



SOUTH BURNETT

REGIONAL COUNCIL

Agenda

of the

General Meeting

Held in the Warren Truss Chamber 45 Glendon Street Kingaroy

on Wednesday, 17 August 2016

Commencing at 9.00 am

Chief Executive Officer: Gary Wall

Our Vision

"Individual communities building a strong and vibrant region."

Our Values

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



SOUTH BURNETT REGIONAL COUNCIL AGENDA

Wednesday, 17 August 2016

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1. Leave Of Absence

Nil.

2. Prayers

A representative of the Kingaroy District Ministers Association, Pastor Gideon Okesene 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

Précis

Confirmation of Minutes of meeting of the South Burnett Regional Council held in the Warren Truss Chamber, 45 Glendon Street Kingaroy.

Officer's Recommendation

That the minutes of the previous meeting held on Wednesday 20 July 2016 as recorded be confirmed.

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

Document Information

IR No 1643748

Author Mayor, South Burnett Regional Council

Date 15 August 2016

Précis

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.

4.2 Governance (G)

Officer's Report

4.2.1 G - 1642839 - Annual Review of Delegations to the Chief Executive Officer

Document Information

IR No 1642839

Author Manager Social and Corporate Performance

Date 1 August 2015

Précis

Annual review of Council's delegation of power to Council's Chief Executive Officer as required under section 257 of the *Local Government Act 2009* and update Council's delegation to the Chief Executive Officer in relation to five (5) Acts and (1) Regulation.

Summary

The *Local Government Act 2009* (**the Act**) provides that a local government may, by resolution, delegate a power under the Act, or another Act to the *Chief Executive Officer*. Section 257(4) of the Act provides that 'a delegation to the Chief Executive Officer under subsection (1) must be reviewed annually by the local government'.

Council is a subscriber to a delegations update service provided by MacDonnells Law. They have advised the Acts and Regulation listed below have been revised as part of their Delegation Update Service. Therefore the delegations under these Acts and Regulation are required to be updated.

Officer's Recommendation

That:

1. pursuant to section 257 of the *Local Government Act 2009*, Council hereby delegates all the powers listed within **attachment 1** titled "Register of Delegations – Council to the CEO" to the Chief Executive Officer.
 2. Delegate to the Chief Executive Officer, the exercise of its powers under the following Acts and Regulation in the terms of the Instruments of Delegation attached to this report as **attachment 2**.
 - *Biosecurity Act 2014*
 - *Local Government Act 2009* (section 138(4))
 - *Local Government Regulation 2012*
 - *State Penalties Enforcement Act 1999*
 - *Stock Route Management Act 2002*
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- *Work Health and Safety Act 2011*

These powers must be exercised subject to any limitations and conditions contained within Schedule 2 of the Instrument of Delegations.

3. Repeal all prior resolutions delegating the same powers to the Chief Executive Officer.

ATTACHMENT 1 – REGISTER OF DELEGATIONS – COUNCIL TO THE CEO

Legislation Title	Sections Delegated to CEO
Acquisition of Land Act 1967	4B(2), 8(2), 8(2)(b), 8(2A), 9(2), 12(5A), 12(7), 13(1)(b), 15, 15C(1), 15D(1), 15D(3), 16(1), 16(1B), 17(1), 17(5), 19(4), 21(1), 21(1A), 21(2), 29(1), 37(2), 37(5), 38(1)
Animal Management (Cats & Dogs) Act 2008	39, 42(4), 48(2), 49(2), 51(a), 55(2), 55(4), 56(1), 58(2), 58(4), 64(1)(b), 74(1), 75(1), 75(3), 75(5), 77(1), 79, 84(1), 84(4)(b), 84(5)(a), 84(5)(b), 87(1), 89, 89(4), 90(1), 92, 94(1), 94(2), 95(1), 95(4), 100(3), 102, 114(1), 173(1)(b), 174(1), 175(2), 176(3), 177(1), 183(2), 185A, 186(1), 187(2), 209(2), 212(3)
Biosecurity Act 2014	53(1), 59, 105(1), 239(2), 239(3), 246(2)(b), 329(1), 365(1), 366(1), 379(1), 379(3), 380(2), 381(3), 381(5)(a), 381(5)(b)
Building Act 1975	37(2), 51(2), 52, 53(2), 55(3), 63, 65(2), 66(2), 67(3), 68(3), 71(8), 71(9), 71(11), 74(2)(b), 80(2), 92(2), 92(5), 93(1), 95(1)(a)(b), 117(2), 206(1), 207(2), 207(3), 221(2)(a), 221(2)(b), 221(3), 221(4), 222(2), 228(2), 231AL(1), 242(1)(b), 242(2), 242(3), 245A, 245B(1), 245B(2), 245B(3), 245C(1), 245C(2), 245E(2), 245E(3), 246AE(2), 246AF(2), 246AG(1), 246AG(5), 246AG(6), 246AG(7), 246X(1), 246X(2), 248(1), 248(2), 248(3), 249(1), 249(2), 256(2)(d), 256(2)(e), 256(2)(f), 256(2)(g), 256(2)(h), 256(2)(i), 256(2)(k), 262(3), 266
Disaster Management Act 2003	29, 31, 37, 57(1), 57(2)(g), 59(1), 60(1)(c), 61
Environmental Protection Act 1994	128(2), 129(2), 130(3), 131(d), 133(1)(b), 134(4), 140(1), 143(2), 145(1), 145(3), 147(3), 150(1)(d), 152(3), 159(2), 159(3), 159(4), 159(5)(b)(i), 159(5)(b)(ii), 159(5)(b)(iii), 160, 161(3), 162(1), 168(2), 168(4), 170(2)(a), 170(2)(b), 171(2)(a), 171(2)(b), 172(2), 173(1), 173(3), 195, 198(2), 198(4), 203(1), 203(2), 204(2), 209(4), 211, 212(2), 212(3), 212A(2), 212A(3), 213(2), 213(3), 214(2), 214(3), 215(1), 215(1)(a), 216, 217, 218, 219(1), 219(3), 220, 221(2)(b), 227A(2), 227A(3), 227A(5), 228(1), 229, 230(2), 233(3), 237(1)(b), 238(3)(a), 238(7), 240(1), 240(2), 240(3), 242(1)(b), 242(3), 247(1), 247(2)(c), 247(3), 248(b), 249, 250C(a), 254(1), 255(1)(b), 255(2), 258(2), 261(2), 264(2)(a), 265, 266(1), 269(a), 269(b)(i), 269(b)(ii), 269(c), 275(a)(ii), 275(b), 278(1), 280(1), 281, 282(1), 282(1)(a), 282(1)(b), 282(3), 283(1), 283(2), 284C, 284F(1)(a)(ii), 284F(1)(b), 287, 292(1), 292(2), 292(3), 295(1), 295(2)(c), 295(4), 296, 299(2), 300, 301(1), 301(2), 304(1), 305(1)(a), 305(1)(b), 305(3), 305(5), 306(1), 306(3), 306(6), 308(2), 310(1), 311, 312, 314(2), 314(3), 314(5), 315(1), 322(1),

Legislation Title	Sections Delegated to CEO
	322(2), 323(1), 323(2), 326B(1), 326B(2), 326F(2), 326G(4), 326G(5), 326G(7), 326G(7)(a), 326G(8), 326H, 326I(2), 326I(3), 332(1), 332(2), 334A(1), 336(1), 336(2), 336(3), 336(4), 336A(1), 337(1), 337(2), 337(2), 338(1), 339(1), 339(2), 340(1), 340(2)(b), 340(2)(c), 340(3), 342(2), 343A(2)(B), 344(3), 344(4), 344A(2), 344A(3), 344B, 344C(1), 344C(2), 352(1), 355(1), 357E(1), 357E(2), 357F, 357J, 358, 359, 445(1)(c), 445(2), 448, 451(1), 454(1), 454(3)(b), 458(2), 463(2), 490, 502A(2), 517(2), 521(2)(a)(ii), 521(5), 521(8), 531(1), 544(1), 568, 620(2), 620(5)(b), 621(1), 621(2), 621(4), 623(2), 626(3)(a), 634(1), 671(2), 697(1), 698(1), 698(2), 698B, 699(4), 699(5), 701(2), 715B(4), 715B(5)
Environmental Protection Regulation 2008	19C, 51(1), 51(2), 52(1), 53(1), 53(2), 58(2), 63(2), 81U(1)b, 81W(1), 81X(1), 81Y(1), 81ZF(1)(b), 81ZF(2), 81ZG(1)(a), 81ZH(1)(a), 81ZH(2)(a), 81ZI(2), 81ZI(2)(a)(i), 81ZI(2)(a)(ii), 81ZJ(2), 81ZK(2)(a), 81ZK(2)(b), 81ZL(1), 81ZL(1)(a), 81ZL(1)(b), 81ZL(4), 81ZM, 81ZQ(1), 81ZR(2)(b), 133, 150(3), 151(2), 153(2)
Fire and Emergency Services Act 1990	105(1) "Prescribed property" paragraph (b), 112(2), 113(6), 117(3), 121(2), 126(1), 134(2), 140, 146(2)
Food Act 2006	55, 56(1), 56(2), 57, 58(a), 58(b), 59(1)(a), 59(1)(b), 60(2), 62(1), 62(2), 62(3), 64, 67, 68(1), 68(2), 69(1)(e), 69(2)(b), 69(3), 71, 72(3), 72(4), 72(5), 73(3), 73(4), 73(5), 74(3), 74(4), 74(5), 74(6), 74(7), 75(1), 78(2), 79(1)(a), 79(2), 80(2), 81, 82(1)(b), 82(2)(a), 82(2)(b), 82(3), 83, 83(2), 83(4), 91(1)(b), 91(2), 92(2), 97(1), 97(2), 97(3), 97(5), 103(1), 103(2), 104, 105(1), 106(2), 107(4), 108(1), 108(2), 108(3), 109(2), 109(2)(a), 109(3), 110(1), 110(2), 110(3), 110(4), 112(4), 112(5), 112(6), 113(1), 114(1), 114(2), 114(3)(c), 115(2), 118(1), 119(2), 120, 121(1)(b), 121(2), 121(3), 238(2), 239, 239(1), 255(1)(b)
Information Privacy Act 2009	29, 33(a), 33(c), 33(c)(i), 34(1), 44(3), 49(2), 50(5)(b), 52(1)(b), 52(2), 53(2), 53(5), 54(5)(b), 55(1), 55(3), 56(1), 56(3)(b), 56(3)(c), 56(3)(d), 56(4), 57(2), 59(2), 60(1), 61(1), 62(3), 63(3), 65(a), 68(1), 69(2), 70, 72(1), 73(1), 74, 76(3)(b), 76(5), 76(5)(b), 81(1), 82(2), 82(3), 87(1), 87(2), 88(1), 88(2), 88(3), 89(c), 90, 91(2), 91(3)(a), 91(3)(b), 94(2), 97(1), 97(2), 97(3), 102(2), 106(1)(b), 112(2), 114(2), 114(3), 115(1), 131(1), 132(1), 157(1), 159(1), 159(3)(b), 172(1), 2(5)(b), 7(3), 10(1)(b), 10(1)(d), 11(1)(c), 11(1)(e), 11(1)(f)(iv)

