

## Disclaimer

The following copy of the Minutes of the meeting of the South Burnett Regional Council held on Wednesday 13 December 2017 are **UNCONFIRMED** and are supplied as a courtesy.



# **SOUTH BURNETT**

## **REGIONAL COUNCIL**

## Minutes

Of The

## General Council Meeting

Held in the Warren Truss Chamber, 45 Glendon Street Kingaroy

On Wednesday 13 December 2017

Chief Executive Officer: Gary Wall

### Our Vision

*"Individual communities building a strong and vibrant region."*

### Our Values

<b>A</b>	<b>Accountability:</b>	We accept responsibility for our actions and decisions in managing the regions resources.
<b>C</b>	<b>Community:</b>	Building partnerships and delivering quality customer service.
<b>H</b>	<b>Harmony:</b>	Our people working cooperatively to achieve common goals in a supportive and safe environment.
<b>I</b>	<b>Innovation:</b>	Encouraging an innovative and resourceful workplace.
<b>E</b>	<b>Ethical Behaviour:</b>	We behave fairly with open, honest and accountable behaviour and consistent decision-making.
<b>V</b>	<b>Vision:</b>	This is the driving force behind our actions and responsibilities.
<b>E</b>	<b>Excellence:</b>	Striving to deliver excellent environmental, social and economic outcomes.

**SOUTH BURNETT REGIONAL COUNCIL MINUTES**

Wednesday 13 December 2017

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UNCONFIRMED

Minutes of the meeting of the South Burnett Regional Council, held in the Warren Truss Chamber, 45 Glendon Street Kingaroy on 13 December 2017 at 9.02am

**PRESENT:**

**Councillors:**

Cr KM Campbell (Mayor), Cr RJ Frohloff, Cr GA Jones, Cr DA Potter, Cr TW Fleischfresser, Cr KA Duff, Cr RLA Heit

**Council Officers:**

Gary Wall (Chief Executive Officer), Lester Schumacher (General Manager Finance), Peter O'May (General Manager Corporate Services), Aaron Meehan (General Manager Infrastructure)

**1. Leave Of Absence**

Nil

**2. Prayers**

A representative of the Kingaroy District Ministers Association, Reverend David Ferguson offered prayers for Council and for the conduct of the Council meeting.

**3. Confirmation of Minutes of Previous Meeting**

**3.1 South Burnett Regional Council Minutes**

**Officer's Recommendation**

That the minutes of the previous meeting held on Wednesday 15 November 2017 as recorded be confirmed.

**Resolution:**

*Moved Cr KA Duff, seconded Cr RLA Heit.*

*That the minutes of the previous meeting held on Wednesday 15 November 2017 as recorded be confirmed.*

*Carried 7/0*

*FOR VOTE - Councillors voted unanimously*

**CONSIDERATION OF BUSINESS SECTIONS INCLUDING BUSINESS ARISING OUT OF MINUTES OF PREVIOUS MEETINGS**

See Business Function Headings

#### **4. Portfolio - Economic Development, Governance and Communications**

##### **4.1 Economic Development, Governance and Communications Portfolio Report**

### **Summary**

Mayor Campbell presented his Economic Development, Governance and Communications Portfolio Report to Council.

### **Officer's Recommendation**

That Mayor Campbell's Economic Development, Governance and Communications Portfolio Report to Council be received.

### **Resolution:**

*Moved Cr KM Campbell, seconded Cr GA Jones.*

*That Mayor Campbell's Economic Development, Governance and Communications Portfolio Report to Council be received.*

### **Advancing Regional Innovation Program – South Burnett Water Efficiency Project**

*The South Burnett Water Efficiency project is underway with crop being planted and designs for the machine at the centre of the project being developed. The South Burnett project is a little unique across the Wide Bay Burnett suite of projects in that it is agricultural based and also physical in nature. To this end, it is expected to generate regional interest as the project moves forward and early plans for a field day or similar, showcasing the project and the built machine, have commenced. The Project Steering Committee will meet again in January to progress project implementation.*

### **Meeting of Business groups**

*The South Burnett Directions office hosted a meeting of representatives of business groups across the region to discuss ongoing collaboration. Representatives from Kingaroy Chamber of Commerce & Industry, Nanango Tourism & Development Association and Burnett Inland Economic Development Organisation attended the meeting which allowed the three groups to compare notes/share experiences and discuss implementation of the 2020 South Burnett Economic Development Strategy with Council's Economic Development staff. It is anticipated that this meeting will be followed up early in 2018 to further develop working relationships between Council and the region's business groups.*

### **WBBROC Water for Economic Development**

*Steve Brown, WBBROC, spoke to a small group of persons interested in water for economic development on 27 November. The meeting heard from Steve Brown about the work being undertaken by WBBROC and timeline for documentation of a report. Steve suggested that it was worthwhile for interested parties to come together to discuss water for economic development and that it made sense for all parties upstream of Paradise Dam to work together. Further meetings will be held in 2018 as the WBBROC Water for Economic Development project continues.*

### **Wide Bay Burnett Economic Growth Forum**

*Thanks to Ken Mills and BIEDO for use of small bus which was used to great effect on the travel to and from the Wide Bay Burnett Economic Growth Forum. Highlights from the day included the industry talks, with Jason Kinsella representing the South Burnett region. His story was well received and some of the photos, from flood to every day views, were just amazing.*

**Governance and Communication:****Local Disaster Management and Recovery**

With the seasonal outlook from the Bureau of Meteorology advising that December is likely to be wetter than average for our region I would like to take this opportunity to reiterate the messaging from Queensland Fire & Emergency Services in relation to our community being prepared for storm season. Council, as the coordinating body for Local Disaster Management and Recovery, has commenced preparations in readiness for the season and what it may mean for our region.

Further to these preparations, last week the Local Disaster Recovery Group participated in an exercise to assist members and its functional recovery sub groups to become more familiar with the 2017 South Burnett Local Disaster Recovery Plan. In particular the exercise highlighted the work required to transition from disaster response operations to short and medium term disaster recovery activities.

I would like to thank the agencies and Council staff who participated in this planning exercise. In particular I would like to thank Cr Roz Frohloff who provided oversight as Acting Chair of the Local Disaster Management Group and Chair of the Local Recovery Group.

**Draft Corporate Plan 2018 - 2022**

In January, Council plans to adopt the draft Corporate Plan for 2018-2022. This draft will then be available for review and feedback during February. I would like to continue to remind the community that Council will be hosting information awareness sessions at Blackbutt and Nanango on February 8<sup>th</sup> as well as at Kingaroy, Wondai and Murgon on February 15<sup>th</sup>. The draft plan will also be available on our Council website and at our customer service centres during February.

**Christmas Lights Competition winners**

I am very pleased to be able to announce the winners of this year's Hancock Prospecting Pty Ltd Christmas Lights competition.

Taking out the South Burnett Champion prize this year is Wondai's Kath Kennedy from 40 Amaroo Drive who has won a trip to Singapore for 2 adults and 2 children valued at \$15,000.

South Burnett Champion Runner Up is David & Linda Marskell from 14 Cowie Drive Kingaroy who has also won a trip to Singapore for 2 adults and 2 children valued at \$10,000.

Other winners were:

PLACE	NAME	ADDRESS
1st Nanango Urban	Francis Honey	45 South Street Nanango
2nd Nanango Urban	Alan and Rosie Strugnell	10 Grey Street Nanango
1st Nanango Rural	DJ & SJ Hancock	111 Burnett Highway Nanango
2nd Nanango Rural	Scott Pedron	22 Tanduringie Drive Tarong
1st Murgon Urban	Malcolm & Cassandra Bayntun	79 Douglas Street North Murgon
2nd Murgon Urban	Wink, Morgan, Ethan, & Isaac Suchoronczak	9 Goodchild Drive Murgon
1st Murgon Rural	Lindenberg Family	1265 Gayndah Road Merlwood
2nd Murgon Rural	Louise & Wayne Thomas	298 Louttits Road Glenrock
1st Wondai Urban	Michael & Krystle Rose	52 Pring Street Wondai

2nd Wondai Urban	Lauren & Harley O'Neill	123 Pring Street Wondai
1st Wondai Rural	The Bartlett-Kennedys	30 Amaroo Drive Wondai
2nd Wondai Rural	Christine Wilson	1330 Proston Boondooma Road Proston
1st Blackbutt Urban	Dale Gersekowski	39 Fern Street Blackbutt
2nd Blackbutt Urban	Bill & Gayle Williamson	27 Crofton Street Blackbutt
1st Blackbutt Rural	Patricia Skilton	944 Old Esk Road Benarkin
2nd Blackbutt Rural	Matthew Barry	177 McLaughlan Road Benarkin
1st Kingaroy Urban	John & Kimberley Francis	8 Jacaranda Avenue
2nd Kingaroy Urban (tie)	Geoff & Veronica Hartwig	97 Ivy Street
2nd Kingaroy Urban (tie)	Carolyn Dingle	25 Carroll Street
1st Kingaroy Rural	Paul Winter	25 Winters Road
2nd Kingaroy Rural	Christian Liesegang	28 Ferne Road
1st Business	Sportfirst Kingaroy	23 Alford Street
2nd Business	Hillview Kidz Family Daycare	3 Daisy Court

A big congratulations to not just our winners but to everyone who entered the competition this year.

*Carried 7/0  
FOR VOTE - Councillors voted unanimously*

## **4.2 Governance (G)**

### ***Officer's Report***

#### **4.2.1 G - 2438474 - Adoption of the Advertising Spending Policy**

### **Summary**

The *Local Government Regulation 2012* requires Council to prepare and adopt a policy about the local government's spending on advertising. This policy applies to any paid advertisement or notice in any media to promote goods or services (including facilities) provided by the Council.

### **Officer's Recommendation**

That Council adopt the Advertising Spending Policy in accordance with Section 197 (1) of the *Local Government Regulation 2012*.



IR NUMBER: "IR Number"  
 MINUTE NUMBER: [Minute Number]  
 ADOPTED ON/SIGN OFF DATE: [Date]

## Advertising Spending Policy

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### 1. POLICY STATEMENT

This policy provides guidelines outlining the control of expenditure on advertisements placed by South Burnett Regional Council (Council) in various media in accordance with Section 197 of the Local Government Regulation 2012 (*the Regulation*). Council may incur expenditure for advertising only if the advertising is for the provision of information or education to the public in the public interest to demonstrate the benefit/s for the South Burnett community.

### 2. SCOPE

This policy applies to all employees of Council, including the Chief Executive Officer and sets out the requirements of any paid advertisement or notice in any media (including electronic advertising via the internet) to promote goods, services or facilities provided by the Council.

### 3. POLICY OBJECTIVES

The objectives of this policy are:

- (a) to meet legislative requirements;
- (b) to ensure the appropriate authorisation of advertising expenditure; and
- (c) to ensure Council obtains value for money in placing advertising.

### 4. BACKGROUND AND/OR PRINCIPLES

Section 197 of *the Regulation* states:

- (1) *A local government must prepare and adopt a policy about the local government's spending on advertising (an advertising spending policy).*
- (2) *A local government may spend money on advertising only—*
  - (a) *if—*
    - (i) *the advertising is to provide information or education to the public; and*
    - (ii) *the information or education is provided in the public interest; and*
  - (b) *in a way that is consistent with the local government's advertising spending policy.*

*Advertising is promoting, for the payment of a fee an idea, goods or services to the public.*



## 5. GENERAL INFORMATION

Council will incur expenditure for advertising where the following applies:

- the advertising is for providing information or education to the public;
- the information or education is provided in the public interest; and
- the advertising falls into one (1) of the categories deemed acceptable as follows:
  - to advise the public of a new or continuing service or facility provided by the Council;
  - to advise the public about changes to an existing service or facility provided by the Council;
  - to promote the use of a service or facility provided by the Council providing that such advertising does not breach the principles and limitations of competitive neutrality under the *Local Government Act 2009 (the Act)*;
  - to promote a change in the behaviour of people in the Council's area for the reasonable benefit of all or some of the community or to achieve Council's stated objectives;
  - to advise the public of the time, place and content of scheduled meetings of the Council;
  - to advise the public of the decisions made by the Council at its meetings;
  - to request comment on proposed policies or activities of the Council;
  - to advertise matters required by legislation to be advertised;
  - to advertise matters as approved from time to time by the Chief Executive Officer in consultation with the Mayor; or
  - to promote the region.

Council will not, during the period of three (3) months preceding an election of the local government other than a by-election, or during the period after the date of a by-election is advertised until the day of the election:

- place advertisements relating to future plans unless, and only to the extent that, those plans have been formally adopted by the Council;
- advertise the activities of the Council otherwise than in the manner and form it is customary for the Council to advertise its activities;
- place advertisements which seek to influence support for particular candidates, groups of candidates or potential candidates in the election; or
- bear the cost of advertisements featuring one or more councillors or containing quotations attributed to individual councillors.

***Please Note: This does not preclude councillors appearing in unpaid publicity or other publicity where the cost is not borne by the Council.***

Council will ensure any advertising expenditure during a caretaker period is in accordance with the provisions in sections 90(a) through to 90(d) of *the Act*.

Advertising will not be used to promote the particular achievements or plans of a councillor or group of councillors. In particular, advertising will not be used to influence the voters during an election.

All advertising must be authorised and approved by the Chief Executive Officer or by the relevant Manager and be directed towards Social and Corporate Performance for processing and placement.

Advertising for positions vacant are to be directed to Human Resources for processing.

Advertising for tourism or promoting the region are to be directed to Economic Development for processing.

The Manager of Social and Corporate Performance will monitor the appropriateness and cost effectiveness of advertising undertaken and report to the Chief Executive Officer when concerns arise.

The approving officer must ensure:

- the expenditure is in accordance with this policy; and

- the cost of the advertisement is appropriate for the number of people it is intended to inform and provides a commensurate benefit to the Council or to the public; and
- the cost is available in the relevant budget item and meets the usual requirements for expenditure approvals; and
- requests for advertising meet the required deadlines; and
- a purchase order is raised prior to confirming bookings.

**6. DEFINITIONS**

Advertising is defined by *the Regulation* as "promoting, for the payment of a fee, an idea, goods or services to the public".

**7. LEGISLATIVE REFERENCE**

*Local Government Act 2009 (the Act)*

*Local Government Regulation 2012 (the Regulation)*

**8. RELATED POLICIES/PROCEDURES**

Council's Procurement Policy

**9. NEXT REVIEW**

June 2019

**10. VERSION CONTROL**

Version	Revision Description	Approval Date
1	Policy Creation	December 2009
2	Legislation Changes	December 2017

\_\_\_\_\_  
 Gary Wall  
 CHIEF EXECUTIVE OFFICER

\_\_\_\_\_  
 Date

**Resolution:**

*Moved Cr DA Potter, seconded Cr RJ Frohloff.*

*That the Officer's Recommendation be adopted.*

*Carried 7/0  
FOR VOTE - Councillors voted unanimously*

**4.2.2 G - 2437413 - Local Law Making Process Policy**

**Summary**

For the purposes of section 29(1) of the *Local Government Act 2009*, Council's process for making each law of the local government is set out in the Local Law Making Process Policy.

**Officer's Recommendation**

That the Local Law Making Process Policy be adopted.



IR NUMBER: "IR Number"  
 MINUTE NUMBER: [Minute Number]  
 ADOPTED ON/SIGN OFF DATE: [Date]

## Local Law Making Process Policy

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### 1. POLICY STATEMENT

This policy provides the local law making process which Council will follow to make a local law.

### 2. SCOPE

This policy applies to Councillors and all employees of Council, including the Chief Executive Officer setting out the process which Council will follow to make a local law.

### 3. POLICY OBJECTIVES

The objectives of this policy are to meet legislative requirements.

### 4. BACKGROUND AND/OR PRINCIPLES

For the purposes of section 29(1) of the Local Government Act 2009, the local government's process for making each local law of the local government is the process detailed below.

The process -

- (a) applies to the making of -
  - (ii) each local law that incorporates a model local law; and
  - (iii) each local law that is a subordinate local law; and
  - (iv) each other local law; but
- (b) does not apply to a local law that is an interim local law.

### 5. GENERAL INFORMATION

#### Making a subordinate local law

The process (model local law making process) must be used to make a local law that incorporates a model local law into the local laws of the local government.

Step 1 — By resolution, propose to incorporate the model local law.

Step 2 — If the model local law contains an anti-competitive provision, comply with the procedures prescribed under a regulation for the review of anti-competitive provisions.

- Step 3 If there is an existing local law about a matter in the model local law that would be inconsistent with the matter in the model local law—amend or repeal the existing local law so that there is no inconsistency.
- Step 4 — By resolution, incorporate the model local law.
- Step 5 — Let the public know that the local law has been made, by publishing notice of the making of the local law in accordance with the requirements of section 29B(1) to (4) inclusive of the Local Government Act 2009.
- Step 6 — As soon as practicable after the notice is published in the gazette, ensure that a copy of the local law may be inspected and purchased at the local government's public office.
- Step 7 — Within 14 days after the notice is published in the gazette, give the Minister—
- (a) a copy of the notice; and
  - (b) a copy of the local law in electronic form; and
  - (c) if the local law contains 1 or more anti-competitive provisions—
    - (i) advice of each anti-competitive provision; and
    - (ii) the reasons for their inclusion.
- Step 8 — Update the local government's register of its local laws.

#### **Making an "other" local law**

The process (other local law making process) must be used to make a local law (a proposed local law) other than—

- (a) a model local law; or
- (b) an interim local law; or
- (c) a subordinate local law.

- Step 1 — By resolution, propose to make the proposed local law.
- Step 2 — Consult with relevant government entities about the overall State interest in the proposed local law.
- Step 3 — Consult with the public about the proposed local law for at least 21 days (the consultation period) by—
- (a) publishing a notice (a consultation notice) about the proposed local law at least once in a newspaper circulating generally in the local government's area; and
  - (b) displaying the consultation notice in a conspicuous place at the local government's public office from the first day of the consultation period until the end of the last day of the consultation period; and
  - (c) making a copy of the proposed local law available for inspection at the local government's public office during the consultation period; and
  - (d) making copies of the proposed local law available for purchase at the local government's public office during the consultation period.

The consultation notice must state the following—

- (a) the name of the proposed local law; and
- (b) the purpose and general effect of the proposed local law; and
- (c) the length of the consultation period and the first and last days of the period; and

(d) that written submissions by any person supporting or objecting to the proposed local law may be made and given to the local government on or before the last day of the consultation period stating—

- (i) the grounds of the submission; and
- (ii) the facts and circumstances relied on in support of the grounds.

If the local government decides, by resolution, that the proposed local law only amends an existing local law to make an insubstantial change, the local government may proceed to step 6 without satisfying step 3 or step 5.

Step 4 — If the proposed local law contains an anti-competitive provision, comply with the procedures prescribed under a regulation for the review of anti-competitive provisions. For avoidance of doubt, step 3, and this step 4, may be undertaken contemporaneously.

Step 5 — Accept and consider every submission properly made to the local government.

A submission is properly made to the local government if it —

- (a) is the written submission of any person about the proposed local law; and
- (b) states—
  - (i) the grounds of the submission; and
  - (ii) the facts and circumstances relied on in support of the grounds; and
- (c) is given to the local government on or before the last day of the consultation period.

Step 6 By resolution, decide whether to—

- (a) proceed with the making of the proposed local law as advertised; or
- (b) proceed with the making of the proposed local law with amendments; or
- (c) make the proposed local law as advertised; or
- (d) make the proposed local law with amendments; or
- (e) not proceed with the making of the proposed local law.

If the local government resolves to proceed with the making of the proposed local law with amendments, and the amendments are substantial, the local government may again —

- (a) consult with the public at step 3; and
- (b) accept and consider every submission properly made to the local government at step 5.

For the avoidance of doubt, if an amendment changes an anti-competitive provision, the local government must again comply with the procedures prescribed under a regulation for the review of anti-competitive provisions for the amended anti-competitive provision.

Step 7 — Let the public know that the local law has been made, by publishing notice of the making of the local law in accordance with the requirements of section 29B(1) to (4) inclusive of the Local Government Act 2009.

Step 8 — As soon as practicable after the notice is published in the gazette, ensure that a copy of the local law may be inspected and purchased at the local government's public office.

Step 9 — Within 14 days after the notice is published in the gazette, give the Minister—

- (a) a copy of the notice; and
- (b) a copy of the local law in electronic form; and
- (c) if the local law contains 1 or more anti-competitive provisions—
  - (i) advice of each anti-competitive provision; and
  - (ii) the reasons for their inclusion.

Step 10— Update the local government's register of its local laws.

#### **Making a subordinate local law**

The process (subordinate local law making process) must be used to make a subordinate local law (a proposed subordinate local law).

The local government may start the process for making a subordinate local law even though the process for making the local law (including a model local law) on which the subordinate local law is to be based (the proposed authorising law) has not finished.

The local government may use steps 1 to 5 of the subordinate local law making process (other than actually making the subordinate local law) before the proposed authorising law is made if—

- (a) in making the proposed authorising law, the local government has to satisfy—
  - (iii) the model local law making process; or
  - (iv) the other local law making process; and
- (b) if the proposed authorising law is made under the other local law making process— the notice about the subordinate local law under step 2 of the subordinate local law making process is published no earlier than the notice about the proposed authorising law under step 3 of the other local law making process is published.

For the avoidance of doubt, a subordinate local law made by the local government provides for the local government to, from time to time, by resolution, reference or incorporate information.

For example, under the Local Government Regulation 2012, the competition policy guidelines for the identification of anti-competitive provisions are a document made by the department and available for inspection on the department's website.

Step 1 — By resolution, propose to make the proposed subordinate local law.

Step 2 — Consult with the public about the proposed subordinate local law for at least 21 days (the consultation period) by—

- (a) publishing a notice (also a consultation notice) about the proposed subordinate local law at least once in a newspaper circulating generally in the local government's area; and
- (b) displaying the consultation notice in a conspicuous place in the local government's public office from the first day of the consultation period until the end of the last day of the consultation period; and
- (c) making a copy of the proposed subordinate local law available for inspection at the local government's public office during the consultation period; and
- (d) making copies of the proposed subordinate local law available for purchase at the local government's public office during the consultation period.

The consultation notice must state the following—

- (a) the name of the proposed subordinate local law; and
- (b) the name of—
  - (i) the local law allowing the proposed subordinate local law to be made; or

- (ii) if the local government has started the process for making a subordinate local law even though the process for making the proposed authorising law on which the subordinate local law is to be based has not finished — the proposed authorising law; and
- (c) the purpose and general effect of the proposed subordinate local law; and
- (d) the length of the consultation period and the first and last days of the period; and
- (e) that written submissions by any person supporting or objecting to the proposed subordinate local law may be made and given to the local government on or before the last day of the consultation period stating—
  - (i) the grounds of the submission; and
  - (ii) the facts and circumstances relied on in support of the grounds.

If the local government decides, by resolution, that the proposed subordinate local law only amends an existing subordinate local law to make an insubstantial change, and the amendment does not affect an anti-competitive provision, the local government may proceed to step 5 without satisfying any of step 2 to step 4 inclusive.

Step 3 — If the proposed subordinate local law contains an anti-competitive provision, comply with the procedures prescribed under a regulation for the review of anti-competitive provisions. For avoidance of doubt, step 2, and this step 3, may be undertaken contemporaneously.

Step 4 — Accept and consider every submission properly made to the local government.

A submission is properly made to the local government if it—

- (a) is the written submission of any person about the proposed subordinate local law; and
- (b) states—
  - (i) the grounds of the submission; and
  - (ii) the facts and circumstances relied on in support of the grounds; and
- (c) is given to the local government on or before the last day of the consultation period.

Step 5 — By resolution, decide whether to—

- (a) proceed with the making of the proposed subordinate local law as advertised; or
- (b) proceed with the making of the proposed subordinate local law with amendments; or
- (c) make the proposed subordinate local law as advertised; or
- (d) make the proposed subordinate local law with amendments; or
- (e) not proceed with the making of the proposed subordinate local law.

If the local government resolves to proceed with the making of the proposed subordinate local law with amendments, and the amendments are substantial, the local government may again —

- (a) consult with the public at step 2; and
- (b) accept and consider every submission properly made to the local government at step 4.

For the avoidance of doubt, if an amendment changes an anti-competitive provision, the local government must again comply with the procedures prescribed under a



regulation for the review of anti-competitive provisions for the amended anti-competitive provision.

- Step 6 — Let the public know that the subordinate local law has been made, by publishing notice of the making of the subordinate local law in accordance with the requirements of section 29B(1) to (4) inclusive of the Local Government Act 2009.
- Step 7 — As soon as practicable after the notice is published in the gazette, ensure that a copy of the subordinate local law may be inspected and purchased at the local government's public office.
- Step 8 — Within 14 days after the notice is published in the gazette, give the Minister—
- (a) a copy of the notice; and
  - (b) a copy of the subordinate local law in electronic form; and
  - (c) if the subordinate local law contains 1 or more anti-competitive provisions—
    - (i) advice of each anti-competitive provision; and
    - (ii) the reasons for their inclusion.
- Step 9 — Update the local government's register of its local laws.

## 6. DEFINITIONS

**Local Laws:** Under the *Local Government Act 2009* the Queensland Government provides powers to local governments to develop and adopt local laws to assist with the administration and execution of their legislative roles and functions. Local Laws when made by a Local Government Authority are laws which apply within its local government area. Local Laws are statutory instruments of law and are ultimately enforceable through the courts.

**Model Local Laws:** Are proposed by the Minister for Local Government to cover issues that are common to many local governments.

**Other Local Laws:** Are Local Laws that are independently made by Local Governments to deal with an issue in their area. Other Local Laws also include Laws which amend or repeal existing Local Laws.

**Interim Local Laws:** Are typically introduced to address cases of immediate public health and safety risks or where there is a concern that action may be taken during public consultation to make the law, which would defeat the purpose of introducing the law. Community engagement is not required prior to making an interim local law. Interim local laws do not require a review for anti-competitive provisions. Interim Local Laws are adopted for a limited period of six months or less while the Local Government conducts public consultation before introducing the law permanently.

## 7. LEGISLATIVE REFERENCE

*Local Government Act 2009*

*Local Government and Other Legislation Amending Act 2012*

*Local Government Regulation 2012*

*Transport Operations (Road Use Management) Act 1995*

## 8. RELATED POLICIES/PROCEDURES

**9. NEXT REVIEW**

November 2019

**10. VERSION CONTROL**

Version	Revision Description	Approval Date
V1	Draft Policy	Proposed 13 December 2017

\_\_\_\_\_  
Gary Wall  
CHIEF EXECUTIVE OFFICER

\_\_\_\_\_  
Date

**Resolution:**

*Moved Cr TW Fleischfresser, seconded Cr KA Duff.*

*That the Officer's Recommendation be adopted.*

*Carried 7/0*

*FOR VOTE - Councillors voted unanimously*

**4.2.3 G - 2438522 - Delegation of Powers to the Chief Executive Officer****Summary**

Council subscribes to a delegations update service provided by MacDonnells Law. Council has been advised that the following nine (9) Acts and two (2) Regulations have been revised and the delegations under these Acts and Regulations are to be updated.

1. Building Act 1975;
2. Environmental Protection Act 1994;
3. Environmental Protection Regulation 2008;
4. Information Privacy Act 2009;
5. Land Act 1994;
6. Planning Act 2016 (includes new Planning Development Assessment Rules);
7. Planning Regulation 2017;
8. Public Health Act 2005;
9. Right to Information Act 2009;
10. Water Supply (Safety and Reliability) Act 2008; and
11. Work Health & Safety Act 2011

**Officer's Recommendation**

That pursuant to section 257 of the *Local Government Act 2009* Council:

1. delegate the exercise of the powers contained in Schedule 1 of the Instruments of Delegation to the Chief Executive Officer. These powers must be exercised subject to any limitations contained in Schedule 2 of the attached Instruments of Delegation.
2. repeal all prior resolutions delegating the same powers to the Chief Executive Officer.

## INSTRUMENT OF DELEGATION

### South Burnett Regional Council *Building Act 1975*

Under section 257 of the *Local Government Act 2009*, **South Burnett Regional Council** resolves to delegate the exercise of the powers contained in Schedule 1 to the Chief Executive Officer.

These powers must be exercised subject to the limitations contained in Schedule 2.

All prior resolutions delegating the same powers to the Chief Executive Officer are repealed.

Schedule 1

**Building Act 1975 ("BUIA")**

**CHAPTER 4 – BUILDING ASSESSMENT PROVISIONS AND ASSESSING BUILDING DEVELOPMENT APPLICATIONS**

**Part 1 - Laws and Other Documents Applying to Building Work**

**Division 1 – General Provisions about the Laws and Documents Applying to Building Work**

Entity power given to	Section of BUIA	Description
Local government	37(2)	Power to give a building development approval for the work if the approval is given under the building assessment provisions in force immediately before the amendment.

**Part 2 - Persons Responsible for Assessing Building Development Applications**

Entity power given to	Section of BUIA	Description
Local government	51(2)	In the specified circumstances power to: <ul style="list-style-type: none"> <li>(a) receive, assess and decide the application;</li> <li>(b) appoint or employ a private certifier or another building certifier to perform building certifying functions for:                             <ul style="list-style-type: none"> <li>(i) the application; and</li> <li>(ii) if the building development approval applied for is granted—the building work.</li> </ul> </li> </ul>
Local government	52	In the specified circumstances power to issue the building development approval applied for only if: <ul style="list-style-type: none"> <li>(a) a local government building certifier has carried out the building assessment work for the application; and</li> <li>(b) the building certifier is appropriately licensed to carry out the building assessment work.</li> </ul>
Local government	53(2)	In the specified circumstances power to accept and, without further checking, rely and act on the certificate or other document: <ul style="list-style-type: none"> <li>(a) the original application;</li> <li>(b) another building development application for all or part of the building work under the original application.</li> </ul>
Local government	54(2)	In the specified circumstances, power to, without further checking, rely and act on the document for the purpose of making the document publicly available.

**Division 4 – Power of Particular Replacement Assessment Managers to Decide Status of Development Assessment Process under Planning Act**

Entity power given to	Section of BUIA	Description
Assessment manager	55(3)	In the specified circumstances power to resume or start the application process at any stage of the development assessment process under the Planning Act the assessment manager considers appropriate.

**Part 4 - Requirements for and Restrictions on Assessing or Approving Building Development Applications**

Entity power given to	Section of BUIA	Description
Assessment manager	63	Power for the assessment manager to approve a building application subject to the requirement in Part 4 as follows: (a) the fire safety management plan accompanying the application complies with the <i>Fire and Rescue Service Act 1990</i> , section 104FC, or (b) the building work involves an alternative solution, for performance requirements under the BCA, that includes a fire safety management procedure as a condition of the occupation and use of the building and the fire safety management plan adequately reflects the procedure.
Assessment manager	65(2)	Power for the assessment manager to approve the building application (subject to conditions) if each registered holder of the easement or covenant has consented to the building work.
Assessment manager	66(2)	Power for the assessment manager to approve the building application if the special structure: (a) complies with the building assessment provisions; and (b) reasonably provides for all of the following: (i) the safety of persons using the structure if there is a fire (including, for example, means of egress); (ii) the prevention and suppression of fire; (iii) the prevention of the spread of fire; (iv) the health and amenity of persons using the structure.
Assessment manager	67(3)	In the specified circumstances power for the assessment manager to approve the building application if subsections (3)(a) and (3)(b) have been complied with.
Assessment manager	68(3)	Power for the assessment manager to approve a building application if the building certifier has decided the alterations do not unduly reduce the following: (a) the existing level of fire protection for persons accommodated in, or using, the building or structure; (b) the existing level of resistance to fire of the building or structure; (c) the existing safeguards against spread of fire to adjoining buildings or structures; (d) the existing level of emergency egress from the building or structure.

**Part 5 - Conditions of Building Development Approvals**

**Division 1 - Conditions Taken to be Imposed**

Entity power given to	Section of BUIA	Description
Local government	71(8)	Power to consult with any other entity the local government considers appropriate in deciding the application.
Local government	71(9)	Power to decide the application.
Local government	71(11)	Power to give the applicant and the assessment manager for the building work notice of the decision.
Assessment manager	74(2)(b)	Power to require the person installing the service to give a copy of the notices to the assessment manager when they are given to QFRS.

Instrument of Delegation  
*Building Act 1975*

Current as at 3 July 2017

**Division 2 – Conditions that may be Imposed**

Entity power given to	Section of BUIA	Description
Assessment manager	80(2)	Power to include a condition that all, or a stated part, of the building or structure must comply with the building assessment provisions in force when the approval was granted.

**Part 7 - Provisions about Lapsing of Building Development Approvals and Related Matters****Division 1 – Building Work for Demolition or Removal**

Entity power given to	Section of BUIA	Description
Local government	92(2)	Power to in the specified circumstances take action considered necessary to complete the building work.
Local government	92(5)	In the specified circumstances power to authorise the use of all or part of any security given to the local government for the carrying out of the building work.
Local government	93(1)	Power to, at any time, having regard to the progress of the building work, refund or release part of any security.

**Division 2 – Other Building Work**

Entity power given to	Section of BUIA	Description
Assessment manager	95(1)(a) and (b)	Power for assessment manager to give a reminder notice.

**CHAPTER 5 – INSPECTIONS, BUILDING CLASSIFICATION, AND THE USE OF BUILDINGS****Part 4 - Restrictions on the Use of Buildings**

Entity power given to	Section of BUIA	Description
Assessment manager	117(2)	Power to be satisfied that only building work of a minor nature is needed before a certificate of classification can be given for the building.

**CHAPTER 6 – PROVISIONS ABOUT CERTIFIERS AND OTHER BUILDING CERTIFIERS****Part 4 - Complaint, Investigations and Disciplinary Proceedings Relating to Building Certifiers****Division 3 – Show Cause Notice for Disciplinary Proceedings**

Entity power given to	Section of BUIA	Description
Local government	206(1)	Power to: (a) form the reasonable belief proper grounds exist for applying to the tribunal to start a disciplinary proceeding against a building certifier, (b) before making the application give the building certifier a notice (a <b>show cause notice</b> ).

Local government	207(2)	Power to: (a) consider any representations made about a show cause notice; (b) decide to: (i) take no further action; or (ii) apply to the tribunal to start a disciplinary proceeding against the building certifier.
Local government	207(3)	Power to give a building certifier written notice of the decision and the reasons for the decision.

**CHAPTER 7 – FIRE SAFETY FOR BUDGET ACCOMMODATION BUILDINGS**

**Part 3 - Budget Accommodation Buildings Built, Approved or Applied for, before 1 January 1992**

Entity power given to	Section of BUIA	Description
Local government	221(2)(a)	Power to consult with any other entity considered appropriate in deciding an application for a longer period for conformity with a fire safety standard.
Local government	221(2)(b)	Power to grant an application for a longer period for conformity with a fire safety standard if satisfied undue hardship would be caused to the budget accommodation building's occupants if the application were refused.
Local government	221(3)	Power to grant an application for a longer period for conformity with a fire safety standard with or without the reasonable conditions considered appropriate.
Local government	221(4)	Within 20 business days after receiving an application for a longer period for conformity with a fire safety standard, the power to: (a) decide the application; and (b) give the budget accommodation building's owner written notice of the decision.
Local government	222(2)	Within 20 business days after receiving an application for advice as to conformity with a fire safety standard, the power to: (a) decide if the building conforms with the fire safety standard; and (b) give the building owner written notice of the decision.

**Part 4 - All Budget Accommodation Buildings**

Entity power given to	Section of BUIA	Description
Local government	228(2)	Subject to subsection (1), the power to, at least once every 3 years, inspect the building to ensure the owner of the building is complying with Chapter 7, Part 4 in relation to the building.



**CHAPTER 7A – FIRE SAFETY FOR RESIDENTIAL CARE BUILDINGS BUILT, APPROVED OR APPLIED FOR, BEFORE 1 JUNE 2007****Part 4 - Assessment of residential care buildings**

Entity power given to	Section of BUIA	Description
Local government	231AL(1) <sup>1</sup>	Where a written application is made by the owner of an RCB to obtain a fire safety (RCB) compliance certificate or certificate of classification, power to approve a later day for obtaining the certificate
Local government	231AL(3)	When approving a later day under section 231AL(1), power to: <ul style="list-style-type: none"> <li>(a) consult with QFRS; and</li> <li>(b) any entity considered appropriate in deciding the application; and</li> <li>(c) grant the application if it is satisfied undue hardship would be cause to the occupants of the RCB if the application were refused.</li> </ul>
Local government	231AL(4)	Power to grant the application and impose reasonable conditions considered appropriate.

**CHAPTER 8 – SWIMMING POOL SAFETY****Part 2 - Compliance with pool safety standard and other matters about pool safety****Division 3 – Exemptions from compliance with pool safety standard - disability****Subdivision 1 – Applying for exemption and deciding application**

Entity power given to	Section of BUIA	Description
Local government	236	Power to require an applicant to give the local government medical evidence to support an application.
Local government	237(1)	Power to consider the application and within 5 business days after the application is made: <ul style="list-style-type: none"> <li>(a) grant the exemption; or</li> <li>(b) refuse to grant the exemption.</li> </ul>
Local government	237(3)	Power to grant an exemption on the reasonable conditions it considers necessary or desirable to prevent a child from accessing the pool.
Local government	238(1)	Power to give applicant written notice that an exemption has been granted
Local government	238(2)	Power to give applicant an information notice about refusal of exemption or conditions imposed on exemption.

