised person holds office; and

(b) issue an identity card.

4.

5. Authority to approve the appointment of an employee of council as an authorised officer by Safe Food Production (QLD).

- ~~3-6.~~ To exercise the powers of the local government under the ~~Local Government Act, 2009,~~ including, without limitation 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:

- ~~1.~~ The delegated officer may ~~conduct and resolve legal proceedings in relation to~~ only exercise the powers of the local government as delegated in paragraph 2 of under 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~~

~~4.7. exercise of any right of appeal rights in accordance with the relevant provisions as outlined in respect of the Council's legal proceedings the Act and the *Local Government Act 2009*.~~

Delegation Administrative ~~Procedure~~ Procedures:

~~2. The following course of action is to be undertaken for powers conferred by this delegation:~~

~~5.8. This delegation is to be exercised in accordance with the *Food Act 2006* 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 under section 5).~~

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

~~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*.~~

~~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 in accordance.~~

~~6.11. Unless compliance would be contrary to any law, compliance with the *Food Act 2006* 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.~~

~~7/10/2009~~

CHIEF EXECUTIVE OFFICER _____ DATE



DELEGATION OF AUTHORITY

DELEGATION NO:	2009-35 (V4.0)
DELEGATION TITLE:	Sustainable Planning
Delegation from Council to: Chief Executive Officer	
Date and Resolution No.	
Delegation from the Chief Executive Officer to: Refer attached schedule	Date
Source of Authority: <i>Sustainable Planning Act 2009</i> <i>Queensland Reconstruction Authority Act 2011</i> <i>Local Government Act 2009</i>	

Interpretation

1. To the extent that this delegation confers a power to take any action, including making a decision, the power extends to doing anything which is necessary or convenient to perform that action such as:
 - (a) considering factual and legal matters and issues in order to:
 - (i) form any belief which is required;
 - (ii) be satisfied about any matter or thing;
 - (b) issuing any notices;
 - (c) extending any period; and
 - (d) providing reasons.
2. Under this delegation, the words used are to take their meaning from the legislation conferring the authority or to the extent that no meaning is prescribed, the words will take their ordinary meaning unless otherwise specified in this delegation.
3. Under this delegation, the words used have the meanings set out below:

'powers of the local government' means all powers conferred on the local government from the legislation which is the subject of this delegation including, but not limited to, the local government's powers and functions as:

- (a) 'assessment manager';
- (b) 'assessing authority';
- (c) 'referral agency' (including as 'concurrence agency' and 'advice agency');
- (d) 'local government';
- (e) 'designator';
- (f) 'compliance assessor'; and
- (g) 'public sector entity'.

Delegated Power:

- 1.4. To exercise the Council's powers of the local government under Chapter 3 of the Sustainable Planning Act 2009 (Act), including, but without limitation, to decide a request to apply a superseded planning scheme.
- 5. To exercise the Council's powers of the local government under Chapter 5 of the Act including, without limitation, the following:
 - (a) to decide requests to acquire designated land under hardship;
 - (b) to take alternative action other than buying the nominated interest;
 - (c) to give all relevant notices including a notice of intention to resume the nominated interest.
- 2.6. To exercise the powers of the local government under Chapter 6 of the Act in respect of the Integrated Development Assessment System, (IDAS) and other provisions including, but without limitation, the following:
 - (a) to receive and determine to ask any person for advice or comment about an application at any stage of IDAS, other than the compliance stage;
 - (b) to decide whether a development application is a properly made application;
 - (c) to give a referral agency response, including any pre-application referral agency response;
 - (d) to decide whether an information request should be given and to make an information request;
 - (e) to assess and decide an application if some of the requirements relating to the public notification of an application have not been complied with;
 - (f) to accept a written submission even if the submission is not properly made;
 - (g) to assess and decide a development application, including the imposition of refusing an application or approving all or part of an application subject to conditions an approval of a development application;
 - (h) to enter into an agreement to establish the obligations, or secure the performance, of a party to the agreement about a condition;

- ~~(e)(i)~~ to decide a request to change a development ~~approval~~application before an application is decided, including deciding whether the change would not be likely to attract a submission objecting to the thing comprising the change, if the notification stage were to apply to the change;
- ~~(d)(j)~~ to decide a request to extend the relevant period of a development approval;
- ~~(e)(k)~~ to decide a request for the giving of a negotiated decision notice, including giving a new infrastructure charges notice;
- ~~(f)~~ to decide a request for a permissible change to ~~cancel~~ a development approval;
- ~~(g)(l)~~ to give, including refusing the Minister all reasonable assistance ~~the Minister requires to assess and decide a development application that has been called in by the Minister~~request or approving it with or without conditions;
- ~~(m)~~ to ~~approve~~decide a ~~plan of subdivision for the reconfiguring of~~request change or cancel a ~~let~~'development condition';
- ~~(h)(n)~~ to decide a request to cancel a development approval;
- ~~(i)(o)~~ to nominate an entity to carry out compliance assessment for the ~~Council~~local government;
- ~~(j)(p)~~ to assess and decide a request for compliance assessment, including approving a request with or without conditions, or giving an action notice;
- ~~(k)(q)~~ to assess and decide representations made in respect of an action notice;
- ~~(l)(r)~~ 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.