Legislation Title	Sections Delegated to CEO
Land Act 1994	18(1), 26(2), 31C(1), 31C(3), 31D(1), 31D(2), 31D(3), 34(1), 34(2), 34(3), 34H(1), 34I(1), 34I(3), 34I(4), 38A(1), 38A(2), 38A(3), 38A(4), 38G(1), 47(2), 52(5), 55A(1), 55A(2), 55A(1), 55H, 57(1), 57(2A), 60(1), 64(4), 66(1), 84(1), 94(2), 99(1), 99(3), 99(6), 103(1), 109A(1), 109B(1), 120A(1), 136(5), 164C(1), 164C(2), 164C(7), 164H(1)(b), 169(b)(i), 176(1), 176K(1), 176XA, 177A(1), 177A(2), 179(2), 180A(1), 180A(2), 180A(4), 180H(1), 210, 212B(5), 214A, 240G(1), 240I(4), 327, 327A, 327B, 327C(1), 327C(2), 327C(3), 327I(1), 358(1), 358(2), 360C, 360D(2), 360D(3), 368(2)(a), 481B(1), 481B(4), 481B(5), 481J(1), 492(1), 521ZL(2), 521ZM(2)
Liquor Act 1992	105B(1), 105B(4), 117(2), 117A(2), 173C(1), 173C(2), 173D(6), 173E(1), 173N(4)
Local Government Act 2009	61(1), 61(5), 62 (6), 62(7), 64(4), 65(1), 65(3), 65(4)(a), 65(4)(b), 66(4), 67(1), 67(2), 67(3), 68(4), 69(1), 69(2)c, 69(4), 69(5), 70(3), 70(4), 70(6)(b), 70(7)(a), 71(2), 71(4)(a), 72(1)(b), 72(2), 72(3), 74(2), 75(2), 75(4), 77(1), 77(3)(b), 77(4), 78(4), 78(5), 95(3)(a), 133(3), 133(4), 137(2)(a), 140(1)(a), 140(2), 142(6), 143(1), 146(1), 146(2), 147(3)(a), 176A(2), 176A(3), 198(2), 219(2), 236(1), 262(2), 265A(1)(b)
Local Government Regulation 2012	55(4), 138(3), 140(3), 143(1), 143(2), 149(2), 194(a), 201(2), 225(3), 225(4), 228(8), 228(9), 232(2), 232(4)
Neighbourhood Disputes (Dividing Fences and Trees) Act 2011	88(1)(d), 88(3), 88(4), 88(5A)
Peaceful Assembly Act 1992	4 - definition of "representative" - paragraph (b), 10(2)(b), 11(1), 11(2)(a), 11(4), 11(5), 12(1), 13(1)(a), 13(1)(b), 13(1)c, 13(2), 13(3)
Plumbing & Drainage Act 2002	84(3), 85(3), 85(6), 85(7), 85(8), 85(10), 85A(2), 85C(2)(b)(i), 85C(2)(b)(ii), 85D(2)(b)(i), 85D(2)(b)(ii), 85D(2)(b)(iii), 85E(4)(b), 86(5), 86(6), 86(7), 86(8), 86(9), 86(10), 86(12), 86(13), 86AA(2), 86A(3)(b), 86A(4), 86A(5), 86A(6), 86A(8), 86B(3), 86D(3), 86E(3), 86G(1), 107(1), 115(1), 116(1), 116(2), 117(1), 117(2), 127A, 128, 128OA, 128P(2), 128P(4), 143B, 143C
Public Health Act 2005	14(1), 14(3), 16(a), 17(2), 17(4), 22(2), 24(1), 24(2), 25(1), 27(2)(b), 32(3), 32(4), 36(5), 39(1)(a), 39(1)(c), 57B, 90(4)(a), 333(3), 376(2), 376(3), 377(2), 377(2)(b), 377(3), 378, 378(a), 379(1)(b), 379(2), 380(1), 388(2), 393(2), 407(3), 407(4), 427(1), 440(1), 440(4), 446(1), 446(2), 458(2)

Legislation Title	Sections Delegated to CEO
Public Health (Infection Control for Personal Appearance Services) Act 2003	33, 34, 35(1), 36, 37(1), 38(1), 38(2), 38(3), 39(4), 40(2), 41(1)(c), 41(2)(b), 41(3), 44(4), 44(5), 44(6), 44(7), 45(1), 47(3), 47(4), 47(5), 47(6), 47(7), 48(1), 49(3), 49(4), 49(5), 49(6), 49(7), 50(1), 51(2), 52(1), 52(2), 53(2), 54(1), 54(3), 55(1), 55(3), 55(4), 56(1), 56(2)(a), 56(2)(c)(i), 62(1), 62(2), 62(3), 62(4), 65(3), 68(1)(b), 68(2), 70(1), 70(2), 72(1), 105(1), 105(2), 121(2), 122(1), 122(2), 140(1), 140(2), 147, 153(3), 154(3), 155(2)
Right to Information Act 2009	30(1), 32(1)(b), 32(2), 33(2), 33(3), 33(5), 34(2), 35(1), 35(3), 36(1), 36(2), 36(4), 36(7), 37(1), 37(3)(b), 37(3)(c), 37(4), 38(2), 38(2)(b), 40(2), 41(1), 42(1)(a), 42(1)(a)(ii), 42(6), 43(3), 43(3)(b)(ii), 43(3)(b)(iii), 43(3)(c)(ii), 45(a), 45(b), 47(3), 48(1), 48(3), 49(1), 49(3), 49(5), 50(1), 50(4), 51(1), 51(3), 52(1)(b), 52(2), 54(1), 54(2)(g)(v), 54(2)(g)(vi), 55(2), 64(1), 66(2), 66(3), 68(4), 72(1), 72(2), 73(1), 73(2), 73(3), 74, 75, 76(2), 77(2), 83(1), 83(2), 83(3), 93(1)(b), 99(2), 118, 119, 1(3).
Standard Plumbing & Drainage Regulation 2003	14(6), 14D(3)(c)(ii), 15(1), 15(2), 18(2), 20(2)(a), 22(6), 22(7)(b)(i), 27, 29(1)(b), 29(3), 29A(2), 29B(2), 29B(4)(c), 29B(4)(d), 29B(10), 30(3)(b), 30(4), 32, 34(1), 34(2), 34(3), 34(3)(b), 35(1), 35(2), 35(3), 38(2), 39(1)(d), 39(7)(a), 39(8), 39(9), 41(1)(a), 41(2)(b), 41(3), 44(1)(a), 44(2)(b), 44(3), 45(1), 47(1), 47(2), 52(2), 53(2)(a), 53(3)(a), 54(3)(a), 54(3)(b), 54(3)(c), "Competent person"
State Penalties Enforcement Act 1999	15(1), 23(3)(b), 23(5), 28(1), 28(2)(a), 33(1), 33(2)(b), 57(5), 150(2)(a)(ii), 157(2), 162
Stock Act 1915	19(1), 19(2)
Stock Route Management Act 2002	113(1), 116(2)(c)(i)(B), 116(2)(c)(ii), 117(1), 117(2), 118(1), 118(2), 118(2)(b), 119(1)(b), 121(a), 123(1), 123(2), 124(1)(b), 125(a), 126(1), 127(3), 127(4), 127(5), 128(1), 128(2)(a), 130(1), 135(1), 135(2), 136(1), 136(2), 137(1)(b), 139(a), 141(1), 142(1), 143(3), 143(4), 143(5), 144(1), 144(2)(a), 146(1), 147(2), 148(1), 149(1), 156(1), 161(2), 163(1), 180(1), 180(2)
Sustainable Planning Act 2009	96(1), 96(2), 96(4), 97, 98(4), 223(1), 224, 225, 226, 227(2), 256(1), 261(1)(a)(ii)(A)(B), 262(5)(a), 262(5)(b), 263, 266(1), 267(2), 272(b), 274(2)(b), 276(1), 277(1), 277(3), 280(2)(b), 282(1), 282(2), 284(1), 284(3), 297(1), 302(1)(a), 302(1)(b), 303(2), 303(3), 304(1), 305(3), 313(2), 313(3), 314(2), 314(3), 315(1), 316(4), 317, 318(1), 318(2), 318(4), 324(1), 327(1), 331(6), 334(1), 337(1), 337(2), 348, 350(1)(b), 350(2), 354(1)(b), 354(4), 355(4), 357(2), 362, 363(1), 363(5),

Legislation Title	Sections Delegated to CEO
	364(2), 368(3), 369, 371, 371(d), 371(e), 373(1)(a), 374(1) and (2), 375(1)(a) and (b), 375(5), 376(1), 378(3), 378(7), 378(9), 378(9)(a), 378(9)(b), 381(a) and (b), 383(4), 385(a), 385(b), 387(1), 387(3), 389, 402(4), 402(5)(a), 402(5)(b), 405(1), 405(2) and (3), 405(5), 407(1)(a), 407(1)(b), 408(3)(b)(i), 408(3)(b)(ii), 412(3), 412(4), 412(5), 412(6), 412(9), 413(2)(a), 413(2)(c), 413(3), 456(1), 456(2), 461(1), 462(1), 463(2), 464(2), 465(1), 466(1), 467(1), 479(1), 485(4), 485(9)(c), 485(10)(b)(ii), 487(4), 488, 498(1), 510(3), 512, 513(3), 515(1), 515(4), 520(2), 521(2)(a)(ii), 528, 529(1), 530(1)(a)(ii), 531(1), 537(1), 543(4), 543(5), 544(c), 545(b)(ii), 546(c), 547(3)(b), 560(1), 562(1) and (2), 568, 590(1), 590(9), 591(2), 592(2), 597(1), 601(1)(a), 601(1)(b), 601(1)(c), 626(3)(a), 632(2), 635(2), 639(1)(a) and (b), 642, 643(1), 643(4), 646(2), 647(2), 650, 651(2), 655(3), 657(3), 660(1), 660(3), 660(5)(b), 661(1), 662(3), 662(4), 664(2), 669(2)(b), 674(1), 677(1)(a) and (b), 679(2), 691(8), 695(1), 695(3)(a), 695(3)(b), 709(1), 709(2), 710(1), 710(2)(a), 714(1), 714(2), 715(1), 716(3), 716(5), 741, 746(1), 749(2), 750
Tobacco & Other Smoking Products Act 1998	26ZO(3), 26ZPD(3), 28(2), 28(3)
Transport Infrastructure Act 1994	41, 42(1), 43(1), 253(1), 307(1), 309(1), 358(1), 420(3), 421, 423(1), 424, 426(1)
Transport Operations (Road Use Management) Act 1995	69(1), 69(2), 69(3), 69(4), 74(2), 75(1), 76(1), 100(1)(b)(ii), 100(3), 100(8), 101(1), 102(1)
Waste Reduction and Recycling Act 2011	52(2), 128(3)(c), 175, 176(2), 177(2), 178(1)(a), 178(1)(b), 183(1), 187, 246(1), 246(2), 246(3), 248(1), 249(2), 253(1), 256(1), 260(2), 261, 264(2)(c), 270
Water Supply (Safety & Reliability) Act 2008	20(1), 21(1)(c)(ii), 23(1), 23A(2), 25A(1), 26(2), 26(8), 28(1), 28(4)(b), 33(2), 33(4), 34(2), 35(1), 36(2)(b), 41(1), 41(3), 43(1), 44(1), 44(2), 44(3), 44(4), 45(1), 45(2), 52(1), 52(3), 54(1), 54(2), 54(3), 54(5), 57(2), 58(1), 58(2), 59(2), 60(1), 60(2), 61(1), 95(1), 99A, 100(2), 102(2), 102(3), 102A(2), 103(2), 107(2)(b), 115(3), 142(2)(a), 142(2)(b), 142C(2), 145(1), 146(1), 149(1), 166(3), 167(2), 168(1), 168(2)(c), 169(1), 169(2), 180(1), 180(2), 180(3), 180(4), 180(5), 181(1), 182, 183(1), 183(2), 183(3), 183(4), 184(1), 184(2), 184(3), 185(2), 191, 192(1), 192(2), 193(1), 193(3), 195(1), 195(2), 196AA(1), 196AD(1), 196AE(1), 202(1), 203(1)(b), 208(2), 208(5), 209(1), 212(2), 212(3), 215(1), 215(3), 215(7), 230(2), 230(4), 230(6)(b), 230(9), 237(1), 238(1)(b), 242(2), 242(3), 259(2)(b), 259(4), 259(6), 270(2), 270(4), 271(2), 271(4), 303(3)(e),

Legislation Title	Sections Delegated to CEO
	306(1), 307(2), 333(2), 352F, 359(3), 359(4), 352G(1), 352G(4), 352P(2)(c), 352P, 352S(2), 352T(2), 352T(2)(b), 352T(3)(a), 352T(3)(b), 352U(3), 353(3), 354(3)(b), 356(4), 371C, 371H(2), 371(2), 373, 374(2), 375, 378, 379, 379(2), 379(3), 381(1), 381(3), 383(2), 383(2)(b), 384(3), 391(3), 392, 446(2), 463(1)(d), 476(1), 512(1), 513(3), 517(1), 524(2), 526, 573
Work Health & Safety Act 2011	38(1), 38(4)(b), 52(1), 52(4), 53(1), 53(2), 54(1), 55(3), 56(3), 57(1), 57(2), 58(1), 71(5), 73(1), 73(2), 76(1), 76 (5), 77(c), 82(2), 87, 89, 141, 224, 229

INSTRUMENT OF DELEGATION

South Burnett Regional Council *Biosecurity Act 2014*

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

Biosecurity Act 2014 ("BIOA")**CHAPTER 3 – MATTERS RELATING TO LOCAL GOVERNMENTS****Part 2 Biosecurity Plans for Local Government Areas**

Entity power given to	Section of BIOA	Description
Local Government	53(1)	Power to prepare a biosecurity plan.

Part 3 Land Protection Fund

Entity power given to	Section of BIOA	Description
Local Government	59	Power to consult with the Chief Executive about suitability and priority of the activities.

CHAPTER 5 – CODES OF PRACTICE AND GUIDELINES**Part 1 Codes of Practice**

Entity power given to	Section of BIOA	Description
Relevant entity	105(1)	Power to consult with chief executive.