**Subdivision 2 – Ending and revocation of exemptions**

Entity power given to	Section of BUIA	Description
Local government	242(1)(b) <sup>2</sup>	In the specified circumstances power to be satisfied 1 or more of the following applies: <ul style="list-style-type: none"> <li>(i) the decision on the application for the exemption was based on a false</li> </ul>

<sup>1</sup> Section 231AK(a)(iii) provides that the date must be later than 1 September 2014 but not later than 1 September 2015 and section 231AK(b)(iii) provides that the date must be later than 1 September 2016 but not later than 1 September 2017.

<sup>2</sup> Section 242(1)(b) only applies where the Local Government has, under section 237, granted an exemption.

		or misleading particular given by an applicant; (ii) the exemption has ended under section 241 of the Building Act 1975; (iii) the exemption was subject to conditions and there has been a contravention of a condition.
Local government	242(2)	In the specified circumstances, the power to give an applicant a show cause notice inviting the applicant to show cause why a decision should not be revoked.
Local government	242(3)	Power to: (a) consider any representations made under a show cause notice; and (b) give a further notice (a <b>revocation notice</b> ) to the applicant, revoke a decision previously given.

**Division 4 – Exemption from compliance with pool safety standard - Impracticality**

**Subdivision 1 – Applying for exemptions and deciding applications**

Entity power given to	Section of BUIA	Description
Local government	245A	Power to require the owner of a regulated pool to give further information to establish that compliance with the part of the pool safety standard is not practicable.
Local government	245B(1)	Power to consider the application and decide to: (a) grant the exemption; or (b) refuse to grant the exemption.
Local government	245B(2)	In deciding the application, power to consider: (a) whether compliance with the part of the pool safety standard may require the owner to: i) move or demolish a building or part of a building; or ii) change the location of size of the regulated pool; or iii) remove vegetation protected from removal under an Act or a local law; (b) the cost of the barrier or work required to ensure the pool complies with the part of the pool safety standard, having regard to the nature of any existing barriers for the pool; (c) other matters considered relevant.
Local government	245B(3)	Subject to section 245B(5), power to grant an exemption on reasonable conditions considered necessary or desirable to prevent a young child from accessing the pool.
Local government	245C(1)	If exemption is granted, power to give the applicant a written notice of the exemption.
Local government	245C(2)	If the exemption is refused, or conditions imposed, power to give the applicant an information notice about the decision.

**Subdivision 2 – Revocation of exemptions**

Entity power given to	Section of BUIA	Description
Local government	245E(2)	Power to give the owner of regulated pool a show cause notice as to why the decision should not be revoked.
Local government	245E(3)	After considering any representations made under the show cause notice, power to issue a revocation notice to the owner, to revoke the decision

	previously given.
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**Part 3 - Inspections of Regulated Pools and the Giving of Pool Safety Certificates**  
**Division 2 – Functions of Local Government for Inspections of Regulated Pools**

Entity power given to	Section of BUIA	Description
Local government	246AE(2)	Power for an employee or agent of the local government to enter land on which a regulated pool is situated to inspect the pool.
Local government	246AF(2)	After complying with section 246AG, power to cancel a pool safety certificate.
Local government	246AG(1)	Power to give the owner of a regulated pool a show cause notice before cancelling a pool safety certificate under s246AF(2).
Local government	246AG(5)	Subject to 246AG(4), power to: (a) consider submissions; and (b) (decide whether to cancel the pool safety certificate.
Local government	246AG(6)	If the Local Government decides not to cancel the safety certificate, power to give notice to the owner of that decision.
Local government	246AG(7)	If the Local Government decides to cancel the pool safety certificate, power to give the owner an information notice about that decision.

**CHAPTER 8B – TRANSPORT NOISE CORRIDORS**

**Part 2 - Designation by Local Governments**

Entity power given to	Section of BUIA	Description
Local government	246X(1)	A local government may by gazette notice designate land as a transport noise corridor.
Local government	246X(2)	A local government may designate land under (1) only if: (a) the land is within: i) 100m if a road under its control; or ii) A distance of more than 100m but not more than 200m of a road under its control, if the noise level caused by traffic on the road at the distance has been measured and approved by the CEO.

**CHAPTER 9 – SHOW CAUSE AND ENFORCEMENT NOTICES**

Entity power given to	Section of BUIA	Description
Local government	248(1) <sup>3</sup>	Power to give a notice (an <b>enforcement notice</b> ) to the owner of a building, structure or building work if the local government reasonably believes the building, structure or building work: (a) was built before the commencement of this section without, or not in accordance with, the approval of the local government; or

<sup>3</sup> S.169(4) of the *Planning Act 2016* prohibits a Local Government from delegating its power to give an enforcement notice ordering the demolition of a building if it is also the private certifier.

		(b) is dangerous; or (c) is in a dilapidated condition; or (d) is unfit for use of occupation; or (e) is filthy, infected with disease or infested with vermin.
Local government	248(2)	Power to give an enforcement notice to a person who does not comply with a particular matter in this Act.
Local government	248(3)	Subject to section 248(4), the power to give a person a show cause notice.
Local government	249(1)	In the specified circumstances power to require a person to do any of the following: (a) to apply for a development permit; (b) to do, or not to do, another act to ensure building work complies with the approval of the local government given before the commencement of this section; (c) to repair or rectify the building or structure; (d) to secure the building or structure (whether by a system of support or in any other way); (e) to fence off the building or structure to protect persons; (f) to cleanse, purify and disinfect the building or structure; (h) to comply with this Act for a particular matter.
Local government	249(2)	Power to require a person to demolish or remove the building or structure only if the local government reasonably believes that it is not possible and practical to take steps to comply with subsection (1)(c) to (f).

**CHAPTER 10 – GENERAL PROVISIONS**

Entity power given to	Section of BUIA	Description
Local government	256(2)(d)	Power to make a complaint against the Building Act for an offence under section 245G(1).
Local government	256(2)(e)	Power to make a complaint for an offence against section 245K, 245L or 246AR(2) of the Building Act.
Local government	256(2)(f)	Power to make a complaint for an offence against section 246AD(2) or 246AJ(4) of the Building Act.
Local government	256(2)(g)	Power to make a complaint for an offence against section 246AP(2) of the Building Act.
Local government	256(2)(h)	Power to make a complaint for an offence against Chapter 8, part 4, division 5, subdivision 2 (excluding section 246ATH(2)) of the Building Act.
Local government	256(2)(h)	Power to authorise a person to make a complaint for an offence against Chapter 8, part 4, division 5, subdivision 2 (excluding section 246ATH(2)) of the Building Act.
Local government	256(2)(i)	Power to make a complaint for an offence against Chapter 8, part 5 of the Building Act.
Local government	256(2)(i)	Power to authorise a person to make a complaint for an offence against Chapter 8, part 5 of the Building Act.
Local government	256(2)(k)	Power to make a complaint for another offence against the Building Act.
Local government	256(2)(k)	Power to authorise a person to make a complaint for another offence against the Building Act.

Instrument of Delegation  
Building Act 1975

Current as at 3 July 2017

**CHAPTER 11 – SAVINGS AND TRANSITIONAL PROVISIONS**

**Part 1 - Transitional Provisions for Local Government Act 1993**

Entity power given to	Section of BUIA	Description
Local government	262(3)	In the specified circumstances power to at any time, and subject to such reasonable conditions as considered appropriate, extend the time for an owner to comply with section 235 if: (a) the owner files a written application for an extension with the local government while a previously given extension is still in force; and (b) the local government is satisfied that compliance within the time provided for in the previously given extension would cause the owner financial hardship.

**Part 2 - Transitional Provisions for Building and Integrated Planning Amendment Act 1998**

Entity power given to	Section of BUIA	Description
Local government	266	Power to decide that a building or structure is: (a) dangerous; or (b) in a dilapidated condition and unfit for use of or occupation; or (c) filthy; or (d) is infected with disease; or (e) is infested with vermin. to allow for the alteration or removal of a building otherwise lawfully constructed before the commencement of the section.

Schedule 2

**Limitations to the Exercise of Power**

1. Where Council in its budget or by resolution allocates an amount for the expenditure of Council funds in relation to a particular matter, in exercising delegated power in relation to that matter, the delegate will only commit Council to reasonably foreseeable expenditure up to the amount allocated.
2. The delegate will not exercise any delegated power in relation to a matter which, to the delegate's knowledge, adversely affects, or is likely to adversely affect, Council's relations with the public at large.
3. The delegate will not exercise any delegated power contrary to a resolution or other decision of Council (including a policy decision relating to the matter).
4. The delegate will not exercise any delegated power in a manner, or which has the foreseeable effect, of being contrary to an adopted Council policy or procedure.
5. The delegate will only exercise a delegated power under this resolution in a manner which complies with the requirements of Council's Planning Scheme, and any exercise of power which involves a departure from or variation of those requirements will only be undertaken by Council.
6. The delegate will not exercise any delegated power which cannot lawfully be the subject of delegation by Council.

[2017 07 03 - BUIA - Delegation Instrument - South Burnett]

## INSTRUMENT OF DELEGATION

### South Burnett Regional Council *Environmental Protection Act 1994*

Under section 518(1)(b) of the *Environmental Protection Act 1994*, **South Burnett Regional Council** resolves to delegate the exercise of the powers contained in Schedule 1 to the Chief Executive Officer.

These powers must be exercised subject to the limitations contained in Schedule 2.

All prior resolutions delegating the same powers to the Chief Executive Officer are repealed.

Schedule 1

*Environmental Protection Act 1994 ("ENPA")*

**CHAPTER 5 – ENVIRONMENTAL AUTHORITIES FOR ENVIRONMENTALLY RELEVANT ACTIVITIES**

**Part 2 - Application Stage**

**Division 4 – Notices about not properly made applications**

Entity power given to	Section of ENPA	Description
Administering Authority	128(2)	In certain circumstances, the power to give the applicant a notice.
Administering Authority	129(2)	In certain circumstances, the power to agree to a further period with the applicant.

**Division 5 – Joint applicants**

Entity power given to	Section of ENPA	Description
Administering Authority	130(3)	In certain circumstances, the power to: (a) give a notice or other document relating to the application to all the applicants, by giving it to the principal applicant nominated in the application; or (b) make a requirement under this chapter relating to the application of all the applicants, by making it of the principal applicant nominated in the application.

**Division 6 – Changing applications**

**Subdivision 1 – Preliminary**

Entity power given to	Section of ENPA	Description
Administering Authority	131(d)	In certain circumstances, power to be satisfied that a change would not adversely affect the ability of the authority to assess the changed application.

**Subdivision 3 – Changed applications – effect on assessment process**

Entity power given to	Section of ENPA	Description
Administering Authority	133(1)(b)	Power to agree in writing to the change.
Administering Authority	134(4)	In certain circumstances, the power to be satisfied that the change would not be likely to attract a submission objecting to the thing the subject of the change, if the notification stage were to apply to the change.



**Part 3 - Information Stage**

**Division 2 – Information requests**

Entity power given to	Section of ENPA	Description
Administering Authority	140(1)	Power to ask the applicant, by written request (an <b>information request</b> ), to give further information needed to assess the application.
Administering Authority	143(2)	In certain circumstances, the power to include in an information request a requirement that the applicant provide an EIS for the application.
Administering Authority	145(1)	Power to, by written notice given to the applicant and without the applicant's agreement, extend the information request period by not more than 10 business days.
Administering Authority	145(3)	Power to request a further extension of the information request period.
Administering Authority	147(3)	Power to, within 5 business days after receiving the request: (a) decide whether to agree to the extension; and (b) give an information notice of the decision.

**Part 4 - Notification Stage**

**Division 1 – Preliminary**

Entity power given to	Section of ENPA	Description
Administering Authority	150(1)(d)	In certain circumstances, the power to be satisfied that the change would not be likely to attract a submission objecting to the thing the subject of the change, if the notification stage were to apply to the change.

**Division 2 – Public notice**

Entity power given to	Section of ENPA	Description
Administering Authority	152(3)	Power to: (a) give the applicant an information notice about the decision before the application notice is given; and (b) decide an additional or substituted way to give or publish the application notice.
Administering Authority	159(2)	In certain circumstances, power to decide whether to allow the application to proceed under this part as if the noncompliance had not happened.
Administering Authority	159(3)	In certain circumstances, power to be satisfied that there has been substantial compliance with the public notice requirements.
Administering Authority	159(4)	In certain circumstances, power to within 10 business days after the decision is made, give the applicant written notice of the decision.
Administering Authority	159(5)(b)(i)	In certain circumstances, power to: (a) fix a substituted way to give or publish the application notice; and (b) give the applicant written notice of the substituted way.
Administering Authority	159(5)(b)(ii)	In certain circumstances, power to: (a) fix a new submission period for the application; and (b) give the applicant written notice of the period.
Administering Authority	159(5)(b)(iii)	In certain circumstances, power to give the applicant an information notice about the decision.

**Division 3 – Submissions about applications**

Entity power given to	Section of ENPA	Description
An Entity	160	Power to, within the submission period, make a submission to the administering authority about the application.
Administering Authority	161(3)	Power to accept a written submission even if it is not a properly made submission.
An Entity	162(1)	In certain circumstances, power to, by written notice, amend or replace a submission.

**Part 5 - Decision Stage**

**Division 2 – Deciding an application**

**Subdivision 1 – Decision period**

Entity power given to	Section of ENPA	Description
Administering Authority	168(2)	In certain circumstances, the power to, by written notice given to the applicant and without the applicant's agreement, extend the period mentioned in subsection 168(1) by not more than 20 business days.
Administering Authority	168(4)	Power to request a further extension of the decision period.

**Subdivision 2 – Decision**

Entity power given to	Section of ENPA	Description
Administering Authority	170(2)(a)	In certain circumstances, the power to decide that that the application be approved subject to the standard conditions for the relevant activity or authority.
Administering Authority	170(2)(b)	In certain circumstances, the power to decide that the applicant be issued an environmental authority on conditions that are different to the standard conditions for the activity or authority.
Administering Authority	171(2)(a)	In certain circumstances, the power to decide that the application be approved subject to conditions that are different to the standard conditions for the activity or authority.
Administering Authority	171(2)(b)	In certain circumstances, the power to decide that the applicant be issued an environmental authority subject to the standard conditions for the activity or authority.
Administering Authority	172(2)	In certain circumstances, the power to decide that the application: (a) be approved subject to conditions; or (b) be refused.
Administering Authority	173(1)	Power to refuse an application if the applicant is not a registered suitable operator.
Administering Authority	173(3)	In certain circumstances, power to refuse an application for an environmental authority.

**Division 4 – Steps after deciding application**

Entity power given to	Section of ENPA	Description
Administering Authority	195	In certain circumstances, power to issue an environmental authority to the applicant.
Administering Authority	198(2)	In certain circumstances, power to give the application an information notice about the decision.
Administering Authority	198(4)	In certain circumstances, power to give any submitter for the application an information notice about the decision.

**Division 6 – Conditions**

Entity power given to	Section of ENPA	Description
Administering Authority	203(1)	Power to impose a condition on an environmental authority or draft environmental authority if: (a) it considers the condition is necessary or desirable; and (b) if the authority is for an application to which section 115 applies - the condition relates to the carrying out of the relevant prescribed ERA.
Administering Authority	203(2)	In certain circumstances, power to impose a condition on an environmental authority or draft environmental authority.
Administering Authority	204(2)	In certain circumstances, power to impose on the authority a condition requiring the holder of the authority to take all reasonable steps to ensure the relevant activity complies with the eligibility criteria for the activity.
Administering Authority	209(4)	Power to enter into an agreement to establish obligations, or secure the performance, of a party to the agreement about a condition.

**Part 6 - Amending Environmental Authorities by Administering Authority****Division 1 – Amendments**

Entity power given to	Section of ENPA	Description
Administering Authority	211	In certain circumstances, power to amend an environmental authority to correct a clerical or formal error.
Administering Authority	212(2)	Power to amend the environmental authority to ensure compliance with conditions included in a determination made by the NNTT under the Commonwealth Native Title Act, section 38(1)(c).
Administering Authority	212(3)	Power to give written notice of the amendment to the environmental authority holder.
Administering authority	212A(2)	Power to amend the environmental authority to ensure it is consistent with the regional interests development approval.
Administering authority	212A(3)	Power to give written notice the amendment to the environmental authority holder.
Administering Authority	213(2)	In certain circumstances, power to amend the existing authority to replace the existing standard conditions with the new standard conditions.
Administering Authority	213(3)	In certain circumstances, power to give written notice of the amendment to the environmental authority holder.
Administering Authority	214(2)	In certain circumstances, power to amend the environmental authority.

Administering Authority	214(3)	In certain circumstances, power to give: (a) an information notice about the amendment to the holder of the environmental authority; and (b) written notice of the amendment to the assessment manager for the development application.
Administering Authority	215(1)	In certain circumstances, power to amend an environmental authority.
Administering Authority	215(1)(a)	Power to consider the amendment is necessary or desirable because of a matter mentioned in subsection (2) and the procedure under division 2 is followed.

#### Division 2 – Procedure for particular amendments

Entity power given to	Section of ENPA	Description
Administering Authority	216	Power to propose to amend an environmental authority
Administering Authority	217	Power to give the environmental authority holder a written notice (the <b>proposed amendment notice</b> ).
Administering Authority	218	Power to consider any written representation made within the period stated in the proposed amendment notice by the holder of the environmental authority.
Administering Authority	219(1)	In certain circumstances, power to believe a ground exists to make the proposed amendment, and to make the amendment.
Administering Authority	219(3)	Power to give the holder written notice of the decision.
Administering Authority	220	Power to give the environmental authority holder an information notice about the decision.

#### Division 3 – Steps for amendments

Entity power given to	Section of ENPA	Description
Administering Authority	221(2)(b)	In certain circumstances, power to issue the amended environmental authority to the holder.

### Part 7 - Amendment of Environmental Authorities by Application

#### Division 2A – Provision for particular amendment applications

Entity power given to	Section of ENPA	Description
Administering Authority	227A(2)	Power to refuse application within 10 business days after receiving the amendment application.
Administering Authority	227A(3)	Power to require the holder of the environmental authority to make a site-specific application for a new environmental authority.
Administering Authority	227A(5)	Power to give written notice of any refusal.

**Division 3 – Assessment level decisions**

Entity power given to	Section of ENPA	Description
Administering Authority	228(1)	Power to decide whether the proposed amendment is a major or minor amendment.
Administering Authority	229	Power to give the applicant a written notice.
Administering Authority	230(2)	In certain circumstances, power to be satisfied that: <ul style="list-style-type: none"> <li>(a) there is likely to be a substantial increase in the risk of environmental harm under the amended environmental authority; and</li> <li>(b) the risk is the result of a substantial change in:               <ul style="list-style-type: none"> <li>(i) the quantity or quality of contaminant permitted to be released into the environment, or</li> <li>(ii) the results of the release of a quantity or quality of contaminant permitted to be released into the environment.</li> </ul> </li> </ul>

**Division 4 – Process if proposed amendment is a major amendment**

Entity power given to	Section of ENPA	Description
Administering Authority	233(3)	In certain circumstances, power to: <ul style="list-style-type: none"> <li>(a) decide another way of publishing the notice for subsection (2)(b)(ii); and</li> <li>(b) give the applicant an information notice about the decision before the notice is published.</li> </ul>
Administering Authority	237(1)(b)	Power to agree in writing to the change.
Administering Authority	238(3)(a)	In certain circumstances, power to within 10 business days after notice of the change is received, ask the applicant to give further information needed to assess the application
Administering Authority	238(7)	In certain circumstances, power to be satisfied the change would not be likely to attract a submission objecting to the thing the subject of the change, if the notification stage were to apply to the change.

**Division 5 – Process if proposed amendment is minor amendment**

Entity power given to	Section of ENPA	Description
Administering Authority	240(1)	Power to decide either to approve or refuse the application: <ul style="list-style-type: none"> <li>(a) for a condition conversion – within 10 business days after the application is received (for a condition conversion); or</li> <li>(b) otherwise, within 10 business days after notice of the assessment level decision is given to the applicant.</li> </ul>
Administering Authority	240(2)	Power to be satisfied the proposed amendment is necessary or desirable.
Administering Authority	240(3)	In certain circumstances, power to make any other amendments to the conditions of the environmental authority it considers: <ul style="list-style-type: none"> <li>(a) relate to the subject matter of the proposed amendment; and</li> <li>(b) are necessary or desirable.</li> </ul>

**Division 6 – Steps after deciding amendment application**

Entity power given to	Section of ENPA	Description
Administering Authority	242(1)(b)	In certain circumstances, power to issue the amended environmental authority to the applicant.
Administering Authority	242(3)	Power to within 5 business days after the decision is made, give the applicant an information notice about the decision.

**Part 8 - Amalgamating Environmental Authorities**

**Division 2 – Deciding amalgamation application**

Entity power given to	Section of ENPA	Description
Administering Authority	247(1)	Power to, within 20 business days after the day the amalgamation application is received, decide to: (a) approve the application; or (b) if the application is for an amalgamated local government authority or amalgamated project authority—refuse the application.
Administering Authority	247(2)(c)	Power to be satisfied there is an appropriate degree of integration between the activities.
Administering Authority	247(3)	Power to be satisfied the relevant activities for the existing environmental authorities are being carried out as a single integrated operation.

**Division 3 – Miscellaneous provisions**

Entity power given to	Section of ENPA	Description
Administering Authority	248(b)	In certain circumstances, power to issue to the applicant: (a) if the application is for an amalgamated corporate authority – an amalgamated corporate authority; or (b) if the application is for an amalgamated local government authority – an amalgamated local government authority; or (c) if the application is for an amalgamated project authority – an amalgamated project authority.
Administering Authority	249	Power to, within 10 business days after refusing an amalgamation application, give the applicant an information notice about the decision.

**Division 4 – De-amalgamating environmental authorities**

Entity power given to	Section of ENPA	Description
Administering Authority	250C(a)	Power to de-amalgamate the relevant authority within 15 business days after receiving a de-amalgamation application that complies with section 250B.

**Part 9 - Transferring Environmental Authorities for Prescribed ERAs**

Entity power given to	Section of ENPA	Description
Administering Authority	254(1)	Power to consider each transfer application and decide to: (a) approve the transfer; or (b) refuse the transfer.

Administering Authority	255(1)(b)	In certain circumstances, power to issue the amended environmental authority (the <b>transferred environmental authority</b> ) to each holder.
Administering Authority	255(2)	In certain circumstances, power to, within 10 business days after the decision is made, give the existing holder and the proposed holder written notice of the decision.

## Part 10 - Surrender of Environmental Authorities

### Division 1 – Preliminary

Entity power given to	Section of ENPA	Description
Administering Authority	258(2)	In certain circumstances, power to by written notice (a <b>surrender notice</b> ), require the holder of the environmental authority to make a surrender application.
Administering Authority	261(2)	In certain circumstances, power to approve a surrender application for part of the environmental authority.

### Division 3 – Final rehabilitation reports

Entity power given to	Section of ENPA	Description
Administering Authority	264(2)(a)	Power to agree to a methodology.

### Division 4 – Requests for Information

Entity power given to	Section of ENPA	Description
Administering Authority	265	Power to ask the applicant, by written request, to give further information needed to assess the surrender application.

### Division 5 – Deciding surrender applications

Entity power given to	Section of ENPA	Description
Administering Authority	266(1)	Power to decide to: (a) approve the surrender application; or (b) refuse the surrender application.
Administering Authority	269(a)	Power to be satisfied the conditions of the environmental authority have been complied with.
Administering Authority	269(b)(i)	Power to be satisfied the land on which each relevant activity for the environmental authority has been carried out has been satisfactorily rehabilitated.
Administering Authority	269(b)(ii)	Power to be satisfied the land will be satisfactorily rehabilitated under a transitional environmental program.
Administering Authority	269(c)	Power to be satisfied of another circumstance prescribed by regulation.

**Division 8 – Miscellaneous provisions**

Entity power given to	Section of ENPA	Description
Administering Authority	275(a)(ii)	In certain circumstances, power to give the applicant written notice of the decision.
Administering Authority	275(b)	In certain circumstances, power to give the applicant an information notice about the decision.

**Part 11 - Cancellation or Suspension of Environmental Authorities****Division 1 – Preliminary**

Entity power given to	Section of ENPA	Description
Administering Authority	278(1)	In certain circumstances, power to cancel or suspend an environmental authority .

**Division 2 – Procedure for cancellation or suspension by administering authority**

Entity power given to	Section of ENPA	Description
Administering Authority	280(1)	Power to give the environmental authority holder a written notice.
Administering Authority	281	Power to consider any written representation made within the stated period by the environmental authority holder.
Administering Authority	282(1)	In certain circumstances, power to believe a ground exists to take the proposed action.
Administering Authority	282(1)(a)	In certain circumstances, power to suspend the environmental authority for no longer than the proposed suspension period.
Administering Authority	282(1)(b)	In certain circumstances, power to either cancel the environmental authority or suspend it for a fixed period.
Administering Authority	282(3)	Power to decide not to take the proposed action and, if so, give the environmental authority holder written notice of the decision.
Administering Authority	283(1)	Power to give the environmental authority holder an information notice about the decision.
Administering Authority	283(2)	In certain circumstances, power to give written notice of the decision to the chief executive administering the resource legislation.

**Part 11A - General Provisions****Division 3 – Deciding suspension applications**

Entity power given to	Section of ENPA	Description
Administering Authority	284C	Power to decide whether to approve the application or refuse the application.
Administering Authority	284F(1)(a)(ii)	In certain circumstances, power to give the holder of the environmental authority written notice of the decision.
Administering Authority	284F(1)(b)	In certain circumstances, power to give the holder an information notice about the decision.



**Part 12 - General Provisions****Division 1 – Plan of operations for environmental authority relating to mining lease or petroleum lease**

Entity power given to	Section of ENPA	Description
Administering Authority	287	Power to agree with the holder in writing to a shorter period.

**Division 2 – Financial assurance****Subdivision 1 – Requiring financial assurance**

Entity power given to	Section of ENPA	Description
Administering Authority	292(1)	Power to, by condition of an environmental authority, require the holder of the environmental authority to give the administering authority financial assurance.
Administering Authority	292(2)	Power to be satisfied the condition is justified.
Administering Authority	292(3)	Power to require a financial assurance to remain in force until satisfied no claim is likely to be made on the assurance.

**Subdivision 2 – Amount and form of financial assurance**

Entity power given to	Section of ENPA	Description
Administering Authority	295(1)	Power to decide the amount and form of financial assurance required under a condition of an environmental authority.
Administering Authority	295(2)(c)	Power to agree with the holder of the environmental authority to a further period.
Administering Authority	295(4)	Power to form an opinion as to the amount that represents the total of likely costs and expenses that may be incurred taking action to rehabilitate or restore and protect the environment because of environmental harm that may be caused by the activity.
Administering Authority	296	Power to, within 5 business days after making a decision under section 295(1), give an information notice about the decision to the holder of the environmental authority.

**Subdivision 3 – Claiming or realising financial assurance**

Entity power given to	Section of ENPA	Description
Administering Authority	299(2)	Power to must give written notice to the entity who gave the financial assurance.
Administering Authority	300	Power to consider any written representations made within the stated period by the entity who gave the financial assurance.
Administering Authority	301(1)	Power to decide whether to make a claim on or realise the financial assurance.
Administering Authority	301(2)	In certain circumstances, power to give the entity an information notice about the decision.

**Subdivision 4 – Amending or discharging financial assurance**

Entity power given to	Section of ENPA	Description
Administering Authority	304(1)	Power to, by written notice, require the applicant to give it a compliance statement for the financial assurance before deciding the application.
Administering Authority	305(1)(a)	Power to approve or refuse the application.
Administering Authority	305(1)(b)	In certain circumstances, power to give the applicant an information notice about the decision.
Administering Authority	305(3)	Power to be satisfied no claim is likely to be made on the assurance.
Administering Authority	305(5)	Power to withhold making a decision under subsection (1).
Administering Authority	306(1)	In certain circumstances, power to, at any time, require the holder of an environmental authority or small scale mining tenure for which financial assurance has been given to change the amount of the financial assurance.
Administering Authority	306(3)	Power to give written notice to the holder of the environmental authority or small scale mining tenure.
Administering Authority	306(6)	In certain circumstances, power to consider any written submissions made by the holder within the stated period.

**Division 3 – Annual fees and returns****Subdivision 1 – Annual notices**

Entity power given to	Section of ENPA	Description
Administering Authority	308(2)	In certain circumstances, power to give the environmental authority holder a written notice complying with subsection (3) (an <b>annual notice</b> ).
Administering Authority	310(1)	In certain circumstances, power to change the anniversary day, for an environmental authority for which an annual fee is prescribed under a regulation, to another day (the <b>new day</b> ).
Administering Authority	311	Power to decide whether or not to change the anniversary day to the new day.
Administering Authority	312	Power to give the holder: (a) if the decision is to change the day – written notice of the decision; or (b) if the decision is not to change the day – an information notice about the decision.

**Division 4 – Non-compliance with eligibility criteria**

Entity power given to	Section of ENPA	Description
Administering Authority	314(2)	In certain circumstances, power to require the holder of the environmental authority to: (a) make a site-specific application for a new environmental authority under part 2; or (b) make an amendment application for the authority under part 7.
Administering Authority	314(3)	Power to give written notice of the proposed requirement to the holder of the environmental authority.

Administering Authority	314(5)	Power consider any representations made by the holder within the stated period.
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**Division 5 – Miscellaneous provisions**

Entity power given to	Section of ENPA	Description
Administering Authority	315(1)	Power to ask any entity for advice, comment or information about an application made under this chapter at any time.

**CHAPTER 7 – ENVIRONMENTAL MANAGEMENT**

**Part 1 - Environmental Duties**

**Division 2 – Duty to Notify of Environmental Harm**

**Subdivision 3B – Duty of local government**

Entity power given to	Section of ENPA	Description
Local Government	320DB(1)	Power to give the administering authority written notice of the activity.
Local Government	320DB(2)	Power to give the administering authority written notice of (a) the nature of the event or change in the condition and the circumstances in which the event or change happened or is happening; or (b) within 24 hours after becoming aware of the event or change in condition of the land.

**Part 2 - Environmental Evaluations**

**Division 2 – Environmental audits**

**Subdivision 1 – Audit requirements**

Entity power given to	Section of ENPA	Description
Administering Authority	322(1)	In certain circumstances, power to, by written notice, require the holder of an environmental authority to: (a) conduct or commission an audit (an <b>environmental audit</b> ) about a stated matter concerning a relevant activity; and (b) give the administering authority an environmental report on the audit.
Administering Authority	322(2)	Power to be reasonably satisfied the audit is necessary or desirable.
Administering Authority	323(1)	Power to be satisfied that: (a) a person is, or has been, contravening a regulation, an environmental protection policy, a transitional environmental program or an enforceable undertaking; or (b) a person is, or has been, contravening any of the following provisions: (i) section 363E; (ii) section 440Q; (iii) section 440ZG; (iv) a provision of chapter 8, part 3D, 3E or 3F.
Administering	323(2)	Power to, by written notice (also an <b>audit notice</b> ), require the person to:

Authority		(a) Conduct or commission an audit (also an <b>environmental audit</b> ) about the matter; and (b) give the administering authority an environmental report about the audit.
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**Division 3 – Environmental investigations**

Entity power given to	Section of ENPA	Description
Administering Authority	326B(1)	Power to be satisfied on reasonable grounds that: (a) an event has happened causing environmental harm while an activity was being carried out; or (b) an activity or proposed activity is causing, or is likely to cause environmental harm.
Administering Authority	326B(2)	Power to, by written notice (an <b>investigation notice</b> ), require the person who has carried out, is carrying out or is proposing to carry out the activity to: (a) conduct or commission an investigation (an <b>environmental investigation</b> ) about the event or activity; and (b) submit an environmental report about the investigation to the authority.
Administering Authority	326BA(1)	Power to be satisfied that circumstances contained in subsection (a) – (c) apply to the land.
Administering Authority	326BA(2)	Power to give written notice (an investigation notice) requiring a prescribed responsible person for the land to (a) conduct or commission an investigation; and (b) give the administering authority an investigation report.

**Division 5 – Steps after receiving environmental reports**

Entity power given to	Section of ENPA	Description
Administering Authority	326F(2)	Power to, by written notice, ask the recipient to give further information needed to decide whether to approve the environmental report.
Administering Authority	326G(4)	Power to decide to accept the report or to refuse to accept the report.
Administering Authority	326G(5)	Power to be satisfied that the report does not adequately address the relevant matters for the environmental investigation to which the report relates.
Administering Authority	326G(7)	In certain circumstances, power to extend the period mentioned in subsection (6) for making the decision.
Administering Authority	326G(7)(a)	Power to be satisfied that there are special circumstances for extending the time.
Administering Authority	326G(8)	Power to give the recipient written notice of the decision within 5 business days after making the decision.
Administering Authority	326H	Power to do one or more of the following: (a) require the recipient to prepare and submit a transitional environmental program to it; (b) if the recipient is the holder of an environmental authority – amend the conditions of the authority; (c) serve an environmental protection order on the recipient; or (d) take any other action it considers appropriate.
Administering Authority	326I(2)	Power to require the recipient to conduct or commission another environmental investigation and submit a report on the investigation to it.

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Administering Authority	326I(3)	Power to give written notice to the recipient.
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**Part 3 - Transitional Environmental Programs**

**Division 2 - Submission and approval of transitional environmental programs**

Entity power given to	Section of ENPA	Description
Administering Authority	332(1)	Power to require a person or public authority to prepare and submit for approval a draft transitional environmental program as a condition of an environmental authority.
Administering Authority	332(2)	In the specified circumstances, the power to require a person or public authority to prepare and submit for approval a draft transitional environmental program.
Administering Authority	334A(1)	Power to, by written notice, ask the person or public authority that submitted the draft transitional environmental program to give further information needed to decide whether to approve the draft program.
Administering Authority	336(1)	Power to invite a person or public authority that has submitted a draft transitional environmental program and another person who has made a submission under section 335 of the Environmental Protection Act 1994 about the transitional environmental program, to a conference to help in deciding whether or not to approve the program.
Administering Authority	336(2)	Power to give written notice to all persons invited to attend a conference of when and where the conference is to be held.
Administering Authority	336(3)	If its considered impracticable to give notice to all persons invited to attend a conference, the power to give notice of the conference by publishing a notice in the newspapers you decide.
Administering Authority	336(4)	In the specified circumstances, the power to appoint an independent person to mediate a conference.
Administering Authority	336A(1)	Power to ask any person for advice, comment or information about a submission for approval of a transitional environmental program at any time.
Administering Authority	337(1)	In the specified circumstances, the power to decide whether to approve a draft transitional environmental program within the specified time period.
Administering Authority	337(2)	In certain circumstances, power to extend the period mentioned in subsection (1) for making the decision.
Administering Authority	337(2)	Power to gives an information notice about the decision to extend to the person or public authority that submitted the program and any submitters.
Administering Authority	338(1)	In deciding whether to approve or refuse to approve a draft program or the conditions (if any) of the approval, the power to: (a) comply with any relevant regulatory requirement; and (b) subject to paragraph (a), consider the specified criteria.
Administering Authority	339(1)	Power to: (a) approve a draft transitional environment program: (i) as submitted; or (ii) as amended at the request, or with the agreement, of the administering authority; or (b) refuse to approve a draft transitional environmental program.
Administering Authority	339(2)	Power to impose on an approval of a draft transitional environmental program: (a) any conditions the authority must impose under a regulatory

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		requirement; (b) a condition requiring the holder of the approval to give an amount of financial assurance as security for compliance with the transitional environmental program and any conditions of the program; and (c) any other conditions the administering authority considers appropriate.
Administering Authority	340(1)	Power to , within 8 business days after making a decision under section 339, give the person or public authority that submitted the program a written notice about the decision.
Administering Authority	340(2)(b)	If the program is approved, power to state any conditions imposed on the approval by the administering authority.
Administering Authority	340(2)(c)	If the program is approved, power to state the day the approval ends.
Administering Authority	340(3)	If the program is refused, or approved with conditions, power to give an information notice.
Administering Authority	342(2)	In the specified circumstances, the power to consider and decide whether to approve a draft transitional environmental program if satisfied there has been substantial compliance with the Environmental Protection Act 1994.
Administering Authority	343A(2)(B)	In certain circumstances, power to give the holder of the environmental authority a copy of the environmental authority including the note.

**Division 3A – Financial assurances**

Entity power given to	Section of ENPA	Description
Administering Authority	344(3)	In the specified circumstances, the power to approve an amendment of an approval for a transitional environmental program for an environmentally relevant activity.
Administering Authority	344(4)	Without limiting the matters to be considered in deciding an application, the power to have regard to the specified criteria.
Administering Authority	344A(2)	Power to may recover the reasonable costs or expenses of taking the action by making a claim on or realising the financial assurance or part of it.
Administering Authority	344A(3)	Power to give written notice to the person who gave the financial assurance.
Administering Authority	344B	Power to consider any written representations made within the stated period by the person who gave the financial assurance.
Administering Authority	344C(1)	Power to, within 10 business days after the end of the stated period, decide whether to make a claim on or realise the financial assurance.
Administering Authority	344C(2)	Power to, within 5 business days after making the decision, give the person an information notice about the decision.