3-7. To exercise the ~~Council's~~ powers of the local government under Chapter 7 of the Act, except for the power contemplated in section 590(7) of the Act 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~~local government is a party;
- (b) to initiate a legal proceeding, including without limitation, a proceeding in the Magistrates Court, Planning and Environment Court or Court of Appeal;
- (c) to ~~issue~~give a show cause notice ~~and/or an~~ enforcement notice.

4-8. To exercise the powers of the ~~Council~~local government under Chapter 8 of the Act, ~~limited~~including but without limitation to the following:

- (a) to impose conditions about infrastructure on an approval of a development application;
- ~~(b)~~ to decide the amount of an offset or refund;
- ~~(b)~~ to give an infrastructure charges notice;
- (c) ~~to give (including a regulated infrastructure charges~~negotiated notice;) with an information notice;
- (d) to ~~give an adopted~~amend any existing infrastructure charges notice;

(e) to enter into an infrastructure agreement.

5.9. To exercise the powers of the ~~Council~~local government under Chapter ~~8A9~~ of the Act, including but without limitation, the following:

~~(a) to note registered premises on the planning scheme.~~

~~(a) To exercise the power to decide a claim for compensation;~~

~~(b) the power taking or purchasing of land in the Council under Chapter 9 circumstances set out in section 714 of the Sustainable Planning Act 2009, including without limitation;~~

~~(a)(c) the following: entering of land in the circumstances set out in section 715 of the Act;~~

~~(b)(d) the making available for inspection and purchase of documents which are required by the Act to be kept available for inspection and purchase;~~

~~(e)(e) the maintenance of a register of development applications;~~

~~(d)(f) the giving of a limited, standard or full planning and development certificate for a premises;~~

~~(e)(g) the provision of a copy of a document from the register of all development applications at the request of members of the public;~~

~~(f)(h) 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.~~

6.10. To exercise the powers of the ~~Council~~local government under Chapter 10 (~~Transitional Provisions~~) of the Act, which includes transitional provisions.

11. To exercise the powers of the local government under the Local Government Act 2009, to support the local government's powers and functions under the Act including, but without limitation, to the following:

(a) act for the local government in legal proceedings including the authority to:

(iii) give instructions and act as the authorised agent for the local government including, for the purposes of section 41 of the Planning and Environment Court Rules 2010, act in the capacity of the local government as an 'active party' on the authority to:

1. settle the issues; or

2. make a recommendation to the local government about settling the issues;

(iv) effect substituted service; and

(v) sign all documents for the local government; and

(b) negotiate agreements, give instructions and sign all documents for the local government to give effect to any agreement.

12. To exercise the powers of the local government under the Queensland Reconstruction Authority Act 2011 including but without limitation to the following:

(a) request the Minister to declare a project for proposed development to be a declared project;

(b) agree about the declaration of acquisition land;

- (c) request the Minister to declare a part of the State to be a reconstruction area and/or acquisition land;
- (d) give the authority a written recommendation to impose a condition for infrastructure to which the Act applies;
- (e) request the Minister to direct the local government to take particular action about a local planning instrument; and
- (f) make submissions to the Minister about a proposal to direct the local government to take particular action about a local planning instrument.

Delegation Criteria:

7-13. The delegated officer may exercise the powers of the ~~Council~~local government under the ~~Sustainable Planning Act 2009~~ for an application other than the following:

- (a) an application where, in the opinion of the delegated officer, the estimated construction value of the proposed development exceeds \$50 million (excluding land content);
- (b) under the transitional provisions set out in Chapter 10 of the Act - 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)~~(d) an application for a proposed development where more than 20 submissions have been received during the notification stage objecting to the proposed development.

8-14. However, even if ~~paragraphs 8 (a) or (d)~~paragraph 13(a) above ~~apply~~applies, the delegated officer may exercise the powers of ~~Council~~the local government under the Act without that limitation for an application where the application has the potential for "deemed approval" in accordance with sections 330-331 of the Act.

Delegation Administrative Procedure:

- 9. ~~The powers conferred by~~ this delegation ~~is to~~must be exercised in accordance with the Act.
- 15. ~~The extent of legislation conferring the authority is, including any obligations which are imposed in accordance with the exercising the power (e.g. advancing the purpose of SPA under section 4 of that Act).~~
- 16. ~~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.~~

~~10. The delegated criteria where stated.~~

~~11.17. The Delegated Officer shall cause officer must make and keep a register to be kept of all instances of where this delegation has been exercised.~~

~~12.18. The following procedure is to be undertaken for this delegation unless compliance would be contrary to any law:~~

~~(a) (a) The policies of the Council are local government must be complied with and in particular any policy related to entering into an infrastructure agreement in accordance with the power delegated in paragraph 8(e) 4(e) of this delegation.~~

~~(b) (b) The policies and codes of conduct of the Council are local government must be complied with and in particular:~~

~~(i) a development application is to be referred to the Council Chief Executive Officer for determination where a councillor or has a material personal interest in the development application;~~

~~(ii) a development application is to be referred to the Director Regional Strategy and Planning for determination where a council officer has a material personal interest in the development application.~~

~~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.~~

~~7 / 10 / 2009~~

~~CHIEF EXECUTIVE OFFICER DATE~~