Part 3 Consultation and Notification

Entity power given to	Section of BIOA	Description
CEO	235(1)(c)	Power to form agreement about a program authorisation.
Local Government	239(2)	Power to consult with: <ul style="list-style-type: none"> (a) the chief executive; and (b) an invasive animal board – <ul style="list-style-type: none"> (i) with an operational area in or adjoining the local government's area; and (ii) responsible for the management of an invasive animal that is biosecurity matter to which the program applies.
Local Government	239(3)	Power to consult with an invasive animal board.

CHAPTER 10 – APPOINTMENT AND POWERS OF OFFICERS**Part 1 General Matters About Inspectors and Authorised Persons****Division 2 - Appointment of Authorised Person**

Entity power given to	Section of BIOA	Description
CEO	246(2)	Power to appoint persons the following as authorised persons:

		(a) an employee of the local government; (b) if another local government consents—an employee of the other local government; (c) another person who has entered into a contract, or is employed by an entity that has entered into a contract, with the local government to perform a function under this Act.
Local Government	246(2)(b)	Power to consent to an employee of the local government to be appointed as an authorised person.
CEO	246(3)	Power to appoint an authorised person.
CEO	246(5)	Power to be satisfied a person is appropriately qualified.

Part 4 Other Authorised Officers' Powers and Related Matters

Entity power given to	Section of BIOA	Description
Administrator for a relevant entity (CEO)	310(1)	In the circumstances in subsection (1) and subject to subsection (2), power to decide a seized thing is forfeited.
Administrator for a relevant entity (CEO)	310(1)(a)	Power to make reasonable enquires to find the owner of a thing seized.
Administrator for a relevant entity (CEO)	310(1)(b)	Power to make reasonable efforts to return a thing seized to the owner.
Administrator for a relevant entity (CEO)	310(1)(c)	Power to: (i) reasonably consider that, because of the thing's inherent nature or condition, the return of the thing is likely to result in a recurrence of the biosecurity risk in relation to which the thing was seized; or (ii) at the end of 6 months, reasonably believes that the return of the thing is likely to result in a recurrence of the biosecurity risk in relation to which the thing was seized.
Administrator for a relevant entity (CEO)	310(1)(d)	Power to form a reasonable belief that it is necessary to keep a thing to prevent it from being used to commit the offence for which it was seized.
Administrator for a relevant entity (CEO)	312(2)	Power to give an information notice.

Subdivision 5 - Dealing with Property Forfeited or Transferred to the Relevant Entity or the State

Entity power given to	Section of BIOA	Description
Relevant Administrator (CEO)	317(2)	Power to deal with a thing as considered appropriate.
Relevant Administrator (CEO)	317(4)	Power to return proceeds of the sale of a thing forfeited to the owner of the thing.

Part 5 Provisions Relating to Designated Officers**Division 1 – Identity Cards**

Entity power given to	Section of BIOA	Description
Administering Executive – Local Government	329(1)	Power to issue an identity card.

CHAPTER 12 – EVIDENCE, LEGAL PROCEEDINGS AND REVIEWS**Part 3 Reviews****Division 1 – Internal Reviews**

Entity power given to	Section of BIOA	Description
Administering Executive – Local Government	365(1)	Power to conduct an internal review and make a decision.
Administering Executive – Local Government	366(1)	Power to give a notice of the decision to the applicant.

CHAPTER 13 – BIOSECURITY ORDERS AND INJUNCTIONS**Part 1 Biosecurity Orders****Division 1 – General Matters About Biosecurity Orders**

Entity power given to	Section of BIOA	Description
CEO	378(2)	Power to approve a biosecurity order.
Administering Executive – Local Government	379(1)	Power to keep a register of all biosecurity orders of an authorised officer.
Administering Executive – Local Government	379(3)	Power to be satisfied about the matters referred to in subsection (3) and power to remove an order.

Division 2 – Recovery of Costs and Expenses

Entity power given to	Section of BIOA	Description
Issuing Authority - Local Government	380(2)	Power to give notice of the amount of the debt.
Local	381(3)	Power to register a charge (for an unpaid amount) over the land.

Government		
Local Government	381(5)(a)	Power to lodge a request to release the charge over the land.
Local Government	381(5)(b)	Power to lodge a signed certificate stating the unpaid amount has been paid.

Part 2 Injunctions

CEO	386(1)	Power to apply for an injunction.
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CHAPTER 18 – MISCELLANEOUS

Entity power given to	Section of BIOA	Description
Administrator (CEO)	494(2)	Power to be satisfied about matters set out in subsection (2).

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.

[2016 07 01 - BIOA - Delegation Instrument - South Burnett]

INSTRUMENT OF DELEGATION

South Burnett Regional Council ***Local Government 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

Local Government Act 2009 ("LOGA")

CHAPTER 5 - MONITORING AND ENFORCING THE LOCAL GOVERNMENT ACTS

Part 2 - The public

Division 2 - Powers of other persons

Entity power given to	Section of LOGA	Description
Local government	138(4)	Power to authorise a local government worker.

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.
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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.

INSTRUMENT OF DELEGATION

South Burnett Regional Council ***Local Government Regulation 2012***

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.

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Schedule 1

Local Government Regulation 2012 ("LOGR")**CHAPTER 3 – THE BUSINESS OF LOCAL GOVERNMENTS****Part 2 - Business Reform, Including Competitive Neutrality****Division 7 – Competitive neutrality complaints****Subdivision 2 – Complaint process**

Entity power given to	Section of LOGR	Description
Local government	55(4)	Power to , within seven (7) days after making the resolution, give notice of the resolution to: <ul style="list-style-type: none"> (a) The complainant; and (b) The QCA; and (c) If a corporatised business entity is conducting the business activity—the corporatised business entity.

CHAPTER 4 – RATES AND CHARGES**Part 5 - Differential General Rates****Division 2 – Entering land to categorise land**

Entity power given to	Section of LOGR	Description
CEO	83(1)	Power to appoint a qualified person as a categorisation officer for this division.
Local Government	83(2)(b)	Power to authorise a person for the purpose of this division.
CEO	84(1)	Power to give a categorisation officer an identity card.

Division 4 – Objecting to rates category

Entity power given to	Section of LOGR	Description
CEO	91(2)	Power to consider the objection and decide: <ul style="list-style-type: none"> (a) to change the rating category for the land: <ul style="list-style-type: none"> (i) to the rating category to which the owner claims in the objection notice the land should belong; or (ii) to another rating category; or (b) not to allow the objection.
CEO	91(3)	Power to give the owner notice of the decision and the reasons for the decision.

Part 12 - Overdue Rates and Charges**Division 3 – Selling or acquiring land for overdue rates or charges****Subdivision 2 – Selling land for overdue rates or charges**

Entity power given to	Section of LOGR	Description
Local government	138(3)	Power to give the State or government entity that has the interest in the land under the State encumbrance a notice of the local government's intention to sell the land, before the local government sells the land.
Local government	140(3)	In certain circumstances, power to give all interested parties a notice of intention to sell the land.
Local government	143(1)	Power to set a reserve price for the auction.
Local government	143(2)	In certain circumstances, power to enter into negotiations with the highest bidder at auction to sell the land by agreement.

Subdivision 3 – Acquiring land for overdue rates or charges

Entity power given to	Section of LOGR	Description
Local government	149(2)	In certain circumstances, power to, as soon as practicable, give all interested parties a notice of intention to acquire the land.

Part 13 - Land Record of Local Government**Division 1 – Land record**

Entity power given to	Section of LOGR	Description
CEO	156(2)	In certain circumstances, power to, as soon as practicable, give the ratepayer an information notice about the amendment.

CHAPTER 5 – FINANCIAL PLANNING AND ACCOUNTABILITY**Part 5 - Community Grants**

Entity power given to	Section of LOGR	Description
Local government	194(a)	Power to be satisfied: (a) the grant will be used for a purpose that is in the public interest; and (b) the community organisation meets the criteria stated in the local government's community grants policy.

Part 8 - Local Government Funds and Accounts**Division 1 – Trust Fund**

Entity power given to	Section of LOGR	Description
Local government	201(2)	In certain circumstances, power to transfer money from a trust fund.

Part 9 - Accounting Records

Entity power given to	Section of LOGR	Description
CEO	204(2)	Power to present the financial report: (a) if the local government meets less frequently than monthly—at each meeting of the local government; or (b) otherwise—at a meeting of the local government once a month.
CEO	205(1)	Power to present the local government's annual budget meeting with a statement of estimated financial position.

CHAPTER 6 – CONTRACTING**Part 3 - Default Contracting Procedures****Division 2 – Entering into particular contracts**

Entity power given to	Section of LOGR	Description
Local government	225(3)	Power to not accept any of the quotes received.
Local government	225(4)	Power to decide to accept a quote.
Local government	225(4)	Power to decide which quote is most advantageous to Council, having regard to the sound contracting principles.
Local government	228(8)	Power to decide not to accept any tenders received.
Local government	228(9)	Power to decide to accept a tender.
Local government	228(9)	Power to decide which tender is most advantageous to Council, having regard to the sound contracting principles.

Division 3 – Exceptions for medium-sized and large-sized contractual arrangements

Entity power given to	Section of LOGR	Description
Local government	232(2)	In certain circumstances, power to enter into the contract without first inviting written quotes or tenders.
Local government	232(4)	In certain circumstances, power to invite suppliers to tender to be on a register of pre-qualified suppliers.

CHAPTER 8 – ADMINISTRATION**Part 3 - Local Government Employees****Division 1 – Disciplinary action against local government employees**

Entity power given to	Section of LOGR	Description
CEO	279	Power to be satisfied that that the employee has: (a) failed to perform their responsibilities under the Act; or (b) failed to perform a responsibility under the Act in accordance with the local government principles; or (c) taken action under the Act in a way that is not consistent with the local government principles.
CEO	282(1)	Power to be satisfied, on reasonable grounds, that a local government employee will be subject to disciplinary action.
CEO	282(1)	Power to suspend the employee from duty.
CEO	283(1)	Power to give the employee: (a) written notice of the following: (i) the disciplinary action to be taken; (ii) the grounds on which the disciplinary action is taken; (iii) the particulars of conduct claimed to support the grounds; and (b) a reasonable opportunity to respond to the information contained in the written notice.

Part 5 - Register of Interests**Division 1 – Disciplinary action against local government employees**

Entity power given to	Section of LOGR	Description
CEO	296	In certain circumstances, the power to inform the informed person.

CHAPTER 9 – OTHER PROVISIONS**Part 3 - Delegation of Powers**

Entity power given to	Section of LOGR	Description
CEO	305(2)	Power to consider it appropriate to include other information in the register.

Part 6 - Reporting missing local government property

Entity power given to	Section of LOGR	Description
CEO	307A(1)(b)	Power to form reasonable suspicion that there has been a reportable loss of an asset belonging to the local government.
CEO	307A(3)	Power to be satisfied the material loss is also a reportable loss and power to advise the person specified in subsection (3) as soon as practicable but not more than 6 months after the CEO becomes aware of the loss.

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.

INSTRUMENT OF DELEGATION

South Burnett Regional Council ***State Penalties Enforcement Act 1999***

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

State Penalties Enforcement Act 1999 ("SPEA")**Part 3 - Infringement Notices****Division 1 - Service of infringement notices**

Entity power given to	Section of SPEA	Description
Administering Authority	15(1)	Power to approve the form of the infringement notice.

Division 3 - Obligations and options under infringement notices

Entity power given to	Section of SPEA	Description
Administering Authority	23(3)(b)	Power to approve of an acceptable way, other than the approved form, of making an application for payment of fine through instalments.
Administering Authority	23(5)	In certain circumstances, power to approve application.

Division 4 - Withdrawal and re-issue of infringement notice

Entity power given to	Section of SPEA	Description
Administering Authority	28(1)	Power to withdraw an infringement notice at any time before the fine is paid or discharged under this Act.
Administering Authority	28(2)(a)	Power to serve on the alleged offender a withdrawal notice in the approved form.

Part 4 - Enforcement orders**Division 1 - Default commences enforcement process**

Entity power given to	Section of SPEA	Description
Administering Authority	33(1)	Power to give to SPER for registration a default certificate for the relevant infringement notice offence.
Administering Authority	33(2)(b)	Power to approve of an acceptable way, other than the approved form, for how an election may be made.

Division 6 - Cancellation of certain enforcement orders

Entity power given to	Section of SPEA	Description
Administering Authority	57(5) ¹	Power to: (a) start a proceeding against an applicant for the offence; or (b) accept payment of the fine in full as stated in the

¹ The procedure for initiating proceedings is under the *Justices Act 1886*.

		(c) infringement notice for the offence; or issue a fresh infringement notice for the offence.
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Part 9 - Miscellaneous

Division 2 - Other enforcement related provisions

Entity power given to	Section of SPEA	Description
Administering Authority	150(2)(a) (ii)	Power to determine an acceptable way of taking payment.
Administering Authority	157(2)	Power to sign a certificate for evidentiary purposes.