**Division 3B – Cancellation of approval for transitional environmental programs**

Entity power given to	Section of ENPA	Description
Administering Authority	344E(1)	Power to cancel the approval for a transitional environmental program for the reasons provided in that subsection.
Administering Authority	344E(1)(b)	Power to be satisfied the approval holder has: (i) disposed of the place or business to which the program relates; or (ii) ceased the activity to which the program relates.

Administering Authority	344E(2)(a)	Power to give a notice stating the details of the cancellation to the approval holder.
Administering Authority	344F(2)(a)	Power to withdraw the notice by another written notice.
Administering Authority	344G(2)	Power to give the holder of the environmental authority a copy of the authority that does not include the note.

**Part 4 - Special Provisions about Voluntary Submission of Transitional Environmental Programs**

Entity power given to	Section of ENPA	Description
Administering Authority	352(1)	In the specified circumstances, the power to give written notice to a person of: (a) receiving a program notice; and (b) the day by which a draft transitional environmental program dealing with the activity must be submitted for approval.
Administering Authority	355(1)	In certain circumstances, power to apply to the Court for an order that section 353(1) does not apply to the person for any continuation of the original offence.

**Part 4A - Temporary emissions licences**

Entity power given to	Section of ENPA	Description
Administering Authority	357E(1)	Power to: (a) grant the application for a temporary emissions licence: (i) as submitted; (ii) on different terms than have been requested in the application; or (b) refuse to grant the application for a temporary emissions licence.
Administering Authority	357E(2)	Power to impose conditions on the temporary emissions licence it considers are necessary or desirable.
Administering Authority	357F	Power to give the applicant an information notice about the decision if the decision is to: (a) grant the application on different terms than have been requested in the application: or (b) refuse the application.
Administering Authority	357J	In certain circumstances, power to amend, cancel or suspend a temporary emissions licence.

**Part 5 - Environmental Protection Orders**

Entity power given to	Section of ENPA	Description
Administering Authority	358	In the specified circumstances, the power to issue an order (an <b>environmental protection order</b> ) to a person.
Administering Authority	359	Before deciding to issue an environmental protection order, the power to consider the standard criteria.

**CHAPTER 9 – INVESTIGATION AND ENFORCEMENT**

**Part 1 - Administration Generally**

Entity power given to	Section of ENPA	Description
As delegate of the Chief Executive of the Environmental Protection Agency: 516(1)(b) and 517	445(1)(c) <sup>1</sup>	In the specified circumstances, the power to appoint an authorised person.
Chief Executive Officer	445(2)	Power to appoint an employee of a local government to be an authorised person
As delegate of the Chief Executive of the Environmental Protection Agency: 516(1)(b) & 517.	448 <sup>2</sup>	In the specified circumstances, the power to issue an identity card to each authorised person appointed.
Administering Authority	451(1)	In the specified circumstances, the power to give a notice under section 451 of the Environmental Protection Act 1994 to a person requiring the person to give information relevant to the administration and enforcement of the Environmental Protection Act 1994.

<sup>1</sup> The power is subject to the following limitations as per the instrument of delegation of the Chief Executive of the Environmental Protection Agency dated 7 February 2008 (copy attached).

1. The only powers under the *Environmental Protection Act 1994* the authorised person who is appointed by the Local Govt is to exercise are:
  - (a) Sections 440J, 452, 453, 455, 456, 457, 459, 460, 461, 462, 463A, 463, 464, 465 and 466 of the *Environmental Protection Act 1994*; and
  - (b) Only to be used in relation to those matters referred to in s.440D of the *Environmental Protection Act 1994*; and
2. That the certificates issued pursuant to s.490 of the *Environmental Protection Act 1994* are only used in respect of Court proceedings in relation to those matters referred to in s.440D of the *Environmental Protection Act 1994*.

<sup>2</sup> The power is subject to the following limitations as per the instrument of delegation of the Chief Executive of the Environmental Protection Agency dated 7 February 2008 (copy attached).

1. The only powers under the *Environmental Protection Act 1994* the authorised person who is appointed by the Local Govt is to exercise are:
  - (a) Sections 440J, 452, 453, 455, 456, 457, 459, 460, 461, 462, 463A, 463, 464, 465 and 466 of the *Environmental Protection Act 1994*; and
  - (b) Only to be used in relation to those matters referred to in s.440D of the *Environmental Protection Act 1994*; and
2. That the certificates issued pursuant to s.490 of the *Environmental Protection Act 1994* are only used in respect of Court proceedings in relation to those matters referred to in s.440D of the *Environmental Protection Act 1994*.



**Part 2 - Powers of Authorised Persons for Places and Vehicles**

Entity power given to	Section of ENPA	Description
Administering Authority	454(1)	Power to believe on reasonable grounds land is contaminated land
Administering Authority	454(3)(b)	Power to give written notice to the owner and occupier.
Administering Authority	458(2)	In the specified circumstances, the power to give written notice of an application made under section 458(1) of the Environmental Protection Act 1994 to: (a) the owner of the land; and (b) if the owner is not the occupier of the land - the occupier; and (c) if the application is for an order to carry out work mentioned in section 458(1)(a) of the Environmental Protection Act 1994: (i) the environmental authority holder; or (ii) transitional environmental program approval holder; or (iii) the registered operator. (d) if the application is for an order to take actions required under a clean-up notice – the recipient of the notice.
Administering Executive	463(2)	In the specified circumstances, the power to direct the destruction or disposal of a forfeited thing.
As delegate of the Chief Executive of the Environmental Protection Agency: 516(1)(b) and 517.	490	In the specified circumstances, the power to issue a certificate.

**CHAPTER 10 – LEGAL PROCEEDINGS**

**Part 3 - Legal Proceedings**

Entity power given to	Section of ENPA	Description
Administering Authority	502A(2)	Power to carry out work or take any other action reasonably necessary to fulfil the requirements of an order made against a person under section 502.

**Part 5 - Enforceable undertakings**

Entity power given to	Section of ENPA	Description
Administering Authority	507(1)	Power to accept an enforceable undertaking.
Administering Authority	507(3)	Power to give written notice of: (a) administering authority's decision to accept or reject the enforceable undertaking; and (b) the reasons for the decision.
Administering Authority	507(4)	Power to form a reasonable belief that the undertaking will: (a) secure compliance with the Act; and

Instrument of Delegation  
Environmental Protection Act 1994

Current as at 3 July 2017

		(b) enhance the protection of the environment.
Administering Authority	509(1)	Power to give written agreement to: (a) withdraw the undertaking; or (b) vary the undertaking.
Administering Authority	510	Power to amend an enforceable undertaking with the written agreement of the person who made the undertaking.
Administering Authority	511	Power to: (a) amend an enforceable undertaking to correct a clerical or formal error; and (b) give written notice of the amendment to the enforceable undertaking.
Administering Authority	512(1)	Power to amend or suspend an enforceable undertaking if the administering authority is satisfied of the requirements in paragraphs (a) – (d).
Administering Authority	512(2)	Power to give a notice stating proposed action in respect of the enforceable undertaking.
Administering Authority	512(4)	Power to consider written representations.
Administering Authority	512(5)	Power to decide to take action under the section.
Administering Authority	512(6)	Power to give an information notice about the decision within 10 business days after making the decision.
Administering Authority	512(7)	Power to give written notice of a decision not to take action.
Administering Authority	513(2)	Power to apply to the Magistrates Court for an order about contravention of enforceable undertaking.

**CHAPTER 11 – ADMINISTRATION**

**Part 2 - Delegations**

Entity power given to	Section of ENPA	Description
CEO (both as CEO and as administering executive)	517(2)	Power to delegate their powers under this Act to an appropriately qualified employee of the local government.

**Part 3 - Review of Decisions and Appeals**

**Division 2 – Internal Review of Decisions**

Entity power given to	Section of ENPA	Description
Administering Authority	521(2)(a)(ii)	In the specified circumstances, the power to allow a longer period within which an application for a review of an original decision must be made.
Administering Authority	521(5)	In the specified circumstances, the power to, within the decision period for a review of an original decision: (a) review the original decision; and (b) consider any submissions properly made by a recipient of a review notice; and (c) make a decision (the <b>review decision</b> ) to:

		(i) confirm or revoke the original decision; or (ii) vary the original decision in a way considered appropriate.
Administering Authority	521(8)	Within 10 business days after making a review decision, the power to give written notice of the review decision to the applicant and persons who were given notice of the original decision.

**CHAPTER 12 – MISCELLANEOUS**

**Part 3A - Auditors**

**Division 1 – Preliminary**

Entity power given to	Section of ENPA	Description
Auditor	568	Power to, subject to the terms of an approval under division 2: (a) conduct environmental audits and prepare environmental reports about audits under chapter 7, part 2, division 2; and (b) evaluate site investigation reports, validation reports, draft site management plans and draft amendments of site management plans prepared under chapter 7, part 8 against criteria prescribed under a regulation (the prescribed criteria) and: (i) if the report or plan does not comply with the prescribed criteria—prepare a report about the evaluation; or (ii) if the report or plan complies with the prescribed criteria—provide written certification that it complies with the criteria; and (c) audit or evaluate another matter or thing prescribed under a regulation and prepare a report or written certification about the audit or evaluation.

**CHAPTER 13 – SAVINGS, TRANSITIONAL AND RELATED PROVISIONS**

**Part 5 - Transitional provisions for Environmental Protection Legislation Amendment Act 2003**

Entity power given to	Section of ENPA	Description
Administering Authority	620(2)	In the specified circumstances, the power to change or cancel a condition of a environmental authority.
Administering Authority	620(5)(b)	In the specified circumstances, if a condition has changed or cancelled, the power to, within the specified time period, give the registered operator: (i) a copy of the development conditions as applying after the change or cancellation; and (ii) a registration certificate.
Administering Authority	621(1)	Power to, for an activity being carried out under an environmental authority mentioned in section 619(1) of the Environmental Protection Act 1994, give to the person carrying out the activity: (a) if the activity was carried out at 1 location - a development approval for the location; or (b) if the activity was carried at more than 1 location and is not a mobile and temporary environmentally relevant activity - a development approval for each location; or (c) if the activity is a mobile and temporary environmentally relevant

		activity - a development approval for a mobile and temporary environmentally relevant activity.
Administering Authority	621(2)	If the person carrying out the activity does not have a registration certificate for the activity, the power to also give the person a registration certificate for the activity.
Administering Authority	621(4)	If you act under section 621(1) or (2) of the Environmental Protection Act 1994, the power to give the person carrying out the activity an information notice about your decision to give the approval or approval and certificate.
Administering Authority	623(2)	In the specified circumstances, the power to give a registered operator a notice stating that you are satisfied that the risk of environmental harm from carrying out the activity is no longer insignificant.
Administering Authority	626(3)(a)	In the specified circumstances, the power to, by written notice, ask an applicant to give a stated document or information relevant to an application.

**Part 6 - Transitional Provisions for Petroleum and Other Legislation Amendment Act 2004**

Entity power given to	Section of ENPA	Description
Administering Authority	634(1)	In the specified circumstances, the power to amend a condition about financial assurance imposed under Part 7, Chapter 13 of the Environmental Protection Act 1994 to require the giving of replacement financial assurance, in a form and amount decided by you.

**Part 17 - Transitional provisions for the Environmental Protection and Other Legislation Amendment Act 2011**

Entity power given to	Section of ENPA	Description
Administering Authority	671(2)	Power to consider, or continue to consider, the draft transitional environment program and decide whether to approve an existing draft transitional environment program under the unamended Act.

**Part 18 - Transitional provisions for Environmental Protection (Greentape Reduction) and Other Legislation Amendment Act 2012**

**Division 5 –Transitional authorities for environmentally relevant activities**

Entity power given to	Section of ENPA	Description
Administering Authority	697(1)	Power to decide whether to approve the application or refuse the application.
Administering Authority	698(1)	In certain circumstances, power to: (a) amend the environmental authority to give effect to the conversion; and (b) issue the amended environmental authority to the applicant.
Administering Authority	698(2)	In certain circumstances, power to give the applicant an information notice about the decision.

**Division 5A – Suspended Activities**

Entity power given to	Section of ENPA	Description
Administering Authority	698B	Power to approve an application to convert the surrendered registration certificate to an environmental authority that has been suspended under chapter 5, part 11A (a <b>conversion application</b> ).

**Division 6 – Financial assurance**

Entity power given to	Section of ENPA	Description
Administering Authority	699(4)	Power to amend the environmental authority to impose a condition about financial assurance.
Administering Authority	699(5)	Power to give written notice of the amendment.

**Division 8 – Provisions about environmental management plans**

Entity power given to	Section of ENPA	Description
Administering Authority	701(2)	Power to amend the new authority to impose conditions consistent with the environmental management plan.

Schedule 2

**Limitations to the Exercise of Power**

1. Where Council in its budget or by resolution allocates an amount for the expenditure of Council funds in relation to a particular matter, in exercising delegated power in relation to that matter, the delegate will only commit Council to reasonably foreseeable expenditure up to the amount allocated.
2. The delegate will not exercise any delegated power in relation to a matter which, to the delegate's knowledge, adversely affects, or is likely to adversely affect, Council's relations with the public at large.
3. The delegate will not exercise any delegated power contrary to a resolution or other decision of Council (including a policy decision relating to the matter).
4. The delegate will not exercise any delegated power in a manner, or which has the foreseeable effect, of being contrary to an adopted Council policy or procedure.
5. The delegate will only exercise a delegated power under this resolution in a manner which complies with the requirements of Council's Planning Scheme, and any exercise of power which involves a departure from or variation of those requirements will only be undertaken by Council.
6. The delegate will not exercise any delegated power which cannot lawfully be the subject of delegation by Council.

[2017 07 03 - ENPA - Delegation Instrument - South Burnett]

## INSTRUMENT OF DELEGATION

### South Burnett Regional Council *Environmental Protection Regulation 2008*

Under section 518(1)(b) of the *Environmental Protection Act 1994*, **South Burnett Regional Council** resolves to delegate the exercise of the powers contained in Schedule 1 to the Chief Executive Officer.

These powers must be exercised subject to the limitations contained in Schedule 2.

All prior resolutions delegating the same powers to the Chief Executive Officer are repealed.

## Schedule 1

**Environmental Protection Regulation 2008 ("ENPR")****CHAPTER 3 – ENVIRONMENTALLY RELEVANT ACTIVITIES****Part 1 - Environmentally Relevant Activities – General Matters****Division 3A – Development Application relating to concurrence ERAs**

Entity power given to	Section of ENPR	Description
Local Government (as Assessment Manager or Referral Agency)	19B	Power to consider the following assessment benchmarks: <ol style="list-style-type: none"> <li>a) an environmental objective assessment against the environmental objectives and performance outcomes stated in schedule 5, part 3, table 2;</li> <li>b) the standard criteria;</li> <li>c) if the concurrence ERA is to be carried out in a strategic environmental area – the impacts of the activity on the environmental attributes for the area under the <i>Regional Planning Interests Act 2014</i>.</li> </ol>

**CHAPTER 4 - REGULATORY REQUIREMENTS****Part 2 - Regulatory Requirements for all Environmental Management Decisions**

Entity power given to	Section of ENPR	Description
Administering Authority	51(1)	When making an environmental management decision relating to an activity, other than a prescribed ERA, power to: <ol style="list-style-type: none"> <li>a) carry out an environmental objective assessment (to be carried out in accordance with Schedule 5, Part2) against the environmental objective and performance outcomes mentioned in schedule 5, part 3, tables 1 and 2;</li> <li>b) consider the environmental values declared under this regulation;</li> <li>ba) if the activity is to be carried out in a strategic environmental area – consider the impacts of the activity on the environmental attributes for the area under the <i>Regional Planning Interests Act 2014</i>;</li> <li>c) consider each of the following under any relevant environmental protection policies:               <ol style="list-style-type: none"> <li>(i) the management hierarchy;</li> <li>(ii) environmental values;</li> <li>(iii) quality objectives;</li> <li>(iv) the management intent; and</li> </ol> </li> <li>d) consider the matters of national environmental significance.</li> </ol>
Administering Authority	51(2)	For an environmental management decision relating to a prescribed ERA, power to: <ol style="list-style-type: none"> <li>a) carry out an environmental objective assessment (to be carried out in accordance with Schedule 5, Part2) against the environmental objective and performance outcomes mentioned in schedule 5, part 3, table 1; and</li> <li>b) consider the matters mentioned in subsection (1)(b), (ba) and (c).</li> </ol>
Administering	52(1)	When making an environmental management decision relating to an activity,



Authority		power to consider imposing conditions about the specified matters.
Administering Authority	53(1)	When making an environmental management decision relating to an activity, power to consider whether to impose conditions about the release of contaminants from the activity on the receiving environment.
Administering Authority	53(2)	Power to consider the specified matters when considering whether to impose a monitoring condition.

**Part 3 - Additional Regulatory Requirements for Particular Environmental Management Decisions**

Entity power given to	Section of ENPR	Description
Administering Authority	58(2)	When making an environmental management decision relating to an activity that involves, or may involve the release of water or waste to a referable wetland or a significant coastal wetland for treatment, power to refuse to grant the application after considering the specified matters.
Administering Authority	63(2)	When making an environmental management decision relating to an activity that involves, or may involve, the release of waste directly to groundwater, power to refuse to grant the application after consideration of the specified matters.

**CHAPTER 5 – MATTERS RELATING TO ENVIRONMENTAL MANAGEMENT AND ENVIRONMENTAL OFFENCES**

**Part 9 - Waste Tracking**

**Division 4 – Miscellaneous**

Entity power given to	Section of ENPR	Description
Waste Handler	81U(1)(b)	Power to enter a written agreement with another person (the agent) to do the thing for the waster handler.
Person	81W(1)	Power to apply to the administering executive for approval of a particular way of giving prescribed information to the administering authority under division 3.
Person	81X(1)	Power to apply to the administering executive for a consignment number for a number of matters.
Person	81Y(1)	Power to apply to the administering authority for an exemption for the transportation of trackable waste to this part applies.

**CHAPTER 5A – WASTE MANAGEMENT BY LOCAL GOVERNMENTS<sup>1</sup>****Part 2 - Waste Management in Local Government Areas****Division 1 – Storage of general waste**

Entity power given to	Section of ENPR	Description
Local Government	81ZF(1)(b)	Power to require the owner or occupier of relevant premises in the local government area, to supply at the relevant premises, enough waste containers, other than standard general waste containers, to contain the general waste produced at the relevant premises.
Local Government	81ZF(2)	Power to consider reasonable, the number of standard general waste containers required at the relevant premises.
Local Government	81ZG(1)(a)	Power to require the occupier of the relevant premises to store general waste at the relevant premises in another type of waste container other than a standard general waste container.
Local Government	81ZH(1)(a)	Power to require a waste container supplied for the premises to be kept at a particular place at the premises.
Local Government	81ZH(2)(a)	Power to arrange to collect waste from the container at the place.
Local Government	81ZI(2)	Power to require the prescribed person to ensure certain things are supplied at the premises.
Local Government	81ZI(2)(a)(i)	Power to require the level of an elevated stand for the holding of all waste containers.
Local Government	81ZI(2)(a)(ii)	Power to require drainage of an imperviously paved area where all waste containers can be placed.

**Division 2 – Removal of General Waste**

Entity power given to	Section of ENPR	Description
Local Government	81ZJ(2)	Power to give a written notice to the occupier of the relevant premises stating a number of matters listed in s81ZJ(2)(a) – (c).
Local Government	81ZK(2)(a)	Power to approve and give written approval to the owner or occupier of the relevant premises for depositing or disposing of the waste.
Local Government	81ZK(2)(b)	Power to impose conditions on the approval.

**Division 3 – Storage and treatment of industrial waste**

Entity power given to	Section of ENPR	Description
Local Government	81ZL(1)	Power to require the occupier of the relevant premises where there is industrial waste to do a number of things as set out in section 81ZL(1)(a) – (c).
Local	81ZL(1)(a)	Power to require the number of industrial waste containers to be supplied at

<sup>1</sup> Section 81ZS – Devolution – Waste Management in Local Government Areas – Act, 514, the administration and enforcement of Part 2 is devolved to each local government for its local government area.  
Section 81ZT – Devolution – Receiving and Disposing of Waste – Act, 514, the administration and enforcement of Part 3, to the extent it relates to a waste facility owned, operated or otherwise controlled by a local government, is devolved to the local government.  
Section 81ZU, Chapter 5A expires on 1 July 2018.

Government		the premises for storing the waste at the premises safely, efficiently and without causing a nuisance.
Local Government	81ZL(1)(b)	Power to require the occupier of the relevant premises to keep the waste containers at a place at the premises.
Local Government	81ZL(4)	Power to approve a type of container as an industrial waste container for the storing of industrial waste at the premises within the local government area.
Local Government	81ZM	Power to require the occupier of the relevant premises where there is industrial waste to treat the waste to a standard.
Local Government	81ZM	Power to approve the standard to treat waste for the occupier of the relevant premises where there is industrial waste.

### Part 3 - Receiving and Disposing of Waste

Entity power given to	Section of ENPR	Description
Waste Facility Owner or Operator	81ZQ(1)	Power to consent to the matters set out in section 81ZQ(1)(a) – (c).
Waste Facility Owner or Operator	81ZR(2)(b)	Power to give reasonable instructions to a person to deal with waste.

## CHAPTER 8 - FEES

### Part 3 - Annual Fees

#### Division 2 - Reduced Annual Fees in Particular circumstances

##### Subdivision 3 - Offences and Record Keeping

Entity power given to	Section of ENPR	Description
Administering Authority	133	Power to require the holder of a relevant authority to pay the authority the difference between the annual fee and the reduced annual fee.

## CHAPTER 9 - REPEAL, TRANSITIONAL AND SAVINGS PROVISIONS

### Part 2 - Transitional and Savings Provisions

#### Division 2 - Transitional Provisions about Environmentally Relevant Activities

##### Subdivision 1 – General

Entity power given to	Section of ENPR	Description
Administering Authority	150(3)	In the specified circumstances, as soon as practicable after commencement, power to: <ul style="list-style-type: none"> <li>(a) give the holder of the registration certificate a notice stating that, under this regulation, the activity is no longer an environmentally relevant activity; and</li> <li>(b) from the anniversary day of the registration certificate, the holder no longer needs a registration certificate to carry out the activity.</li> </ul>

Administering Authority	151(2)	<p>In the specified circumstances, as soon as practicable after commencement, power to give the holder of a relevant authority a notice stating that:</p> <ul style="list-style-type: none"> <li>(a) under this regulation, the activity is still an environmentally relevant activity;</li> <li>(b) the provision of schedule 2 applicable to the holder's activity;</li> <li>(c) from the anniversary day of the relevant authority, the holder is taken to have a relevant authority to carry out the activity mentioned in the provision of schedule 2 applicable to the holder's activity.</li> </ul>
Administering Authority	153(2)	<p>In the specified circumstances, as soon as practicable after commencement, power to give the holder of an environmental authority a notice stating that:</p> <ul style="list-style-type: none"> <li>(a) under this regulation, the activity is still an environmentally relevant activity;</li> <li>(b) the provision of schedule 5 or 6 applicable to the holder's activity;</li> <li>(c) from the anniversary day of the former environmental authority, the holder is taken to have an environmental authority to carry out the activity mentioned in the provision of schedule 5 or 6 applicable to the holder's activity.</li> </ul>

Schedule 2

**Limitations to the Exercise of Power**

1. Where Council in its budget or by resolution allocates an amount for the expenditure of Council funds in relation to a particular matter, in exercising delegated power in relation to that matter, the delegate will only commit Council to reasonably foreseeable expenditure up to the amount allocated.
2. The delegate will not exercise any delegated power in relation to a matter which, to the delegate's knowledge, adversely affects, or is likely to adversely affect, Council's relations with the public at large.
3. The delegate will not exercise any delegated power contrary to a resolution or other decision of Council (including a policy decision relating to the matter).
4. The delegate will not exercise any delegated power in a manner, or which has the foreseeable effect, of being contrary to an adopted Council policy or procedure.
5. The delegate will only exercise a delegated power under this resolution in a manner which complies with the requirements of Council's Planning Scheme, and any exercise of power which involves a departure from or variation of those requirements will only be undertaken by Council.
6. The delegate will not exercise any delegated power which cannot lawfully be the subject of delegation by Council.

[2017 07 03 - ENPR - Delegation Instrument - South Burnett]

## INSTRUMENT OF DELEGATION

### South Burnett Regional Council *Information Privacy Act 2009*

Under section 257 of the *Local Government Act 2009*, South Burnett Regional Council resolves to delegate the exercise of the powers contained in Schedule 1 to the Chief Executive Officer.

These powers must be exercised subject to the limitations contained in Schedule 2.

All prior resolutions delegating the same powers to the Chief Executive Officer are repealed.

## Schedule 1

**Information Privacy Act 2009 ("INPA")****CHAPTER 2 – PRIVACY PRINCIPLES****Part 1 - Compliance with IPPs by agencies**

Entity power given to	Section of INPA	Description
Law Enforcement Agency	29(1)	Power to be satisfied on reasonable grounds that noncompliance with the IPP is necessary in certain circumstances.

**Part 3 - Transfer of Personal Information Outside Australia**

Entity power given to	Section of INPA	Description
Agency	33(a)	Power to agree with an individual to transfer an individual's personal information to an entity outside Australia
Agency	33(c)	Power to be satisfied on reasonable grounds that the transfer is necessary to lessen or prevent a serious threat to the life, health, safety or welfare of an individual, or to public health, safety or welfare.
Agency	33(d)(i)	Power to form a reasonable belief that the recipient of the personal information is subject to a law, binding scheme or contract that effectively upholds principles for the fair handling of personal information that are substantially similar to the IPPs or, if the agency is a health agency, the NPPs.

**Part 4 - Compliance with Parts 1 to 3 by Contracted Service Providers**

Entity power given to	Section of INPA	Description
Agency	34(1)	Power to enter into a service arrangement with a service provider.

**CHAPTER 3 – DISCLOSURE AND AMENDMENT BY APPLICATION UNDER THIS ACT****Part 2 - Access and amendment applications**

Entity power given to	Section of INPA	Description
Agency	44(3)	Power to consider a person has an appropriate interest in the amendment of the personal information.
Agency	49(2)	Power to consider a search for a document from a backup system is appropriate.

**Part 3 - Dealing with Application****Division 1 – Decision-maker**

Entity power given to	Section of INPA	Description
Principal Officer (the CEO)	50(2) <sup>1</sup>	The CEO as the Agency's Principal Officer has the power to delegate the principal officer powers to deal with an application to another officer of the agency.
Agency	50(5)(b)	Power to appoint an appropriately qualified health care professional to make a health care decision in relation to the application.

**Division 2 – Preliminary contact with applicant**

Entity power given to	Section of INPA	Description
Entity	52(1)(b)	Power to decide that an application is outside the scope of this Act for 1 or more of the following reasons: (i) the document is not a document of an agency, or document of a Minister, for this chapter; (ii) the entity is not an agency for this chapter; (iii) the application is made to the information commissioner, RTI commissioner or privacy commissioner.
Entity	52(2)	Power to give prescribed written notice to the applicant of the decision.
Agency	53(2)	Power to inform a person how an application does not comply with a relevant application requirement.
Agency	53(3)	Power to give a reasonable opportunity to consult with a view to making application in a form complying with all relevant application requirements.
Agency	53(6)	Power to decide that an application does not comply with all relevant application requirements and to give the applicant prescribed written notice of the decision.
Agency	54(2)	Power to make reasonable efforts to inform the applicant of the matters set out in 54(2).
Agency	54(3)	Power to give the applicant a reasonable opportunity to consult as mentioned in 54(2)(c).
Agency	54(5)(b)	Power to consider whether an application is an application that can be made under this Act and power to give the applicant prescribed written notice of the decision.
Agency	55(1)	At any time before a deemed decision is taken to have been made in relation to an access or amendment application, power to ask the applicant for a further specified period to consider the application.
Agency	55(3)	Power to continue to consider the application and make a considered decision in relation to it in certain circumstances.

**Division 3 – Contact with relevant third party**

Entity power given to	Section of INPA	Description
Agency	56(1) <sup>2</sup>	Power to give access to a document of which may reasonably be expected to

<sup>1</sup> Section 50(1) of the Act provides that the only the CEO or his/her delegate can exercise this power.

<sup>2</sup> Must take steps that are reasonably practicable to obtain the views of the relevant third party about whether:  
(a) the document is a document for this chapter; or



		be of concern to a government, agency or person.
Agency	56(3)(b)	Power to decide: (i) that a document is a document for this chapter; or (ii) that the information is not exempt information or contrary to public interest information.
Agency	56(3)(c)	Power to give prescribed written notice of the decision in 56(3)(b) to the applicant and the relevant third party.
Agency	56(3)(d)	In the specified circumstances, power to defer giving access to a document.
Agency	56(4)	Power to give the applicant written notice when access is no longer deferred under 56(3)(d).

#### Division 4 - Transfers

Entity power given to	Section of INPA	Description
Agency	57(2)	In the specified circumstances, power to transfer an access or amendment application to another agency.
Other Agency	57(2)(b)	Power to consent to a transfer.

#### Part 4 – Refusal to Deal with Access or Amendment Application

Entity power given to	Section of INPA	Description
Agency	59(2)	Power to refuse to deal with an application without having identified any or all of the documents.
Agency	60(1)	Power to refuse to deal with an access or amendment application, or, if the agency or Minister is considering 2 or more access or amendment applications by the applicant, all the applications, if when using the power to consider the work involved in dealing with the application or all the applications would, if carried out: (a) substantially and unreasonably divert the resources of the agency from their use by the agency in the performance of its functions.
Agency	61(1)(a)	Power to give the applicant a written notice regarding its refusal to deal with an application under section 60.
Agency	61(1)(b)	Power to give the applicant a reasonable opportunity to consult with the agency.
Agency	61(1)(c)	Power to give the applicant any information that would help the making of an application in a form that would remove the ground for refusal.
Agency	61(6)(b)	Power to agree upon a longer prescribed consultation period.
Agency	62(3)	In the specified circumstances, power to refuse to deal with the later application to the extent it is for access to a document or documents sought under the first application.
Agency	63(3)	In the specified circumstances, power to refuse to deal with the later application to the extent it is for amendment of a document or documents sought under the first application.

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(b) the information is exempt information or contrary to public interest information.

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**Part 5 - Decision****Division 1 – Access applications**

Entity power given to	Section of INPA	Description
Agency	65(a)	In the specified circumstances, power to make a decision (a <b>considered decision</b> ): (i) whether access is to be given to the document; and (ii) if access is to be given – whether any access charge must be paid before access is given,
Agency	65(b)	Power to give written notice of a decision.
Principal Officer (the CEO)	66(2)	In the specified circumstances, power to give prescribed written notice of the decision to the applicant.
Agency	68(1)	In the specified circumstances, power to give a prescribed written notice to an applicant.
Agency	69(2)	Power to give a prescribed written notice.

**Division 2 – Amendment Applications**

Entity power given to	Section of INPA	Description
Agency	70	If a person makes an amendment application for a document, power to: (a) consider the application and make a considered decision whether the amendment of the document is to be permitted; and (b) give the person a written notice of the decision.
Principal Officer (the CEO)	71(2)	Power to give prescribed written notice of the decision to the applicant.
Agency	72(1)(a)	Power to refuse to amend a document if the agency is not satisfied: (i) the personal information is inaccurate, incomplete, out of date or misleading; or (ii) the information sought to be amended is personal information of the applicant; or (iii) if the application is purportedly made by an agent, that the agent is suitably authorised to make the amendment application.
Agency	73(1)	Power to give a prescribed written notice to the applicant for an amendment application of the decision on the application.
Agency	74	Power to make an amendment by: (a) altering the personal information; or (b) adding an appropriate notation to the personal information.
Agency	76(3)(b)	Power to give the applicant written notice of the nature of the notation.
Agency	76(5)	Power to decide the information to which the notice relates is not information in relation to which the applicant was entitled to apply to the agency for amendment of the document.
Agency	76(5)(b)	In the specified circumstances, power to give prescribed written notice to the applicant of the decision.

**Part 6 - Charging Regime****Division 3 – Waiver of charges**

Entity power given to	Section of INPA	Description
Agency	81(1)	Power to consider whether an access charge for an access application should be waived.
Agency	82(2)	When deciding to waive any access charge for an application, power to consider: (a) the applicant is the holder of a concessional card; and (b) the applicant is not making the application for some other person who is seeking to avoid the payment of a charge.
Agency	82(3)	Power to give the applicant a prescribed written notice of a decision under 82(2) before the end of the processing period.

**Part 7 - Giving Access**

Entity power given to	Section of INPA	Description
Agency	87(1)	In the specified circumstances, power to defer giving access to a document for a reasonable period.
Agency	87(2)	In the specified circumstances, power to give the applicant written notice when access is no longer deferred under section 87(1).
Agency	88(1)	Power to reasonably consider that a document will disclose to the applicant information that is not relevant to the access application for the document.
Agency	88(2)	Power to delete the irrelevant information from a copy of the document and give access to the document by giving access to a copy of the document with the irrelevant information deleted.
Agency	88(3)	Power to decide that it is reasonably practicable to give access to the copy.
Agency	91(2)	Power to consider whether it is consistent with the primary object of this act to give the applicant or a person nominated by the applicant and approved by the agency, a summary of the applicant's personal information; and power to agree with the intermediary or the intermediary and applicant regarding conditions of use or disclosure.
Agency	91(3)(a)	Power to make an agreement with an information giver for the disclosure of information given by that person.
Agency	91(3)(b)	Power to make an agreement with another person other than the applicant, for the disclosure of information, if the summary of information contains personal information about the other person.
Agency	92(2)	Power to direct that access to a document is instead given to an appropriately qualified healthcare professional nominated by the applicant and approved by the agency.

**Part 8 - Internal Review**

Entity power given to	Section of INPA	Description
Reviewer	94(2)	Power to review a reviewable decision and make a new decision.
Agency	97(2)	Power to notify an applicant of a decision.
Agency	97(3)	Power to give a prescribed written notice of the decision to the applicant.

**Part 9 - External Review****Division 2 – Application**

Entity power given to	Section of INPA	Description
Local Government / Agency	102(2)	In the specified circumstances, power to apply to the information commissioner to participate in the external review.

**Division 3 – After application made**

Entity power given to	Section of INPA	Description
Agency	106(1)(b)	Power to apply to the commissioner to allow the agency further time to deal with the access or amendment application.

**Division 5 – Powers of information commissioner on external review**

Entity power given to	Section of INPA	Description
Agency	112(2)	Power to give the applicant for external review and the commissioner an additional statement.
Agency	114(2)	Power to give the commissioner a written transcript of words recorded or contained in the document.
Agency	114(3)	Power to give the commissioner a written document created using the equipment.
Agency	115(1)	Power to conduct a particular further search, or to conduct further searches, for a document.

**Part 10 - Vexatious applications**

Entity power given to	Section of INPA	Description
Agency	127(1)	Power to apply to the information commissioner that a person be declared a vexatious applicant.

**Part 11 - References of questions of law and appeals**

Entity power given to	Section of INPA	Description
Participant in an external review	131(1)	Power to request the commissioner to refer a question of law arising on an external review to QCAT.
Participant in an external review	132(1)	Power to appeal to the appeal tribunal against a decision of the information commissioner on the external review.

**CHAPTER 4 – INFORMATION COMMISSIONER AND PRIVACY COMMISSIONER****Part 5 - Waiving or Modifying Privacy Principles Obligations in the Public Interest**

Entity power given to	Section of INPA	Description
Agency	157(1)	Power to apply to the information commissioner for an approval under this section.

**Part 6 - Compliance Notices**

Entity power given to	Section of INPA	Description
Agency	159(1)	If given a compliance notice, power to ask the information commissioner to extend the time within which it must take the action stated in the compliance notice.
Agency	159(3)(b)	In the specified circumstances, power to give the commissioner an undertaking to take the stated action within the extended period.
Agency	161(1)	Power to apply to QCAT for a review of the decision of the information commissioner.

**CHAPTER 5 – PRIVACY COMPLAINTS****Part 3 - Mediation of privacy complaints**

Entity power given to	Section of INPA	Description
Respondent	172(1)	Power to agree on a resolution of the complaint.
Respondent	172(2)	Power to ask the information commissioner to prepare a written record of the agreement.

**SCHEDULE 3 – INFORMATION PRIVACY PRINCIPLES**

Entity power given to	Section of INPA	Description
Agency	7(3)(a)	Power to consider it is not required to amend personal information included in a document under the agency's control in a way asked for by the individual the subject of the personal information.
Agency	10(1)(b)	Power to be satisfied on reasonable grounds that the use of the information for the other purpose is necessary to lessen or prevent a serious threat to the life, health, safety, or welfare of an individual, or to public health, safety or welfare.
Agency	10(1)(d)	Power to be satisfied on reasonable grounds that the use of the information for the other purpose is necessary in certain circumstances.
Agency	11(1)(c)	Power to be satisfied on reasonable grounds that the disclosure is necessary to lessen or prevent a serious threat to the life, health, safety or welfare of an individual, or to public health, safety or welfare.
Agency	11(1)(e)	Power to be satisfied on reasonable grounds that the disclosure of the information is necessary in certain circumstances.
Agency	11(1)(f)(iv)	Power to be satisfied on reasonable grounds that the relevant entity will not disclose the personal information to another entity.

