



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	
<p>Source of Authority: Local Government Act 2009 Sunshine Coast Regional Council Local Law No. 1 (Administration)2011 Sunshine Coast Regional Council Subordinate Local Law No. 1 (Administration)2011 Sunshine Coast Regional Council Local Law No. 2 (Animal Management) 2011 Sunshine Coast Regional Council Subordinate Local Law No. 2 (Animal Management) 2011 Sunshine Coast Regional Council Local Law No. 3 (Community Health and Environmental Management) 2011 Sunshine Coast Regional Council Subordinate Local Law No. 3 (Community Health and Environmental Management) 2011 Sunshine Coast Regional Council Local Law No. 4 (Local Government Controlled Areas, Facilities, Infrastructure and Roads) 2011 Sunshine Coast Regional Council Subordinate Local Law No. 4 (Local Government Controlled Areas, Facilities, Infrastructure and Roads) 2011 Sunshine Coast Regional Council Local Law No. 5 (Parking) 2011 Sunshine Coast Regional Council Subordinate Local Law No. 5 (Parking) 2011 Sunshine Coast Regional Council Local Law No. 6 (Bathing Reserves) 2011 Sunshine Coast Regional Council Subordinate Local Law No. 6 (Bathing Reserves) 2011</p>	

Delegated Power:

- To exercise the powers of local government under the Local Government's Local Laws including, without limitation the following:

- (a) keep and maintain a register;
- (b) approve a form;
- (c) accept or obtain a certificate;
- (d) grant an approval¹;
- (e) by written notice request an applicant to provide further reasonable information or clarification of information, documents or materials included in the application;
- (f) give written notice;
- (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;
- (g) give an information notice;
- (h) make a decision to amend, suspend, restrict or cancel an approval;
- (i) immediately suspend an 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;
- (o) offer a reward for information;
- (p) recover the cost of an action as a debt from the responsible person;
- (q) review an original decision;
- (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;

¹ 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.

- (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 animal;
 - (x) establish an animal pound¹ or join with another local government or agency to establish an animal pound;
 - (y) keep and make available for inspection a register of impounded animals;
 - (z) make a destruction order and destroy an animal;
 - (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;
 - (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:

¹ Subject to the *Sustainable Planning Act 2009*

- (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 local government under the Sunshine Coast Council's local laws only in accordance with the relevant provisions set out in the council's local laws.
- 6. The Delegated Officer may exercise the powers of the local government in relation to the powers delegated in paragraph 4 of this delegation subject to the following:
 - (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 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).
- 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*.
- 9. The delegated officer must make and keep a register 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.