Division 3 - General

Entity power given to	Section of SPEA	Description
Administering Authority	162	Power to approve forms for use as infringement notices.

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.

INSTRUMENT OF DELEGATION

South Burnett Regional Council ***Stock Route Management Act 2002***

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

Stock Route Management Act 2002 ("SRMA")**CHAPTER 3 - STOCK ROUTE NETWORK MANAGEMENT****Part 3 - Stock Route Network Management Plans**

Entity power given to	Section of SRMA	Description
CEO	113(1)	Power to consider when it is appropriate for Council to review, or renew, its stock route network management plan.
Local government	113(1)	Power to review, or renew, stock route network management plan.

Part 4 - Stock Route Agistment Permits**Division 1 - Obtaining Permits**

Entity power given to	Section of SRMA	Description
Issuing entity	116(2)(c)(i)(B)	In the specified circumstances, the power to be satisfied that the relevant land contains more pasture and water than is needed for the use of travelling stock.
Issuing entity	116(2)(c)(ii)	In the specified circumstances, the power to give notice that a person may apply for a permit for the land.
Issuing entity	117(1)	Power to, by written notice, ask an applicant to give further reasonable information or documents about the application by the reasonable date stated in the notice.
Issuing entity	117(2)	Power to refuse an application if an applicant does not give the information or documents by the stated day, without reasonable excuse.
Issuing entity	118(1)	Power to consider and decide whether to grant or refuse an application.
Issuing entity	118(2)	In the specified circumstances, the power to grant an application.
Issuing entity	118(2)(b)	Power to be satisfied that the specified criteria applies.
Issuing entity	119(1)(b)	In the specified circumstances, the power to give an applicant a review notice about the decision.
Issuing entity	121(a)	In the specified circumstances, the power to give an applicant a review notice about the decision.

Division 2 - Renewing Permits

Entity power given to	Section of SRMA	Description
Issuing entity	123(1)	Power to consider and decide whether to grant or refuse an application.
Issuing entity	123(2)	Power to be satisfied that there is enough pasture and water available on the land for the continued agistment and the use of travelling stock.
Issuing entity	124(1)(b)	In the specified circumstances, the power to give an applicant a review notice about the decision.
Issuing entity	125(a)	In the specified circumstances, the power to give an applicant a review notice about the decision.

Division 3 - Conditions of Permits

Entity power given to	Section of SRMA	Description
Issuing entity	126(1)	Power to impose on a stock route agistment permit the reasonable conditions it decides.
Issuing entity	127(3)	Power to consider and decide whether to grant or refuse an application.
Issuing entity	127(4)	In the specified circumstances, the power to give a holder written notice of the amended conditions.
Issuing entity	127(5)	In the specified circumstances, the power to give a holder a review notice about the decision.

Division 4 - Cancellation of Permits

Entity power given to	Section of SRMA	Description
Issuing entity	128(1)	Power to cancel a stock route agistment permit if satisfied the specified criteria applies.
Issuing entity	128(2)(a)	In the specified circumstances, the power to give a permit holder a written notice.

Division 6 - Replacing Permits

Entity power given to	Section of SRMA	Description
Issuing entity	130(1)	Power to, by written notice, require the holder of a stock route agistment permit to return the permit, within a stated reasonable period, for amendment under a decision made under section 127(4) or 129(2)(b)(ii) to (iv).

Part 5 - Stock Route Travel Permits**Division 2 - Obtaining Permits**

Entity power given to	Section of SRMA	Description
Issuing entity	135(1)	Power to, by written notice, ask an applicant to give further reasonable information or documents about an application by the reasonable date stated in the notice.
Issuing entity	135(2)	Power to refuse an application for a stock route travel permit if an applicant does not give the information or documents by the stated day, without reasonable excuse.
Issuing entity	136(1)	Power to consider and decide whether to grant or refuse an application.
Issuing entity	136(2)	Power to be satisfied that the specified criteria applies.
Issuing entity	137(1)(b)	In the specified circumstances, the power to give an applicant a review notice about the decision.
Issuing entity	139(a)	In the specified circumstances, the power to give an applicant a review notice about the decision.

Division 3 - Notice of Correct Particulars

Entity power given to	Section of SRMA	Description
Issuing entity	141(1)	In the specified circumstances, the power to, by written notice, require the holder to return the stock route travel permit.

Division 4 - Conditions of Permits

Entity power given to	Section of SRMA	Description
Issuing entity	142(1)	Power to impose on a stock route travel permit the reasonable conditions it decides.
Issuing entity	143(3)	Power to consider and decide whether to grant or refuse an application.
Issuing entity	143(4)	In the specified circumstances, the power to give a holder written notice of the amended conditions.
Issuing entity	143(5)	In the specified circumstances, the power to give a holder a review notice about the decision.

Division 5 - Cancellation of Permits

Entity power given to	Section of SRMA	Description
Issuing entity	144(1)	Power to cancel a stock route travel permit if satisfied the specified criteria applies.
Issuing entity	144(2)(a)	In the specified circumstances, the power to give a permit holder written notice.

Division 7 - Miscellaneous Provisions

Entity power given to	Section of SRMA	Description
Issuing entity	146(1)	Power to, by written notice, require the holder of a stock route travel permit to return the permit within a stated reasonable period for amendment under a decision made under section 143(4) or 145(2)(b)(ii) to (iv).
Local Government	147(2)	Power to authorise inspections to calculate the rate of travel of stock.

Part 6 - Fencing Stock Routes

Entity power given to	Section of SRMA	Description
Local Government	148(1)	Power to consider whether it is necessary to build a stock-proof fence on the boundary of land adjoining a stock route network in order to protect or improve the stock route network.
Local Government	149(1)	In the specified circumstances, the power to, by written notice (a fencing notice) given to a land owner, require the land owner to build a stock-proof fence on the boundary of the land to prevent stock on the land entering a part of the stock route network.
CEO	152(2)	In the specified circumstances, the power to enter an owner's land at any reasonable time to build or complete the building of the fence, or do anything necessary to make the fence stock-proof.

CEO	152(3)	In the specified circumstances, the power to give an owner at least 7 days written notice.
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Part 7 - Other Provisions about Stock Route Network Management

Division 1 - Mustering Stock

Entity power given to	Section of SRMA	Description
CEO	155	Power to form a reasonable belief that it is necessary to muster stock on relevant land in Council's area to monitor compliance with: (a) a stock route agistment permit; or (b) a stock route travel permit.
Local Government	156(1)	In the specified circumstances, the power to, by written notice (a mustering notice) given to a permit holder, require the permit holder to muster the permit holder's stock on the land.
CEO	158(1)	In the specified circumstances, the power to enter land at any reasonable time and muster the stock.
CEO	158(2)(b)	In the specified circumstances, the power to give a landowner at least 24 hours written notice of the intended entry.

Division 2 - Pasture on the Stock Route Network

Entity power given to	Section of SRMA	Description
CEO	161(1)	Power to form a reasonable belief that, because of the number of stock on land within which a part of the stock route network in Council's area is fenced or otherwise enclosed, sufficient pasture will not be available for travelling stock on the network.
Local Government	161(2)	Power to, by written notice given to a landowner, require the owner to reduce the number of stock on the land.

Division 3 - Travelling Stock Facilities and Water Facility Agreement

Entity power given to	Section of SRMA	Description
Local Government	163(1)	Power to enter into an agreement (a water facility agreement) with the chief executive and a landowner about any of the specified matters.

Division 4 - Stray Stock

Entity power given to	Section of SRMA	Description
CEO	167	Power to: (a) reasonably suspect stock found on the stock route network in Council's area are stray stock; (b) seize the stock.
CEO	168(1)	Power to give the owner of seized stock written notice of the seizure.
CEO	169	Power to be satisfied that a person is entitled to possession of the stock.
CEO	170(2)	In the specified circumstances, the power to sell stock by public auction or tender.
CEO	170(3)	In the specified circumstances, the power to dispose of stock in a way

		considered appropriate.
CEO	172(1)	Power to form a reasonable belief that: (a) stock found on the stock route network in Council's area are stray stock; and (b) it is not practicable to seize the stock under section 167; and (c) it is necessary to destroy the stock in the interests of public safety.
CEO	172(2)	In the specified circumstances, the power to destroy the stock in a way considered appropriate.

Part 8 - Other Offences about the Stock Route Network

Entity power given to	Section of SRMA	Description
Local Government	180(1)	Power to consent to the burning of pasture on a stock route network within Council's area.
Local Government	180(2)	Power to consent to the removal of pasture on a stock route network within Council's area.

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.

[2016 07 01 - SRMA - 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 Act")**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	56(3)	Power to ask the regulator to appoint an inspector.

the 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	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 business or undertaking	77(c)	Power to agree upon the functions of a health and safety committee.

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.

Financial and Resource Implications

Delegated authority must be appropriately granted and periodically reviewed to ensure that any expenditure incurred by staff acting on Council's behalf is legislatively compliant.

Link to Corporate/Operational Plan

Corporate Plan: EXC2.2 Ensure document management systems and practices cover the full range of Council's activities and are compliant with statutory requirements.

Communication/Consultation (Internal/External)

The Chief Executive Officer, General Managers and Managers have been consulted in regards to the review of delegations required under section 257.

Legal Implications (Statutory Basis, Legal Risks)

The report has been provided in compliance with section 257 of the *Local Government Act 2009* requiring Council to review annually its delegations to the Chief Executive Officer.

Policy/Local Law/Delegation Implications

Council's Staff Code of Conduct requires all employees to ensure that appropriate delegated authority is in place prior to undertaking any action, or exercising any power, that requires a delegation under State legislation.

Asset Management Implications

No direct asset management implications arise from this report.

4.2.2 G - 1645043 - LGAQ Annual Conference Motions**Document Information**

IR No 1645043
Author Chief Executive Officer
Date 9 August 2016

Précis

This report is seeking the approval of motions to be submitted to the LGAQ Annual Conference

Summary

The LGAQ is seeking motions from Council's for the LGAQ Annual Conference and these are required to be submitted by Friday 26 August 2016. This subsequently requires a resolution by Council to approve the submission of the motions to the Annual Conference.

Both the North and South Burnett Regional Councils have expressed concern at the difficulty that heavy transport, in particular B-Doubles have in accessing local roads within our region. This is having significant economic impact on some of our business and is a detriment to attracting new business.

Meetings have been held with the National Heavy Vehicle Regulator, Department of Main Roads, Local Government Association by both Councils to look at ways to make the permit system more flexible.

One option proposed is to put some motions to the LGAQ Annual Conference to try to gain state wide support for changes to the current permit system.

Officer's Recommendation

That Council consider the motion as submitted for approval to be provided to the LGAQ Annual Conference

Submitting council / organisation South Burnett Regional Council	
Date of council / organisation resolution 17 August 2016	LGAQ Policy Executive district Wide Bay
Number and title of motion	1. Road Management – Improvements to the National Heavy Vehicle Regulator through a review of the legislation in relation to the assessment process and risk devolved to Local Government
Motion	That the Local Government Association of Queensland call for continued improvement to the National Heavy Vehicle Regulator processes through a review of the legislation
Background	The National Heavy Vehicle Regulator (NHVR) is Australia's first national,

	<p>independent regulator for all vehicles over 4.5t gross vehicle mass (gvm) and all fatigue-regulated heavy vehicles over 12t gvm. On 10 February 2014, the NHVR commenced administration of the Heavy Vehicle National Law Act 2012 (HVNL) – a single law for heavy vehicles that came into effect in the Australian Capital Territory, New South Wales, Queensland, South Australia, Tasmania and Victoria.</p> <p>The NHVR is intended to provide a single-point-of-contact for Australia's heavy vehicle road transport industry. The expected benefits of the NHVR and associated legislation are: minimised compliance burden; reduction in duplication and inconsistency across state and territory borders; and ultimately improved safety and productivity. This approach is supported by local government.</p> <p>The HVNL sets out the specific roles of regulator (NHVR), road authority (state government) and road manager (local government and, for state-controlled roads, the state government), each with distinct responsibilities. Under the NHVR, councils are required to assess access permit applications and recommend which vehicles may access the local road network and the conditions under which they will operate.</p>
<p>What is the desired outcome sought?</p> <p>What are the impacts (positive or negative) on local government?</p>	<p>That the NHVR enter into further discussions with local government to address issues and improve its processes and provide greater support.</p> <ul style="list-style-type: none"> • Further consultation between all levels of government will assist in identifying and resolving issues including: • Improvements to procedures to process and coordinate assessment of applications between all levels of government • Identification of resourcing and system implications for local government • Review the fee structure for access permit applications • Necessary support and assistance for local government to undertake the requirements of the NHVR. <p>Improvements to NHVR processes will help local government contribute effectively and efficiently to achieving the benefits intended for the heavy vehicle road transport industry.</p>
LGAQ comment	

Submitting council / organisation South Burnett Regional Council	
Date of council / organisation resolution 17 August 2016	LGAQ Policy Executive district Wide Bay
Number and title of motion	2. Road Management – Improvements to the National Heavy Vehicle Regulator Processes to provide additional access for Higher Productivity Vehicles
Motion	That the Local Government Association of Queensland investigate improvements to the National Heavy Vehicle Regulator's processes to provide opportunities for additional access for Higher Productivity Vehicles to utilise more of the road network
Background	There are opportunities to investigate the feasibility and economic benefits of increasing "pre-approved" and "as of right" access in certain areas for restricted access vehicles.