Schedule 2

**Limitations to the Exercise of Power**

1. Where Council in its budget or by resolution allocates an amount for the expenditure of Council funds in relation to a particular matter, in exercising delegated power in relation to that matter, the delegate will only commit Council to reasonably foreseeable expenditure up to the amount allocated.
2. The delegate will not exercise any delegated power in relation to a matter which, to the delegate's knowledge, adversely affects, or is likely to adversely affect, Council's relations with the public at large.
3. The delegate will not exercise any delegated power contrary to a resolution or other decision of Council (including a policy decision relating to the matter).
4. The delegate will not exercise any delegated power in a manner, or which has the foreseeable effect, of being contrary to an adopted Council policy or procedure.
5. The delegate will only exercise a delegated power under this resolution in a manner which complies with the requirements of Council's Planning Scheme, and any exercise of power which involves a departure from or variation of those requirements will only be undertaken by Council.
6. The delegate will not exercise any delegated power which cannot lawfully be the subject of delegation by Council.

[2017 06 05 - INPA - Delegation Instrument - South Burnett]

## INSTRUMENT OF DELEGATION

### South Burnett Regional Council *Land Act 1994*

Under section 257 of the *Local Government Act 2009*, **South Burnett Regional Council** resolves to delegate the exercise of the powers contained in Schedule 1 to the Chief Executive Officer.

These powers must be exercised subject to the limitations contained in Schedule 2.

All prior resolutions delegating the same powers to the Chief Executive Officer are repealed.

## Schedule 1

**Land Act 1994 ("LANA")****CHAPTER 1 - PRELIMINARY****Part 4 - Tidal and non-tidal boundaries and associated matters**

Entity power given to	Section of LANA	Description
Registered owner	12(3)	Power to suitably indicate where the boundaries of land are across a surface of water.
Registered owner	12(4)	Power to regulate or prohibit the use or movement of ships in or over water above inundated land.
Owner	13A(4)	Power to: <ul style="list-style-type: none"> <li>(a) exercise a right of access for the owner, the owner's family, executive officers, employees, agents and stock over the adjacent area of the watercourse or lake that is the property of the State that adjoins the owner's land; and</li> <li>(b) exercise a right of grazing for the person's stock over the adjacent area; and</li> <li>(c) bring an action against a person who trespasses on the adjacent area.</li> </ul>
Adjacent Owner	13AC(1)(a)	In certain circumstances, power to consent to the dedication of a reserve.
Applicant	13B(1)	In certain circumstances, power to apply to the Chief Executive to have watercourse land adjoining the relevant land's non-tidal boundary declared to be former watercourse land.
Applicant	13B(2)	Power to give notice of a person's intention to make the application.
Applicant	13B(6)	Power to appeal against the refusal of the application.

**CHAPTER 2 - LAND ALLOCATION****Part 1 - Allocation powers**

Entity power given to	Section of LANA	Description
Registered owner	18(1)	Power to reach agreement with the Governor in Council to grant unallocated State land in exchange for all or part of freehold land.
Lessee of a freeholding lease	18(2)	Power to reach agreement with the Governor in Council to grant a freeholding lease in exchange for all or part of a freeholding lease.
Lessee of a term lease	18(3)	Power to enter into agreement with the Minister to lease unallocated State land.

**Part 2 - Reservations**

Entity power given to	Section of LANA	Description
Person	23A(1)	Power to apply to Minister for the allocation of a floating reservation.
Person	23A(6)	Power to appeal against a Minister's decision.



Registered owner or lessee	24(3)	Power to apply to the Minister to buy the land.
Registered owner or lessee	25(2)	Power to appeal against the unimproved value of land.
Registered owner or Trustee	26(2)	In certain circumstances, power to agree with the Minister in respect to the specified matters when the Minister is deciding the boundaries of land being resumed.
Lessee, registered owner or trustee	26(4)	Power to appeal against the Minister's decision on the boundaries.

### CHAPTER 3 - RESERVES, DEEDS OF GRANT IN TRUST AND ROADS

#### Part 1 - Reserves and deeds of grant in trust

##### Division 2 - Reserves

Entity power given to	Section of LANA	Description
Any person	31C(1)	Power to apply to the Minister for the dedication of a reserve.
Any person	31C(2)	Power to give notice of the person's intention to make the application to: (a) if the person is not the proposed trustee of the reserve - the proposed trustee; and (b) each person with a registered interest in the unallocated State land over which a reserve is proposed to be dedicated.
Any person	31C(3)	Power to give notice to any other person that the person considers has an interest in the unallocated State land over which the reserve is proposed to be dedicated.
Trustee of a reserve	31D(1)	Power to apply to the Minister: (a) to change the boundaries of the reserve; or (b) to change the purpose for which the reserve is dedicated.
Trustee of a reserve	31D(2)	Power to give notice of the trustee's intention to make the application to each person with a registered interest in the reserve.
Trustee of a reserve	31D(3)	Power to give notice to any other person the trustee considers: (a) has an interest in the reserve; or (b) would have an interest in the reserve if the boundaries of the reserve or the purpose for which the reserve is dedicated were changed.
Any person	34(1)	Power to apply for the revocation of the dedication of all or part of a reserve.
Any person	34(2)	Power to give notice of the person's intention to make the application to: (a) if the person is not the trustee of the reserve - the trustee of the reserve; and (b) each person with a registered interest in the reserve.
Any person	34(3)	Power to give notice to any other person that the person considers has an interest in the reserve.
Local government	34H(1)	Power to apply to the Minister to remove improvements from a revoked reserve.
Trustee of an	34I(1)	In certain circumstances, power to apply for the issue of a deed of grant over a

Instrument of Delegation  
Land Act 1994

Legislation review current as at 3 July 2017

operational reserve		reserve.
Trustee of an operational reserve	34I(3)	Power to give notice of the trustee's intention to make the application to each person with a registered interest in the reserve.
Trustee of an operational reserve	34I(4)	Power to give notice to any other person the trustee considers has an interest in the reserve.

**Division 3 - Deeds of grant in trust**

Entity power given to	Section of LANA	Description
Trustee of deed of grant in trust	38A(1)	Power to apply: (a) for an additional community purpose to be notified; or (b) to amalgamate land with common purposes.
Any person	38A(2)	Power to apply for the cancellation of a deed of grant in trust.
Applicant	38A(3)	Power to give notice of the applicant's intention to apply to each of the following: (a) the trustee of the deed of grant in trust, other than the applicant (b) each person with a registered interest in the trust land.
Applicant	38A(4)	Power to give notice to any other person the applicant considers has an interest in the trust land.
Owner of improvements on a deed of grant in trust that has been cancelled	38G(1)	Power to apply to the Minister to remove the owner's improvements on a deed of grant in trust.

**Division 5 - Appointments, functions and removal of trustees**

Entity power given to	Section of LANA	Description
Proposed trustee	44(4)	Power to provide written acceptance of appointment as trustee.
Trustee	48(1)(a)	Power to apply for the approval of a management plan for the trust land.
Trustee	49	In certain circumstances, power to: (a) allow the auditor general, a person mentioned in section 47(1)(a) to (d), or a person authorised by the Chief Executive of a Department, to audit the trust's financial accounts; and (b) help the conduct of the audit, including a disclosure of the financial institution accounts necessary for the audit.

**Division 6 - Powers of trustee**

Entity power given to	Section of LANA	Description
Trustee	52(1)	Power to take all action necessary for the maintenance and management of the trust land.
Trustee of trust land	52(5)	Power to apply for the approval of an action that is inconsistent with the purpose for which the reserve was dedicated or the land was granted in trust

		<i>(inconsistent action).</i>
Trustee	55(1)	Power to surrender all or part of a deed of grant in trust: (a) on terms agreed to between the Minister and the trustee; and (b) with the Minister's written approval.
Trustee of a deed of grant in trust	55A(1)	Power to apply to surrender all or part of a deed of grant in trust.
Trustee of a deed of grant in trust	55A(2)	Power to give notice of the trustee's intention to apply to each person with a registered interest in the deed of grant in trust.
Trustee of a deed of grant in trust	55A(3)	Power to give notice to any other person the trustee considers has an interest in the deed of grant in trust.
Owner of improvements on a deed of grant in trust that has been surrendered	55H(1)	Power to apply to remove the owner's improvements on a surrendered deed of grant in trust.

**Division 7- Trustee leases and trustee permits**

Entity power given to	Section of LANA	Description
Trustee	66(1)	In certain circumstances, power to allow a trustee lessee or trustee permittee to remove the trustee lessee's or trustee permittee's improvements on the land within a reasonable time stated by the trustee.

**Division 10 - Cemeteries**

Entity power given to	Section of LANA	Description
Local government	82	Power to: (a) agree to have the trusteeship of a cemetery transferred; and (b) agree to conditions of the transfer of trusteeship.

**Division 11 - Other grants for public purposes**

Entity power given to	Section of LANA	Description
Trustee of land granted for an estate in fee simple for some community, public or similar purpose	84(1)	In certain circumstances, power to apply to the Minister to surrender land to the State and for the issue of a deed in grant in trust under the <i>Land Act 1994</i> for a community or public purpose.

**Part 2 - Roads****Division 1 – Dedicating and opening roads**

Entity power given to	Section of LANA	Description
Person	94(2)	Power to apply for the dedication of a road for public use.

**Division 2 - Closing roads**

Entity power given to	Section of LANA	Description
Public utility provider or adjoining owner for the road	99(1)	Power to apply for the permanent closure of a road.
Adjoining owner for the road or, in certain circumstances, another person	99(3)	In certain circumstances, power to apply to the Minister for the temporary closure of a road.
Adjoining owner	99(4)	Power to ask for the road, on its closure, to be amalgamated with the adjoining owner's adjoining land.
Adjoining owner for the road	99(6)	In certain circumstances, power to ask in the application that, on the closure of the road, the road, the adjoining land and the other land be amalgamated.

**Division 4 - Permanently closed roads**

Entity power given to	Section of LANA	Description
Registered owner	109A(1)	In certain circumstances, power to apply for the simultaneous opening and closure of roads.
Registered owner	109A(3)	Power to appeal against any conditions the Minister imposes under section 420I.
Trustee or Lessee	109B(1)	In certain circumstances, power to apply for the simultaneous opening and closure of roads.
Trustee	109B(4)	Power to appeal against any conditions the Minister imposes under section 420I.

**CHAPTER 4 - LAND HOLDINGS****Part 1 - Making land available**

Entity power given to	Section of LANA	Description
Any person	120A(1)	Power to apply for an interest in land without competition.
Proposed lessee	136(5)	Power to enter into a land management agreement.
Buyer or	140(1)	Power to negotiate the provisional value (negotiated value).

previous lessee		
Buyer or previous lessee	140(2)	Power to give written agreement to the negotiated value becoming the amount to be paid for the improvements.
Buyer or previous lessee	140(4)	Power to make application to the Court to decide the value.

**Part 3 - Leases**

Entity power given to	Section of LANA	Description
Lessee	154(1)	Power to apply to the Minister for a lease to be used for additional or fewer purposes.
Lessee	155A(2)	Power to apply to extend a lease.
Lessee	155B(2)	Power to apply to extend a lease.
Lessee	155BA(2)	Power to apply to extend a lease.
Lessee	155DA(4)	Power to make written submissions to the Minister.
Lessee of term lease	158(1)	Power to apply for an offer of a new lease unless the condition of the lease or the <i>Land Act 1994</i> prohibits a renewal.
Applicant	160(3)	Power to appeal against the Chief Executive's decision to refuse the renewal application if the only reason for the refusal was that the applicant had not fulfilled the conditions of the lease.
Lessee	164C(1)	Power to make an extension application.
Lessee	164C(7)	Power to appeal against the Minister's decision.
Lessee	164H(1)(b)	Power to advise the Chief Executive and agree to the lease becoming a rolling term lease.
Lessee	166(1)	Power to make a conversion application.
Applicant	168(5)	Power to appeal against the Chief Executive's decision to refuse the conversion application if the only reason for the refusal is that the applicant had not fulfilled the conditions of the lease.
Lessee	169(a)	Power to enter into a conservation agreement.
Lessee	169(b)(i)	Power to enter into a forest consent agreement in relation to the land.
Lessee	176(1)	Power to apply for approval to subdivide a lease.
Applicant	176E	In certain circumstances, power to appeal against a decision.
Lessee of two or more leases	176K(1)	In certain circumstances, power to apply for approval to amalgamate existing leases.
Applicant	176Q	In certain circumstances, power to appeal against a decision that is given to an Applicant.
Lessee	176UA(2)	Power to enter into a land management agreement.
Lessee	176XA	Power to agree with the Minister to cancel the land management agreement registered on a lease.

**Part 4 - Permits to occupy particular land**

Entity power given to	Section of LANA	Description
Any person	177A(1)	Power to apply for a permit to occupy unallocated State land, a reserve or road.
Any person	177A(2)	Power to give notice of the person's intention to apply to the following and to any other entity with a registered interest in the proposed permit land: (a) for a permit for a reserve – the trustee of the reserve; or (b) for a permit for a State-controlled road – the Chief Executive of the department in which the <i>Transport Infrastructure Act 1994</i> is administered.
Registered owner	179(2)	In certain circumstances, power to agree with an applicant for a permit on conditions about the maintenance of a boundary fence.
Permittee	180(2)	Power to surrender a permit: (a) on terms agreed between the Chief Executive Officer and the permittee; and (b) with the Chief Executive's written approval.
Relevant entity for a permit	180A(1)	Power to apply to cancel a permit.
Relevant entity for a permit	180A(2)	Power to give notice of the entity's intention to apply to: (a) the permittee; and (b) any other entity with a registered interest in the permit land.
Relevant entity for a permit	180A(4)	Power to give notice to any other entity the relevant entity considers has an interest in the permit land.
Permittee	180A(5)	Power to apply to surrender a permit.
Permittee	180H(1)	Power to apply to the Chief Executive to remove improvements on permit land.

**CHAPTER 5 - MATTERS AFFECTING LAND HOLDINGS****Part 2 - Conditions****Division 3 - Changing and reviewing imposed conditions**

Entity power given to	Section of LANA	Description
Lessee, licensee or permittee	210(1)	Power to agree to a change of an imposed condition of the lease, licence or permit.
Lessee, licensee or permittee	210(2)	Power to apply to change conditions of a lease, licence or permit under section 210(1).
Lessee	212(1)	Power to agree to change an imposed condition about the protection and sustainability of lease land.
Lessee	212(3)	In certain circumstances, power to appeal against a decision.

**Division 3A – Regulated conditions**

Entity power given to	Section of LANA	Description
Lessee of a lease	212B(5)	Power to agree with the designated officer for the lease about matters stated in section 212B(5)(a) and (b).

**Division 5 – Remedial action**

Entity power given to	Section of LANA	Description
Lessee	214(3)	Power to enter into an amended or a new land management agreement upon receipt of a remedial action notice.
Lessee or Licensee	214A(4)	Power to make written submissions to the Minister in response to a warning notice.
Lessee	214F(3)	Power to appeal against a decision.

**Part 3 - Resumption and compensation****Division 2 – Resumption of a lease under a condition of the lease**

Entity power given to	Section of LANA	Description
Lessee	226(5)	Power to appeal against the Minister's decision.

**Division 3 – Resumption of a reservation for a public purpose**

Entity power given to	Section of LANA	Description
Owner of the improvement	232(5)	Power to appeal against the Minister's decision.

**Part 4 - Forfeiture****Division 2A – Forfeiture of leases by referral to court or for fraud**

Entity power given to	Section of LANA	Description
Relevant local government	239(4)	Power to appeal against a decision under subsection (2)(b)(iv) to allow an entity other than the relevant local government to sell the lease.

**Division 3A - Sale of lease instead of forfeiture**

Entity power given to	Section of LANA	Description
Lessee	240E(1)	Power to make a written application for permission to sell the lease.
Relevant local government	240G(1)	Power to apply to the Minister for approval to sell a lease.
Local government	240I(3)	Power to start the process of selling a lease under this subdivision within the required period stated in the notice under section 240H(2).
Local government	240I(4)	Power to set a reserve price for the sale of the lease by auction, or a price for the sale of the lease under an agreement, that is at least the total of all

		charges owing to the State under the Land Act 1994 relating to the lease.
Lessee of a forfeited lease	243(1A)	Power to apply to remove the lessee's improvements on the lease.

**CHAPTER 6 - REGISTRATION AND DEALINGS****Part 3 - Documents****Division 2 – Documents forming part of standard terms documents**

Entity power given to	Section of LANA	Description
Person	321(1)	Power to ask the Chief Executive to withdraw a registered standard terms document.

**Part 4 - Dealings affecting land****Division 1 – Transfers**

Entity power given to	Section of LANA	Description
Lessee, licensee or the holder of a sublease	322(1B)	Power to apply for approval to transfer a lease, licence or sublease.
Transferor	322(6)	Power to appeal against the Minister's decision.

**Division 2 - Surrender**

Entity power given to	Section of LANA	Description
Registered owner	327	Power to agree to terms of the absolute surrender of freehold land.
Lessee	327A	Power to agree to terms of the absolute or conditional surrender of all or part of a lease.
Registered owner of freehold land	327B	Power to apply to surrender freehold land.
Lessee	327C(1)	Power to apply to surrender all or part of a lease.
Lessee	327C(2)	Power to give notice of the lessee's intention to apply to any other person with a registered interest in the lease.
Lessee	327C(3)	Power to give notice to any other person the lessee considers has an interest in the lease.
Owner of improvements on a lease that has been surrendered	327I(1)	Power to apply to remove improvements on surrendered lease.
Any grantee of an easement or profit a	330(c)	Power to give written approval to the surrender where the grantee's interests will be adversely affected.



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**Division 3 - Subleases**

Entity power given to	Section of LANA	Description
Person	332(1)(a)(i)	The power to seek the Minister's written approval to the sublease.
Sublessor	332(8)	Power to appeal against a Minister's decision.
Sublessor	339(1)	Power to lodge a request for the Chief Executive to register the re-entry.

**Division 3A - Mediation for disputes about terms of particular subleases**

Entity power given to	Section of LANA	Description
Party to a sublease	339B(1)	Power to ask the Chief Executive to refer a dispute to mediation.
Party to a sublease	339B(3)(a)(i)	Power to agree on a person to conduct the mediation.
Party to a sublease	339B(3)(b)	Power to decide the way in which the mediation is to be conducted.
Party to a sublease	339B(3)(c)	Power to participate in mediation on behalf of the local government.

**Division 7 - Correcting and changing deeds of grant and leases**

Entity power given to	Section of LANA	Description
Registered owner or Trustee	358(1)	In certain circumstances, power to surrender land contained in a deed of grant or trustee's deed of grant in trust.
Registered owner or Trustee	358(2)	In certain circumstances, power to surrender land contained in a deed of grant or trustee's deed of grant in trust with the Minister's written approval.
Lessee or a person acting for the lessee	360C(1)	In certain circumstances, power to apply to amend the description in a freeholding lease if the description of the lease may be amended under section 360(1)(a) or (d).
Lessee or a person acting for the lessee	360C(2)	Power to apply to amend the description in a term lease, other than a State lease, or a perpetual lease if the description of the lease may be amended under section 360A(2)(a), (b) or (c).
Lessee or a person acting for the lessee	360C(3)	Power to apply to amend the description in a State lease if the description of the lease may be amended under section 360B(1)(a), (b), (c) or (d).
Applicant	360D(2)	Power to give notice of the applicant's intention to apply to any other person with a registered interest in the lease land.
Applicant	360D(3)	Power to give notice to any other person the applicant considers has an interest in the lease.

**Division 8 - Easements**

Entity power given to	Section of LANA	Description
Trustee	368(2)(a)	In certain circumstances, power to ask the Chief Executive to extinguish an easement.
Owner of land or public utility provider	371(2)	In certain circumstances, power to sign a document of surrender
Person who has a registered interest in the land	371(3)	Power to agree to surrender an easement.

**Division 8A - Covenants**

Entity power given to	Section of LANA	Description
Person	373B(1)(a)	Power to sign a document creating a covenant.
Person	373C(2)(a)	Power to sign a document amending the covenant.
Covantee	373D(2)	Power to sign a document releasing the covenant.

**Division 8B – Profits a prendre**

Entity power given to	Section of LANA	Description
Lessee	373L(a)	Power to ask the Chief Executive to extinguish the profit a prendre.

**Division 11A – Caveats**

Entity power given to	Section of LANA	Description
Caveatee	389H(1)	Power to apply to the Supreme Court for an order that a caveat lodged under this division be removed.

**CHAPTER 7 - GENERAL****Part 2 - Unlawful occupation of non-freehold and trust land****Division 3 – Action by lessee, licensee, permittee or trustee**

Entity power given to	Section of LANA	Description
Trustee, lessee, licensee, or permittee	415(1)	In certain circumstances, power to start a proceeding in the Magistrates Court.

**Division 4 – Court matters**

Entity power given to	Section of LANA	Description
Party	420	Power to appeal to the District Court on a question of law if dissatisfied with a trespass order.

**Part 2A - General provisions for applications**

Entity power given to	Section of LANA	Description
Entity	420CB(1)	Power to make a submission against the proposed application to: (a) the person who gave the entity the notice; or (b) the Chief Executive.

**Part 3 - Review of decisions and appeals****Division 2 – Internal review of decisions**

Entity power given to	Section of LANA	Description
Person who has a right of appeal against an original decision	423	Power to apply to the Minister for a review of the decision.
Applicant	425(1)	Power to apply for a stay of the decision to the Court.

**Division 3 – Appeals**

Entity power given to	Section of LANA	Description
A person who has applied for the review of a decision under division 2	427	Power to appeal to the Court if dissatisfied with the review decision.

**Part 4 - Miscellaneous**

Entity power given to	Section of LANA	Description
Offeree	442(4)	In certain circumstances, power to apply to the person who made the offer to extend the time stated in the offer or that otherwise applies under subsection (1).
Offeror	442(9)	Power to amend the offer by changing the price or premium to a price or premium decided by the offeror in the way prescribed by regulation.

**CHAPTER 8 - CONTINUED RIGHTS AND TENURES****Part 5 - Licences and permits****Division 1 - Occupation licences**

Entity power given to	Section of LANA	Description
Licensee	481A	Power to surrender, absolutely, all or part of an occupation licence: (a) on terms agreed to between the Minister and the licensee; (b) and with the Minister's written approval.
Public utility provider (an <i>applicant</i> )	481B(1)	Power to apply to cancel all or part of an occupation licence.
Licensee (an <i>applicant</i> )	481B(3)	Power to apply to surrender, absolutely, all or part of an occupation licence.
Applicant	481B(4)	Power to give notice of the applicant's intention to apply to each of the following: (a) if the applicant is not the licensee of the occupation licence – the licensee; (b) any other person with a registered interest in the occupation licence; (c) if the occupation licence is a designated occupation licence – the Chief Executive of the department having responsibility for the administration of the forest reserve, national park, State forest or timber reserve the subject of the designated occupation licence.
Applicant	481B(5)	Power to give notice to any other person the applicant considers has an interest in the occupation licence.
Licensee of occupation licence	481J(1)	Power to apply to remove licensee's improvements on a licence.

**Part 7 - Tenures under other Acts****Division 1 - Sale to Local Authorities Land Act 1882**

Entity power given to	Section of LANA	Description
Local government	492(1)	In certain circumstances, power to apply to exchange a conditional deed for a reserve or deed of grant in trust with Council as trustee or a lease issued under the <i>Land Act 1994</i> .

**CHAPTER 9 - TRANSITIONAL AND REPEAL PROVISIONS****Part 1K - Transitional provisions for Land, Water and Other Legislation Amendment Act 2013**

Entity power given to	Section of LANA	Description
Lessee	521ZE(2)	Power to apply in writing to the Minister for the cancellation of the land management agreement for the lease.

**Part 1M - Transitional provisions for Land and Other Legislation Amendment Act 2014**

Entity power given to	Section of LANA	Description
Lessee of a lease	521ZL(2)	Power to agree to the renewal application being treated as an extension application and advise the Chief Executive of same.
Lessee of a lease	521ZM(2)	Power to advise the Chief Executive that the lessee wishes the lease to become a rolling term lease.

Schedule 2

**Limitations to the Exercise of Power**

1. Where Council in its budget or by resolution allocates an amount for the expenditure of Council funds in relation to a particular matter, in exercising delegated power in relation to that matter, the delegate will only commit Council to reasonably foreseeable expenditure up to the amount allocated.
2. The delegate will not exercise any delegated power in relation to a matter which, to the delegate's knowledge, adversely affects, or is likely to adversely affect, Council's relations with the public at large.
3. The delegate will not exercise any delegated power contrary to a resolution or other decision of Council (including a policy decision relating to the matter).
4. The delegate will not exercise any delegated power in a manner, or which has the foreseeable effect, of being contrary to an adopted Council policy or procedure.
5. The delegate will only exercise a delegated power under this resolution in a manner which complies with the requirements of Council's Planning Scheme, and any exercise of power which involves a departure from or variation of those requirements will only be undertaken by Council.
6. The delegate will not exercise any delegated power which cannot lawfully be the subject of delegation by Council.

[2017 03 30 - LANA - Delegation Instrument - South Burnett]

## INSTRUMENT OF DELEGATION

### South Burnett Regional Council *Planning Act 2016*

Under section 257 of the *Local Government Act 2009*, **South Burnett Regional Council** resolves to delegate the exercise of the powers contained in Schedule 1 to the Chief Executive Officer.

These powers must be exercised subject to the limitations contained in Schedule 2.

All prior resolutions delegating the same powers to the Chief Executive Officer are repealed.

## Schedule 1

*Planning Act 2016 ("PLAA")***CHAPTER 2 – PLANNING****Part 3 - Local Planning Instruments****Division 2 – Making or amending planning schemes**

Entity power given to	Section of PA	Description
Local Government	18(1)	Power to propose to make or amend a planning scheme.
Local Government	18(2)	Power to give notice of the proposed planning scheme or proposed amendment to the Chief Executive.
Local Government	18(3)	Power to consult with the Chief Executive about the process for making or amending the planning scheme.
Local Government	18(6)	Power to make or amend the planning scheme by following the process in the notice or amended notice.
Local Government	19(1)	In certain circumstances, power to apply a planning scheme as a categorising instrument in relation to prescribed tidal works.
Local Government	20(2)	Power to amend a planning scheme by following the process in the Minister's rules, instead of complying with section 18.
Local Government	21	In certain circumstances, power to follow the process in the Minister's rules for making or amending an LGIP.
Local Government	22(1)	Power to amend a planning scheme policy by following the process in the Minister's rules.
Local Government	23(1)	Power to make a TLPI if the local government and Minister decide – <ul style="list-style-type: none"> <li>a) there is significant risk of serious adverse cultural, economic, environmental or social conditions happening in the local government area;</li> <li>b) the delay involved in using the process in sections 18 to 22 to make or amend another local planning instrument would increase the risk; and</li> <li>c) the making of the TLPI would not adversely affect State interests.</li> </ul>
Local Government	23(2)	Power to amend a TLPI if the Minister decides the amendment of the TLPI would not adversely affect State interests.
Local Government	24(5)	Power to repeal a TLPI by making, or amending, a planning scheme to specifically repeal the TLPI.
Local Government	25(1)(a)	Power to review planning scheme.
Local Government	25(1)(b)	Power to decide, based on that review, whether to amend or replace the planning scheme.
Local Government	25(2)	Power to: <ul style="list-style-type: none"> <li>a) give written reasons for the decision to the Chief Executive;</li> <li>b) publish a public notice in the approved form about the decision; and</li> <li>c) keep a copy of the public notice in a conspicuous place in the local government's public office for a period of at least 40 business days after the notice is published.</li> </ul>
Local	25(3)	Power to undertake an LGIP review.



Government		
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**Division 3 – State Powers for local planning instruments**

Entity power given to	Section of PA	Description
Local Government	26(3)(c)	Power to make a submission to the Minister about taking the action.
Local Government	26(4)(a)	Power to take action in accordance with Minister's direction under a Notice.
Local Government	26(4)(b)	Power to take other action in accordance with Minister's direction.

**Part 4 - Superseded Planning Schemes**

**Division 1 – Applying superseded planning schemes**

Entity power given to	Section of PA	Description
Local Government	29(4)(a)	Power to accept, assess and decide a development application (a superseded planning scheme application) under a superseded planning scheme.
Local Government	29(4)(b)	Power to apply a superseded planning scheme to the carrying out of development that was accepted development under the superseded planning scheme.
Local Government	29(6)	Power to decide whether or not to agree to a superseded planning scheme request within the period prescribed by, or extended as required under, the regulation.
Local Government	29(7)	Power to give a decision notice to the person who made the superseded planning scheme request.

**Division 2 - Compensation**

Entity power given to	Section of PA	Description
Local Government	30(5)	Power to prepare a report assessing feasible alternatives for reducing the risk stated in subsection (4)(e), including imposing development conditions on development approvals.
Local Government	32(1)(a)	Power to approve all or part of a compensation claim.
Local Government	32(1)(b)	Power to refuse a compensation claim.
Local Government	32(1)(c)	Power to give a notice of intention to resume the affected owner's interest in premises under the Acquisition Act, section 7.
Local Government	32(2)	Power to decide to amend the planning scheme to allow premises to be used for the purposes that the premises could be used for under the superseded planning scheme.
Chief Executive Officer	32(3)	Power to give the affected owner: a) notice of intention to resume; b) a notice that states the local government's decision, any amount of compensation to be paid and the affected owner's appeal rights.

**Part 5 - Designation of premises for development of infrastructure**

Entity power given to	Section of PA	Description
Designator	35(1)	Power to identify premises for the development of 1 or more types of infrastructure that are prescribed by regulation.
Designator	35(2)	Power to include designation requirements about any of the matter contained in 35(2)(a)-(c).
Designator	36(1)(a)	Power to be satisfied that the infrastructure will satisfy statutory requirements, or budgetary commitments, for the supply of the infrastructure.
Designator	36(1)(b)	Power to be satisfied that there is or will be a need for the efficient and timely supply of the infrastructure.
Local Government	36(7)(e)	Power to make submission to a Designator in relation to making or amending a designation.
Designator	38(1)	Power to:- a) consider properly made submissions; b) decide to make or amend a designation; and c) publish a gazette notice.
Designator	39(2)	Power to extend the duration of a designation, for up to 6 years, by publishing a gazette notice about the extension before the designation stops having effect.
Public Sector Entity	39(4)	Power to discontinue proceedings to resume designated premises.
Designator	40(1)	Power to repeal a designation by publishing a gazette notice that states— a) that the designation is repealed; and b) a description of the designated premises; and c) the type of infrastructure for which the premises were designated; and d) the reasons for the repeal.
Designator	41(4)	Power to: a) repeal the designation; b) decide to refuse the request; and c) decide to take other action that designator considers appropriate in the circumstances.
Designator	41(5)	Power to give a decision notice.
Local Government	42(2)	Power to include a note about the making, amendment, extension or appeal of a designation in the planning scheme.
Local Government	42(4)	Power to include a note in the planning scheme in a way that ensures the other provisions of the scheme that apply to the designated premises remain effective.

**CHAPTER 3 – DEVELOPMENT ASSESSMENT****Part 1 - Types of development and assessment**

Entity power given to	Section of PA	Description
Local Government	45(5)(b)	Power to consider and assess against assessment benchmarks and prescribed matters under a regulation and other relevant matters.
Local	45(7)	Power to consider amendment or replacement of a statutory

Government		instrument or other document before deciding a properly made application.
Local Government	46(2)(a)	Power to give an exemption certificate for a development.
Local Government	46(3)(a)	Power to seek agreement in writing from referral agencies about the giving of an exemption certificate.

**Part 2 - Development applications**

**Division 2 – Making or changing applications**

Entity power given to	Section of PA	Description
Owner	51(2)	Power to give owner's consent.
Assessment Manager	51(4)(a)	Power to be satisfied an application complies with subsections (1) to (3).
Assessment Manager	51(4)(b)	Power to be satisfied an application complies with subsection (2) and (3).
Assessment Manager	51(4)(c)	Power to accept an application that does not comply with subsection (1)(a) or (b)(i).
Assessment Manager	51(4)(d)	Power to accept an application that does not comply with subsection (1)(b)(ii) to the extent the required fee has been waived under section 109(b).
Assessment Manager	51(5)	Power to accept a properly made application.
Assessment Manager	52(3)	Power to assess and decide if a change is a minor change.
Assessment Manager	53(3)	Power to assess and decide a development application even if some of the requirements of the development assessment rules about the notice have not been complied with, if the assessment manager considers any noncompliance has not— (a) adversely affected the public's awareness of the existence and nature of the application; or (b) restricted the public's opportunity to make properly made submissions about the application.
Assessment Manager	53(4)(a)	Power to consider submissions about a development application.
Assessment Manager	53(10)	Power to give notice on behalf of an applicant to a referral agency for a fee.

**Part 3 - Assessing and deciding development applications**

**Division 1 – Referral agency's assessment**

Entity power given to	Section of PA	Description
Assessment Manager	54(5)	Power to give a copy of a development application on behalf of an applicant to a referral agency for a fee.
Assessment Manager/ Referral	55(1)	Power to assess the application as required under section 45, as if the agency were the assessment manager.

Agency		
Referral Agency	55(2)(a)	Power to assess a development application against matters prescribed by the regulation.
Referral Agency	55(2)(b)	Power to have regard to matters prescribed by the regulation for the assessment.
Referral Agency	55(4)	Power to give weight, considered appropriate in the circumstances to any amendment or replacement of the instrument or other document that came into effect after the application was properly made.
Referral Agency	56(1)(a)	Power to decide to tell the assessment manager that the agency has no requirements for the application.
Referral Agency	56(1)(b)	Power to decide to direct the assessment manger to do any or all of the following: <ul style="list-style-type: none"> <li>i. to give any development approval subject to stated development conditions;</li> <li>ii. to give any development approval for only a stated part of the application;</li> <li>iii. to give any development approval only as a preliminary approval;</li> <li>iv. to improve a stated currency period for a development approval given.</li> </ul>
Referral Agency	56(1)(c)	Power to decide to direct the assessment manager to refuse the application for stated reasons.
Referral Agency	56(2)(a)	Power to decide to tell the assessment manager that the agency has no requirements for the variation request.
Referral Agency	56(2)(b)	Power to decide to direct the assessment manager to do any or all of the following: <ul style="list-style-type: none"> <li>i. to approve only some of the variations sought;</li> <li>ii. subject to section 61(3) to approve different variations from those sought.</li> </ul>
Referral Agency	56(2)(c)	Power to decide to direct the assessment manager to refuse the variation request.
Referral Agency	56(3)	Power to give advice about the application to the assessment manager.

**Division 2 – Assessment manager’s decision**

Entity power given to	Section of PA	Description
Assessment Manager	60(2)(a)	Power to assess and decide the extent to which the application complies with all of the assessment benchmarks for the development.
Assessment Manager	60(2)(b)	Power to decide to approve the application even if the development does not comply with some of the assessment benchmarks.
Assessment Manager	60(2)(c)	Power to impose development conditions on an approval.
Assessment Manager	60(2)(d)	To the extent the development does not comply with some or all the assessment benchmarks, power to decide to refuse the application where compliance cannot be achieved by imposing development conditions.
Assessment Manager	60(3)(a)	Power to decide to approve all or part of the application.
Assessment Manager	60(3)(b)	Power to decide to approve all or part of the application, but impose development conditions on the approval.
Assessment	60(3)(c)	Power to decide to refuse the application.

Instrument of Delegation  
 Planning Act 2016

Current as at 13 September 2017

Manager		
Assessment Manager	60(5)	Power to give a preliminary approval for all or part of the development application, even though the development application sought a development permit.
Assessment Manager	61(3)(a)(i)	Power to decide to approve all or some of the variations sought.
Assessment Manager	61(3)(a)(ii)	Power to decide to approve different variations from those sought.
Assessment Manager	61(3)(b)	Power to decide to refuse the variations sought.
Assessment Manager	63(1)	Power to give a decision notice.
Assessment Manager	63(4)	Power to publish a notice about the decision on the assessment managers website.
Assessment Manager	64(6)(a)	Power to give an applicant a decision notice which approves the application.
Assessment Manager	64(6)(b)	Power to give an applicant a decision notice which approves the application subject to development conditions.

**Division 3 – Development conditions**

Entity power given to	Section of PA	Description
Assessment Manager/ Referral Agency	67	Power to make an agreement with an applicant to establish the responsibilities, or secure the performance, of a party to the agreement about a development condition.

**Part 5 - Development Approvals**

**Division 2 – Changing development approvals**

**Subdivision 1 – Changes during appeal period**

Entity power given to	Section of PA	Description
Assessment Manager	75(4)(b)(ii)	Power to provide an applicant with a notice that they do not agree with the change representations.
Assessment Manager	75(4)(b)(iii)	Power to agree with an applicant to a longer period to make change representations.
Assessment Manager	76(1)	Power to assess change representations against and having regard to the matters that must be considered when assessing a development application to the extent those matters are relevant.
Assessment Manager	76(2)	Power to give a negotiated decision notice.
Local Government	76(6)	Power to give a replacement infrastructure charges notice to an applicant.