	<p>Modern higher productivity vehicles can take various forms, dimensions, masses and configurations. There are currently limited guidelines and assessment tools that assist road managers to make risk based engineering assessments that allow for the expansion of the restricted access vehicle road networks in a structured, whole of network approach beyond the existing approved higher order State or national Highways.</p> <p>Road managers require further assistance to undertake these assessments in order to make progress towards providing an expanded restricted access vehicle network on local government managed roads.</p>
<p>What is the desired outcome sought?</p> <p>What are the impacts (positive or negative) on local government?</p>	<p>Improved freight movements and less regulation associated with Restricted Access Vehicle approvals</p> <ul style="list-style-type: none"> • Further consultation between all levels of government will assist in identifying and resolving issues including: • Improvements to procedures to process and coordinate assessment of applications between all levels of government • Identification of resourcing and system implications for local government • Removal of the fee structure for access permit applications for Higher productivity Vehicles. <p>Improvements to NHVR processes will help local government contribute effectively and efficiently to achieving the benefits intended for the heavy vehicle road transport industry.</p>
<p>LGAQ comment</p>	

Financial and Resource Implications

The motion sought if approved by Council and endorsed by the LGAQ and agreed to by the Regulator could provide some reduction in costs for Council to process applications.

Link to Corporate/Operational Plan

EXC4.1 A governance framework that delivers sound organisational management

Communication/Consultation (Internal/External)

Consultation has been held with NHVR, LGAQ, local industries, North Burnett Regional Council

Legal Implications (Statutory Basis, Legal Risks)

Legal risks would be considered if motions are approved as part of the investigation into changes to the legislation.

Policy/Local Law/Delegation Implications

N/A

Asset Management Implications

N/A

5. Portfolio - Roads & Drainage

5.1 Roads & Drainage Portfolio Report

Document Information

IR No 1643833

Author Cr Gavin Jones

Date 15 August 2016

Précis

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.

6. Portfolio - Community & Health Services & The Arts

6.1 Community and Health Services and the Arts Portfolio Report

Document Information

IR No 1643553

Author Cr Danita Potter

Date 15 August 2016

Précis

Community and Health Services and the Arts Portfolio Report

Summary

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

Officer's Recommendation

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

6.2 Community Services (CS)

Officer's Reports

6.2.1 C - 1644095 - Minutes of the Mayor's Community Benefit Fund Assessment Committee Meeting held on Thursday 4 August 2016

Document Information

IR No 1644095

Author Community Development/ Grants Officer

**Endorsed
By General Manager Corporate Services**

Date 9 August 2016

Précis

Minutes of the Mayor's Community Benefit Fund Assessment Committee Meeting held on Thursday 4 August 2016.

Summary

Providing a copy of the Minutes of the Mayor's Community Benefit Assessment Committee Meeting held in the South Burnett Regional Council Committee Room on Thursday 4 August 2016.

Officer's Recommendation

That Council endorse the attached minutes and recommendations of the Mayor's Community Benefit Assessment Committee Meeting held on Thursday 4 August 2016.



Minutes

Of the

Mayor's Community Benefit Fund Assessment Committee

Held in the Committee Room, 45 Glendon Street Kingaroy

on 4 August 2016

Commencing at 5.41pm

Manager - Social & Corporate Performance: Carolyn Knudsen



Mayor's Community Benefit Fund Assessment Committee Minutes

ORDER OF BUSINESS:

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1.3	Vote of Thanks to Past Chair	2
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Minutes of the meeting of the Mayor's Community Benefit Fund Assessment Committee, held in the South Burnett Regional Council Committee Room, Glendon Street, Kingaroy on Thursday 4 August 2016 at 5.41pm

Present

Cr Ros Heit (Chair), Marie Shaw, Scott McLennan, Carolyn Knudsen (Manager Social & Corporate Performance), Lynelle Paterson (Minutes)

1. AGENDA ITEMS

1.1 Welcome

Cr Ros Heit welcomed all Committee Members to the meeting.

1.2 Apologies

Apologies were received from the following Committee members:

Lesley Dennien, Rod Morgan, Cheryl Dalton, Mark Huston

Resolution:

Moved Marie Shaw, seconded Scott McLennan

That the apologies be received.

Carried 3/0

1.3 Vote of Thanks to Past Chair

Cr Ros Heit requested that the vote of thanks to the Past Chair (Cheryl Dalton) be held over to the next meeting.

1.4 Confirmation of Minutes of Previous Meeting

Resolution:

Moved Scott McLennan, seconded Marie Shaw

That the minutes of the previous meeting held on Tuesday 8 March 2016 as recorded be confirmed.

Carried 3/0

1.5 Business Arising Out of Minutes

Cultural Care Network

Resolution:

Moved Cr Ros Heit, seconded Marie Shaw

That

- *the motion to approve the funding of \$10,000 to Cultural Care Network on 8 March 2016 be rescinded given that the application was submitted in the August round of 2015 and due to subsequent delays in process; and*
- *the committee encourage the applicant to submit an updated application in the next round reflecting the organisation's circumstances at that time.*

Carried 3/0

1.6 Correspondence

Rod Morgan – Forwarding apology and providing comments on the applications

Mark Huston – Forwarding apology

It was noted that Lesley Dennien & Cheryl Dalton provided verbal assessments on applications to the Manager Social & Corporate Performance.

Resolution:

Moved Cr Ros Heit, seconded Marie Shaw

That the correspondence be received.

Carried 3/0

1.7 Review of Round One Applications

Council has received eleven (11) applications for Round One (1) 2016/17 with a total amount requested of \$38,132.34.

Organisation: Queensland Dairy & Heritage Museum Inc.

Description of Project: Heritage Working Day

Cost: \$1,430.00

Organisation: Kingaroy Men's Shed

Description of Project: Provide tools for the Men's Shed

Cost: \$3,000

Organisation: Murgon Men's Shed

Description of Project: Rail Trail Opening Murgon

Cost: \$1,430

Organisation: Nanango Community Men's Shed
Description of Project: Purchase tools for Men's Shed
Cost: \$1,199

Organisation: Murgon Bowls Club
Description of Project: Disabled Toilet for Community Use
Cost: \$2,000

Organisation: Nanango Theatre Company
Description of Project: Barbershop Quartet
Cost: \$3,000

Resolution:

Moved Marie Shaw, seconded Scott McLennan

That the applications from Queensland Dairy & Heritage Museum Inc., Kingaroy Men's Shed, Murgon Men's Shed, Nanango Community Men's Shed, Murgon Bowls Club and Nanango Theatre Company not be approved as the committee believe that they are outside the funding round criteria.

Carried 3/0

Organisation: Kingaroy Kindergarten Association Inc.
Description of Project: Paint a 31m long on pathway in front of the Kindergarten
Cost: \$456.34

Resolution:

Moved Scott McLennan, seconded Cr Ros Heit

That Funding of \$260 be approved for 'Painting a 31m long mural' for purchase of paint and supplies excluding the purchase of the Karcher Pressure Cleaner subject to the following conditions:-

- 1. The Committee request the successful applicants make themselves available to attend a special function to receive the funds*
- 2. Financial (receipt of payment invoices and payments of the accounts) and photographic evidence*
- 3. Evidence of overall community benefit*
- 4. Acknowledgement of South Burnett Regional Council support*

Carried 3/0

Organisation: Nanango & District Kindergarten
Description of Project: Banners & Sign
Cost: \$547

Resolution:

Moved Marie Shaw, seconded Scott McLennan

That Funding of \$547 be approved for 'Banners & Sign' subject to the following conditions:-

- 1. The Committee request the successful applicants make themselves available to attend a special function to receive the funds*
- 2. Financial (receipt of payment invoices and payments of the accounts) and photographic evidence*
- 3. Evidence of overall community benefit*
- 4. Acknowledgement of South Burnett Regional Council support*

Carried 3/0

Organisation: Qld Policy Citizens Youth Welfare Association (South Burnett Branch)
Description of Project: PCYC South Burnett - Tiny Tots (mobile)
Cost: \$5,000

Resolution:

Moved Cr Ros Heit, seconded Scott McLennan

That Funding of \$5,000 be approved for 'PCYC South Burnett – Tiny Tots (mobile)' subject to the following conditions:-

- 1. The Committee request the successful applicants make themselves available to attend a special function to receive the funds*
- 2. Financial (receipt of payment invoices and payments of the accounts) and photographic evidence*
- 3. By 30 June 2017 submit a report on attendance numbers, frequency and participation up until that time*
- 4. Evidence of overall community benefit*
- 5. Acknowledgement of South Burnett Regional Council support*

Carried 3/0

Organisation: South Burnett Pantry

Description of Project: Infrastructure Expansion for Sustainable Operations

Cost: \$10,000

Resolution:

Moved Marie Shaw, seconded Scott McLennan

That Funding of \$2,500 be approved for a Bain Marie subject to the following conditions:-

- 1. The Committee request the successful applicants make themselves available to attend a special function to receive the funds*
- 2. Financial (receipt of payment invoices and payments of the accounts) and photographic evidence of usage*
- 3. Evidence of overall community benefit*
- 4. Acknowledgement of South Burnett Regional Council support*

Carried 3/0

Organisation: Blackbutt State School P&C Association

Description of Project: Chaplaincy Program

Cost: \$10,000

Resolution:

Moved Cr Ros Heit, seconded by Scott McLennan

That funding not be approved due to insufficient funds available for this round.

Carried 3/0

ATTENDANCE:

Marie Shaw left the meeting a 7.14pm

1.8 Round 2 Funding Criteria

It was noted that Cheryl Dalton and Marie Shaw provided verbal suggestions for consideration to the Manager Social & Corporate Performance.

Resolution:

Moved Scott McLennan seconded Cr Ros Heit

That

- 1. the Criteria for Round 2 of 2016/17 of funding is open to South Burnett organisations with a focus on homeless or displaced members of the community and meet the funding criteria outlined in the Mayor's Community Benefit Fund Guidelines.*
- 2. Applications will open on 2nd January 2017, close on 20th January 2017, be assessed on Tuesday 31st of January at a meeting commencing at 5.30pm in the Kingaroy Council Committee Room, Glendon Street Kingaroy.*
- 3. The allocated amount of funding for Round 2 is \$15,000.*

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Carried 2/0

2. GENERAL SECTION

2.1 Other Business

Resolution:

Moved Scott McLennan seconded Cr Ros Heit

That a report be prepared for the next meeting of acquittals received and outstanding.

Carried 2/0

The meeting closed at 7.34pm

Financial and Resource Implications

N/A

Link to Corporate/Operational Plan

N/A

Communication/Consultation (Internal/External)

N/A

Legal Implications (Statutory Basis, Legal Risks)

N/A

Policy/Local Law/Delegation Implications

N/A

Asset Management Implications

N/A

6.3 Health Services (HS)

Officer's Reports

6.3.1 HS - 1643517 - Change of Dates for Dog Registration Period

Document Information

IR No 1643517

Author Manager Environment and Waste

**Endorsed
By** General Manager Corporate Services

Date 5 August 2016

Précis

Change of Dates for Dog Registration Period

Summary

The dog registration renewal period this year will again coincide with the Rate Notice payment period. This is because of the change back to a 6 monthly rate notice arrangement and because of the extended discount payment period for the August 2016 rates.

Environmental Services are therefore proposing to move the animal registration period to the 1 December through to the 30th November of the following calendar year, instead of from 1 November to 31 October. This would mean that the animal registration notices would go out late October with dog owners being required to pay by the end of November of a particular calendar year. By doing so, Environmental Services will be out of the 6 monthly rate notice payment period, even if Council continues with the 60 day discount period.

Officer's Recommendation

That Council approve the date change to the Dog Registration Period from 1 November to 31 October of the following calendar year to 1 December through to 30 November of the following calendar year.

Financial and Resource Implications

Council will effectively be giving an additional month of registration to dog owners for free as it transitions to the new dates for the dog registration period.

The suggestion to move the dog registration period is to try and not have dog registration renewals at the same time as rate notices are due. This will hopefully reduce the number of enquiries experienced at Council's Customer Service contact points. The total volume of enquiries for service may still be the same across both a separated rates and dog registration renewal period, but the peak loads will be smoothed out compared to if they were both due at the same time.

Link to Corporate/Operational Plan

The link to the Corporate Plan is:

EC2 An active, safe and healthy community

EC2.3 Manage identified public health and environmental issues in accordance with relevant Legislation

EXC6 Quality customer service

EXC6.1 Develop customer service standards

Communication/Consultation (Internal/External)

No community consultation has occurred in relation to the proposed date change to the dog registration period.

Legal Implications (Statutory Basis, Legal Risks)

It is Council's prerogative to set the dog registration period dates. Council has previously moved the animal registration period. Initially dog registrations were from financial year to financial year and they were moved to September - October in order to get away from previous rating notice payment period issues. Then when quarterly rate notices were introduced the animal registration period was again conflicting and so it was moved to November – October. Now, with another change to the rating system and concern that the dog registration renewals will again coincide with the rates payment period this latest change is being proposed.

Policy/Local Law/Delegation Implications

N/A

Asset Management Implications

N/A

6.4 The Arts

Officer's Reports

6.4.1 ARTS - 1641136 - Arts, Culture and Heritage Advisory Committee be renamed to the Regional Arts Development Fund Advisory Committee

Document Information

IR No 1641136

Author Manager Social & Corporate Performance

Endorsed By General Manager Corporate Services

Date 01 August 2016

Précis

Arts, Culture and Heritage Advisory Committee be renamed to the Regional Arts Development Fund Advisory Committee.

Summary

The Arts Culture and Heritage (ACH) Advisory Committee was established post the amalgamation of the former Shire Councils of Nanango, Kingaroy, Wondai and Murgon to reflect the organisational structure at that time.

Since 2013, subsequent to an organisational restructure, the ACH Advisory Committee, chaired by a Councillor has provided advice to Council limited to the Arts and specifically the assessment of Regional Arts Development Fund applications. Council, in partnership with Arts Queensland, fund and administer the Regional Arts Development Fund. Council calls for applications from the community through predetermined funding rounds.

It is timely that the ACH Advisory Committee be renamed to the Regional Arts Development Fund Advisory Committee.

Officer's Recommendation

That the Arts Culture and Heritage Advisory Committee, chaired by a Councillor be renamed the Regional Arts Development Fund Advisory Committee.

Financial and Resource Implications

No direct financial or resource implications arise from this report.

Link to Corporate/Operational Plan

Corporate Plan 2014-2018: EXC4 Ethical, accountable and transparent decision-making.

Communication/Consultation (Internal/External)

Internal consultation was undertaken with Council through the Community, Health Services and the Arts Portfolio.

Legal Implications (Statutory Basis, Legal Risks)

No direct legal implications arise from this report.

Policy/Local Law/Delegation Implications

Council is currently reviewing the policies that provide the governance framework to deliver community service obligations. The Arts Culture and Heritage Policy is within this group of policies and will be review as part of this process.

Asset Management Implications

No direct asset management implications arise from this report.

7. Portfolio - Planning & Property

7.1 Planning and Property Portfolio Report

Document Information

IR No 1643785

Author Cr Terry Fleischfresser

Date 15 August 2016

Précis

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.

7.2 Planning (P&LM)

Officer's Reports

7.2.1 P&LM - 1620104 - Forwarding IDAS Reconfiguration of a Lot (Boundary Realignment) at 600 & 630 Tingoora Chelmsford Road, Greenview - Lot 1 RP116156 & Lot 6 RP807374 - Applicant: B Becker C/- O'Reilly Nunn Favier - ROLC2016/0006

Document Information

IR No 1620104

Author Technical Officer Planning

Endorsed
By Manager Planning & Land Management
General Manager Corporate Services

Date 21 July 2016

Précis

Forwarding IDAS Reconfiguration of a Lot (Boundary Realignment) at 600 & 630 Tingoora Chelmsford Road, Greenview - Lot 1 RP116156 & Lot 6 RP807374 - Applicant: B Becker C/- O'Reilly Nunn Favier - ROLC2016/0006

Summary

Key Point Summary

- Application is for the Reconfiguration of a Lot (Boundary Realignment 2 Lots into 2 Lots)
- Subject site is included within the Rural Zone and is assessable against the Wondai Shire IPA Planning Scheme
- The boundary realignment will formalise the title of the fenced off area in Lot 6 and the balance will be consolidated with Lot 1, resulting in the following configuration:
- Lot 6 will be proposed Lot 10 and have an area of 4003m²
- Lot 1 will be amalgamated with the parent parcel of Lot 6 and have an area of 91.8Ha
- The development is considered an inconsistent use as it doesn't meet the minimum 200Ha lot size requirement. However, the configuration of proposed Lot 10 is considered to provide a logical sequencing of development, whilst proposed Lot 11 is considered to enhance the long term viability of the agricultural production.
- It is recommended that a Development Permit for Reconfiguring a Lot (Boundary Realignment – 2 Lots into 2 Lots) be *approved* subject to reasonable and relevant conditions.

Officer's Recommendation

That Council **approves** a **Development Permit** to Reconfigure a Lot - (Boundary Realignment) at 630 Tingoora Chelmsford Road, Greenview (Lot 6 RP 807374) and 600 Tingoora Chelmsford Road, Greenview (Lot 1 RP 116156), subject to the following conditions –

General

- GEN1. The subject site is to be developed generally in accordance with the plans and information submitted with the application:
- Title: Boundary Realignment, Prepared by: O'Reilly Nunn Favier, Drawing no: 6253P/1, Sheet No: 1 of 1, Dated: 28/5/09
- Unless otherwise amended by the following conditions.
- GEN2. All works, including the repair or relocation of services (Telstra, lighting) is to be completed at no cost to Council.
- GEN3. The applicant is required to maintain the site in a clean and orderly state at all times, clearing declared weeds and feral animals.
- GEN4. Prior to sealing the Plan of Survey 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 815 of the *Sustainable Planning Act 2009*.
- GEN5. Prior to the sealing of the Plan of Survey the applicant is to provide a certificate signed by a licensed surveyor stating that after the completion of all works associated with the reconfiguration, survey marks were reinstated where necessary and all survey marks are in their correct position in accordance with the Plan of Survey.

Compliance Assessment

- GEN6. All conditions 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.

Natural Resources Valuation Fees

- RAL1. 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

- RAL2. 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.
- RAL3. Reticulated electricity is to be provided to the development in accordance with relevant Australian Standards.

Telecommunications

- RAL4. Evidence of an agreement to provide a telephone service is to be provided to Council prior to sealing the Survey Plan.

Property Access

- ENG1. Prior to sealing the survey plan, ensure that property accesses in accordance with the details in Table S2.7 – *Design and Construction Standards* of the Wondai Shire Council IPA Planning Scheme; and Council's standard Drawing No. SBRC 00049 *Rural Access*.
Only one access to each site will be permitted.

Road works and the property entrances shall be constructed so as to:

- a) permit access to and egress from the properties in a forward gear;
- b) avoid a trip hazard to pedestrians;
- c) ensure that low-clearance vehicles can clear the cross-over pavement upon entering and leaving the property; and
- d) ensure that fencing, landscaping and letterboxes do not impede sight lines for vehicles entering or leaving the proposed reconfigured properties or travelling along the public road.

Stormwater

ENG2. Management of stormwater shall be in accordance with Schedule 2, Tables S2.11, S2.12 and S2.13 *Design and Construction Standards* of the Wondai Shire IPA Planning Scheme.

Advice

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. 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)

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. 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.

Financial and Resource Implications

No implication can be identified.

Link to Corporate/Operational Plan

Strategic Priority 2. Growth and Opportunity

Balanced development that preserves and enhances our region.

Implement policies and plans that support appropriate planning and development for business, industry and community needs.

Communication/Consultation (Internal/External)

Refer to Section 4.0 of this report.

Legal Implications (Statutory Basis, Legal Risks)

No implication can be identified.

Policy/Local Law/Delegation Implications

No implication can be identified.

Asset Management Implications

No implication can be identified.

7.2.2 P&LM - 1615100 - Forwarding Lodgement of Development Application for Optus Communications Facility at 225 Benair Road Benair - Lot 287 FY436 - Ref B1424 Benair - Rec No. 2100676 - MCUI2016/0002

Document Information

IR No 1615100

Author Technical Officer Planning

**Endorsed
By Manager Planning & Land Management
General Manager Corporate Services**

Date 29 July 2016

Précis

Forwarding Lodgement of Development Application for Optus Communications Facility at 225 Benair Road Benair - Lot 287 FY436 - Ref B1424 Benair - Rec No. 2100676 - MCUI2016/0002

Summary

- Application is to install a new telecommunications facility which is part of a nationwide rollout to improve mobile coverage and access to enhanced services via the Optus mobile network. The facility will consist of:-
 - One (1) new 40m monopole;
 - Three (3) new panel antennas, to be mounted on a headframe on top of the pole;
 - Three (3) parabolic (dish) antennas;
 - Twelve (12) remote radio units;
 - One (1) new prefabricated equipment shelter, with a floor area less than 7.5sqm, to be mounted at ground level;
 - Installation of ancillary equipment associated with operation of the facility; and
 - Will be contained within a 126sqm leased compound, enclosed by a 2.4m high chainlink security fence.
- Subject site is included in the Rural Locality;
- Application is Impact Assessable against:
 - Rural Locality Code
 - Telecommunications Facility Code
 - Natural Features and Resources Overlay Code
- Application was publicly notified between 17 June 2016 and 12 July 2016;
 - No public submissions were received during the notification period; and
- Application is recommended for approval subject to reasonable and relevant conditions.

Officer's Recommendation

That Council *approve* a Development Permit for Material Change of Use (Major Utility – Telecommunication Facility) at 225 Benair Road, Benair (and described as Lot 287 on FY436) subject to the following conditions:

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:
- Drawing No. B1424-P1 Rev 01 – Draft Site Layout; and
 - Drawing No. B1424-P2 Rev 01 – Draft Site Elevation.
- GEN2. All works, including the repair or relocation of services (Telstra, lighting) is to be completed at no cost to Council.
- GEN3. Dust prevention measures must be undertaken to ensure that dust does not cause a nuisance to occupiers of adjacent properties.
- GEN4. Maintain the site in a clean and orderly state at all times.
- GEN5. Any new earthworks or structures are not to concentrate or impede the natural flow of water across property boundaries and onto any other lots.
- GEN6. The development herein approved may not start until the following development permits have been issued and complied with as required:
- Development Permit for Building Works.

Advice

- ADV1. Section 341(1) of the *Sustainable Planning Act 2009* 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 341(7) a related approval may extend the relevant (currency) period.
- ADV2. 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.
- ADV3. 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.

Financial and Resource Implications

No implication can be identified.

Link to Corporate/Operational Plan

Strategic Priority 2. Growth and Opportunity

Balanced development that preserves and enhances our region.

Implement policies and plans that support appropriate planning and development for business, industry and community needs.

Communication/Consultation (Internal/External)

Refer to Section 4.0 of this Report.

Legal Implications (Statutory Basis, Legal Risks)

No implication can be identified.

Policy/Local Law/Delegation Implications

No implication can be identified.

Asset Management Implications

No implication can be identified.

7.2.3 P&LM - 1602411 - Forwarding Reduction in Council fees application to waive plumbing fees for ablution block at Bowhunters Road Nanango - Barambah Bowhunters & Field Archers Association

Document Information

IR No 1602411

Author Technical Officer Planning

Endorsed By Manager Planning & Land Management
General Manager Corporate Services

Date 20 July 2016

Précis

1602411 - Forwarding Reduction in Council fees application to waive plumbing fees for ablution block at Bowhunters Road Nanango - Barambah Bowhunters & Field Archers Association

Summary

Council received a written request from the Barambah Bowhunters and Field Archers Association for a 100% waiver of the Plumbing Application Fees associated with the ablution block toilets, tank and shower facilities located at Bowhunters Road, Nanango (and described as Lot 351 on FY21)). The details are as follows:

- The Barambah Bowhunters and Field Archers Association propose to install a septic tank, three (3) basins, four (4) toilets and four (4) showers in a new ablution block.
- The Barambah Bowhunters and Field Archers Association was established in 1985 and is a not for profit organisation.
- As at 25 July 2016, no fees have been paid.
- The Association lease an area of approximately 40Ha from the South Burnett Regional Council.
- The additional fixtures to the ablution block are expected to provide more comfort and convenience for existing members and patrons who attend the site for practice or competitions.

Officer's Recommendation

That Council *approves* a \$787.00 waiver of the Plumbing and Draining Fee for a Domestic New Build (\$955.00) taking into consideration the community nature of the Barambah Bowhunters and Field Archers Association and retain a document lodgement fee of \$168.00

Financial and Resource Implications

Financial implication - reduced revenue – Plumbing and Drainage Fee - \$787.00

Link to Corporate/Operational Plan

No implication can be identified.