**Subdivision 2 – Changes after appeal period**

Entity power given to	Section of PA	Description
Referral Agency	78(3)(a)	Power to consider change application.
Assessment Manager	78(3)(c)	Power to consider change application.
Responsible Entity	79(2)(a)	Power to be satisfied that an application complies with subsections (1) and (1A).
Responsible Entity	79(2)(b)	Power to be satisfied the application complies with subsection (1A).
Responsible Entity	79(2)(c)	Power to accept an application that does not comply with subsection (1)(a) or (b)(ii).
Responsible Entity	79(2)(d)	Power to accept an application that does not comply with subsection (1)(b)(i) to the extent the required fee has been waived under section 109(b).
Affected Entity	80(3)	Power to give the person who proposes to make the change application a notice (a pre-request response notice) that states— (a) whether the affected entity objects to the change; and (b) the reasons for any objection.
Affected Entity	80(5)(a)	Power to give a responsible entity and the applicant a response notice that states that the affected entity has no objection to the change.
Affected Entity	80(5)(b)	Power to give a responsible entity and the applicant a response notice that states that the affected entity objects to the change and the reasons for objection.
Responsible Entity	81(3)(a)	Power to assess against, or have regard to, the matters that applied when the development application was made.
Responsible Entity	81(3)(b)	Power to assess against, or have regard to, the matters that applied when the change application was made.
Responsible Entity	81(4)(a)	Power to make the change, with or without imposing development conditions, or amending development conditions, relating to the change.
Responsible Entity	81(4)(b)	Power to refuse to make the change.
Responsible Entity	81(7)	Power to agree with applicant to an extension of time for deciding a minor change application.

**Subdivision 3 – Notice of Decision**

Entity power given to	Section of PA	Description
Responsible Entity	83(1)	Power to give a decision notice.
Responsible Entity	83(2)	Power to give a decision notice if a negotiated decision notice is not given in relation to the decision.

**Division 3 – Cancelling development approvals**

Entity power given to	Section of PA	Description
Assessment Manager	84(4)	Power to cancel the development approval and give notice of the cancellation.

**Division 4 – Lapsing of and extending development approvals**

Entity power given to	Section of PA	Description
Assessment Manager	86(3)(a)	Power to be satisfied that an application complies with subsections (2) and (2A).
Assessment Manager	86(3)(b)	Power to be satisfied that an application complies with subsection (2A) before an application can be accepted.
Assessment Manager	86(3)(c)	Power to accept an application that does not comply with subsection (2)(a).
Assessment Manager	86(3)(d)	Power to accept an application that does not comply with subsection (2)(b) to the extent the required fee has been waived under section 109(b).
Assessment Manager	87(1)	Power to consider any matter that the assessment manager considers relevant, even if the matter was not relevant to assessing the development application.
Assessment Manager	87(2)(a)	Power to decide whether to give or refuse the extension sought.
Assessment Manager	87(2)(b)	Power to extend the currency period for a period that is different from the extension sought.
Assessment Manager	87(3)	Power to agree to extend the 20 business day period.
Assessment Manager	88(3)	Power to use any security paid under a condition stated in section 65(2)(e) for the purpose stated in the approval or agreement under section 67.

**Division 5 – Noting development approvals on planning schemes**

Entity power given to	Section of PA	Description
Local Government	89(1)(a)	Power to consider whether a development approval is substantially inconsistent with its planning scheme.

**Part 6 - Minister's powers****Division 3 – Minister's call in**

Entity power given to	Section of PA	Description
Person	102(2)	Power to make representations about the proposed call in notice.
Decision-maker	105(3)	Power to provide Minister with reasonable help.

**Part 7 - Miscellaneous**

Entity power given to	Section of PA	Description
Assessment Manager or Referral Agency or Responsible Entity	109(a)	Power to refund all or part of a required fee.

Assessment Manager or Referral Agency or Responsible Entity	109(b)	Power to waive all or part of a required fee, in the circumstances prescribed by regulation.
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**CHAPTER 4 – INFRASTRUCTURE**

**Part 2 - Provisions for Local Governments**

**Division 2 – Changes for trunk infrastructure**

**Subdivision 2 – Charges resolutions**

Entity power given to	Section of PA	Description
Participating Local Government for a distribution-retailer	115(2)	Power to enter into an agreement (a <b>breakup agreement</b> ) about the charges breakup.

**Subdivision 3 – Levying charges**

Entity power given to	Section of PA	Description
Local Government	119(2)	Power to give an infrastructure charges notices.
Local Government	119(6)	Power to give an applicant an amended infrastructure charges notice.

**Subdivision 4 – Payment**

Entity power given to	Section of PA	Description
Local Government	123(1)(a)	Power to make an agreement with recipient of an infrastructure charges notice about whether the levied charge under the notice may be paid other than as required under section 122 including whether the charge may be paid by instalments.
Local Government	123(1)(b)	Power to make an agreement with recipient of an infrastructure charges notice about whether infrastructure may be provided instead of paying all or part of the levied charge.

**Subdivision 5 – Changing charges during relevant appeal period**

Entity power given to	Section of PA	Description
Local Government	125(2)	Power to consider representations.
Local Government	125(3)	Power to give a negotiated notice to the recipient.



**Division 3 – Development approval conditions about trunk infrastructure****Subdivision 2 – Conditions for extra trunk infrastructure costs**

Entity power given to	Section of PA	Description
Local Government	131(2)	Power to agree to an alternative payment time.
Local Government	135(3)	Power to make an agreement with a payer in relation to a refund.

**Division 4 – Miscellaneous provisions about trunk infrastructure****Subdivision 1 – Conversion of particular non-trunk infrastructure before construction starts**

Entity power given to	Section of PA	Description
Local Government	140(1)	Power to consider and decide the conversion application.
Local Government	140(3)	Power to give the applicant a notice requiring the applicant to give information that the local government reasonably needs to make the decision.
Local Government	142(3)	Power to amend the development approval by imposing a necessary infrastructure condition for the trunk infrastructure.

**Subdivision 2 – Other Provisions**

Entity power given to	Section of PA	Description
Local Government	144(2)	Power to make an agreement with an applicant in relation to a levied charge.

**Part 3 - Provisions for State infrastructure providers**

Entity power given to	Section of PA	Description
Local Government	149(2)(b)	Power to agree with the state infrastructure provider and the person who provided the replacement infrastructure about when the amount of the levy charge will be paid.

**Part 4 - Infrastructure agreements**

Entity power given to	Section of PA	Description
Public Sector Entity	151(2)	Power to tell the entity making the proposal if the recipient agrees to enter into negotiations for an infrastructure agreement.
Public Sector Entity	158(1)(a)	Power to enter into an agreement with a person about providing or funding infrastructure.
Public Sector Entity	158(1)(b)	Power to enter into an agreement with a person about refunding payments made towards the cost of providing or funding infrastructure.

**CHAPTER 5 – OFFENCES AND ENFORCEMENT****Part 3 - Enforcement notices**

Entity power given to	Section of PA	Description
Enforcement authority	167(1)(a)	Power to form reasonable belief that a person has committed, or is committing, a development offence.
Enforcement Authority	167(1)(b)	Power to consider giving an enforcement notice for an offence to a person.
Enforcement Authority	167(2)	Power to give a show cause notice.
Enforcement Authority	167(4)	Power to give an enforcement notice to a person if it still considers it appropriate to do so.
Enforcement Authority	167(5)(b)	Power to form reasonable belief that it is not appropriate in the circumstances to give the show cause notice.
Enforcement Authority	168(1)	Power to form reasonable belief a person has committed, or is committing, a development offence, and give an enforcement notice to— (a) the person; and (b) if the offence involves premises and the person is not the owner of the premises— the owner of the premises.
Enforcement Authority	168(4)(a)	Power to form a reasonable belief that it is not possible or practical to take steps to make the development accepted development.
Enforcement Authority	168(4)(b)	Power to form a reasonable belief that it is not possible or practical to take steps to make the works comply with a development approval.
Enforcement Authority	168(4)(c)	Power to form a reasonable belief that the works are dangerous and that it is not possible or practical to take steps to remove the danger.
Enforcement Authority	169(2)(a)	Power to consult with a private certifier about the giving of a notice.
Enforcement Authority	169(3)	Power to form a reasonable belief the works for which the enforcement notice is to be given are dangerous.
Enforcement Authority	169(5)	Power to carry out consultation in the way the enforcement authority considers appropriate.

**Part 4 - Offence proceedings in Magistrates Court**

Entity power given to	Section of PA	Description
Person	174(1)	Power to bring offence proceedings.
Representative Person	175(1)(a)	With consent, power to bring offence proceedings in a representative capacity on behalf of a body of persons or a corporation.
Representative Person	175(1)(b)	With consent, power to bring offence proceedings on behalf of an individual.
Enforcement Authority	176(10)(a)	Power to take action required under an order.
Enforcement Authority	176(10)(b)	Power to recover the reasonable cost of taking the action as a debt owing to the authority from the defendant.
Enforcement Authority	178(1)(b)	Power to apply to a Magistrate for an order for the payment of expenses.

**Part 5 - Enforcement orders in P&E Court**

Entity power given to	Section of PA	Description
Person	180(1)	Power to start proceedings in the P&E Court for an enforcement order.
Person	180(11)	Power to apply to the P&E Court for a compliance order.
Enforcement Authority	180(13)(a)	Power to take action required under an order.
Enforcement Authority	180(13)(b)	Power to recover the reasonable cost of taking the action as a debt owing to the authority from the respondent.
Person	181(4)	Power to apply to the P&E Court to cancel or change an enforcement order or interim enforcement order.

**CHAPTER 6 – DISPUTE RESOLUTION****Part 1 - Appeal rights**

Entity power given to	Section of PA	Description
Appellant	229(2)	Power to start an appeal within the appeal period.
Assessment Manager	229(5)	Power to apply to the tribunal or the P&E court to withdraw from the appeal if an appeal is only about a referral agencies response.

**Part 2 - Development Tribunal****Division 2 – Applications for declaration**

Entity power given to	Section of PA	Description
Person	239(1)	Power to start proceedings for a declaration by a tribunal by filing an application, in the approved form, with the registrar.
Assessment Manager	240(1)	Power to start proceedings for a declaration about whether a development application is properly made.
Responsible Entity	241(2)	Power to start proceedings for a declaration about whether the proposed change to the approval is a minor change.

**CHAPTER 7 – MISCELLANEOUS****Part 2 - Taking or purchasing land for planning purposes**

Entity power given to	Section of PA	Description
Local Government	263(1)(a)	Power to consider that taking or purchasing land would help to achieve the outcomes stated in a local planning instrument.
Local Government	263(1)(b)(i)	Power to be satisfied that the development would create a need to construct infrastructure on land or to carry drainage over land.
Local Government	263(1)(b)(ii)	Power to be satisfied that a person with the benefit of the approval has taken reasonable steps to get the agreement of the owner of the land to actions that would facilitate the construction or carriage, but has not been able to get the agreement.

Local Government	263(1)(b) (iii)	Power to be satisfied that the action is necessary for the development.
Local Government	263(3)	In certain circumstances, power to take or purchase land under the Acquisition Act.

### Part 3 - Public access to documents

Entity power given to	Section of PA	Description
Local Government	264(1)(a)	Power to keep or keep publically available documents including registers relating to local government functions as prescribed in the Reg.
Local Government	264(2)	Power to keep a copy of each exemption certificate given pursuant to section 46 (2) of the Act and power to keep a register of exemption certificates.
Local Government	264(5)	Power to allow a person to inspect or obtain a copy of a document prescribed in the Reg
Local Government	264(6)	Power to decide if a document or information in a document prescribed under the Reg is not disclosable.
Local Government	265(3)	Power to give a limited, standard or full planning and development certificate for premises.

## CHAPTER 8 – TRANSITIONAL PROVISIONS AND REPEAL

### Part 1 - Transitional provisions for the repeal of Sustainable Planning Act 2009

#### Division 3 – Planning

Entity power given to	Section of PA	Description
Local Government	293(5)	Power to make an amendment of a type mentioned in subsection (1) by following the process set out in the rules.

#### Division 5 – Infrastructure

Entity power given to	Section of PA	Description
Local Government	304(4)(a)	Power to adopt charges under section 113.
Local Government	304(4)(b)	Power to give an infrastructure charges notice under section 119.
Local Government	304(4)(c)	Power to impose conditions about trunk infrastructure under section 128 or 130.

#### Division 6 – Enforcement and dispute resolution

Entity power given to	Section of PA	Description
Person	312	Power to bring a proceeding under the section of the old Act stated in column 2, after the commencement, whether the matter happened before or after the commencement.

**Division 7 – Miscellaneous**

Entity power given to	Section of PA	Description
Local Government	314(6)	Power to apply funds received under a funding agreement to fulfil the local government's responsibilities under subsections (3) or (4), as required by the local government's policy under the unamended old Act, section 143(2).

**Part 1A - Transitional and saving provisions for Waste Reduction and Recycling Amendment Act 2017**

Entity power given to	Section of PA	Description
Responsible Entity	324B(5)	Power to apply section 79(2), as in force on the commencement, to make a decision about accepting the existing change application.
Assessment Manager	324C(5)	Power to apply section 86(3), as in force on the commencement, to make a decision about accepting the existing extension application.

Schedule 2

**Limitations to the Exercise of Power**

1. Where Council in its budget or by resolution allocates an amount for the expenditure of Council funds in relation to a particular matter, in exercising delegated power in relation to that matter, the delegate will only commit Council to reasonably foreseeable expenditure up to the amount allocated.
2. The delegate will not exercise any delegated power in relation to a matter which, to the delegate's knowledge, adversely affects, or is likely to adversely affect, Council's relations with the public at large.
3. The delegate will not exercise any delegated power contrary to a resolution or other decision of Council (including a policy decision relating to the matter).
4. The delegate will not exercise any delegated power in a manner, or which has the foreseeable effect, of being contrary to an adopted Council policy or procedure.
5. The delegate will only exercise a delegated power under this resolution in a manner which complies with the requirements of Council's Planning Scheme, and any exercise of power which involves a departure from or variation of those requirements will only be undertaken by Council.
6. The delegate will not exercise any delegated power which cannot lawfully be the subject of delegation by Council.

[2017 09 13 - PLAA - Delegation Instrument - South Burnett]

## Applications that are exempt from this delegated authority pursuant to the *Planning Act 2016* (PA):

Note: The definitions used below are intended to be those as defined in the South Burnett Regional Council Planning Scheme.

### a) RECONFIGURING A LOT

- a. Creating lots by subdividing another lot (containing more than 15 lots).

### b) MATERIAL CHANGE OF USE

All applications for a Material Change of Use of a development permit, for the use definitions below must be referred to Council for a decision:

- b. Cropping – Forestry for wood production
- c. Intensive animal Industry
- d. Tourist park
- e. Relocatable home park
- f. Retirement facility
- g. Funeral parlour
- h. Hotel
- i. Shopping Centre
- j. Veterinary services
- k. Extractive industry
- l. Service station
- m. Transport depot
- n. Child care centre
- o. Telecommunications facility
- p. Indoor sports and recreation

Schedule 2

c) GENERAL

- a. Negotiated decisions for applications determined by delegation;
- b. All applications for which a properly made submission has been received by Council; and
- c. All applications for an undefined use.



**INSTRUMENT OF DELEGATION**

**South Burnett Regional Council**  
*Planning Act 2016*  
*Development Assessment Rules*

Under section 257 of the *Local Government Act 2009*, I, Gary Wall, resolves to delegate the exercise of the powers contained in Schedule 1 to the Chief Executive Officer.

These powers must be exercised subject to the limitations contained in Schedule 2.

All prior resolutions delegating the same powers to the Chief Executive Officer are repealed.

## Schedule 1

Development Assessment Rules under the  
Planning Act 2016 ("PLAA")**Part 1 - Application**

Entity power given to	Rule	Description
Assessment Manager	1.1	Power to decide a properly made application.
Assessment Manager	2.2	Power to give a confirmation notice.
Assessment Manager	3.1	Power to give an action notice.

**Part 2 - Referral**

Entity power given to	Rule	Description
Referral Agency	6.2	Power to decide a properly made application.
Referral Agency	7.1	Power to give a confirmation notice.
Referral Agency	8.1	Power to give an action notice.
Referral Agency	9.2	Power to give a referral agency response.

**Part 3 - Information request**

Entity power given to	Rule	Description
Assessment Authority	12.1	Power to make an information request.
Assessment Authority	12.5	Power to give advice about an information request.

**Part 4 - Public Notification**

Entity power given to	Rule	Description
Assessment Manager	17.1	Power to publish, place or give a public notice pursuant to section 53(10) of the PA.
Assessment Manager	19.1	Power to accept a property made submission.

**Part 5 - Decision**

Entity power given to	Rule	Description
Assessment Manager	22.2	Power to give a copy of a decision notice to each principal submitter.
Assessment Manager	23.1	Power to receive a notice from a concurrence agency.

**Part 6 - Changes to the application and referral agency responses**

Entity power given to	Section of DEAR	Description
Assessment Manager	25.1	Power to give a notice of a changed application to a referral agency.
Assessment Manager	26.2(a)	Power to give a confirmation notice of receipt of a changed application.
Assessment Manager	26.2(c)	Power to give a notice that public notification is required with respect to the changed application.
Assessment Manager	26.3	Power to refer a changed application to a referral agency.
Concurrence Agency	28.1	Power to change a referral agency response to any changed application.
Concurrence Agency	28.3	Power to give a late referral agency response before a changed application is decided with the agreement of the applicant.
Concurrence Agency	28.4	Power to give an amended referral agency response to an assessment manager.

**Part 7 - Miscellaneous**

Entity power given to	Section of DEAR	Description
Referral Agency	29.6	Power to make an information request with respect to a missed referral agency application.
Assessment Manager	34.1	Power to request third party advice from a third party about an application.
Assessment Manager	35.1	Power to give a further advice to an applicant.

**Schedule 1 Substantially different development**

Entity power given to	Section of DEAR	Description
Assessment Manager	1	Power to determine if a change to an application is a minor change.
Assessment Manager	2	Power to determine if a change would result in a substantially different development

Schedule 2

**Limitations to the Exercise of Power**

1. Where Council in its budget or by resolution allocates an amount for the expenditure of Council funds in relation to a particular matter, in exercising delegated power in relation to that matter, the delegate will only commit Council to reasonably foreseeable expenditure up to the amount allocated.
2. The delegate will not exercise any delegated power in relation to a matter which, to the delegate's knowledge, adversely affects, or is likely to adversely affect, Council's relations with the public at large.
3. The delegate will not exercise any delegated power contrary to a resolution or other decision of Council (including a policy decision relating to the matter).
4. The delegate will not exercise any delegated power in a manner, or which has the foreseeable effect, of being contrary to an adopted Council policy or procedure.
5. The delegate will only exercise a delegated power under this resolution in a manner which complies with the requirements of Council's Planning Scheme, and any exercise of power which involves a departure from or variation of those requirements will only be undertaken by Council.
6. The delegate will not exercise any delegated power which cannot lawfully be the subject of delegation by Council.

[2017 07 03 - PLAA - Delegation Instrument - Dev Ass Rules - South Burnett]

## INSTRUMENT OF DELEGATION

### South Burnett Regional Council *Planning Regulation 2017*

Under section 257 of the *Local Government Act 2009*, **South Burnett Regional Council** resolves to delegate the exercise of the powers contained in Schedule 1 to the Chief Executive Officer.

These powers must be exercised subject to the limitations contained in Schedule 2.

All prior resolutions delegating the same powers to the Chief Executive Officer are repealed.

## Schedule 1

**Planning Regulation 2017 ("PLAR")****Part 2 - Planning**  
**Division 3 Superseded planning schemes**

Entity power given to	Section of PLAR	Description
Local Government	12(b)	Power to request an extension to the decision making period specific in 12(a).

Entity power given to	Section of PLAR	Description
Local Government	10(1)	Power to make a requested decision.
Local Government	10(2)	Power to give a notice of a requested decision.
Local Government	10(3)	Power to decide not to make a requested decision and power to give notice of the decision.

**Schedule 18 Approving plans of subdivision**

Entity power given to	Section of PLAR	Description
Local Government	3(1)	Power to approve a request where compliant with section 2.
Local Government	3(2)	Power to give notice of an approval to request.

**Schedule 22 Publically assessable documents**

Entity power given to	Section of PLAR	Description
Local Government	1(1)	Power to keep documents prescribed therein for inspection and purchase.
Local Government	2(1)	Power to keep documents prescribed therein available for inspection only.
Local Government	3(1)	Power to publish documents on the local government website.
Assessment Manager	5(1)	Power to keep documents prescribed therein for inspection and purchase.
Assessment Manager	6(1)	Power to keep documents prescribed therein available for inspection only.
Assessment Manager	7(1)	Power to publish documents on the local government website.
Local Government as a referral agency	8(1)	Power to keep documents prescribed therein for inspection and purchase.

Local Government as a referral agency	9(1)	Power to keep documents prescribed therein available for inspection only.
Local Government as a referral agency	10(1)	Power to publish documents as a referral agency on the local government website.

Schedule 2

**Limitations to the Exercise of Power**

1. Where Council in its budget or by resolution allocates an amount for the expenditure of Council funds in relation to a particular matter, in exercising delegated power in relation to that matter, the delegate will only commit Council to reasonably foreseeable expenditure up to the amount allocated.
2. The delegate will not exercise any delegated power in relation to a matter which, to the delegate's knowledge, adversely affects, or is likely to adversely affect, Council's relations with the public at large.
3. The delegate will not exercise any delegated power contrary to a resolution or other decision of Council (including a policy decision relating to the matter).
4. The delegate will not exercise any delegated power in a manner, or which has the foreseeable effect, of being contrary to an adopted Council policy or procedure.
5. The delegate will only exercise a delegated power under this resolution in a manner which complies with the requirements of Council's Planning Scheme, and any exercise of power which involves a departure from or variation of those requirements will only be undertaken by Council.
6. The delegate will not exercise any delegated power which cannot lawfully be the subject of delegation by Council.

[2017 07 03 - PLAR - Delegation Instrument - South Burnett]



## INSTRUMENT OF DELEGATION

### South Burnett Regional Council *Public Health Act 2005*

Under section 257 of the *Local Government Act 2009*, **South Burnett Regional Council** resolves to delegate the exercise of the powers contained in Schedule 1 to the Chief Executive Officer.

These powers must be exercised subject to the limitations contained in Schedule 2.

All prior resolutions delegating the same powers to the Chief Executive Officer are repealed.

## Schedule 1

**Public Health Act 2005 ("PUHA")****CHAPTER 2 - ENVIRONMENTAL HEALTH****Part 2 - Roles of the State and Local Governments for Public Health Risks**

Entity power given to	Section of PUHA	Description
CEO	14(1)	Power to agree with the chief executive that: a) the State do a thing in the administration or enforcement of this Act for a matter mentioned in section 13(1); or b) the local government do a thing in the administration or enforcement of the Act for a matter mentioned in section 12(1).
CEO	14(3)	Power to perform functions and exercise powers for this Act for a matter mentioned in section 12(1), including appointing authorised persons.
CEO	16(a)	Power to consult with the Chief Executive before the Chief Executive does a thing under Section 15(3).
Local Government	17(2)	Power to give the Chief Executive information about the local Government's administration and enforcement of the matter if asked by notice by the Chief Executive.
CEO	17(4)	Power to be consulted by the Chief Executive before notice is given by the Chief Executive under this section.

**Part 3 - Public Health Orders****Division 1 – Preliminary**

Entity power given to	Section of PUHA	Description
CEO	22(2)	Power to consult the chief executive of the department in which the relevant one of those Acts is administered.

**Division 3 - Enforcement of Public Health Orders**

Entity power given to	Section of PUHA	Description
Issuing authority	24(1)	Power to consider whether a person has contravened a public health order.
Issuing authority	24(2)	Power to apply to a magistrate for an order enforcing the public health order (an <b>Enforcement Order</b> ).
Issuing authority	25(1)	Power to give a notice of hearing of an application.
Issuing authority	27(2)(b)	Power to enter a place to take reasonable steps to remove or reduce the risk to public health from the public health risk, or prevent the risk to public health from reoccurring, under orders made.

**Division 4 – Taking Steps Under Enforcement Order**

Entity power given to	Section of PUHA	Description
Local Government	32(3)	Power to lodge a request to register the charge in the appropriate form over the land the Registrar of Titles.
CEO	32(4)	Power to sign certificate stating there is a charge over the land under section 32.

**Part 4 - Authorised Prevention and Control Programs**

Entity power given to	Section of PUHA	Description
Local government	36(5)	In the specified circumstances power to consult with the chief executive.
CEO	39(1)(a)	In certain circumstances, the power to agree.
CEO	39(1)(c)	In certain circumstances, the power to agree.
Water Service Provider	57B	Power to form a reasonable belief that the provider has complied with an improvement notice and power to inform the authorised person of the belief.

**CHAPTER 3 – NOTIFIABLE CONDITIONS****Part 3 - Contact Tracing****Division 1 – Contact Tracing Officers**

Entity power given to	Section of PUHA	Description
CEO	90(4)(a)	Power to agree to the appointment of a contact tracing officer for a notifiable condition under section 90(2).

**CHAPTER 8 – PUBLIC HEALTH EMERGENCIES****Part 5 - Appointment of emergency officers**

Entity power given to	Section of PUHA	Description
CEO	333(3)	Power to agree to the appointment of an emergency officer (general) for declared public health emergencies under section 333 (1)(c).

**CHAPTER 9 - MONITORING AND ENFORCEMENT****Part 1 - Authorised Persons**

Entity power given to	Section of PUHA	Description
Administering Executive	376(2)	Power to give directions to an authorised person.
CEO	376(3)	Power to give directions to an authorised person for the area in which the authorised person is exercising the powers.

CEO	377(2)	Power to appoint an authorised person.
CEO	377(2)(b)	Power to agree with the CEO of another local government about the appointment of an employee of the other local government as an authorised person for the local government and its area.
CEO	377(3)	Power to appoint an employee of, or another person under contract to, one of the local governments to be an authorised person for the local governments' areas.
Administering Executive	378	Power to appoint a person as an authorised person.
Administering Executive	378(a)	Power to be satisfied the person is qualified for appointment because the person has necessary expertise or experience.
CEO / Administering Authority	379(1)(b)	Power to sign and to give the signed notice to the authorised person.
CEO / Administering Authority	379(2)	Power to sign and give the signed notice to an authorised person.
Administering executive	380(1)	Power to issue an identity card to each authorised person.

## Part 2 - Powers of Authorised Persons

### Division 1 - Entry of places

Entity power given to	Section of PUHA	Description
Issuing authority by its employees or agents	388(2)	In the specified circumstances power to at reasonable times, enter the place to take the steps stated in the order.

### Division 2 - Procedure for entry

Entity power given to	Section of PUHA	Description
Issuing authority	393(2)	In the specified circumstances power to give the occupier and owner of the place reasonable notice that the issuing authority, by its employees or agents, intend to enter the place to take the steps required under the public health order.

### Division 7 – Recovery of costs and expenses

Entity power given to	Section of PUHA	Description
Local Government	407(3)	Power to lodge a request to register the charge in the appropriate form over the land with the Registrar of Titles.
CEO	407(4)	Power to sign certificate stating there is a charge over the land under section 407.

**Part 4 - Approved Inspection Programs**

Entity power given to	Section of PUHA	Description
CEO	427(1)	Power to approve a program (an <b>approved inspection program</b> ).
CEO	440(1)	Power to give a certificate stating the matters in section 440.
CEO	440(4)	Power to issue a certificate stating the stated costs were incurred and the way in which, the purpose for which, they were incurred is evidence of the matters stated.
Local Government	446(1)	Power to considered appropriate how to deal with a thing that become the local governments property.
Local Government	446(2)	Power to destroy a thing that has become the local governments property.

**CHAPTER 11 – MISCELLANEOUS****Part 1A - Civil liability for asbestos-related harm**

Entity power given to	Section of PUHA	Description
CEO	454J(1)	Power to give the Chief Executive an annual compliance certificate
CEO	454J(2)(b)	Power to sign the annual compliance certificate

**Part 2 - Other provisions**

Entity power given to	Section of PUHA	Description
CEO	458(2)	Power to approve forms for use by the local government under this Act.

Schedule 2

**Limitations to the Exercise of Power**

1. Where Council in its budget or by resolution allocates an amount for the expenditure of Council funds in relation to a particular matter, in exercising delegated power in relation to that matter, the delegate will only commit Council to reasonably foreseeable expenditure up to the amount allocated.
2. The delegate will not exercise any delegated power in relation to a matter which, to the delegate's knowledge, adversely affects, or is likely to adversely affect, Council's relations with the public at large.
3. The delegate will not exercise any delegated power contrary to a resolution or other decision of Council (including a policy decision relating to the matter).
4. The delegate will not exercise any delegated power in a manner, or which has the foreseeable effect, of being contrary to an adopted Council policy or procedure.
5. The delegate will only exercise a delegated power under this resolution in a manner which complies with the requirements of Council's Planning Scheme, and any exercise of power which involves a departure from or variation of those requirements will only be undertaken by Council.
6. The delegate will not exercise any delegated power which cannot lawfully be the subject of delegation by Council.

[2017 09 01 - PUHA - Delegation Instrument - South Burnett]

## INSTRUMENT OF DELEGATION

### South Burnett Regional Council *Right to Information Act 2009*

Under section 257 of the *Local Government Act 2009*, **South Burnett Regional Council** resolves to delegate the exercise of the powers contained in Schedule 1 to the Chief Executive Officer.

These powers must be exercised subject to the limitations contained in Schedule 2.

All prior resolutions delegating the same powers to the Chief Executive Officer are repealed.

## Schedule 1

*Right to Information Act 2009 ("RTIA")***CHAPTER 3 – DISCLOSURE BY APPLICATION UNDER THIS ACT****Part 3 - Dealing with Application****Division 2 – Preliminary contact with applicant**

Entity power given to	Section of RTIA	Description
<b>NOTE</b>	<b>30(1)</b>	<b>Power to deal with all access applications made to a local government as an agency under this Act, is given directly to the Chief Executive Officer as the Council's "principal officer".</b>
Principal Officer	30(2)	The CEO as the Council's Principal Officer has the power to delegate the principal officer powers to deal with an application to another officer of the agency.
Entity	32(1)(b)	Power to decide the application is outside the scope of this Act.
Entity	32(2)	Power to give a prescribed written notice to the applicant of the decision.
Agency	33(2)	Power to inform the person how the application does not comply with the relevant application requirement.
Agency	33(3)	Power to consult with the applicant with a view to making an application in a form complying with all relevant application requirements.
Agency	33(6)	Power to decide the application does not comply with all relevant application requirements and give the applicant prescribed written notice of the decision.
Agency	34(2)	Power to, within 15 business days after the application is received, inform the applicant that: (a) the application could have been made under the Information Privacy Act without any application fee or processing charge being payable; and (b) the applicant may either: (i) ask for the application to be dealt with under the Information Privacy Act; or (ii) confirm the application as an application under this Act.
Agency	35(1)	In the specified circumstances, power to ask the applicant for a further specified period to consider the application.
Agency	35(3)	In the specified circumstances, power to continue to consider the application and make a considered decision relating to it.
Agency	36(1)	If a person makes an access application, power to: (a) consider whether a processing charge or access charge is payable in relation to the application; and (b) before the end of the processing period for the application, give the applicant: (i) a schedule of relevant documents for the applicant unless the applicant waives the requirement; and (ii) a charges estimate notice.
Agency	36(2)	Power to consult with the applicant with a view to narrowing the application to reduce the applicable charges.
Agency	36(4)	Power to give the applicant a new charges estimate notice.



Agency	36(7)	Power to agree to extend the prescribed period.
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**Division 3 – Contact with relevant third party**

Entity power given to	Section of RTIA	Description
Agency	37(1)	Power to give access to a document that contains information the disclosure of which may reasonably be expected to be of concern to a government, agency or person ( <b>relevant third party</b> ) only after taking steps that are reasonably practicable to: (a) obtain the views of the relevant third party about whether: (i) the document is a document to which this Act does not apply; or (ii) the information is exempt information or contrary to public interest information; and (b) inform the relevant third party that if access is given to the document because of an access application, access may also be given to the document under a disclosure log.
Agency	37(3)(b)	Power to decide: (i) the document is a document to which this Act does apply; or (ii) the information is not exempt information or contrary to public interest information.
Agency	37(3)(c)	Power to give prescribed written notice of the decision to the applicant and relevant third party.
Agency	37(4)	Power to give the applicant written notice when access is no longer deferred under subsection (3)(d).

**Division 4 – Transfers**

Entity power given to	Section of RTIA	Description
Agency	38(2)	In the specified circumstances, power to transfer an application to another agency.
Agency	38(2)(b)	Power to consent to the transfer of an application.

**Part 4 - Refusal to Deal with Application**

Entity power given to	Section of RTIA	Description
Agency	40(2)	Power to refuse to deal with the application without having identified any or all of the documents.
Agency	41(1)	Power to consider that the work involved in dealing with an application or all of the applications would substantially and unreasonably divert the resources of agency from their use, and subsequently the power to refuse to deal with an access application, or if there are 2 or more, all of the applications.
Agency	42(1)(a)	Power to give the applicant a written notice: (i) stating an intention to refuse to deal with the application; and (ii) advising that, for the prescribed consultation period for the notice, the applicant may consult with the agency with a view to making an application in a form that would remove the ground for refusal; and (iii) stating the effect of subsections (2) to (6).
Agency	42(1)(a)(ii)	Power to consult the applicant with a view to making an application in the form

		that would remove the ground for refusal.
Agency	42(6)	Power to agree to a longer prescribed consultation period.
Agency	43(3)	In the specified circumstances, power to refuse to deal with a later application to the extent it is for access to a document or documents sought under the first application.
Agency	43(3)(b)(ii)	Power to decide that the application is for a document to which this Act does not apply.
Agency	43(3)(b)(iii)	Power to decide that the document or documents sought are documents access to which was refused under section 47.
Agency	43(3)(c)(ii)	Power to decide that the application is for a document to which chapter 3 of the Information Privacy Act does not apply.

**Part 5 - Decision**

Entity power given to	Section of RTIA	Description
Agency	45(a)	In the specified circumstances, power to make a considered decision: (i) whether access is to be given to the document; and (ii) if the access is to be given – whether any charge must be paid before access is given.
Agency	45(b)	Power to give the person written notice of the decision under section 54.
Principal Officer	46(2)	In the specified circumstances, power to give prescribed written notice of the decision to the applicant.
Agency	47(3)	In the specified circumstances, power to refuse access to a document of the agency.
Agency	48(1)	For an access application made for a document, power to decide to give access to the document unless disclosure would, on balance, be contrary to the public interest.
Agency	48(3)	Despite section 48(1), power to decide to give access to all or part of a document.
Agency	49(1)	For an access application made for a document, power to decide to give access to the document unless disclosure would, on balance, be contrary to the public interest.
Agency	49(3)	Power to consider on the balance, disclosure of information would be contrary to the public interest.
Agency	49(5)	Despite section 47(3)(b), power to decide to give access to all or part of a document.
Agency	50(1)	For an access application made for a document, power to decide to give access to the document unless disclosure would, on balance, be contrary to the public interest.
Agency	50(4)	Despite section 47(3)(c), power to decide to give access to all of part of a document.
Agency	51(1)	For an access application made for a document, power to decide to give access to the document unless disclosure would, on balance, be contrary to the public interest.
Agency	51(3)	Despite section 47(3)(d), power to decide to give access to all or part of a document.
Agency	52(1)(a)	Power to be satisfied that a document does not exist.
Agency	52(1)(b)	Power to be satisfied that:

Instrument of Delegation  
Right to Information Act 2009

Legislation review current as at 1 July 2017

		(i) the document has been or should be in the agency's possession; and (ii) all reasonable steps have been taken to find the document but the document cannot be found.
Agency	52(2)	In the specified circumstances, power to consider the document has been kept in, and is retrievable from, the backup system.
Agency	54(1)	For the specified purposes, power to give a prescribed written notice to an applicant for an access application.
Agency	55(2)	In the specified circumstances, power to give a prescribed written notice.

**Part 6 - Charging Regime**

**Division 3 – Waiver of charges**

Entity power given to	Section of RTIA	Description
Agency	64(1)	Power to consider that the likely associated costs to the agency would be more than the likely amount of the charge, and waive a processing or access charge.
Agency	66(2)	In the specified circumstances, power to decide to waive any processing charge, or access charge for the application.
Agency	66(3)	Power to give the applicant a prescribed written notice of a decision under subsection (2) before the end of the processing period.

**Part 7 - Giving Access**

**Division 1 – Giving access to applicant**

Entity power given to	Section of RTIA	Description
Agency	68(4)	In the specified circumstances, power to refuse access in a particular form and to give in another form.
Agency	68(8)	Power to give access to a document in another form if agreed to by the applicant.
Agency	72(1)	In the specified circumstances, power to defer giving access to a document for a reasonable period.
Agency	72(2)	Power to give the applicant written notice when access is no longer deferred under section 72(1).
Agency	73(1)	Power to reasonably consider whether information in a document is not relevant to the access application for the document.
Agency	73(2)	Power to delete irrelevant information from a copy of a document and give access to the document by giving access to a copy of the document with the irrelevant information deleted.
Agency	73(3)	Power to decide that it is reasonably practicable to give access to the copy.
Agency	74(2)	In the specified circumstances, power to give access.
Agency	75(2)	In the specified circumstances, power to give access.
Agency	76(2)	In the specified circumstances, power to consider whether it is consistent with the primary object of the Act to give the applicant, or a person nominated by the applicant and approved by the agency (an <b>intermediary</b> ), a summary of the person information on conditions of use or disclosure agreed between the agency and the intermediary, or between the agency, the intermediary and the applicant.

Agency	76(3)	Power to: (a) consult with the information giver; (b) consult with the other person.
Agency	77(2)	In the specified circumstances, power to direct that access to the document is to be given instead to an appropriately qualified healthcare professional nominated by the applicant and approved by the agency.

**Part 8 - Internal Review**

Entity power given to	Section of RTIA	Description
Agency	83(1)	Power to decide an internal review application.
Agency	83(2)	Power to notify the applicant of the decision in the circumstances specified.
Principal Officer	83(3)	Power to give prescribed written notice of the decision to the applicant.

**Part 9 - External Review**

**Division 3 – After application made**

Entity power given to	Section of RTIA	Description
Agency	93(1)(b)	Power to apply to the commissioner to allow further time to deal with the access application.

**Division 5 – Powers of information commissioner on external review**

Entity power given to	Section of RTIA	Description
Agency	99(2)	Power to give an additional statement to the commissioner and the applicant, containing further and better particulars of the reasons for the decision.

**Part 10 - Vexatious applicants**

Entity power given to	Section of RTIA	Description
Agency	114(1)	Power to apply to the information commissioner to request a declaration that a person is a vexatious applicant.

**Part 11 - References of questions of law and appeals**

Entity power given to	Section of RTIA	Description
Participant in an external review	118(1)	Power to request the commissioner refer a question of law arising on an external review to QCAT.
Participant in an external review	119(1)	Power to appeal to the appeal tribunal against the decision of the information commissioner on the external review.

**SCHEDULE 4**

**Part 4 - Factors favouring nondisclosure in the public interest because of public interest harming disclosure**

Entity power given to	Section of RTIA	Description
Prescribed entity	1(3)	Power to make an application to the information commissioner to extend the 10 year period if the commissioner considers the extension in the public interest.

Schedule 2

**Limitations to the Exercise of Power**

1. Where Council in its budget or by resolution allocates an amount for the expenditure of Council funds in relation to a particular matter, in exercising delegated power in relation to that matter, the delegate will only commit Council to reasonably foreseeable expenditure up to the amount allocated.
2. The delegate will not exercise any delegated power in relation to a matter which, to the delegate's knowledge, adversely affects, or is likely to adversely affect, Council's relations with the public at large.
3. The delegate will not exercise any delegated power contrary to a resolution or other decision of Council (including a policy decision relating to the matter).
4. The delegate will not exercise any delegated power in a manner, or which has the foreseeable effect, of being contrary to an adopted Council policy or procedure.
5. The delegate will only exercise a delegated power under this resolution in a manner which complies with the requirements of Council's Planning Scheme, and any exercise of power which involves a departure from or variation of those requirements will only be undertaken by Council.
6. The delegate will not exercise any delegated power which cannot lawfully be the subject of delegation by Council.

[2017 07 01 - RTIA - Delegation Instrument - South Burnett]

## INSTRUMENT OF DELEGATION

### South Burnett Regional Council *Water Supply (Safety and Reliability) Act 2008*

Under section 257 of the *Local Government Act 2009*, **South Burnett Regional Council** resolves to delegate the exercise of the powers contained in Schedule 1 to the Chief Executive Officer.

These powers must be exercised subject to the limitations contained in Schedule 2.

All prior resolutions delegating the same powers to the Chief Executive Officer are repealed.

## Schedule 1

*Water Supply (Safety and Reliability) Act 2008 ("WSSR")***CHAPTER 2 - INFRASTRUCTURE AND SERVICE****Part 3 - Service Providers****Division 1 - Regulation of service providers****Subdivision 1 – Application for registration**

Entity power given to	Section of WSSR	Description
Service provider	20(1)	Power to apply for registration as a service provider.
Relevant infrastructure owner	21(1)(c)(ii)	Power to give written consent.

**Subdivision 2 – Changing registration details**

Entity power given to	Section of WSSR	Description
Service provider	23(1)	Power to apply to change the service provider's details of registration in the service provider register
Service provider	23A(2)	In the specified circumstances, power to give the regulator notice of the change in the approved form.

**Subdivision 3 – Transferring registration**

Entity power given to	Section of WSSR	Description
Current infrastructure owner	25A(1)	In the specified circumstances, power to give the regulator notice (the <b>transfer notice</b> ) of the proposed transfer.

**Subdivision 4 – Cancelling registration other than for transfer**

Entity power given to	Section of WSSR	Description
Service provider	26(2)	Power to give notice of the possible stoppage.
Service provider	26(8)	In the specified circumstances, power to give notice of the stoppage.
Service provider	28(1)	In the specified circumstances, power to apply to the regulator to have the provider's registration cancelled.
Service provider	28(4)(b)	In the specified circumstances, power to verify information included in the application, or the additional information provided under section 28(4)(a), by statutory declaration.



**Division 2 – General powers of service providers and authorised persons**

Entity power given to	Section of WSSR	Description
Service provider	33(2)	In the specified circumstances, power to give a person a notice asking the person stated in the notice, why the person's unauthorised connection should not be disconnected.
Service provider	33(4)	In the specified circumstances, power to be satisfied regarding whether an unauthorised connection should be disconnected.
Service provider	34(2)	In the specified circumstances, power to give an owner a notice to do work within a reasonable time stated in the notice, to: (a) rectify the equipment; or (b) remove the vegetation or other thing.
Service provider	35(1)	Power to decide the position of a meter on infrastructure supplying water to premises, and to approve the installation of that meter in the position decided.
Service provider	36(2)(b)	In the specified circumstances, power to give an occupier at least 14 days notice of the entry and the purpose of the entry.
Service provider	36(2)(c)	In the specified circumstances, the power to decide that urgent action needs to be taken to protect the service providers infrastructure at the place.

**Division 3 - Power to restrict water supply**

Entity power given to	Section of WSSR	Description
Water service provider <u>outside the SEQ Region</u>	41(1) <sup>1</sup>	Power to consider it necessary, to restrict: (a) the volume of water taken by or supplied to a customer or type of customer; or (b) the hours when water may be used on premises for stated purposes; or (c) the way water may be used on premises.
Water service provider	41(3)	Power to apply a restriction imposed under section 41(1) to water taken from a rainwater tank connected to the service provider's reticulated supply.
Water service provider	43(1)	Power to give notice of a service provider water restriction to anyone affected by it in the way you consider appropriate having regard to the circumstances in which the service provider water restriction is imposed.
Water service provider	44(1)	Power to shut off a water supply to premises for a time reasonably necessary for work to be performed on the service provider's infrastructure, including a property service.
Water service provider	44(2)	In the specified circumstances, power to give to anyone likely to be affected by shutting off the water supply at least 48 hours notice of the intention to shut off the water supply, advising the reasons for shutting it off, and for how long it will be shut off.
Water service provider	44(3)	In the specified circumstances, power to shut off water supply, without notice, if there is: (a) a serious risk to public health; (b) a likelihood of serious injury to persons or damage to property; or (c) another emergency.
Water service	44(4)	In the specified circumstances power to give, to anyone likely to be affected by

<sup>1</sup> The power to impose such a restriction is only available if is made under one of the circumstances specified in Section 41(2).

provider		<p>the action:</p> <p>(a) notice of the action; and</p> <p>(b) the reasons for the action; and</p> <p>(c) if the action is continuing when the notice is given - notice about how long the action will continue.</p>
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**Division 4 - Authorised persons**

Entity power given to	Section of WSSR	Description
Service provider	45(1)	<p>Power to appoint a person to be an authorised person if:</p> <p>(a) satisfied the person has the necessary expertise or experience to be an authorised person; or</p> <p>(b) the person has satisfactorily finished training approved by the service provider.</p>
Service provider	45(2)	<p>Power to be satisfied that the person:</p> <p>(a) can perform the functions of an authorised person safely; and</p> <p>(b) can, while performing those functions, mitigate any risks to public health and safety.</p>

**Division 6 - Water efficiency management plans**

Entity power given to	Section of WSSR	Description
Water service provider	52(2)	<p>Upon written direction of the chief executive, under section 52(1) power to give a customer, or type of customer, a written notice:</p> <p>(a) to prepare a plan (a <b>water efficiency management plan</b>); and</p> <p>(b) to give it to the water service provider within the reasonable time stated by the chief executive.</p>
Water service provider	52(3)(a)	<p>In the specified circumstances, power to give a customer, or type of customer, a written notice, to prepare a plan (also a <b>water efficiency management plan</b>).</p>
Water service provider	52(3)(b)	<p>Power to decide the reasonable period within which the customer, or type of customer, must provide the plan (also a <b>water efficiency management plan</b>).</p>
Water service provider	54(1)	<p>For deciding whether or not to approve a water efficiency management plan, power to require the customer to give additional information about the plan within a reasonable period.</p>
Water service provider	54(2)	<p>Power to approve, with or without conditions, or refuse to approve a water efficiency management plan:</p> <p>(1) if additional information is not required – within 60 business days after receiving the plan; or</p> <p>(2) if additional information is required – within 60 business days of when the information is received or should have been given, whichever is earlier.</p>
Water service provider	54(3)	<p>In the specified circumstances, power to give the customer an information notice.</p>
Water service provider	54(5)	<p>Power to extend the period of 20 business days mentioned in section 54(4).</p>
Water service provider	57(2)	<p>Upon the direction of the chief executive, power to give a customer, or type of customer, a written notice requiring the customer to:</p> <p>(a) amend an approved water efficiency management plan and give it to the water service provider within the reasonable time stated by the</p>

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		chief executive; or (b) prepare a new water efficiency management plan and give it to the water service provider within the reasonable time stated by the chief executive.
Water service provider	58(1)	Power to be satisfied that: (a) for a customer, or a type of customer, production output or water consumption has increased significantly; or (b) the cost effectiveness of implementing an approved water efficiency management plan is likely to have changed significantly; or (c) there is or there is likely to be a severe water supply shortage.
Water service provider	58(2)	Subject to being satisfied under section 58(1), power to give the customer a written notice requiring the customer to: (a) amend the plan and give it to the water service provider within the reasonable time stated by the water service provider; or (b) prepared a new water efficiency management plan and give it to the water service provider within the reasonable time stated by the water service provider.
Water service provider	59(2)	Power to decide a request from a customer under section 59(1).
Water service provider	60(1)	Power to be satisfied or reasonably believe that a customer to whom an approved water efficiency management plan applies has not complied with the plan.
Water service provider	60(2)	In the specified circumstances, power to give the customer a notice, requiring the customer to comply with the plan within the reasonable time stated in the notice.
Water service provider	61(1)	Power to ensure a customer to whom an approved water efficiency management plan applies reviews the plan when the water service provider considers it appropriate.

**Part 4 - Service Providers Obligations**

**Division 1 - Drinking water quality management**

**Subdivision 2 - Drinking water quality management plans**

Entity power given to	Section of WSSR	Description
Drinking water service provider	95(1)	Power to apply to the regulator for approval of a drinking water quality management plan.
Drinking water service provider	99A(1)	In certain circumstances, power to agree with the regulator to amend the providers approved drinking water quality management plan.
Drinking water service provider	100(2)	Power to apply to the regulator for approval of a proposed amended drinking water quality management plan.
Drinking water service provider	102(2)	Power to inform the regulator of noncompliance and the circumstances that gave rise to the noncompliance.
Drinking water service provider	102(3)	Power to give the regulator notice of the following in the approved form: (a) the noncompliance and the circumstances that gave rise to the noncompliance; (b) any action taken, or to be taken, by the provider to correct the

		noncompliance; and (c) the measures the provider will take to prevent the noncompliance in the future.
Drinking water service provider	102A(2)	In the specified circumstances, power to immediately inform the regulator of the prescribed incident.
Drinking water service provider	102A(3)	In the specified circumstances, power to give the regulator notice of the following in the approved form: (a) the prescribed incident and the circumstances that gave rise to the incident; (b) any action taken, or to be taken, by the provider relating to the prescribed incident; and (c) the measures the provider will take to prevent the prescribed incident happening again in the future.
Drinking water service provider	103(2)	Power to give a notice to the owner of water storage or other infrastructure to ask the owner to give the drinking water service provider information reasonably requested about the quality of water in the water storage or infrastructure.
Service provider	107(2)(b)	In the specified circumstances, power to apply to the regulator for approval of an amended plan.
Service provider	109(1)	Power to sign a statutory declaration on behalf of the service provider.

**Division 3 – Customer service standards**

Entity power given to	Section of WSSR	Description
Service provider	115(3)	Power to consider submissions made to the provider about the proposed customer service standard.

**Division 5 - Reporting for particular financial years**

Entity power given to	Section of WSSR	Description
Service provider	142(2)(a)	Power to prepare a drinking water quality management plan report.
Service provider	142(2)(b)	Power to give the regulator a copy of the drinking water quality management plan report.
Relevant infrastructure owner	142C(2)	In the specified circumstances, power to provide written agreement to a drinking water quality management plan report.

**Division 6 - Water for fire fighting**

Entity power given to	Section of WSSR	Description
Service provider	145(1)	Power to permit a person to take water from a fire fighting system or a service provider's hydrant.

**Part 5 - Service Areas****Division 3 - Access to services in service areas**

Entity power given to	Section of WSSR	Description
Service provider	166(3)	In the specified circumstances, power to impose conditions on the installation of water storage tanks and pumps.

**Division 4 - Connecting to particular registered services**

Entity power given to	Section of WSSR	Description
Service provider	167(2)	In the specified circumstances, power to advise an owner of any work that is considered reasonably necessary to be carried out on premises and any reasonable connection fee to enable the premises to be connected to the infrastructure.
Service provider	168(1)	Power to, by notice given to the owner of premises in the service area, require the owner to carry out works for connecting the premises to a registered service.
Service provider	168(2)(c)	In the specified circumstances, power to agree to an extension of the period within which the work must be completed.

**Division 5 - Restricting domestic water supply**

Entity power given to	Section of WSSR	Description
Service provider	169(1)	Power to give a notice to an owner or occupier of domestic premises not to contravene a restriction or to pay a rate or charge for a service.
Service provider	169(2)	Power to decide the minimum level of water necessary for the health and sanitation purposes of the owner or occupier.

**Part 6 - Trade Waste and Seepage Water Approvals**

Entity power given to	Section of WSSR	Description
Sewerage Service Provider	180(1)	In the specified circumstances, power to give a person: (a) an approval to discharge trade waste (a <b>trade waste approval</b> ) into Council's sewerage infrastructure; and (b) an approval to discharge seepage water (a <b>seepage water approval</b> ) into Council's sewerage infrastructure.
Sewerage Service Provider	180(3)	Power to consider the effect of the proposed discharge on any existing or potential re-use of waste water or sludge.
Sewerage Service Provider	180(4)	Power to be satisfied: (a) having regard to the amount, type and strength of the proposed discharge, the discharge will not harm the sewerage or the health and safety of anyone working on the sewerage; and (b) the sewage treatment plant to treat the discharge is capable of treating the discharge to an acceptable standard.
Sewerage Service Provider	180(5)	In the specified circumstances, power to be satisfied the proposed discharge into the sewerage is consistent with the plan.

Sewerage Service Provider	181(1)	Power to give a trade waste approval or seepage water approval on conditions.
Sewerage Service Provider	182	Power to suspend or cancel a trade waste approval or a seepage water approval (the <b>proposed action</b> ) if satisfied any of the specified circumstances applies.
Sewerage Service Provider	183(1)	In the specified circumstances, power to give an approval holder a show cause notice about the proposed action.
Sewerage Service Provider	183(2)	Power to consider submissions made in response to a show cause notice, to be satisfied the proposed action should be taken, and then to: (a) if the proposed action was to suspend the approval for a stated period - suspend the approval for not longer the proposed suspension period; or (b) if the proposed action was to cancel the approval - either cancel the approval or suspend it for a period.
Sewerage Service Provider	183(3)	In the specified circumstances, power to give the approval holder an information notice about the decision.
Sewerage Service Provider	183(4)	Power to consider any submissions and, if not satisfied the proposed action should be taken, the power to give the approval holder a notice about the decision.
Sewerage Service Provider	184(1)	In the specified circumstances, power to suspend or cancel an approval without giving a show cause notice, if further action is considered necessary: (a) in the interests of public health or safety; or (b) to prevent environmental harm; or (c) to prevent damage to Council's sewerage system.
Sewerage Service Provider	184(2)	In the specified circumstances, power to cancel a trade waste approval given by the sewerage service provider.
Sewerage Service Provider	184(3)	In the specified circumstances, power to give the approval holder an information notice about the action.
Sewerage Service Provider	185(2)	Power to give a notice to the approval holder to amend a trade waste approval to ensure that it is consistent with conditions mentioned in section 185(1)(a).

**Part 7 - Offences**

Entity power given to	Section of WSSR	Description
Service provider	191	Power to give written consent to a person connecting to, or disconnecting from, the service provider's infrastructure.
Service provider	192(1)	Power to give written consent to a person interfering with a service provider's infrastructure.
Service provider	192(2)	Power to give written consent to a person building over, interfering with access to, increasing or reducing the cover over, or changing the surface of land in any way causing ponding of water over an access chamber for, a service provider's infrastructure.
Service provider	193(3)	Power to give written consent to a person discharging water from an ornamental pond, a swimming pool or the filtration system of a swimming pool into a service provider's infrastructure.

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Service provider	195(1)	Power to give written approval to a person taking water from a service provider's infrastructure.
Service provider	195(2)	In the specified circumstances, power to give written approval to a person taking water from a supply pipe on premises for use off the premises.

**CHAPTER 3 - RECYCLED WATER MANAGEMENT****Part 1A - Recycled Water Schemes****Division 1 – Registration**

Entity power given to	Section of WSSR	Description
Relevant entity for a recycled water scheme	196AA(1)	Power to apply for registration of the scheme.

**Division 2 – Changing registration details**

Entity power given to	Section of WSSR	Description
Relevant entity for a recycled water scheme which is registered under Chapter 3, Part 1A, Division 2	196AD(1)	Power to apply to change the details of the registration recorded in the register.
Relevant entity for a recycled water scheme which is registered under Chapter 3, Part 1A, Division 2	196AE(1)	Power to apply to cancel the registration if the recycled water is no longer supplied under the scheme.

**Part 2 - Recycled Water Management Planning**

Entity power given to	Section of WSSR	Description
Recycled water provider	202(1)	Power to apply to the regulator for approval of a recycled water management plan.
Recycled water provider	203(1)(b)	Power to sign a statutory declaration verifying the information included in the plan, or any additional information given under section 203(1)(a).

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Recycled water provider	208(2)	Power to give regulator notice of a stoppage or proposed stoppage of the production or supply of recycled water, in accordance with the circumstances of that section.
Recycled water provider	208(5)	Power to, as soon as practicable, give the regulator notice of the stoppage or proposed stoppage of the production or supply of recycled water under a scheme and otherwise in the circumstances of that section.
Recycled water provider	209(1)	Power to obtain the regulator's agreement to amend the recycled water management plan for the scheme.
Recycled water provider	212(2)	Power to apply to the regulator for approval of the proposed amended recycled water management plan.
Recycled water provider	212(3)	Power to exercise the delegable powers (if any) contained in sections 202(2), (3) and (4), and sections 203 to 208 as if a reference in the sections to: (a) the recycled water management plan were a reference to the amended recycled water management plan; and (b) the plan were a reference to the amended plan.
Relevant entity for the recycled water scheme	215(1)	If a recycled water management plan has been suspended, power to apply to the regulator for an approval to resume supply of recycled water under the scheme.
Recycled water provider	215(3)	Power to exercise the delegable powers (if any) contained in sections 203 and 204 as if a reference in the sections to: (a) the recycled water management plan were a reference to the suspended recycled water management plan; and (b) the plan were a reference to the suspended plan.
Recycled water provider	215(7)	Power to exercise the delegable powers (if any) contained in sections 202(2), (3) and (4), and sections 203 to 208 as if a reference in the sections to: (a) the recycled water management plan were a reference to the amended recycled water management plan; and (b) the plan were a reference to the amended plan.

**Part 3 - Notice About Permanently Stopping Supply of Recycled Water**

Entity power given to	Section of WSSR	Description
Recycled water provider	230(2)	Power to give a notice to the regulator of a proposed stoppage at least 30 days before the supply of recycled water is stopped.
Relevant entity for the critical recycled water scheme (if relevant)	230(4)	Power to give the regulator notice of the proposed stoppage at least 60 days before supply of the recycled water is stopped.
Relevant entity for the critical recycled water scheme (if	230(6)(b)	Power to sign a statutory declaration verifying the information included in the notice, or any additional information given under section 230(6)(a).



relevant)		
Recycled water provider	230(9)	Power to give the regulator notice of a stoppage of recycled water under recycled water scheme within 5 days after the supply stops.

**Part 4 - Validation Programs**

[This part applies to a recycled water scheme if recycled water is proposed to be supplied under the scheme to augment a supply of drinking water.]

Entity power given to	Section of WSSR	Description
Recycled water provider	237(1)	Power to apply to the regulator for approval of a validation program.
Relevant entity for the critical recycled water scheme (if relevant)	238(1)(b)	Power to sign a statutory declaration verifying the information included in the program, or any additional information given under section 238(1)(a).
Relevant entity	242(2)	Power to apply to the regulator for approval of the proposed amended validation program.
Recycled water provider	242(3)	Power to exercise the delegable powers (if any) contained in sections 237(2) and sections 238 to 241 as if a reference in the sections to: (a) the validation program were a reference to the amended validation program; and (b) the program were a reference to the amended program.

**Part 6 - Reviews and Audits of Recycled Water Management Plans**

Entity power given to	Section of WSSR	Description
Recycled water provider	259(2)(b)	In the specified circumstances, power to apply to the regulator for approval of the amended plan.
Scheme manager	259(4)	In the specified circumstances, power to apply to the regulator for approval of the amended recycled water management plan for the scheme.
Recycled water provider	259(6)	Power to exercise the delegable powers (if any) contained in sections 202(2), (3) and (4), and sections 203 to 208 as if a reference in the sections to: (a) the recycled water management plan were a reference to the amended recycled water management plan; and (b) the plan were a reference to the amended plan.

**Part 7 - Reporting Requirements**

**Division 4 - Connecting to registered services**

Entity power given to	Section of WSSR	Description
Alerting entity	270(2)	In the specified circumstances, power to immediately inform the regulator and, if another entity is the responsible entity for the noncompliance, the responsible entity, of the noncompliance and the circumstances that gave rise to the noncompliance.

Responsible entity for the non-compliance	270(4)	Power to give the regulator notice of the following: (a) the noncompliance and the circumstances that gave rise to the noncompliance; (b) any action taken, or to be taken, by the entity to correct the noncompliance; and (c) the measures the entity will take to prevent the noncompliance in the future.
Alerting entity	271(2)	In the specified circumstances, power to immediately inform the regulator and, if another entity is the responsible entity for prescribed incident, the responsible entity, of the prescribed incident.
Alerting entity	271(4)	In the specified circumstances, power to give the regulator notice of: (a) the prescribed incident and the circumstances that gave rise to the prescribed incident; (b) any action taken, or to be taken, by the entity relating to the prescribed incident; and (c) the measures the entity will take to prevent the prescribed incident happening again in the future.

**Part 8 - Declaration of critical recycled water schemes**

Entity power given to	Section of WSSR	Description
Entity to whom a notice of the regulator's intention to make a decision	303(4)(e)	Power to give the regulator a notice about who the provider and entities agree is the scheme manager.
Relevant entity for a critical recycled water scheme	306(1)	Power to considers the scheme should not be a critical recycled water scheme, and to ask the regulator to review the making of the declaration.
Recycled water providers / entity declared to be part of the scheme	307(2)	In the specified circumstances, power to give the regulator notice of who is the scheme manager.

**Part 10 - Miscellaneous**

Entity power given to	Section of WSSR	Description
Scheme manager for a multiple-entity recycled water scheme	333(2)	In the specified circumstances, power to, by notice, require a recycled water provider or other declared entity for the scheme to give the scheme manager, within a stated reasonable period, information the scheme manager reasonably requires to comply with the scheme manager's obligations under this Act.

**CHAPTER 4 – REFERABLE DAMS AND FLOOD AND DROUGHT MITIGATION****Part 1 - Referrable Dams****Division 2A – Emergency Action Planning and Reporting****Subdivision 1 – Preliminary**

Entity power given to	Section of WSSR	Description
Owner of a referable dam	352F	Power to prepare an emergency action plan for a dam under subdivision 3 and to give it to the chief executive for approval.

**Subdivision 3 – Preparation of emergency actions plans**

Entity power given to	Section of WSSR	Description
Local government	352HB(1)	Power to assess and decide whether the emergency action plan is consistent with its disaster management plan.
Local government	352HB(2)	Power to consult with its local group for the plan.

**Subdivision 6 – Reviewing emergency action plans**

Entity power given to	Section of WSSR	Description
Owner of a referable dam	352O(2)(c)(ii)	Power to give an emergency action plan for a dam to the chief executive.
Owner of a referable dam	352P	The power, before 1 October each year to: <ul style="list-style-type: none"> <li>(a) review the approved emergency action plan for the dam; and</li> <li>(b) give to the chief executive: <ul style="list-style-type: none"> <li>(i) a notice stating whether or not the owner proposes an amendment to the plan because of the review; and</li> <li>(ii) if the owner proposes an amendment – a copy of the plan including the proposed amendment.</li> </ul> </li> </ul>

**Subdivision 7 – Amending emergency action plans**

Entity power given to	Section of WSSR	Description
Owner of a referable dam	352Q(1)	Power to ask the chief executive to amend the approved emergency action plan for the dam to: <ul style="list-style-type: none"> <li>(a) correct a minor error; or</li> <li>(b) make another change that is not a change of substance.</li> </ul>

**Subdivision 9 – Emergency event reporting**

Entity power given to	Section of WSSR	Description
Owner of referable dam	352T(2)	Power to prepare a report (an <b>emergency event report</b> ) and to give it to the chief executive.
Owner of referable dam	352T(2)(a)	Power to consider when the dam hazard giving rise to the event is no longer a material risk to persons or property.

Owner of referable dam	352T(2)(b)	Power to agree a further period in writing with the chief executive.
Owner of referable dam	352U(3)	Power to prepare a report (an <b>emergency event interim report</b> ) and to give it to the chief executive officer in accordance with section 352U(2).

### Division 3 – Safety Conditions For Existing Referable Dams

Entity power given to	Section of WSSR	Description
Owner of a referable dam	354(3)(b)	Power to agree with the chief executive, an extended period for deciding safety conditions.

### Subdivision 2 – Chief Executive may give direction or take action about failure of dam

Entity power given to	Section of WSSR	Description
Owner of land on which a dam is situated / operator of a dam	359(3)	Power to comply with a notice issued under section 359(1).
Owner of land on which a dam is situated / operator of a dam	359(4)	Power to give to the chief executive officer, a notice that the person intends to remove the dam.

## Part 2 - Flood Mitigation Manuals and Reporting

### Division 2 – Preparation of Flood Mitigation Manuals

Entity power given to	Section of WSSR	Description
Owner of a referable dam	371C	Power to prepare a flood mitigation manual for a dam under division 2 and to give it to the minister for approval.

### Division 3 – Approving Flood Mitigation Manuals

Entity power given to	Section of WSSR	Description
Owner of a referable dam	371H(2)	Power to prepare a new flood mitigation manual and give it to the minister in compliance with a notice given under section 371H.

### Division 4 – Amending and Reviewing Flood Mitigation Manuals

Entity power given to	Section of WSSR	Description
Owner of a referable dam	372(2)	Power to amend a flood mitigation manual for a dam in compliance with a notice issued under section 372(1).
Owner of a referable dam	373	Power to: (a) review and, if necessary, update a flood mitigation manual; and

		(b) give a copy of it to the minister for the minister's approval under division 3.
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**Division 5 – Renewing Flood Mitigation Manuals**

Entity power given to	Section of WSSR	Description
Owner of a referable dam	374(2)	Power to prepare a new flood mitigation manual for a dam and give it to the minister for approval.

**Division 6 – Annual Preparedness Report**

Entity power given to	Section of WSSR	Description
Owner of a referable dam	375	Power to after 1 August and before 1 September each year: (a) prepare a report (an annual preparedness report) under division 6 about the level of preparedness of the dam for a flood event under a flood mitigation manual; and (b) give the report to the chief executive.

**Division 8 – Authorising Alternative Operational Procedures**

Entity power given to	Section of WSSR	Description
Owner of a referable dam	378	Power to reasonably consider that: (a) an operational strategy under a flood mitigation manual for a dam does not provide or adequately provide for the flood event; (b) to achieve an objective under the flood mitigation manual and to respond effectively to a flood event that is necessary to: (i) disregard an operational procedure under the manual (the <b>existing procedure</b> ); and (ii) observe a different operational procedure (the <b>alternative procedure</b> ).
Owner of a referable dam	379(1)	Power to give the chief executive the information referred to in that section (the <b>authorisation request information</b> ).
Owner of a referable dam	379(2)	Power to give the chief executive the authorisation to request information orally.
Owner of a referable dam	379(3)	Power to give the authorisation request information in writing as soon as practicable after giving the chief executive the information orally.
Owner of a referable dam	381(1)	Power to make reasonable efforts to contact the chief executive to give the chief executive the authorisation request information for the alternative procedure.
Owner of a referable dam	381(4)	Power to, as soon as practicable after failing to contact, or losing contact with, the chief executive, record the authorisation request information in writing and give it to the chief executive.

**Division 9 – Flood Event Reporting**

Entity power given to	Section of WSSR	Description
Owner of a referable dam	383(2)	Power to prepare a report (a <b>flood event report</b> ) under division 9 and give it to the chief executive.

Owner of a referable dam	383(2)(b)	Power to agree to a further period in writing with the chief executive.
Owner of a referable dam	384(3)	Power to comply with a notice given to the owner of the dam under section 384(2).

#### Part 4 - Reducing Full Supply Level for Safety Purposes

Entity power given to	Section of WSSR	Description
Dam owner	399B(1)	Power to form the belief, based on the advice of a registered professional engineer, that there is an unacceptable risk of a failure of a dam if it operates at the full supply level stated in the resource operations licence for the dam.
Owner	399B(2)	Power to reduce the full supply level of the dam to the level (the <b>reduced full supply level</b> ) that lowers the risk of a failure of the dam to a level acceptable to the owner, having regard to the advice of the registered professional engineer.
Owner	399B(4)	Power to consider and include in a notice: <ul style="list-style-type: none"> <li>(a) the reasons why it is necessary to operate the dam at the reduced full supply level; and</li> <li>(b) the period for which it is necessary to operate the dam at the reduced supply level.</li> </ul>
Owner	399C(3)(a)	Power to decide and include in a report when the owner intends to allow the dam to return to the full supply level stated in the resource operations licence for the dam.

### CHAPTER 5 – INVESTIGATIONS AND ENFORCEMENT MATTERS

#### Part 5A - Particular Provisions to Monitor Relevant Service Providers

##### Division 2 – Improvement plans

Entity power given to	Section of WSSR	Description
Service provider	446(2)	Power to make an improvement plan.
Service provider	447	Power to make an improvement plan.

#### Part 8 - Notices of Cost Recovery

##### Division 1 – Show cause notices

Entity power given to	Section of WSSR	Description
Person given a show cause notice, or a copy of a show cause notice	463(1)(d)	Power to make submissions about the show cause notice.

**Part 9 - Enforcement Proceeding**

Entity power given to	Section of WSSR	Description
Service provider	475(2)(b) and (c)	Power to start a proceeding for a stated provision.
Service provider	475(5)	Power to give the chief executive notice of the proceeding.
Service provider	476(1)	Power to commence a proceeding for an enforcement order on behalf of the service provider.

**CHAPTER 6 – OFFENCES, EVIDENTIARY MATTERS AND LEGAL PROCEEDINGS****Part 3 - Legal Proceedings for Offences**

Entity power given to	Section of WSSR	Description
Person	498(1)	Power to commence a proceeding on behalf of the service provider.

**CHAPTER 7 – REVIEWS, APPEALS AND ARBITRATION****Part 1 - Preliminary**

Entity power given to	Section of WSSR	Description
Interested person for an original decision	512(1)	Power to apply for an internal review of an original decision.
Recipient of a submitter notice	513(3)	Power to make written submissions on the internal review application to the reviewer.

**Part 3 - Appeals and external Reviews**

Entity power given to	Section of WSSR	Description
Interested person who applied for an internal review of the original decision	517(1)	Power to appeal against or apply for an external review of the review decision under this section.

**Part 4 - Arbitration**

Entity power given to	Section of WSSR	Description
Interested person who applied an internal review of the	524(2)	Power to, if dissatisfied with a decision, give the authority under the <i>Queensland Competition Authority Act 1997</i> a notice (a <b>dispute notice</b> ) applying for arbitration on the decision.

Instrument of Delegation  
*Water Supply (Safety and Reliability) Act 2008*

Current as at 3 July 2017

original decision		
Interested person who gave dispute notice	526	Power to withdraw the dispute notice at any time before the authority makes its decision on the dispute.

**CHAPTER 8 - MISCELLANEOUS**

**Part 3 - Other Miscellaneous Provisions**

Entity power given to	Section of WSSR	Description
Water service provider	573	Power to make guidelines to provide guidance to persons about preparing a water efficiency management plan.



## Schedule 2

**Limitations to the Exercise of Power**

2. Where Council in its budget or by resolution allocates an amount for the expenditure of Council funds in relation to a particular matter, in exercising delegated power in relation to that matter, the delegate will only commit Council to reasonably foreseeable expenditure up to the amount allocated.
3. The delegate will not exercise any delegated power in relation to a matter which, to the delegate's knowledge, adversely affects, or is likely to adversely affect, Council's relations with the public at large.
4. The delegate will not exercise any delegated power contrary to a resolution or other decision of Council (including a policy decision relating to the matter).
5. The delegate will not exercise any delegated power in a manner, or which has the foreseeable effect, of being contrary to an adopted Council policy or procedure.
6. The delegate will only exercise a delegated power under this resolution in a manner which complies with the requirements of Council's Planning Scheme, and any exercise of power which involves a departure from or variation of those requirements will only be undertaken by Council.
7. The delegate will not exercise any delegated power which cannot lawfully be the subject of delegation by Council.

[2017 07 03 - WSSR - Delegation Instrument - South Burnett]

## INSTRUMENT OF DELEGATION

### South Burnett Regional Council *Work Health and Safety Act 2011*

Under section 257 of the *Local Government Act 2009*, South Burnett Regional Council resolves to delegate the exercise of the powers contained in Schedule 1 to the Chief Executive Officer.

These powers must be exercised subject to the limitations contained in Schedule 2.

All prior resolutions delegating the same powers to the Chief Executive Officer are repealed.

## Schedule 1

**Work Health and Safety Act 2011 ("WHS")****Part 3 - Incident notification**

Entity power given to	Section of WHSA	Description
Person who conducts a business or undertaking	38(1)	Power to notify the regulator immediately after becoming aware that a notifiable incident arising out of the conduct of the business or undertaking has occurred.
Person who conducts a business or undertaking	38(4)(b)	Power to, if required by the regulator, give written notice of the incident within 48 hours of that requirement being made.

**Part 5 - Consultation, representation and participation****Division 3 – Health and safety representatives****Subdivision 2 - Determination of work groups**

Entity power given to	Section of WHSA	Description
Person who conducts a business or undertaking	52(1)	Power to negotiate and agree upon the work group.
Person who conducts a business or undertaking	52(4)	Power to negotiate a variation of the agreement upon a work group.
Person who conducts a business or undertaking	53(1)	Power to notify the workers of the outcome of negotiations and of any work groups determined by agreement.
Person who conducts a business or undertaking	53(2)	Power to notify the worker of the outcome of the negotiations and of the variation (if any) to the agreement.
Any person who is or would be a party to negotiations	54(1)	Power to ask the regulator to appoint an inspector for the purposes of this section.

**Subdivision 3 – Multiple-business work group**

Entity power given to	Section of WHSA	Description
Parties to an agreement	55(3)	Power to negotiate a variation of the agreement.
Any party to the	56(3)	Power to ask the regulator to appoint an inspector.

negotiations		
Person who conducts a business or undertaking	57(1)	Power to notify the workers of the outcome of the negotiations and of any work groups determined by agreement.
Person who conducts a business or undertaking	57(2)	Power to notify the workers of the outcome of the negotiations and of the variation (if any) to the agreement.
A party to a negotiation for an agreement	58(1)	Power to withdraw from the negotiation or agreement by giving notice in writing to the other parties.

**Subdivision 6 – Obligations of person conducting business or undertaking to health and safety representatives**

Entity power given to	Section of WHSA	Description
Person who conducts a business or undertaking	71(5)	Power to refuse, on reasonable grounds to grant access to the workplace to a person assisting a health and safety representative for a work group.
Person who conducts a business or undertaking	71(7)	Power to refuse to grant access to information relating to hazards at the workplace and the health and safety of the workers if the information is confidential commercial information.
Person who conducts business or undertaking	71(8)	Power to decide that financial information or other information that has a commercial value, if disclosed, will cause significant financial harm to a business or undertaking.
Person who conducts a business or undertaking	73(1)	Power to agree to apportion the costs.
Person who conducts a business or undertaking	73(2)	Power to negotiate and agree upon a variation to the apportionment of costs between persons conducting the businesses or undertakings.