Communication/Consultation (Internal/External)

Not relevant

Legal Implications (Statutory Basis, Legal Risks)

No implication can be identified.

Policy/Local Law/Delegation Implications

Consideration of Applications for Reduction in Council's Fees & Charges – Building & Development Applications Policy

Asset Management Implications

No implication can be identified.

8. Portfolio - Water, Waste Water, Waste Management, Sport & Recreation

8.1 Water, Waste Water, Waste Management, Sport & Recreation Portfolio Report

Document Information

IR No 1643785

Author Cr Roz Frohloff

Date 15 August 2016

Précis

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.

8.2 Water & Waste Water (W&WW)

Officer's Reports

8.2.1 W&WW - 1644233 - Septage Disposal Fees Kingaroy Wastewater Treatment Plant

Document Information

IR No 1644233

Author Manager Water and Wastewater

**Endorsed
By General Manager Infrastructure**

Date 9 August 2016

Précis

As part of the upgrade of the Kingaroy Wastewater Treatment Plant, a new septage disposal facility has been included. This facility is equipped to take waste from septic tanks only, not grease trap or other liquid waste. A fee for using this facility is required to be adopted in Council's fees and charges.

Summary

A new septage disposal facility has been constructed as part of the upgraded Kingaroy Wastewater Treatment Plant. This disposal facility allows for volumes of septage waste being disposed to be monitored as well as complying with all workplace health and safety requirements.

Service providers will be issued with electronic swipe cards that will allow them access to the septage disposal facility even when the plant is unattended. Waste tracking documentation will need to be completed at the time of disposal. All disposals will be able to be tracked by Treatment Plant Operators allowing for accounts to be sent to registered service providers.

Service providers will only be permitted to dispose of septic tank waste at the treatment plant. Mixed loads containing both septic waste and grease trap waste will not be able to be accepted. No other waste will be able to be accepted at the treatment plant.

This service will replace the existing disposal facility at Kingaroy that service providers currently use.

Officer's Recommendation

That Council:

- 1) Amend the 2016/17 Register of Fees and Charges to include the following commercial charges:
 - a) Disposal of septage waste originating from within the South Burnett Regional Council area - \$27.50 / 1000 litres (Inc. GST)
-

- b) Disposal of septage waste originating from outside the South Burnett Regional Council area - \$121 / 1000 litres (Inc. GST) ; and
- 2) Delete from the 2016/17 Register of Fees and Charges the Annual Fee of \$5,172 (Inc. GST) for contractors for the disposal of septic tank waste and grease trap waste.

Financial and Resource Implications

The proposed charges have been calculated on a cost recovery basis to rate payers within the Council area. The charge for properties located outside of the SBRC area allows for the cost of treating the waste as well as a contribution to maintaining the infrastructure.

Link to Corporate/Operational Plan

INF1 – Infrastructure that meets our communities needs

Communication/Consultation (Internal/External)

Consultation with local service providers has been continuing for a number of years since planning for the upgrade to the treatment plant commenced. Once the charges are approved by Council, information regarding the new facility and associated fees will be sent to all registered service providers within the region.

Legal Implications (Statutory Basis, Legal Risks)

The new facility complies with all relevant legislation and ensures that Council will be complying with environmental responsibilities with respect to septage waste disposal.

Policy/Local Law/Delegation Implications

N/A

Asset Management Implications

N/A

9. Portfolio - Natural Resource Management, Parks and Indigenous Affairs

9.1 Natural Resource Management, Parks and Indigenous Affairs Portfolio Report

Document Information

IR No 1643803

Author Cr Kathy Duff

Date 15 August 2016

Précis

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.

10. Portfolio - Finance, ICT & Human Resources

10.1 Finance, ICT and Human Resources Portfolio Report

Document Information

IR No 1643783

Author Cr Ros Heit

Date 15 August 2016

Précis

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.

10.2 Finance (F)

Officer's Reports

10.2.1 F - 1641183 - Related Party Disclosure Policy

Document Information

IR No 1641183

Author Manager Finance

**Endorsed
By General Manager Finance**

Date 2 August 2016

Précis

Adoption of Council's Related Party Disclosure Policy.

Summary

From 1 July 2016, Council is required as per Australian Accounting Standard AASB 124 Related Party Disclosures to disclose related party relationships, transactions and outstanding balances, including commitments in the annual financial statements.

In order to comply with the above mentioned requirement, Council needs to adopt the Related Party Disclosure Policy. The policy aims to assist Council in complying with disclosure requirements concerning key management personnel, their close family members and entities controlled or jointly controlled by any of them as stipulated in the provisions of AASB 124.

Officer's Recommendation

That the Related Party Disclosure Policy be adopted.



Related Party Disclosure Policy

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1. POLICY STATEMENT

The Related Party Disclosure Policy aims to assist Council in complying with disclosure requirements concerning key management personnel, their close family members and entities controlled or jointly controlled by any of them stipulated under the *Australian Accounting Standard AASB 124 Related Party Disclosures* and the *Australian implementation guidance for not-for-profit public sector entities (AASB 124)*.

2. SCOPE

This policy is to be applied in:

- (1) identifying related party relationships; related party transactions, and ordinary citizen transactions; and
- (2) identifying information about the related party transactions for disclosure;
- (3) establishing systems to capture and record the related party transactions and information about those transactions;
- (4) identifying the circumstances in which disclosure of the items in subparagraphs (1) and (2) are required;
- (5) determining the disclosures to be made about those items in the general purpose financial statements for the purpose of complying with the AASB 124.

3. POLICY OBJECTIVES

The objective of the policy is to ensure that the existence of certain related party relationships and related party transactions and information about the transactions, necessary for users to understand the potential effects on the financial statements are properly identified, recorded in Council's systems, and disclosed in Council's general purpose financial statements in compliance with the AASB 124, the *Information Privacy Act 2009* and the *Right to Information Act 2009*.

4. BACKGROUND AND/OR PRINCIPLES

Local Government Regulation 2012, section 177, requires Council to prepare its general purpose financial statements in compliance with, relevantly, Australian Accounting Standards and, relevantly for the purpose of this policy, the AASB 124.

5. GENERAL INFORMATION

5.1. Related Parties of Council

The following are related parties of Council:

- Entities controlled by Council, jointly controlled by Council or over which Council has significant influence.
- Key Management Personnel of Council are the Mayor, Councillors, Chief Executive Officer, General Manager Finance, General Manager Infrastructure, General Manager Corporate Services.
- Close family members of Key Management Personnel who may be expected to influence, or be influenced by that person in their dealings with Council.
- Entities that are controlled or jointly controlled by the Key Management Personnel or their close family members.

5.2. AASB 124 Disclosure Requirements

5.2.1. Disclosures

To comply with the AASB 124 for Annual Periods Beginning On or After 1 July 2016, Council will make the following disclosures in its general purpose financial statements:

- (a) Relationships between Council and its subsidiaries, irrespective of whether there have been transactions between them.¹
- (b) Key management personnel compensation in total and for each of the following categories:^{2 3}
 - (i) Short-term employee benefits;
 - (ii) post-employment benefits;
 - (iii) other long term benefits; and
 - (iv) termination benefits.
- (c) The information specified in section 5.2.2 for related party transactions with the following persons during the periods covered by the financial statement:⁴
 - (i) Council subsidiaries;
 - (ii) entities who are associates of Council or of a Council subsidiary;
 - (iii) joint ventures in which Council or a Council subsidiary is a joint venturer;
 - (iv) Council's key management personnel;
 - (v) other related parties, comprising:
 - (A) a close family member of a key management person of Council;
 - (B) entities controlled or jointly controlled by a key management person of Council;
 - (C) entities controlled or jointly controlled by a close family member of a key management person of Council;
 - (D) other entities as specified in the AASB 124, paragraph 9(b)(iii), (iv), (v) and (viii),

5.2.2. Disclosed Information

For each category of related party transactions specified in section 5.2.1 Council will disclose the following information in Councils' general purpose financial statements:

- (a) the nature of the related party relationship;
- (b) the amount of the transactions;
- (c) the amount of outstanding balances, including commitments, and:
 - (i) their terms and conditions, including whether they are secured, and the nature of the consideration to be provided in settlement; and
 - (ii) details of any guarantees given or received;

¹ See the AASB 124, paragraphs 13, Aus13.1, 14, 15, and 16.

² See the AASB 124, paragraphs 17 and 17A.

³ Note: This requirement is in addition and separate to the disclosure of senior management remuneration in Council's annual report, pursuant to the *Local Government Regulation* section 186.

⁴ See the AASB 124, paragraphs 18 to 24.

- (d) provisions for doubtful debts related to the amount of outstanding balances; and
- (e) the expense recognised during the period in respect of bad or doubtful debts due from related parties.

5.2.3. In Aggregate or Separate

For each related party category specified in section 5.2.1 (d) Council will disclose information specified in section 5.2.2 for related party transactions of a similar nature in aggregate except when separate disclosure is necessary for an understanding of the effects of related party transactions on the financial statements of Council, having regard to the following criteria:

- (a) the nature of the related party relationship;
- (b) the significance of the transaction (individually or collectively) in terms of size or value (including where the materiality arises due to the fact that no consideration for the transaction is given or received by Council);
- (c) whether the transaction is carried out on non-arm's length terms;
- (d) whether the nature of the transaction is outside normal day-to-day business operations, based on the factors and thresholds determined by the General Manager Finance in consultation with the Audit Committee.

5.3. Identifying Council Related Party Relationships and Transactions

5.3.1. Identification

The General Manager Finance will identify Council subsidiaries, associates and joint ventures (incorporated and unincorporated) from the list of beneficial enterprises kept by Council pursuant to section 41 of the *Local Government Act*.

5.3.2. Control or Joint Control

To determine whether Council has control or joint control of an entity, the General Manager Finance will apply Australian Accounting Standards AASB 10 Consolidated Financial Statements and AASB 11 Joint Arrangements.

5.3.3. Associate or Joint Venture

To determine whether an entity is an associate of, or in a joint venture with, Council or a Council subsidiary, the General Manager Finance will apply AASB 128 investments in Associates and Joint Ventures.

5.3.4. Electronic Investigation

The General Manager Finance will then investigate, through Council's computerised business system, whether any identified Council subsidiaries, associates or joint venturers have an existing related party transaction with Council.

5.3.5. Digital Extraction

The General Manager Finance will digitally identify and extract information specified in section 5.2.2 against each existing related party transaction in Council's computerised business systems for the purpose of recording the related party transactions and associated information in a register of related party transactions.

5.3.6. Manual Investigation and Recording of Information

For related party transactions that are not captured by Council's computerised business systems, the General Manager Finance will manually review the transactional documentation and record the information specified in section 5.2.2 for the subject transaction in the register of related party transactions.

5.4. Identifying Related Party Transactions with KMPs and Their Close Family Members

5.4.1. RPT Notifications

Key management personnel (KMP) must provide a Related Party Transactions Notification (RPT Notification), notifying any existing or potential related party transactions between Council and either themselves, their close family members or entities controlled or jointly controlled by them or any of their close family members, subject to section 5.4.6, to the General Manager Finance by no later than the following periods during a financial year (specified notification period):

- (a) 30 days after the commencement of the application of this policy;
- (b) 30 days after a KMP commences their term or employment with Council;
- (c) 30 November;
- (d) 30 June.

5.4.2. RPT Notification Form

At least 30 days before a specified notification period, the General Manager Finance will provide KMPs with a RPT Notification form and a Privacy Collection Notice.

5.4.3. Additional RPT Notifications

Also, during a financial year, if a KMP knows of:

- (a) any new or potential related party transaction that is required or likely to be required to be disclosed in Council's financial statements; or
- (b) any change to a previously notified related party transaction (including a change to a related party relationship);

the KMP must provide additional RPT Notifications notifying of the new or potential related party transactions or changes, by no later than 30 days after the KMP knows of the transaction or change.

5.4.4. Suspected Related Party Transaction

If a KMP suspects that a transaction may constitute a related party transaction, the KMP should provide a RPT Notification to the General Manager Finance for consideration and determination.

5.4.5. Other Notifications

The notification requirements in this section 5.4 are in addition to the notifications a KMP must make to comply with:

- (a) for councillors, sections 172 and 173 of the *Local Government Act* in relation to material personal interests and conflicts of interest; and
- (b) for the CEO and other senior executive officers who are KMPs, the Employee Code of Conduct; and
- (c) the recording of interests in a register of interests kept under the *Local Government Regulation 2012*.

5.4.6. Exclusions

The notification requirements in this section 5.4 do not apply to:

- (a) related party transactions that are ordinary citizen transactions not assessed as being material as determined under section 5.4.8; and
- (b) for councillors, expenses incurred and facilities provided to a councillor during the financial year, under Council's Councillors Expenses Reimbursement Policy, the particulars of which are contained in Council's annual report pursuant to the *Local Government Regulation*, section 186.

5.4.7. Digital Extraction

The General Manager Finance will digitally identify and extract information specified in section 5 (2) against each notified related party transaction in Council's computerised business systems for the purpose of recording the related party transactions and associated information in the register of related party transactions.

5.4.8. Other Sources of Information

To ensure all related party transactions are captured and recorded, the General Manager Finance may review other sources of information held by Council including, without limitation:

- (a) a register of interests of a KMP and of persons related to the KMP;
- (b) minutes of Council and committee meetings.

5.4.9. Manual Investigation and Recording of Information

For notified related party transactions that are not captured by Council's computerised business systems, the General Manager Finance will manually review the transactional documentation and record the information specified in section 5.2.1 for the subject transaction in the register of related party transactions.

5.5. Ordinary Citizen Transactions

5.5.1. Non-Material in Nature

A KMP is not required to notify in a RPT Notification, and Council will not disclose in its financial statements, related party transactions that are ordinary citizen transactions assessed to be not material in nature.

5.5.2. Material in Nature

A KMP is required to notify in a RPT Notification, and Council will disclose in its financial statements in accordance with section 5.2, related party transactions that are ordinary citizen transactions assessed to be material in nature.

5.5.3. Materiality Assessment

The General Manager Finance will review and assess the materiality of related party transactions that are ordinary citizen transactions to determine whether the disclosure of such transactions are necessary for an understanding of the effects of the related party transactions on the financial statements, having regard to the criteria specified in section 5.2.2.

5.5.4. Digital Extraction

The General Manager Finance will digitally identify and extract information specified in section 5.2.1 against each notified related party transaction that is an ordinary citizen transaction assessed as being material in nature in Council's computerised business systems for the purpose of recording the related party transactions and associated information in a register of related party transactions.

5.6. Register of Related Party Transactions

5.6.1. Maintain a Register

The General Manager Finance must maintain and keep up to date a register of related party transactions that captures and records the information specified in section 5.2.1 for each existing or potential related party transaction (including ordinary citizen transaction assessed as being material in nature) during a financial year.

5.6.2. Contents of Register

The contents of the register of related party transactions must detail for each related party transaction:

- (a) the description of the related party transaction;

- (b) the name of the related party;
- (c) the nature of the related party's relationship with Council;
- (d) whether the notified related party transaction is existing or potential;
- (e) a description of the transactional documents the subject of the related party transaction;
- (f) the information specified in section 5.2.2.

5.6.3. Disclosure

The General Manager Finance is responsible for ensuring that the information specified in section 5.2.1 is disclosed in Council's financial statements to the extent, and in the manner, stipulated by the AASB 124, subject to section 5.2.2.

5.7. Information Privacy

5.7.1. Confidential

The following information is classified as confidential, and is not available for inspection by or disclosure to the public, including through a Right to Information (RTI) application:

- (a) information (including personal information) provided by a key management person in a RPT Notification; and
- (b) personal information contained in a register of related party transactions.

5.7.2. When Consent Required

Except as specified in this policy, Council and other permitted recipients will not use or disclose personal information provided in a RPT Notification by a KMP or contained in a register of related party transactions, for any other purpose or to any other person except with the prior written consent of the subject KMP.

5.7.3. Permitted Recipients

The following persons are permitted to access, use and disclose the information (including personal information) provided in a RPT Notification or contained in a register of related party transactions for the purposes specified in section 5.7.4:

- (a) a Councillor;
- (b) the Chief Executive Officer;
- (c) the General Manager Finance;
- (d) Council Officers responsible for the preparation of financial reporting authorised by the General Manager Finance
- (e) Audit Committee Members
- (f) an auditor of Council (including an auditor from the Queensland Audit Office).

5.7.4. Permitted Purposes

A person specified in section 5.7.3 may access, use and disclose information (including personal information) in a RPT Notification or contained in a register of related party transactions for the following purposes:

- (a) to assess and verify a notified related party transaction;
- (b) to reconcile identified related party transactions against those notified in a RPT Notification or contained in a register of related party transactions;
- (c) to comply with the disclosure requirements of the AASB 124;
- (d) to verify compliance with the disclosure requirements of the AASB 124.

5.7.5. Access

An individual may access their personal information provided by a KMP in a RPT Notification or contained in a register of related party transactions in accordance with Council's Information Privacy Policy.

5.8. Right to Information Status

5.8.1. No Public Inspection

The following documents are not open to or available for inspection by the public:

- (a) RPT Notifications provided by a KMP; and
- (b) a register of related party transactions.

5.8.2. Not RTI-Accessible

A RTI application seeking access to or release of:

- (a) a document or information (including personal information) provided by a KMP in a RPT Notification; or
- (b) personal information contained in a register of related party transactions;

will be refused on the grounds the document or information comprises information the disclosure of which would, on balance, be contrary to the public interest under sections 48 and 49 of the Right to Information Act, item 8 of schedule 3 and items 2, 3 and 16 of part 3, schedule 4.

5.8.3. Transactional Documentation

A RTI application seeking access to and release of transactional information and documentation the subject of a related party transaction with Council will be considered, assessed and decided in accordance with Council's usual procedures regarding applications made under the Right to Information Act.

6. DEFINITIONS

Each of the following expressions in bold to the left bears the meaning shown opposite:

arm's length terms	Terms between parties that are reasonable in the circumstances of the transaction that would result from: <ul style="list-style-type: none">(a) neither party bearing the other any special duty or obligation; and(b) the parties being unrelated and uninfluenced by the other; and(c) each party having acted in its own interest.
associate	In relation to an entity (<i>the first entity</i>), an entity over which the first entity has significant influence.

close family members or close members of the family⁵

In relation to a key management person, family members who may be expected to influence, or be influenced by, that key management person in their dealings with Council and include:

- (a) that person's children and spouse or domestic partner;
- (b) children of that person's spouse or domestic partner; and
- (c) dependants of that person or that person's spouse or domestic partner.

For the purpose of the AASB 124, close family members could include extended members of a family (such as, without limitation, parents, siblings, grandparents, uncles/aunts or cousins) *if* they could be expected to influence, or be influenced by, the key management person in their dealings with Council.

control

Control of an entity is present when there is:

- (a) power over the entity; and
- (b) exposure or rights to variable returns from involvement with the entity; and
- (c) the ability to use power over the entity to affect the amount of returns received,

as determined in accordance with AASB 10 *Consolidated Financial Statements, paragraphs 5 to 18, and Appendices A (Defined Terms) and B (Application Guidance)*.

joint control

The contractually agreed sharing of control of an arrangement, which exists only when decisions about the relevant activities require the unanimous consent of the parties sharing control.

joint venture

An arrangement of which 2 or more parties have joint control and have right to the net assets of the arrangement.

joint venturer

A party to a joint venture that has joint control of that joint venture.

key management personnel or key management person or KMP

Person(s) having authority and responsibility for planning, directing and controlling the activities of Council.

⁵ The definition of "close members of the family of a person" as contained in the AASB 124 is broader than the definition of "related" in relation to a person for the purpose of a register of interests under the *Local Government Regulation*.

Ordinary citizen transactions

Transactions that an ordinary citizen would undertake with Council, which is undertaken on arm's length terms and in the ordinary course of carrying out Council's functions and activities.

Examples of ordinary citizen transactions assessed to be not material in nature are:

- 5.2.1 paying rates and utility charges;
- 5.2.2 using Council's public facilities after paying the corresponding fees.

related party

A person or entity that is related to Council pursuant to the definition contained in the AASB 124, paragraph 9.

Examples of related parties of Council are:

- (a) Council subsidiaries;
- (b) key management personnel;
- (c) close family members of key management personnel;
- (d) entities that are controlled or jointly controlled by key management personnel or their close family members.

related party transaction

A transfer of resources, services or obligations between the Council and a related party, regardless of whether a price is charged.

Examples of related party transactions are:

- (a) purchases or sales of goods;
 - (b) purchases or sales of property and other assets;
 - (c) rendering or receiving of services;
 - (d) rendering or receiving of goods;
 - (e) leases;
 - (f) transfers under licence agreements;
 - (g) transfers under finance arrangements (example, loans);
Note: Financial arrangements are subject to the Statutory Bodies Financial Arrangements Act 1982
 - (h) provision of guarantees (given or received);
Note: Guarantees are financial arrangements that are subject to the Statutory Bodies Financial Arrangements Act 1982.
 - (i) commitments to do something if a particular event occurs or does not occur in the future;
 - (j) settlement of liabilities on behalf of Council or by Council on behalf of that related party.
-

**related party transactions
notification or
RPT Notification**

A document entitled *Related Party Transactions Notification provided by Key Management Personnel* in the form set out in Attachment A.

significant influence

The power to participate in the financial and operating policy decisions of another entity but is not control or joint control of those policies, as determined in accordance with Australian Accounting Standard AASB 128 *Investments in Associates and Joint Ventures*, paragraphs 3, 5 and 6.

7. LEGISLATIVE REFERENCE

Local Government Act 2009 and Local Government Regulation 2012
Accounting Standard AASB 124 Related Party Disclosures
Information Privacy Act 2009
Right to Information Act 2009

8. RELATED POLICIES/PROCEDURES

Sections 172 (Councillor's Material Personal Interests at a meeting) and 173 (Councillor's Conflict of Interest at a meeting), Local Government Act 2009
Employee Code of Conduct
Councillor Code of Conduct
Information Privacy Policy

9. NEXT REVIEW

01 September 2017

Gary Wall
CHIEF EXECUTIVE OFFICER

Date

Financial and Resource Implications

Financial statements show the results of Council's stewardship of the resources entrusted to it. Fair presentation of Council's financial statements requires compliance with the Australian Accounting Standards.

Link to Corporate/Operational Plan

EXC1 *Effective financial management*: Develop and implement long term financial plans; and Optimise Council's revenue, based on realistic and equitable policies and practices.

Finance Operational Plan - Annual Financial Statements for 2016/2017 prepared, with unqualified audit report by the Queensland Audit Office.

Communication/Consultation (Internal/External)

Internal consultation with Councillors and the Senior Management Team was undertaken. The policy was also referred to the external auditors regarding compliance with financial statement disclosure requirements and consulted the legal counsel regarding privacy issues.

Legal Implications (Statutory Basis, Legal Risks)

The policy was developed in accordance with Australian Accounting Standard AASB 124 Related Party Disclosures to comply with financial statement disclosures for related party relationships, transactions and outstanding balances, including commitments.

Policy/Local Law/Delegation Implications

Facilitate compliance with disclosure requirements concerning related party transactions.

Asset Management Implications

Compliance with the *AASB 124* indicates transparency regarding related party transactions that includes the purchase of goods and services for the management of Council facilities.

10.2.2 F - 1640780 - Rhonda Armistead Requesting Council Provide a Reduction in Water Consumption Charges for Property at 9 Wondai Road, Proston P40342-00000-0000

Document Information

IR No 1640780

Author Rates Team Leader

Endorsed By General Manager Finance

Date 5 August 2016

Précis

Requesting Council reduce water consumption charges for property at 9 Wondai Road, Proston.

Summary

A request has been received from Rhonda Armistead to reduce water usage charges for her mothers' property, as the high water usage cannot be explained due to the house being vacant since March 2016.

It is recommended that Council agree to provide a rate reduction of \$1,237.14.

Officer's Recommendation

That Council agree to reduce the water charges and write off \$1,237.14 - an amount equivalent to 100% of the Rhonda Armistead's mothers' water bill for August 2016, less the normal "Pro-rata" averaged water usage.

Financial and Resource Implications

Reduction in Council's Revenue.

Link to Corporate/Operational Plan

EXC1.2 Optimise Council's revenue, based on realistic and equitable policies and practices.

Communication/Consultation (Internal/External)

Nil required – this is a specific request from a ratepayer.

Legal Implications (Statutory Basis, Legal Risks)

Nil.

Policy/Local Law/Delegation Implications

Undetected Water Leaks Policy.

Asset Management Implications

Nil.

11. Consideration of Notices of Motion

No Report.

12. Information Section (IS)

12.1 IS - 1645046 - Reports for the Information of Council

Document Information

IR No 1645046

Author Executive Assistant

Date 9 August 2016

Précis

Reports received for the Information of Council.

Summary

List of correspondence pending completion of assessment report
Minutes of the South Burnett Directions Meeting held on Monday 1 August 2016
Minutes of the South Burnett Community Hospital Foundation Limited Board Meeting held on Tuesday 2 August 2016
Road Maintenance Report

Officer's Recommendation

That the reports be received.

13. Confidential Section

No Report.