**Division 4 – Health and safety committees**

Entity power given to	Section of WHSA	Description
Person who conducts a business or undertaking	76(1)	Subject to subsections (2) to (4) power to agree upon the constitution of a health and safety committee.
Person who conducts a business or undertaking	76(5)	Power to ask the regulator to appoint an inspector to decide the matter.
Person who conducts a	77(c)	Power to agree upon the functions of a health and safety committee.

business or undertaking		
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**Division 5 – Issue resolution**

Entity power given to	Section of WHSA	Description
A party to the issue	82(2)	Power to ask the regulator to appoint an inspector to attend the workplace to assist in resolving the issue.

**Division 6 – Right to cease or direct cessation of unsafe work**

Entity power given to	Section of WHSA	Description
Person who conducts a business or undertaking	87	Power to direct a worker to carry out suitable alternative work at the same or another workplace if that work is safe and appropriate for the worker to carry out until the worker can resume normal duties.
Person who conducts a business or undertaking	89	Power to ask the regulator to appoint an inspector to attend the workplace to assist in resolving an issue arising in relation to the cessation of work.

**Part 7 - Workplace entry by WHS entry permit holders****Division 6 – Dealing with disputes**

Entity power given to	Section of WHSA	Description
Party to the dispute	141	Power to ask the regulator to appoint an inspector to attend the workplace to assist in resolving the dispute.

**Part 12 - Review of decisions****Division 2 – Internal review**

Entity power given to	Section of WHSA	Description
An eligible person in relation to a reviewable decision	224	Power to apply to the regulator for internal review.

**Division 3 – External review**

Entity power given to	Section of WHSA	Description
Eligible person	229	Power to apply to the external review body for an external review.

## Schedule 2

**Limitations to the Exercise of Power**

1. Where Council in its budget or by resolution allocates an amount for the expenditure of Council funds in relation to a particular matter, in exercising delegated power in relation to that matter, the delegate will only commit Council to reasonably foreseeable expenditure up to the amount allocated.
2. The delegate will not exercise any delegated power in relation to a matter which, to the delegate's knowledge, adversely affects, or is likely to adversely affect, Council's relations with the public at large.
3. The delegate will not exercise any delegated power contrary to a resolution or other decision of Council (including a policy decision relating to the matter).
4. The delegate will not exercise any delegated power in a manner, or which has the foreseeable effect, of being contrary to an adopted Council policy or procedure.
5. The delegate will only exercise a delegated power under this resolution in a manner which complies with the requirements of Council's Planning Scheme, and any exercise of power which involves a departure from or variation of those requirements will only be undertaken by Council.
6. The delegate will not exercise any delegated power which cannot lawfully be the subject of delegation by Council.

[2017 10 23 - WHSA - Delegation Instrument - South Burnett]

**Resolution:**

*Moved Cr RLA Heit, seconded Cr RJ Frohloff.*

*That the Officer's Recommendation be adopted.*

*Carried 7/0  
FOR VOTE - Councillors voted unanimously*

## 4.3 Economic Development (ED)

### *Officer's Report*

#### 4.3.1 ED - 2439469 - Lodgement of Application under the Building Better Regions Fund Infrastructure Project Stream - Kingaroy CBD Revitalisation Project

#### **Summary**

The Department of Industry, Innovation and Science is responsible for administering the program on behalf of the Department of Infrastructure and Regional Development. The Building Better Regions Fund is a \$481.6 million investment by the Australian Government to create jobs, drive economic growth and build stronger regional communities into the future.

The program is competitive and applications will be assessed against eligibility and merit criteria and compared to other applications in a funding round. All eligible applications will be grouped in categories according to the total eligible project cost to ensure projects of similar size are ranked against each other. Decisions on projects to be funded are taken by a Ministerial Panel in consultation with the Australian Government's National Infrastructure Committee of Cabinet or Cabinet.

Applications close on 19 December 2017 and must be completed and funding acquitted by 31 December 2020.

For every \$1 of grant funding requested Council must contribute at least \$1.

A review of projects listed in our 2017/2018 and 2018/2019 budgets to determine eligible projects has been undertaken and the following project is recommended for lodgement.

The Kingaroy CBD Revitalisation Project Stage 1 estimated to cost \$5M of which \$3M is from Council and the balance from a \$2M grant.

#### **Officer's Recommendation**

That Council lodge a grant application for a \$2M grant under Round 2 of the Building Better Regions Fund Infrastructure Project Stream towards the Kingaroy CBD Revitalisation Project Stage 1. Council's contribution to the project will be approximately \$3M

#### **Resolution:**

*Moved Cr TW Fleischfresser, seconded Cr RLA Heit.*

*That the Officer's Recommendation be adopted.*

*Carried 7/0  
FOR VOTE - Councillors voted unanimously*

## **5. Portfolio - Roads & Drainage**

### **5.1 Roads & Drainage Portfolio Report**

#### **Summary**

Cr Jones presented his Roads & Drainage Portfolio Report to Council.

#### **Officer's Recommendation**

That Cr Jones's Roads & Drainage Portfolio Report to Council be received.

#### **Resolution:**

*Moved Cr GA Jones, seconded Cr TW Fleischfresser.*

*That Cr Jones's Roads & Drainage Portfolio Report to Council be received.*

#### **Construction Crews – December Works**

##### **Corndale Road, Memerambi R2R**

- Final bitumen seal is programmed for Friday 8<sup>th</sup> December
- Line marking is programmed in the week beginning 11<sup>th</sup> December

##### **J Hunters Rd**

- Grade and Re-sheet programmed to commence in the week beginning 11th December

##### **Kumbia - Road, Kumbia**

- Widening and overlay continuing
- Expected to be completed prior to Christmas

##### **Bell St, Kumbia**

- Upgrade Children Crossing & Widening of Bell Street
- Work is expected to be completed over the Christmas School holiday period

##### **Blackbutt and Taromeo-Benarkin area -Grader Maintenance**

- Ulampa Rd
- Googa Creek Rd
- Pamela Drive

##### **Cairns St, Nanango**

- Works commenced on Monday 4th December
- First concrete pour was done Thursday 7th Dec.

##### **Completed – November Works**

- Haly St, Kingaroy - concrete Footpath (MacDonald's to William St)
- Hart Street, Blackbutt
- Kingaroy Street (children crossing upgrade Taabinga School)
- Memerambi Barkers Ck. Rd - Grade and Re-sheet in the vicinity of the feedlot is completed

#### **Maintenance Crews – Works Underway**

##### **Grader maintenance**

- Manumbar Road, Glan Devon
- McNamara Road, Nanango



- Swenson Road, Hodgeleigh
- Recreation Drive, Wooroolin
- Mt Hope Road, Booie
- Boondooma Dam
- General Maintenance works

**W4Q**

- Markwell & Mant Street – W4Q Drainage works
- Parker Road, Ellesmere – W4Q Drainage works

**Capital Works**

- Runnymede Road – Capital Drainage works ( culvert extensions)
- Rodney Street, Proston – Construct footpath & disability parking bay
- Lamb Street – Pram Ramp

**Completed – November Works**

- Scott's Lane, Runnymede
- Farrers Road – Grader Maintenance
- Goodger & Alice Creek area – Grader Maintenance
- Goodger area – W4Q Resheeting
- Maidenwell Upper Yarraman Rd – Grader Maintenance

**RMPC - Ongoing****D'Aguilar Hwy – Contracted Works**

- Silting & drainage works adjacent to overtaking lane Coolabunia
- Pavement repairs Coolabunia area/ Somerfield Lane
- Maidenwell Bunya Mountains Road formation grade

**Byee Rd – Contracted Works**

- Stabilising reseal prep

**Reseals**

Estimated 97% completed, Contractor currently working in Nanango streets and expected to complete all reseal works in rural areas.

**Slashing**

- All available slashers including contractors working under the Maintenance Supervisors control.
- TMR roads to follow
- 

Carried 7/0  
FOR VOTE - Councillors voted unanimously

## 6. Portfolio - Community, Arts, Tourism and Health Services

### 6.1 Community, Arts, Tourism and Health Services Portfolio Report

#### Summary

Cr Potter presented her Community, Arts, Tourism and Health Services Portfolio Report to Council.

#### Officer's Recommendation

That Cr Potter's Community, Arts, Tourism and Health Services Portfolio Report to Council be received.

#### Resolution:

*Moved Cr DA Potter, seconded Cr RJ Frohloff.*

*That Cr Potter's Community, Arts, Tourism and Health Services Portfolio Report to Council be received.*

#### Community:

##### South Burnett Libraries

*Our libraries have been very busy recently with a number of Author Visits:*

- *Imogine Nix delivered a writer's workshop on Saturday 18 November 2017. Imogen is the author of over 40 novels bringing tips and hints of how to write and publish.*
- *On Wednesday 22 November Scott Whitaker visited the Kingaroy Library with his latest book "Railway Hotels of Queensland". This title has a written history of every single railway hotel that stands or once stood in the state.*
- *Author Tim Borthwick visited the Wondai, Kingaroy and Nanango libraries during November to talk about his newly published book, "Waltzing Australia". All attendees thoroughly enjoyed listening to Tim recite the poems along with the stories he told about living life in the outback and how he came to be published by Harper Collins.*

*As part of the First 5 Forever and Child Health program, a local Community Health nurse has started attending the weekly story time sessions at the Wondai Library. This will be an ongoing occurrence where parents can bring their children in for a free health check and baby weigh-ins after attending a fun and entertaining story time.*

*Summer Reading Club & School Holiday Activities are held each year over the summer holidays in partnership with the State Library of Queensland. The Summer Reading Club program connects children, young people and their families in fun, creative and educational ways. This year's club has already commenced running from 9 December 2017 continuing through until 18 January, with South Burnett Libraries hosting a series of activities, based on the SRC theme "Game on". Information about these sessions is available on the libraries' webpage.*

*Recently, I was very fortunate to be able to present to our local libraries a book titled "Deakon the dragon is sad". Together with local author Karen Russell, I presented six (6) copies of the children's book" as part of the Partners in Recovery initiative which focuses on improving outcomes for people within the community who experience persistent mental illness. The book covers depression and bullying by sharing Deakon the Dragon's story of sadness, bullying and isolation with Deakon eventually finding comfort in his family and friends, who encourage him to find happiness once again.*

*On the 25 January a representative from Council on the Aging (COTA) will be visiting the Kingaroy and Nanango libraries to deliver an information session for seniors about Enduring Powers of Attorney, which anyone is welcome to attend. This session will give general information to seniors who may need to know more about these processes as they reach the later stages of their life.*

### **Community Grants Program**

*This month, I was able to celebrate Christmas early with Council's Regional Arts Development (RADF) Advisory Committee providing an opportunity for myself and the Mayor to thank the committee for their contribution during 2017.*

*The next round of funding under the Community Grants Program will open 1 February next year. I would like to encourage not for profit community groups to start thinking about projects, activities and events for which they would like to apply.*

### **Mayor's Community Luncheon**

*The Mayor's Community Luncheon was a wonderful day. All community groups that benefitted are very grateful for the toys and food vouchers received.*

### **Tourism:**

*On 23 November I attended 'South Burnett Unpacked' hosted at Yallakool Park on BP Dam. Approximately fifty (50) people from the local tourism industry attended the networking event. The audience held presentations on the South Burnett Visitor Economy, "2 dams 1 destination" Yallakool Caravan Park and Lake Boondooma Caravan & Recreation Park, South Burnett Rewards, Regional Flavours, events in regional areas and the roll out of the rEvents Academy. Having rEvents working in our industry is an exciting opportunity which will begin with an event bootcamp at the end of January. The tourism industry will be able to gather together, share ideas, and familiarise with other operations in the region. Further the next quarterly event is set down as 20 February to be held at the Bunya Mountains so please save the date with details available early January.*

*The long standing South Burnett Touring Guide has recently been updated with the new edition available mid-January so keep an eye out for it in our local businesses and visitor information centres.*

*As the Vice Chair of Drive Inland Promotion Association which is a partnership between Australia's Country Way Group and Leichardt Way Group, I am currently working with partner regions to collate content for the development of a website for the drive market tourist. South Burnett is contributing drive itineraries, town information and details on local experiences along the Australia's Country Way route which stretches from Sydney to Rockhampton.*

*Carried 7/0  
FOR VOTE - Councillors voted unanimously*

## 7. Portfolio - Planning & Property

### 7.1 Planning and Property Portfolio Report

#### Summary

Cr Fleischfresser presented his Planning and Property Portfolio Report to Council.

#### Officer's Recommendation

That Cr Fleischfresser's Planning and Property Portfolio Report to Council be received.

#### Resolution:

*Moved Cr TW Fleischfresser, seconded Cr RLA Heit.*

*That Cr Fleischfresser's Planning and Property Portfolio Report to Council be received.*

#### Planning

##### **Alignment Amendment – Planning Scheme**

*Council has completed drafting of the amendment to the planning scheme document to align it with the requirements of the Planning Act 2016. The amendment is not subject to public notification as there are no policy or zoning changes made to the document. A copy of the proposed amendment was provided to the Department of Infrastructure Local Government and Planning for an informal review to confirm that the proposed amendments meet the alignment amendment rules adopted by the Minister. It is anticipated that the proposed amendment will be adopted at the next Council meeting in January 2018.*

#### Property

*The new Nanango SES office and training facility is now completed and the official opening will be held on Thursday 14 December. This building is specifically designed and built to assist Nanango SES personnel to meet in a suitable building to coordinate their response to local emergencies, train volunteers and store specialised emergency equipment.*

*The two new hydraulic chair lifts have been ordered for Wondai and South Burnett Aquatic Centre. These chairs will be installed in 2018 and will assist people wanting to gain access to the main pools but unable to use the stairs. The modernised hydraulic chair lifts are user friendly and will minimise manual lifting.*

*Council has upgraded the lighting in the Kingaroy Depot Workshop and Kingaroy Town Hall to new LED lighting. The lighting is more energy efficient and will assist in reducing Council's electricity costs.*

*Carried 7/0  
FOR VOTE - Councillors voted unanimously*

## 7.2 Planning (P&LM)

### Officer's Reports

#### 7.2.1 P&LM - 2413216 - Request to Change Approval - Reconfiguration of a Lot (1 Lot into 4 Lots) - 45-53 Logan Street Kingaroy - Lot 5 RP909634 - Applicant : W Henningsen - RAL17/0006

#### Summary

- Applicant requested a change to the staging of the proposed development as follows:
  - Stage 1 consists of proposed Lot 7 and proposed Lot 200; and
  - Stage 2 consists of proposed Lots 100, 101 and 102.
- Applicant requested that property accesses for proposed Lot 7 and Lot 200 in Stage 1 be of Rural standard not Residential standard as conditioned in the original development permit;
- Applicant requested that sealing part of Logan Street remain as part of conditions for Stage 2;
- Applicant requested an extension to the currency period of the existing Development Approval by an additional two (2) years;
- Existing Reconfiguring a Lot was approved on 25 February 2016 and Negotiated Decision Notice was issued in 21 April 2016;
- Request to Change an Existing Approval application was assessed against *Planning Act 2016* Section 81 (Assessing and deciding application for minor changes) and Section 86 (Extension applications);
- Recommendation that Council **approve** the request to change the proposed staging, amend the standard of the property access for proposed Lot 7 and Lot 200, sealing of part of Logan Street in Stage 2 and **approve** the requested extension to the currency period until 21 April 2020.

#### Officer's Recommendation

That Council *approve* the proposed staging and amendment to Condition ENG2 and ENG3 of Stage 2 and extend the *currency period* from the date of the original Negotiated Decision Notice until 21 April 2020:

#### Stage 1

#### General

##### GEN1.

The subject site is to be developed generally in accordance with the plans and information submitted with the application:

- Proposed Subdivision Stage 1 – 1 lot into 2 lots, Drawing No: 4761P/2, Sheet No: 1 of 2, Rev G

Condition requiring the upgrade of the southern side of Logan Street is relevant to Stage 2 of the proposed development.

##### GEN2.

A note is to be placed on the rates notice for proposed Lot 200 to indicate that the land is within the 400m buffer area to Council's waste water treatment facility.

##### GEN3.

All works, including the repair or relocation of services (Telstra, lighting) is to be completed at no cost to Council.

##### GEN4.

The applicant is required to maintain the site in a clean and orderly state at all times, clearing declared weeds and feral animals.

**Compliance Assessment**

GEN5. Conditions relevant to Stage 1 of this approval are to be satisfied prior to Council issuing a Compliance Certificate for the sealing of the Survey Plan, and it is the applicant's responsibility to notify Council to inspect compliance with conditions.

A Compliance Certificate fee will be charged, with payment required prior to Council approval of the associated documentation requiring compliance assessment.

**Survey Marks**

RAL1. Prior to the submission of the Survey Plan to Council, the applicant is to reinstate survey marks and install new survey marks in their correct position in accordance with the Survey Plan, and the work is to be certified in writing by a Licensed Surveyor.

**Natural Resources Valuation Fees**

RAL2. Payment of *Department of Natural Resources and Mines* valuation fee that will result from the issue of split valuations prior to Council sealing the Plan of Survey. The contribution is currently assessed at \$94.00 (2 x \$47.00); however, the actual amount payable will be based on Council's Register of Regulatory & Cost-Recovery Fees and the rate applicable at the time of payment.

**Electricity**

RAL3. All lots are to be connected to reticulated electricity or an alternative energy source –

- Written confirmation from the electricity authority, that all matters relating to the reticulation of electricity including electrical civil works have been completed, is to be provided to Council prior to sealing the Survey Plan; or
- Information detailing the alternative energy source is to be provided to Council prior to sealing the Survey Plan.

Should any lots not have connection to reticulated electricity, a note will be placed on the respective lots rates notice, indicating that this lot does not have an reticulated electricity connection.

RAL4. Electricity is to be provided to the development in accordance with relevant Australian Standards.

**Stormwater Drainage**

ENG1. Any new earthworks or structures may not concentrate or impede the natural flow of water across property boundaries and onto any other lots.

**Property Access**

ENG2. The applicant must construct access to each lot abutting the road carriageway in accordance with the requirements of Table S2.7 – Design and Construction Standards of the Kingaroy Shire IPA Planning Scheme and the details in:

- South Burnett Regional Council Drawing No. SBRC00049 *Rural Property Access*, for proposed Lot 7 and Lot 200;
- Only one (1) access point is provided for each lot. Any other existing access points must be reinstated to the general surrounding road profile, including the existing table drain or the road as reconstructed;

**Earthworks**

ENG3. Any proposed earthworks if not self-assessable against the Kingaroy Shire IPA Planning Scheme shall be done in accordance with Council's Planning Scheme Part 3.3.2 *Rural Residential Locality Code – 020 (g) Earthworks* and shall be undertaken under a separate Development Permit for Operational Works.

**Property Boundaries**

ENG4. All existing on-site structures, dams, sewage treatment facilities including transpiration and irrigation areas, fences and other infrastructure must be relocated so as not to cross any of the proposed property boundaries.

**Standard of Works**

ENG5. Works shall be constructed generally in accordance with the specification requirements outlined in Aus-Spec #1 and the IPWEAQ Standard Drawings unless otherwise agreed by Council's General Manager of Infrastructure.

**Stage 2**

GEN1. The subject site is to be developed generally in accordance with the plans and information submitted with the application:

- Proposed Subdivision Stage 2 – 1 lot into 3 lots, Drawing No: 4761P/2, Sheet No: 2 of 2, Rev G

Unless otherwise amended by the following conditions.

GEN2. A note is to be placed on the rates notice for proposed Lot 101 and Lot 102 to indicate that the land is within the 400m buffer area to Council's waste water treatment facility.

GEN3. All works, including the repair or relocation of services (Telstra, lighting) is to be completed at no cost to Council.

GEN4. The applicant is required to maintain the site in a clean and orderly state at all times, clearing declared weeds and feral animals.

GEN5. Prior to the sealing of the survey plan, the scrap metal product currently stored on Lot 5 RP909634 is to be relocated to the area that is to be the proposed Lot 102.

**Compliance Assessment**

GEN6. Conditions relevant to Stage 2 of this approval are to be satisfied prior to Council issuing a Compliance Certificate for the sealing of the Survey Plan, and it is the applicant's responsibility to notify Council to inspect compliance with conditions.

A Compliance Certificate fee will be charged, with payment required prior to Council approval of the associated documentation requiring compliance assessment.

**Survey Marks**

RAL1. Prior to the submission of the Survey Plan to Council, the applicant is to reinstate survey marks and install new survey marks in their correct position in accordance with the Survey Plan, and the work is to be certified in writing by a Licensed Surveyor.

**Natural Resources Valuation Fees**

RAL2. Payment of *Department of Natural Resources and Mines* valuation fee that will result from the issue of split valuations prior to Council sealing the Plan of Survey. The contribution is currently assessed at \$141.00 (3 x \$47.00); however, the actual amount payable will be based on Council's Register of Regulatory & Cost-Recovery Fees and the rate applicable at the time of payment.

**Electricity**

RAL3. All lots are to be connected to reticulated electricity or an alternative energy source –

- Written confirmation from the electricity authority, that all matters relating to the reticulation of electricity including electrical civil works have been completed, is to be provided to Council prior to sealing the Survey Plan; or
- Information detailing the alternative energy source is to be provided to Council prior to sealing the Survey Plan.

Should any lots not have connection to reticulated electricity, a note will be placed on the respective lots rates notice, indicating that this lot does not have an reticulated electricity connection.

RAL4. Electricity is to be provided to the development in accordance with relevant Australian Standards.

#### **Stormwater Drainage**

ENG1. Any new earthworks or structures may not concentrate or impede the natural flow of water across property boundaries and onto any other lots.

#### **Property Access**

ENG2. The applicant must construct access to each lot abutting the road carriageway in accordance with the requirements of *Table S2.7 – Design and Construction Standards* of the *Kingaroy Shire IPA Planning Scheme* and the details in:

- South Burnett Regional Council Drawing No. SBRC00049(B) Rural Property Access for the proposed accesses to proposed Lots 101 and 102; and
- ensuring that:
  - a) where a dual access serving two (2) abutting properties is proposed, the applicant shall liaise with Ergon Energy to ensure conflict will not occur with proposed electricity works and infrastructure.
  - b) Only one (1) access point is provided for each lot. Any other existing access points must be reinstated to the general surrounding road profile, including the existing table drain or the road as reconstructed;
  - c) Each entrance is constructed:
    - i. to allow vehicles to enter and leave each proposed lot in a forward gear;
    - ii. such that it does not cause a trip hazard to pedestrians;
    - iii. to ensure that low-clearance vehicles can enter and leave each proposed lot; and
    - iv. such that fencing, landscaping and letterboxes do not to impede sight lines for vehicles entering or leaving each proposed lot or driving along River Road.

ENG3. The applicant must design and construct the southern side of Logan Street for the complete frontage of Lot 7 for a half road bitumen-sealed width of 5.00m from road crown and vehicle access in accordance with the requirements of *Table S2.7 – Design and Construction Standards* of the *Kingaroy Shire IPA Planning Scheme* and the details in South Burnett Regional Council Drawing No. SBRC00048 *Residential Property Access and Kerb Crossover*.

#### **Earthworks**

ENG4. Any proposed earthworks if not self-assessable against the Kingaroy Shire IPA Planning Scheme shall be done in accordance with Council's Planning Scheme Part 3.3.2 *Rural Residential Locality Code – 020 (g) Earthworks* and shall be undertaken under a separate Development Permit for Operational Works.

#### **Property Boundaries**

ENG5. All existing on-site structures, dams, sewage treatment facilities including transpiration and irrigation areas, fences and other infrastructure must be relocated so as not to cross any of the proposed property boundaries.

#### **Standard of Works**

ENG6. Works shall be constructed generally in accordance with the specification requirements outlined in Aus-Spec #1 and the IPWEAQ Standard Drawings unless otherwise agreed by Council's General Manager of Infrastructure



**Sewerage**

ENG7. For proposed Lot 101 and Lot 102, provide a Q10 flood height and/or the highest known flood level to AHD on the proposed site plan, confirmed by a Registered Professional Engineer of Queensland; and demonstrate that an on-site waste water disposal facility can be sited above this level.

**Maintenance Bond**

ENG8. A Maintenance Bond, equal to 5% of the total cost of construction of the civil works, including landscaping where applicable, must be lodged with the Council for a period of twelve (12) months from the date of practical completion of the works.

**Advice (applicable to all stages)**

ADV1. *Section 341(2)(a) of the Sustainable Planning Act 2009* provides that, if this approval is not acted upon within the period of two (2) years the approval will lapse. Note that in accordance with *section 341(7)* a related approval may extend the relevant (currency) period.

ADV2. A Material Change of Use application is required over proposed Lot 102, prior to commencement of commercial scrap metal operations.

ADV3. Telecommunication connections can be arranged by emailing *F1103721@team.telstra.com* providing the following information:

- Full name;
- Address of property including state & postcode;
- Lot No's and Plan No's: and
- What the development is (units, subdivision, shop, etc)

ADV4. The applicant is encouraged to discuss the development with Ergon Energy upon receipt of this approval to facilitate the timely supply of electricity to the development. Connection of electricity can take up to eight (8) months from the date of application to Ergon Energy.

ADV5. This development approval does not authorise any activity that may harm Aboriginal Cultural Heritage. Under the *Aboriginal Cultural Heritage Act 2003* you have a duty of care in relation to such heritage. *Section 23(1)* provides that "A person who carries out an activity must take all reasonable and practicable measures to ensure the activity does not harm Aboriginal Cultural Heritage." Council does not warrant that the approved development avoids affecting Aboriginal Cultural Heritage. It may therefore, be prudent for you to carry out searches, consultation, or a Cultural Heritage assessment to ascertain the presence or otherwise of Aboriginal Cultural Heritage. The Act and the associated duty of care guidelines explain your obligations in more detail and should be consulted before proceeding.

ADV6. Attached for your information is a copy of *Division 8* of the *Sustainable Planning Act 2009* as regards Rights of Appeal. With respect to Appeal Rights of Applicants, the following is drawn to your attention—

- a) the applicant's Appeal Period commences upon receipt of this advice and expires twenty (20) business days thereafter.
- b) should the applicant notify the Assessment Manager (Council) in writing of acceptance of the conditions of approval and that it is not intended to make an appeal, the Applicant's Appeal Period is at an end.

**Resolution:**

*Moved Cr TW Fleischfresser, seconded Cr KA Duff.*

*That the Officer's Recommendation be adopted.*

*Carried 7/0*

*FOR VOTE - Councillors voted unanimously*

**7.2.2 P&LM - 2381614 - Request to Change Approval & Extension of Currency Period Staged - Reconfiguration of a Lot (1 Lot into 27 Lots) - 23 George Street Blackbutt - Applicant: L Gault - Lot 6 SP146204 - RAL17/0003**

**Summary**

- Applicant has requested an extension to the existing Development Approval by a further six (6) years and also changes to the proposed layout including staging of the development. Further staging of the development comprising of Stage 1, 2, 3, 4 and 5 as per the submitted plan.
  - Stage One – Lot 23 and 24;
  - Stage Two – Lots 1 to 6;
  - Stage Three – Lots 7 – 11;
  - Stage Four – Lots 12 – 17;
  - Stage Five – Lots 18 – 22 and 25.
- Decision Notice for Reconfiguring a Lot (1 into 27 lots) was approved on 20 March 2013 with one (1) public submission received;
- Negotiated Decision Notice was refused on 17 July 2013 and original Decision Notice dated 22 April 2013 was retained;
- Request to Change an Existing Approval application was assessed against *Planning Act 2016* Section 81 (Assessing and deciding application for minor changes) and Section 86 (Extension applications); and
- Recommendation that Council *approve* the requested Minor Change subject to relevant conditions in response to the requested change and approve the requested extension to the currency period until 19 July 2023.

**Officer's Recommendation**

That Council *approve* the *currency period* from the date of the original Negotiated Decision Notice until 19 July 2023 and approve the applicant's request for a Change to Existing Approval by amending conditions for staging as follows (deleted text in strikethrough and new text in bold):

**General**

- GEN1. The subject site is to be developed generally in accordance with Drawing No. ~~3373P/4 Sheet 1 of 1 'Option A'~~ **3373P/2 Sheet 1 of 2 and 2 of 2 Rev A** prepared by O'Reilly Nunn Favier (as amended by South Burnett Regional Council) and information submitted with the application unless otherwise amended by the following conditions.
- GEN2. The relocation of any infrastructure or services required as a result of this approval, including these conditions, is to be carried out at no cost to Council.
- GEN3. Any new earthworks or structures are not to concentrate or impede the pre-development surface flow or water across property boundaries to adjoining properties.
- GEN4. Dust prevention measures are to be undertaken to ensure that dust does not cause a nuisance to occupiers or adjacent premises, during and after construction.

GEN5. Prior to sealing the Survey Plan the applicant is required to pay the Council all rates and charges or any expenses being charged over the subject land under any Act in accordance with ~~Section 3.7.2 of the Integrated Planning Act 1997~~ **Schedule 18 of the Planning Regulation 2017.**

GEN6. Payment of Department of Natural Resources and Mines (DNRM) valuation fees that will result from the issue of split valuations prior to Council sealing the Survey Plan. The contribution is currently assessed at ~~\$1,056.00 (24 x \$44.00);~~ **\$987.00 (21 x \$47.00)** however, the actual amount payable will be based on Council's Register of Regulatory & Cost-Recovery Fees and the rate applicable at the time of payment.

GEN7. The Applicant is required to maintain the site in a clean and orderly state at all times, clearing of declared weeds and feral animals.

GEN8. All conditions of this approval are to be satisfied prior to Council ~~issuing a Compliance Certificate for the commencement of the use, and it is the applicant's responsibility to notify Council to inspect compliance with conditions~~ **sealing the survey plan.**

~~A Compliance Certificate fee will be charged, with payment required prior to Council approval of the associated documentation requiring compliance assessment (Survey Plan)~~ **endorsing the survey plan.**

#### Further Development Permits

GEN9. The development herein may not commence until the following Development Permits or Certificates have been issued and complied with as required:

- ~~Compliance Permit for On-site Stormwater Management Plan~~ **approved by Council; and**
- Development Permit for Operational Works

#### Amended Plans

GEN10. The Applicant shall provide an amended proposal plan to Council incorporating the following revisions:

- ~~An extension of proposed Lots 2, 4 & 6 (on proposal plan 3373P/1) south to the common boundary of the subject site and Lot 16 on SP146204. Lots 2, 4 and 6 are to be designated parkland and shall accommodate a detention basin;~~
- **Stage 1 comprising the creation of proposed Lot 23, with the balance being proposed Lot 24 as per ONF drawing 3373P/2 Sheet 1 of 2 Rev A. Please note that the western boundary of proposed Lot 23 shall align with the existing eastern boundary of the Grosvenor Lane road reserve;**
- **Stage 2 comprising Lots 1-6 as per ONF drawing 3373P/2 Sheet 2 of 2 Rev A;**
- **Stage 3 comprising Lots 7-10 as per ONF drawing 3373P/2 Sheet 2 of 2 Rev A. Proposed Lots 11 and 22 shall be deleted to allow for the extension of Grosvenor Lane;**
- **Stage 4 comprising Lots 12-17, including any extension to the new access road (Margaret St extension), and the Grosvenor Lane extension;**
- **Stage 5 comprising Lots 18-21, including any extension to the new access road (Margaret St extension) to join Grosvenor Lane;**
- The proposed **new** access road (**Margaret Street extension**) adjacent to the southern boundary of the subject site ~~should~~ **shall** have a reserve width of 20.0m with an additional width provided to accommodate a turning circle ~~east of its boundary with proposed Lot 6~~ **at the end of the road;**
- Grosvenor Lane shall be extended through the site ~~at~~ **on** its current alignment and at its current reserve width (20.4m) to the intersection with ~~the~~ **a future** proposed new road (**Margaret Street extension**) along the southern boundary of the site.

Note: Refer to advice note ADV7 for further clarity regarding the construction of Margaret Street extension.

**Survey Marks**

RAL1. Prior to the submission of the Survey Plan to Council, the applicant is to reinstate survey marks and install new survey marks in their correct position in accordance with the Survey Plan, and the work is to be certified in writing by a Licensed Surveyor.

**Electricity**

RAL2. Reticulated electricity is to be provided to the development in accordance with relevant Australian Standards.

RAL3. Written confirmation from the electricity authority, that all matters relating to the reticulation of electricity including electrical civil works have been completed, is to be provided to Council prior to sealing the Survey Plan.

**Telecommunications**

RAL4. Evidence of an agreement to provide a telephone service is to be provided to Council prior to sealing the Survey Plan.

**Easements**

RAL5. Easements are required over any inter-allotment drainage systems. Such easements shall be not less than three (3) metres in width.

**Street Names and Signage**

ENG1. The applicant is required to make an application to Council for the name of the proposed new road. A minimum of three (3) names are to be provided by the applicant for each new road.

**Stormwater Management**

ENG2. Submit an on-site stormwater management plan in accordance with the Queensland Urban Drainage Manual (QUDM) for ~~compliance assessment~~ **approval** by Council's ~~Infrastructure Department~~ **Council** indicating drainage paths for all roofed and impervious areas. The stormwater management plan should be certified by a Registered Professional Engineer Queensland (RPEQ) and should detail the following:

- Hydraulic design for stormwater including sizing and location of all proposed pipe and channel flows
- Location of gully pits
- Details of all pre and post development flows
- Details of any cut or fill require to direct stormwater to a legal point of discharge

ENG3. Stormwater drainage is to be designed such that no restriction to existing or developed stormwater flow from upstream properties or ponding of stormwater within upstream properties occurs as a result of the development.

~~ENG4. All stormwater collected from the site including roof water and all impervious areas are to be piped to a legal point of discharge. Such works are to be constructed as determined by a future Development Permit for Operational Works.~~

ENG5. The stormwater drainage system serving the site is to be designed so that the development will not make material changes to the pre-development location, duration, frequency or concentration of overland flow at the point of discharge to all downstream properties including road reserves. In the event that a material change to the pre-development stormwater flows will occur, the applicant is to produce evidence to Council's satisfaction of a legal right as to the method for stormwater discharge over the downstream land.

**Roadworks**

ENG6. Construction and sealing of all **new** roads ~~internal to the site~~ must be carried out to an 8m width (minimum) for the full length of the roads. The road must be designed and constructed in accordance with Schedule 2 of the Nanango IPA planning scheme. The profile of semi mountable kerb and channel must be installed in accordance with IPWEAQ Standard Drawing R-080 type M1. Detailed engineering designs of these road works, certified by a Registered Professional Engineer of Queensland (RPEQ), must be submitted to ~~Council's Infrastructure Department~~ **Council** as part of an application for an Operational Works permit.

ENG7. **For Stages 2 and 3** ~~Construction~~ **construction** and sealing of George Street to an ultimate 8m width (minimum) must be carried out for the full frontage of the site to George Street. The road must be designed and constructed in accordance with Schedule 2 of the Nanango IPA planning scheme. The profile of semi mountable kerb and channel must be installed in accordance with IPWEAQ Standard Drawing R-080 type M1. Detailed engineering designs of these road works, certified by a Registered Professional Engineer of Queensland (RPEQ), must be submitted to Council's Infrastructure Department as part of an application for an Operational Works permit.

**The full extension of Grosvenor Lane shall be carried out in Stage 4.**

ENG7A. **The extension to Margaret Street shall be carried out as part of Stages 4 and 5 sufficient to provide access to all lots in each stage. Provision shall also be made for a suitably sized cul-de-sac at the end of any extension.**

**Water Supply**

ENG8. Water is to be reticulated to each lot in accordance with South Burnett Regional Council requirements by the extension of mains to service the entire frontage of all lots.

ENG9. Nominal Main Sizes are to be designed in accordance with the "Guidelines for the Planning and Design of Urban Water Supply Schemes" and Technical Bulletins published by the Department of Natural Resources and are to have consideration for the demand and pressure required at each lot including the demand created by all future stages.

**Sewerage Disposal**

ENG10. Reticulated sewerage disposal is to be connected to each lot in accordance with South Burnett Regional Council requirements.

ENG11. Sewer mains servicing each lot within the development shall be designed and constructed in accordance with South Burnett Regional Council requirements, WASA guidelines and DERM's "Planning guidelines for water supply and sewerage".

**Infrastructure Agreement – Parkland**

ENG12. ~~The applicant is required to enter into a voluntary infrastructure agreement with Council in respect of parkland. The agreement shall include, but not be limited to:~~

- ~~A monetary contribution towards improvements in the Blackbutt Parkland to compensate for loss of amenity caused by the development.~~

**Development Contributions**

ENG13. ~~Payment prior to Council sealing the Survey Plan, a contribution toward water supply in accordance with Nanango Shire IPA Planning Scheme Policy No. 7 – Infrastructure for 66.0 equivalent persons (calculated at 69.0EP with a 3.0EP credit for the existing lot) at the rate applicable at the time infrastructure contributions are paid to Council. At current rates, the contribution is \$129,340.20 based on an amount of \$1959.70/EP.~~

~~ENG14. Payment prior to Council sealing the Survey Plan, a contribution toward sewerage supply in accordance with Nanango Shire IPA Planning Scheme Policy No. 7 – Infrastructure for 66.0 equivalent persons (calculated at 69.0EP with a 3.0EP credit for the existing lot) at the rate applicable at the time infrastructure contributions are paid to Council. At current rates, the contribution is **\$51,791.52** based on an amount of \$784.72/EP.~~

### Earthworks

ENG15. All stormwater collected from the site including roof water and all impervious areas are to be piped to a legal point of discharge. Such works are to be constructed as determined by a future Development Permit for Operational Works.

### Advice

ADV1. ~~Section 3.5.21(2)(b) of the *Integrated Planning Act 1997* provides that, if this approval is not acted upon within the period of four (4) years the approval will lapse. Note that in accordance with Section 3.5.21(7) a related approval may extend the relevant (currency) period~~ **Section 85 (1)(a) of the *Planning Act 2016* provides that, if this approval is not acted upon within the period of six (6) years the approval will lapse.**

~~ADV2. Each lot is to be provided with 9,000 litre of roof water storage in association with a future Dwelling House in accordance with Schedule 9 of the Nanango Shire IPA Planning Scheme and Part 2 of MP4.2 of the Queensland Development Code (QDC).~~

ADV3. This development approval does not authorise any activity that may harm Aboriginal Cultural Heritage. Under the *Aboriginal Cultural Heritage Act 2003* you have a duty of care in relation to such heritage. Section 23(1) provides that "A person who carries out an activity must take all reasonable and practicable measures to ensure the activity does not harm Aboriginal Cultural Heritage." Council does not warrant that the approved development avoids affecting Aboriginal Cultural Heritage. It may therefore, be prudent for you to carry out searches, consultation, or a Cultural Heritage assessment to ascertain the presence or otherwise of Aboriginal Cultural Heritage. The Act and the associated duty of care guidelines explain your obligations in more detail and should be consulted before proceeding.

ADV4. Telecommunication connections can be arranged by logging onto Telstra's website ([www.telstrasmartcommunity.com](http://www.telstrasmartcommunity.com)) and completing the 'Intent to Develop' form to register your development.

ADV5. Council would encourage you to discuss the development with Ergon Energy upon receipt of this approval to facilitate the timely supply of electricity to the development. Connection of electricity can take up to eight (8) months from the date of application to Ergon Energy.

ADV6. ~~Attached for your information is a copy of Section 4.1.27 of the *Integrated Planning Act 1997* as regards Rights of Appeal. With respect to Appeal Rights of Applicants, the following is drawn to your attention—~~

- ~~a) the applicant's Appeal Period commences upon receipt of this advice and expires twenty (20) business days thereafter.~~
- ~~b) should the applicant notify the Assessment Manager (Council) in writing of acceptance of the conditions of approval and that it is not intended to make an appeal, the Applicant's Appeal Period is at an end.~~

**Attached for your information is a copy of Chapter 6 of the *Planning Act 2016* as regards Appeal Rights.**

ADV7. Condition GEN10 contained in this Decision Notice requires the applicant to incorporate a 20.0m wide road reserve along the ~~northern~~ **southern** boundary of the subject site culminating at the eastern boundary of proposed Lot 6 ~~(to be extended northwards to the common boundary with Lot 6 on SP146204)~~ **new intersection with Grosvenor Lane**. A Development Permit for Reconfiguration of a Lot has been approved over Lot 16 on SP146204. In the event that the development over Lot 16 on SP146204 is commenced prior to the commencement of the development on the subject site (Lot 6 on SP146204), there is no requirement to extend proposed Lots 2, 4 and 6 northwards to the common boundary **construct the new road (Margaret Street extension) along the southern boundary of the site.**

ADV8. **Prior to Council sealing the Survey Plan for each stage, Infrastructure Charges are payable in accordance with the South Burnett Regional Council Adopted Infrastructure Charges Resolution (No 2 of 2015), or at the rate applicable at the time the Survey Plan is submitted to Council. An Infrastructure Charges Notice is attached.**

UNCONFIRMED

## Adopted Infrastructure Charges Notice

**To:** Leigh Gault  
C/- ONF Surveyors  
PO Box 896  
KINGAROY QLD 4610

**Date of Issue:** 20 September 2017

**Reference Number:** RAL17/0003

**Amount of the Charge:** \$165,732.00

**Land to which the charge applies:** 23 George Street, Blackbutt (Lot 6 on SP146204)

**The person to whom the charge must be paid:** South Burnett Regional Council

**When the charge is payable:** **Reconfiguring a Lot:** Prior to Council approval of the plan of subdivision for the reconfiguration (in accordance with Section 301 of the *Planning Act 2016*).

**Advisory Notes:**

- The abovementioned charge may in the future be indexed;
- Enquiries regarding this adopted infrastructure charges notice can be made by contacting Council's Coordinator, Infrastructure and Planning on 4189 9100;
- The apportionment of infrastructure charges to the relevant networks is proposed as follows:

RAL17/0003 George Street Blackbutt							
RAL – 1 Lot into 21 Lots							
ADOPTED INFRASTRUCTURE CHARGES							
References		RAL17/0003					
Date		20 September 2017					
Item	Description	Development Class	Unit	Quantity	Rate	Credit	Amount
Stage 1	Reconfiguration of a Lot	-	per lot	2	7,892	7,892	\$7,892.00
Stage 2	Reconfiguration of a Lot	-	per lot	6	7,892	-	\$47,352.00
Stage 3	Reconfiguration of a Lot	-	per lot	4	7,892	-	\$31,568.00
Stage 4	Reconfiguration of a Lot	-	per lot	6	7,892	-	\$47,352.00
Stage 5	Reconfiguration of a Lot	-	per lot	4	7,892	-	\$31,568.00
						<b>TOTAL</b>	<b>\$165,732.00</b>



**Resolution:**

*Moved Cr TW Fleischfresser, seconded Cr GA Jones.*

*That the Officer's Recommendation be adopted.*

*Carried 7/0*

*FOR VOTE - Councillors voted unanimously*

**7.2.3 P&LM - 2424414 - Request for Negotiated Decision Notice to remove the condition GEN2 for application for a second dwelling at 6 Matthew Street Kingaroy**

**Summary**

- Application for a Material Change of Use - Relative's Unit was approved at the General Council meeting held on 11 October 2017 with a Decision Notice forwarded to the applicant on 16 October 2017;
- Condition GEN2 required amendments to the proposal notably the reduction in gross floor area of the Relatives Unit to not exceed 40% of the gross floor area of the principal dwelling and locating the Relatives Unit no more than 20m from the principal dwelling;
- Applicant submitted written representations on 30 October 2017 in relation to Condition GEN2;
- The applicant requested that the gross floor area restriction of the Relatives Unit be deleted to provide sufficient living space for her brother and carer to live in the same unit;
- The applicant accepted to relocate the Relatives Unit within 20m from the principal dwelling and have provided amended plans showing the position of the relocated Relatives Unit; and
- It is recommended that Council issue a Negotiated Decision Notice in response to the applicant's representations by amending GEN1 to reflect the revised proposal plans and deleting the first bullet point in GEN2 to remove the restriction on the gross floor area of the Relatives Unit.

**Officer's Recommendation**

That Council issue a Negotiated Decision Notice for a Material Change of Use – Second Dwelling at 6 Matthew Street, Kingaroy (Lot 23 RP 205802) – MCU17/0003 as outlined below:-

1. Amend Condition GEN1 to read as follows (new text in bold & deleted text in strikethrough):

**General GEN1.**

The subject site is to be developed generally in accordance with the plans and information submitted with the application unless otherwise amended by the following conditions:

- Sheet Name – Site Plan, Project Number 17-2422-SPY, Date – ~~28<sup>th</sup> June 2017~~**23<sup>rd</sup> October 2017**, Sheet 1
- Sheet Name – Floor Plan, Project Number 17-2422-SPY, Date – ~~28<sup>th</sup> June 2017~~**23<sup>rd</sup> October 2017**, Sheet 2
- Sheet Name – Elevations, Project Number 17-2422-SPY, Date – ~~28<sup>th</sup> June 2017~~**23<sup>rd</sup> October 2017**, Sheet 3
- Sheet Name – 3D Views 1, Project Number 17-2422-SPY, Date – ~~28<sup>th</sup> June 2017~~**23<sup>rd</sup> October 2017**, Sheet 4
- Sheet Name – 3D Views 2, Project Number 17-2422-SPY, Date – ~~28<sup>th</sup> June 2017~~**23<sup>rd</sup> October 2017**, Sheet 5

2. Amend Condition GEN2. to read as follows (new text in bold & deleted text in strikethrough):

**Amended Plans**

GEN2. The applicant shall provide amended plans to Council for approval demonstrating the following additional requirements as required:

- ~~The gross floor area of the second dwelling – relatives unit shall not exceed 40% of the gross floor area of the principal dwelling~~
- Parking must be provided for one vehicle
- Access to the second dwelling - relatives unit must be provided via the same driveway as the principal dwelling; and
- The second dwelling – relatives unit must be located no more than 20m from the principle dwelling on site.

**Resolution:**

*Moved Cr TW Fleischfresser, seconded Cr RJ Frohloff.*

*That the Officer's Recommendation be adopted.*

*Carried 7/0*

*FOR VOTE - Councillors voted unanimously*

**8. Portfolio - Water, Waste Water, Waste Management, Sport & Recreation****8.1 Water, Waste Water, Waste Management, Sport & Recreation Portfolio Report****Summary**

Cr Frohloff presented her Water, Waste Water, Waste Management, Sport & Recreation Portfolio Report

**Officer's Recommendation**

That Cr Frohloff's Water, Waste Water, Waste Management, Sport & Recreation Portfolio Report to Council be received.

**Resolution:**

*Moved Cr RJ Frohloff, seconded Cr GA Jones.*

*That Cr Frohloff's Water, Waste Water, Waste Management, Sport & Recreation Portfolio Report to Council be received.*

**Water & Waste Water**

*Work will start early in the new year on the upgrade of the water main bringing water to Kingaroy from the Mt Wooroolin reservoir. This work will take some time to complete with about 2 kilometres of pipeline being laid. As well as this, survey work and geotechnical assessments are being completed for the proposed new reservoir at Mt Wooroolin, which will help improve the overall reliability of the Kingaroy Water Supply area.*

*Council's annual report on compliance with the Water and Wastewater Customer Service Standards will be published on Council's internet site by the end of the year.*

*Carried 7/0*

*FOR VOTE - Councillors voted unanimously*

## **9. Portfolio - Natural Resource Management, Parks and Indigenous Affairs**

### **9.1 Natural Resource Management, Parks and Indigenous Affairs Portfolio Report**

#### **Summary**

Cr Duff presented her Natural Resource Management, Parks and Indigenous Affairs Portfolio Report to Council.

#### **Officer's Recommendation**

That Cr Duff's Natural Resource Management, Parks and Indigenous Affairs Portfolio Report to Council be received.

#### **Resolution:**

*Moved Cr KA Duff, seconded Cr RJ Frohloff.*

*That Cr Duff's Natural Resource Management, Parks and Indigenous Affairs Portfolio Report to Council be received.*

#### **Natural Resource Management**

##### **Coolabunia Saleyards**

- *Saleyard staff inspected 610 head and dipped 945 cattle in November. The store & breeder sale held on the 17<sup>th</sup> November saw 716 head sold. The cream of the crop Droughtmaster female sale attracted 52 head with 46 sold and the fat & store sale held on 28<sup>th</sup> November attracted 156 head.*
- *Tenders for the lease of Coolabunia Saleyard and dip facilities closed on 17 November and the tender assessment process is complete.*

##### **Weed Control**

- *Council's NRM Officer and contractors are inspecting properties for the presence of Groundsel and assisting landholders with treatment advice. Council staff assisted Biosecurity Queensland Officers to inspect properties on the Stuart River for Honey Locust. Parthenium inspections will commence on Barambah Creek in December.*
- *Contractors have been treating Groundsel on Council roads, Parthenium and Water Hyacinth in Murgon and Lantana in Taabinga.*

##### **Feral Animal Management**

- *Landholders in Ironpot, Proston, Kinleymore, East Nanango, Brooklands, Cherbourg and Goodger participated in wild dog baiting programs over an area of approximately 12,700 hectares. Council is working in partnership with Cherbourg to undertake an extended baiting program in the Cherbourg area using PAPP baits.*

##### **Equipment loan**

- *Landholders in Cloyna, Boat Mountain and Hivesville hired wild dog and pig traps with six dogs trapped at Boat Mountain. Quick spray trailers and splatter guns were loaned by landholders to assist with weed control in Wattlecamp, Blackbutt, Burrandowan, Ellesmere and Taabinga.*

##### **Wandering livestock**

- *Council's Stock Route Officer attended to reports of wandering pigs, goats and cattle at Fairdale, Cushnie, Wondai, Booie and Ballogie.*

**Works 4 Queensland****Boondooma DAM**

*Drainage – Excavation and site preparatory works have been completed and the contractors have laid multiple pipes with the most recent being installed below the camping area near the kiosk. This work is now in the completion stage.*

**Parks & Gardens****Kingaroy**

*Staff have been putting up Christmas banners and the Christmas trees in Kingaroy and Wondai. They have sprayed CBD for weeds, continued our mowing and weeding program.*

*Memorial Park saw the completion of the Rotunda renovations with contractor just needing to come back and do the stairs and any touch ups.*

*Staff have been working their way through all street gardens and park gardens, weeding and pruning and attending to CSR's. All cemeteries have been mowed and due to be mowed again before Christmas. We have also gurneyed the forecourt, pruned the trees and cleaned up for the High School formals.*

**Proston & Dams**

*Mowing maintenance is high on the schedule with the expected increase in visitors to our caravan parks and dams during the school holidays.*

**Nanango & Blackbutt & Murgon & Wondai**

*Mowing has been the main priority in all towns, with the concentration on key areas such as parks, entrances, cemeteries and open spaces. Christmas trees have gone up in all areas and there has been cleaning of town entrances and parks in preparations for the Christmas Period and Carnivals.*

*Carried 7/0*

*FOR VOTE - Councillors voted unanimously*

**10. Portfolio - Finance, ICT & Human Resources****10.1 Finance, ICT and Human Resources Portfolio Report****Summary**

Cr Heit presented her Finance, ICT and Human Resources Portfolio Report to Council.

**Officer's Recommendation**

That Cr Heit's Finance, ICT and Human Resources Portfolio Report to Council be received.

**Resolution:**

*Moved Cr RLA Heit, seconded Cr DA Potter.*

*That Cr Heit's Finance, ICT and Human Resources Portfolio Report to Council be received.*

**Financial Report**

*The financial statements are as at 30 November 2017.*

*The financial results are performing to target with 42% of the year completed. The revenue and expenditure items percentage to budget is generally reflective of 42%.*

*As reported last month the capital revenue budget will be adjusted in the second quarter review to reflect the Works for Queensland Round 2 funding received and expected to be received in this financial year.*

*The capital expenditure reflects the write off adjustments as assets are capitalised from Work in Progress.*

### **Ratios**

*All indicators are within the desired range except the Current Ratio which is just outside range. This ratio is influenced by the cash balance which declines during the intervening periods between rating. It is a favourable result which will move back within the limits as funds are spent.*

### **Capex Report**

*The capex report for this month has been included for the information of Council. Actual expenditure at the end of November was \$8.636m or 24.4% of the available budget. In addition to the actuals there are commitments for expenditure of \$5.281m. Actuals plus committed expenditure equates to 39.45% of the available capital budget.*

### **Works for Queensland**

*All approved projects for Round 1 were completed by 30 November 2017.*

*Work has started on the Round 2 projects.*

*The reports for these two funding rounds have been provided for the information of Councillors.*

### **Rating and Rate Recovery**

*The first correspondence from Recoveries and Reconstruction for overdue rates was posted in late November. I am happy to report that Council has been busy receiving calls and working with Recoveries and Reconstruction to enter into payment arrangements with our ratepayers. I encourage people to continue to work with Council and it's Agent to manage their outstanding account. Further correspondence in relation to rate arrears will commence in the New Year.*

### **Budget Financial Year 2019**

*Workshops have commenced for the development of the Capex Program for all Asset Classes. The budget packs for the development of the Operating Expenditure budget will be distributed to budget managers this month along with the Fees and Charges.*

### **Human Resources**

*The 'pot of gold' supervisors training is continuing and assisting supervisors in their roles. Staff safety continues to be prioritized to ensure the staff and the community are kept safe.*

*It's been a big year for council staff especially with the additional work involved in the W4Q projects so I would like to thank all our staff for their efforts to benefit the ratepayers and the South Burnett community. I wish them all well for the festive season.*

*Finally I wish everyone the best for the Christmas break and for a happy healthy and safe 2018.*

*Carried 7/0  
FOR VOTE - Councillors voted unanimously*

## 10.2 Finance (F)

### Officer's Reports

#### 10.2.1 F - 2427230 - Rate Exemptions and Remissions - Additions to Approved List - South Burnett First Aid Volunteers Inc. - 109 Macalister Street, Murgon

##### Summary

A request has been received from the South Burnett First Aid Volunteers Inc. to allow a rate remission on their property situated at 109 Macalister Street, Murgon.

It is recommended that Council agree to provide a rate remission for the South Burnett First Aid Volunteers Inc.

##### Officer's Recommendation

That Council agree to provide a rate remission for the South Burnett First Aid Volunteers Inc. on their property situated at 109 Macalister Street, Murgon effective from 01-Jul-2017.

##### Resolution:

*Moved Cr RLA Heit, seconded Cr KA Duff.*

*That the Officer's Recommendation be adopted.*

*Carried 7/0*

*FOR VOTE - Councillors voted unanimously*

#### 10.2.2 F - 2439482 - Monthly Financial Statements

##### Summary

The following information provides a Council's position as at 30 November 2017.

##### Officer's Recommendation

That the Monthly Financial Report as at 30 November 2017 be received and noted.

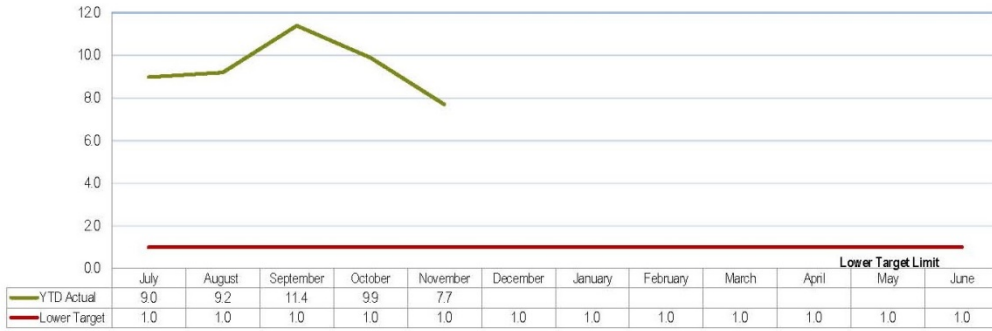
Key Performance Indicators

Key Performance Indicators - Monthly Reporting

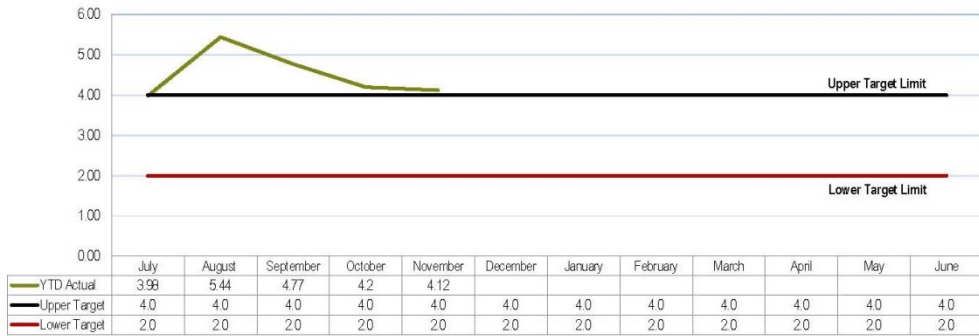
Ratio	Description	Formula	SBRC's Target	Status	Nov-17	Comments
Cash Ratio	Number of months operating expenditure covered by total cash held	$\frac{\text{Cash Held}}{(\text{Total Operating Expense} - \text{Depreciation}) / \text{Number of Periods}}$	Target greater than or equal to 1 months	✓	7.7	
Operating Cash Ratio	Number of months operating expenditure covered by working cash held	$\frac{\text{Cash Held} - \text{Restricted Cash}}{(\text{Total Operating Expense} - \text{Depreciation}) / \text{Number of Periods}}$	Target greater than or equal to 1 months	✓	4.1	
Current Ratio (Working Capital Ratio)	This measures the extent to which Council has liquid assets available to meet short term financial obligations	$\frac{\text{Current Assets}}{\text{Current Liabilities}}$	Target between 2.0 & 4.0	✗	4.12	This will move back into range as cash is spent between this month and the next levy.
Funded Long Term Liabilities	Percentage of Restricted Cash and Long Term Liabilities backed by Cash	$\frac{\text{Cash Held}}{\text{Restricted Cash} + \text{Non} - \text{Current Borrowings}}$	Target greater than or equal to 59%	✓	73%	
Debt Servicing Ratio	This indicates Council's ability to meet current debt instalments with recurrent revenue	$\frac{\text{Interest Expense} + \text{Loan Redemption}}{\text{Total Operating Revenue}}$	Target less than or equal to 10%	✓	3.5%	
Cash Balance -\$M	Total Cash that Council held	$\text{Cash Held at Period End}$	Target greater than or equal to \$23M	✓	38.89	
Debt to Asset Ratio	To what extent our debt will be covered by total assets	$\frac{\text{Current and Non-Current Loans}}{\text{Total Assets}}$	Target less than or equal to 10%	✓	3.9%	
Operating Performance Ratio	This ratio provides an indication of Council's cash flow capabilities	$\frac{\text{Net Cash From Operations} + \text{Interest Revenue and Expense}}{\text{Cash Operating Revenue} + \text{Interest Revenue}}$	Target greater than or equal to 20%	-		No Cash Flow data for monthly basis
Interest Coverage Ratio	This ratio demonstrates the extent which operating revenues are being used to meet the financing charges	$\frac{\text{Net Interest Expense on Debt Service}}{\text{Total Operating Revenue}}$	Target between 0% and 5%	✗	6.5%	This result is influenced by 6 month rating.

Graphs – Key Performance Indicators

Cash Ratio



Current Ratio

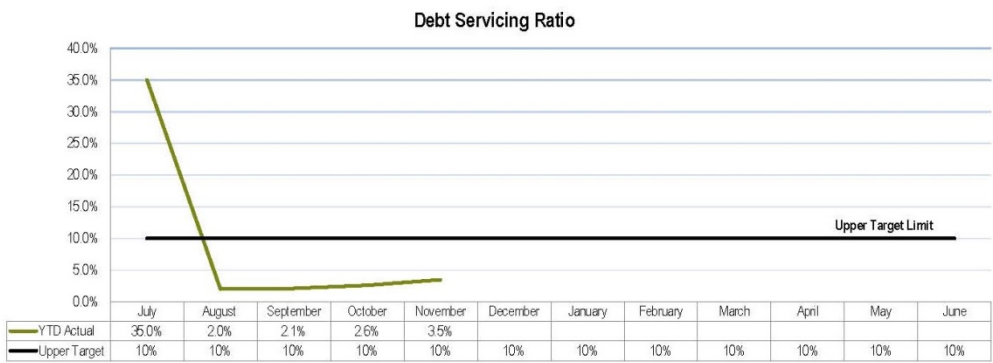
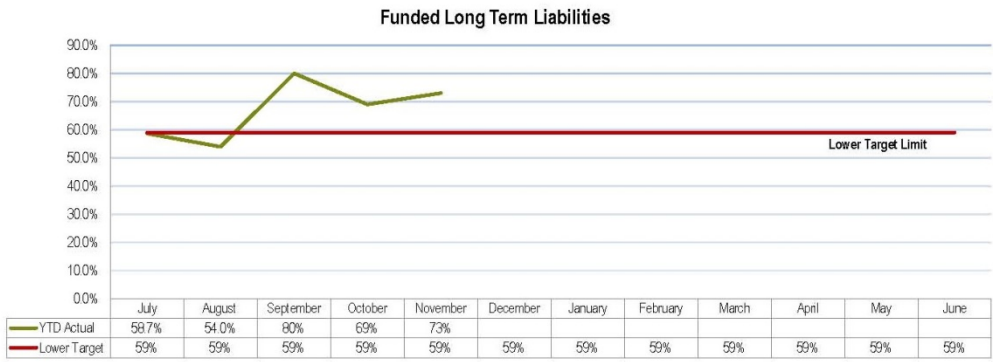
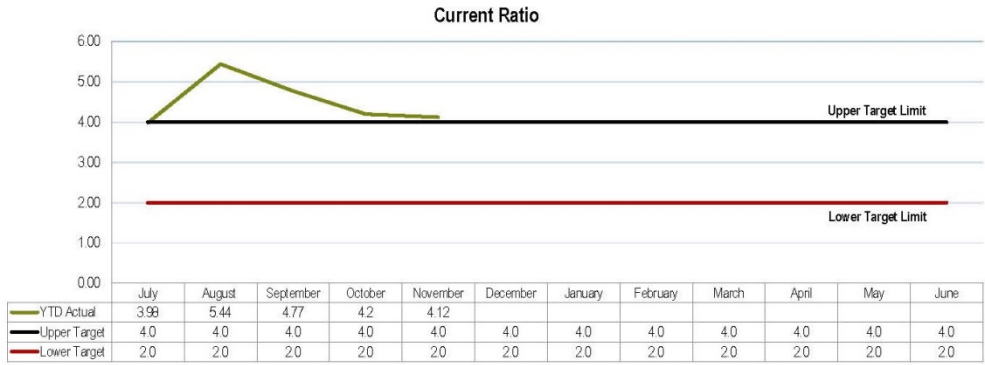


Operating Cash Ratio

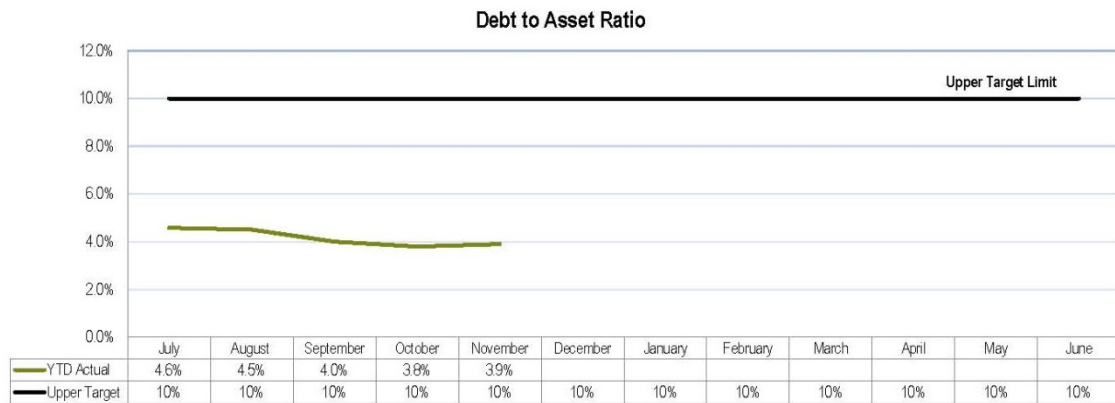
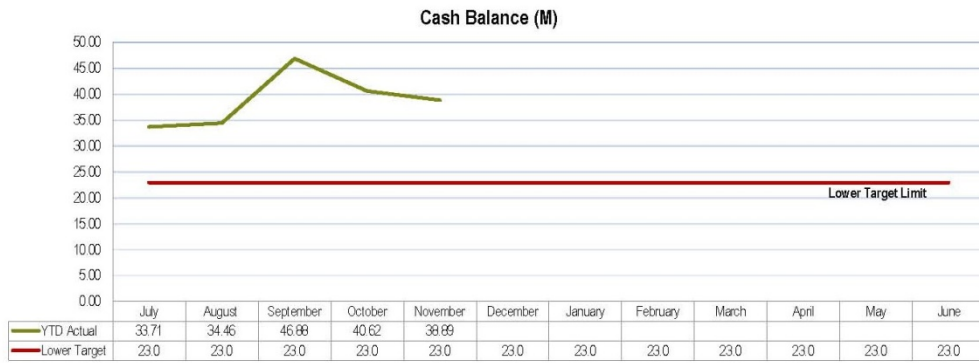




Graphs – Key Performance Indicators



**Graphs – Key Performance Indicators**



## Statement of Comprehensive Income

## Statement of Comprehensive Income

as at 30 November 2017

42% of Year Complete

	2017	Original Budget	Variance
	\$	\$	%
<b>Income</b>			
<b>Revenue</b>			
<b>Recurrent Revenue</b>			
Rates, Levies and Charges	22,863,973	45,388,370	50%
Fees and Charges	2,023,469	3,957,710	51%
Rental Income	182,977	491,725	37%
Interest Received	501,315	1,036,586	48%
Sales Revenue	1,306,879	3,014,212	43%
Other Income	224,325	395,251	57%
Grants, Subsidies, Contributions and Donations	2,670,990	7,357,573	36%
	<u>29,773,928</u>	<u>61,641,427</u>	
<b>Capital Revenue</b>			
Grants, Subsidies, Contributions and Donations	5,087,816	4,616,677	110%
<b>Total Revenue</b>	<u>34,861,745</u>	<u>66,258,104</u>	
<b>Total Income</b>	<u>34,861,745</u>	<u>66,258,104</u>	
<b>Expenses</b>			
<b>Recurrent Expenses</b>			
Employee Benefits	9,909,548	22,626,176	44%
Materials and Services	9,347,870	21,511,372	43%
Finance Costs	850,200	2,093,111	41%
Depreciation and Amortisation	6,735,589	14,833,103	45%
	<u>26,843,207</u>	<u>61,063,762</u>	
<b>Capital Expenses</b>	1,571,958	(475,475)	-331%
<b>Total Expense</b>	<u>28,415,166</u>	<u>60,588,287</u>	
<b>Net Result</b>	<u>6,446,579</u>	<u>5,669,817</u>	

## Statement of Financial Position

**Statement of Financial Position**

as at 30 November 2017

	2017 \$	Original Budget \$
<b>Current Assets</b>		
Cash and Cash Equivalents	38,887,244	28,727,735
Trade and Other Receivables	6,384,686	6,005,083
Inventories	1,190,344	1,218,556
Investments	-	-
<b>Total Current Assets</b>	<b>46,462,274</b>	<b>35,951,375</b>
<b>Non-Current Assets</b>		
Trade and Other Receivables	2,223,334	-
Property, Plant and Equipment	943,817,239	905,224,735
Intangible Assets	8,596,671	8,084,869
<b>Total Non-Current Assets</b>	<b>954,637,244</b>	<b>913,309,604</b>
<b>TOTAL ASSETS</b>	<b>1,001,099,518</b>	<b>949,260,979</b>
<b>Current Liabilities</b>		
Trade and Other Payables	3,787,077	4,832,251
Borrowings	3,975,066	2,387,352
Provisions	3,518,381	3,467,682
Unearned Revenue	127,440	-
<b>Total Current Liabilities</b>	<b>11,280,524</b>	<b>10,687,284</b>
<b>Non-Current Liabilities</b>		
Borrowings	35,011,436	38,267,463
Provisions	13,889,126	12,081,756
Unearned Revenue	2,114,943	-
<b>Total Non-Current Liabilities</b>	<b>48,900,562</b>	<b>50,349,219</b>
<b>TOTAL LIABILITIES</b>	<b>62,423,469</b>	<b>61,036,504</b>
<b>NET COMMUNITY ASSETS</b>	<b>938,676,049</b>	<b>888,224,475</b>
<b>Community Equity</b>		
Asset Revaluation Surplus	507,673,393	447,079,656
Retained Surplus/(Deficiency)	431,002,657	441,144,819
<b>TOTAL COMMUNITY EQUITY</b>	<b>938,676,050</b>	<b>888,224,475</b>

**Resolution:**

*Moved Cr RLA Heit, seconded Cr KA Duff.*

*That the Monthly Financial Report as at 30 November 2017 be received and noted.*

*Carried 7/0  
FOR VOTE - Councillors voted unanimously*

**11. Consideration of Notices of Motion**

No Report.

**12. Information Section (IS)**

**12.1 IS - 2433956 - Reports for the Information of Council**

**Summary**

List of correspondence pending completion of assessment report  
Delegated Authority Report  
Monthly Capital Works Report  
Road Maintenance Expenditure Report  
Works for Queensland (W4Q) Grant Projects Report – Round One  
Works for Queensland (W4Q) Grant Projects Report – Round Two

**Officer's Recommendation**

That the reports be received.

**Resolution:**

*Moved Cr RJ Frohloff, seconded Cr KA Duff.*

*That the reports be received.*

*Carried 7/0  
FOR VOTE - Councillors voted unanimously*

**ADJOURNMENT:**

**Motion:**

*Moved Cr RJ Frohloff, seconded Cr DA Potter.*

*That the meeting adjourn for twenty (20) minutes*

*Carried 7/0  
FOR VOTE - Councillors voted unanimously*

**RESUMPTION:**

**Motion:**

*Moved Cr RJ Frohloff, seconded Cr TW Fleischfresser.*

*That the meeting resume at 10.47am with attendance as previous to the adjournment.*

*Carried 7/0*

*FOR VOTE - Councillors voted unanimously*

**CLOSED SESSION:**

**Motion:**

*Moved Cr RLA Heit, seconded Cr DA Potter.*

*That the meeting be closed to the public for Council discussions in accordance with Section 275(1)(e) contracts proposed to be made by it, of the Local Government Regulation 2012.*

*Carried 7/0*

*FOR VOTE - Councillors voted unanimously*

**OPEN COUNCIL:**

**Motion:**

*Moved Cr DA Potter, seconded Cr RLA Heit.*

*That the meeting resume in Open Council.*

*Carried 7/0*

*FOR VOTE - Councillors voted unanimously*

**Report:**

The Mayor reported that whilst in Closed Session, in accordance with Section 275(1)(e) contracts proposed to be made by it, of the Local Government Regulation 2012, Council considered matters concerning Supervision of Kingaroy Waste Disposal Facility, Replacement and Purchase of Hook Lift Truck and Trailer and Cleaning of Public Conveniences in the Blackbutt and Nanango Area.

**Motion:**

*Moved Cr KA Duff, seconded Cr RJ Frohloff.*

*That the Mayor's report be received*

*Carried 7/0*

*FOR VOTE - Councillors voted unanimously*

### 13. Confidential Section

#### 13.1 CONF - 2427273 - Supervision of Kingaroy Waste Disposal Facility

##### Reason for Confidentiality

This report is **CONFIDENTIAL** in accordance with Section 275(1)(e) of the *Local Government Regulation 2012*, which permits the meeting to be closed to the public for business relating to the following:

- (e) contracts proposed to be made by it

##### Recommendation

That Council accepts Kemcoss P/L trading as SB Security and Traffic Control's tender to provide Supervision of the Kingaroy Waste Disposal Facility.

##### Resolution:

*Moved Cr RJ Frohloff, seconded Cr DA Potter.*

*That the Officer's Recommendation be adopted.*

*Carried 7/0*

*FOR VOTE - Councillors voted unanimously*

#### 13.2 CONF - 2439951 - Replacement and Purchase of Hook Lift Truck and Trailer

##### Reason for Confidentiality

This report is **CONFIDENTIAL** in accordance with Section 275(1)(e) of the *Local Government Regulation 2012*, which permits the meeting to be closed to the public for business relating to the following:

- (e) contracts proposed to be made by it

##### Recommendation

That Council:

- purchase Fuso Truck and Shephard Trailer from Westco Truck Sales Toowoomba for the cost **\$358,681.83** plus GST; and
- retain Truck 2001 due to the increasing demands of the Waste Services Department.

##### Resolution:

*Moved Cr GA Jones, seconded Cr RLA Heit.*

*That the Officer's Recommendation be adopted.*

*Carried 7/0*

*FOR VOTE - Councillors voted unanimously*

**13.3 CONF - 2439967 - Tender SBRC - 17/18-02 - Cleaning of Public Conveniences - Blackbutt and Nanango Areas**

**Reason for Confidentiality**

This report is **CONFIDENTIAL** in accordance with Section 275(1)(e) of the Local Government Regulation 2012, which permits the meeting to be closed to the public for business relating to the following:

- (e) contracts proposed to be made by it

**Recommendation**

That Council:

1. Accept the fixed price tender from Cleanman Services for cleaning of public conveniences - Nanango Area for a 2 year period of commencing on or before 22 January 2018 with an option to extend the contract for an additional 12 month + 12 month period.
2. Accept the fixed price tender from Bill Turner for cleaning of public conveniences - Blackbutt Area for a 2 year period of commencing on or before 22 January 2018 with an option to extend the contract for an additional 12 + 12 month period.
3. Delegate to the Chief Executive Offer authority to enter into, finalise and execute the contract arrangements with the successful Tenderers.

**Resolution:**

*Moved Cr GA Jones, seconded Cr RJ Frohloff.*

*That the Officer's Recommendation be adopted.*

*Carried 7/0  
FOR VOTE - Councillors voted unanimously*

There being no further business the meeting was declared closed at 11.17am.

Confirmed before me this ..... day of .....2017

..... **MAYOR**



