



South Burnett Regional Council

Minutes

Of The

General Council Meeting

Held in the Warren Truss Chamber, 45 Glendon Street Kingaroy

on Wednesday, 26 August 2015

Acting Chief Executive Officer: **Russell Hood**

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 MINUTES

Wednesday, 26 August 2015

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Minutes of the meeting of the South Burnett Regional Council, held in the Warren Truss Chamber, 45 Glendon Street Kingaroy on 26 August 2015 at 9.01am

PRESENT:

Councillors:

Cr DW Kratzmann (Mayor), Cr KM Campbell, Cr KA Duff, Cr BL Green, Cr DJ Palmer,
Cr DP Tessmann, Cr RLA Heit

Council Officers:

Russell Hood (Acting Chief Executive Officer), Lester Schumacher (General Manager Finance),
Stan Taylor (General Manager Corporate Services)

1. Leave Of Absence

Nil.

2. Prayers

A representative of the Kingaroy District Ministers Association, Pastor Robert Erickson,
offered prayers for Council and for the conduct of the Council meeting.

3. Confirmation of Minutes of Previous Meeting

3.1 South Burnett Regional Council Minutes

Officer's Recommendation

That the minutes of the previous meeting held on Wednesday 5 August 2015 as recorded be
confirmed.

Resolution:

Moved Cr KA Duff, seconded Cr RLA Heit.

*That the minutes of the previous meeting held on Wednesday 5 August 2015 as recorded be
confirmed.*

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

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

See Business Function Headings

4. Portfolio - Economic Development, Governance and Communication

4.1 Economic Development, Governance and Communication Portfolio Report

No Report

4.2 Governance

Officer's Report

4.2.1 G - 1493249 - Requesting Council forward any requests for special holidays for 2016 to the Office of Industrial Relations by 4 September 2015

Summary

For a number of years now, Council has requested the Monday of the Brisbane Exhibition to be gazetted as the show holiday for the South Burnett Regional Council area. As no information to the contrary has been received, it is suggested that we request the Exhibition Monday as the Show Holiday for the South Burnett Regional Council area.

Officer's Recommendation

That Council apply for the Monday of the 2016 Royal National Exhibition, Brisbane as the 2016 Show Holiday for the South Burnett Regional Council area.

Resolution:

Moved Cr DP Tessmann, seconded Cr RLA Heit.

That the Officer's Recommendation be adopted.

Carried 5/2

*FOR VOTE - Cr KM Campbell, Cr KA Duff, Cr DJ Palmer, Cr DP Tessmann, Cr RLA Heit
AGAINST VOTE - Cr DW Kratzmann (Mayor), Cr BL Green*

4.2.2 G - 1495781 - Meeting Dates for the Ordinary Meetings of Council

Summary

In accordance with Section 277(1) of the *Local Government Regulation 2012* it is necessary to confirm the dates, times and locations of the ordinary meetings of Council for the period January to March 2016.

Officer's Recommendation

That the following meeting schedule listing dates, times and locations for Council's ordinary meetings for January to March 2016 be adopted and advertised in accordance with Section 277(1) of the *Local Government Regulation 2012*

Town	Date	Time	Location
Kingaroy	Wednesday 13 January 2016	9:00am	Warren Truss Chamber Glendon Street Kingaroy
Kingaroy	Wednesday 3 February 2016	9:00am	Warren Truss Chamber Glendon Street Kingaroy
Kingaroy	Wednesday 24 February 2016	9:00am	Warren Truss Chamber Glendon Street Kingaroy
Kingaroy	Wednesday 16 March 2016	9:00am	Warren Truss Chamber Glendon Street Kingaroy

Resolution:

Moved Cr KM Campbell, seconded Cr DP Tessmann.

That the Officer's Recommendation be adopted.

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

4.2.3 G - 1496834 - Delegation of Powers to the Chief Executive Officer**Summary**

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

Officer's Recommendation

That Council:

1. 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 listed below.
 - Acquisition of Land Act 1967
 - Disaster Management Act 2003
 - Environmental Protection Act 1994
 - Environmental Protection Regulation 2008
 - Fire and Emergency Services Act 1990
 - Food Act 2006
 - Information Privacy Act 2009

- Land Act 1994
- Liquor Act 1992
- Local Government Act 2009
- Plumbing and Drainage Act 2002
- Public Health Act 2005
- Right to Information Act 2009
- Standard Plumbing and Drainage Regulation 2003
- Stock Act 1915
- Sustainable Planning Act 2009
- Tobacco and Other Smoking Products Act 1998
- Transport Operations (Road Use Management) Act 1995
- Waste Reduction and Recycling Act 2011
- Water Supply (Safety and Reliability) Act 2008
- Work Health and Safety Act 2011

INSTRUMENT OF DELEGATION

South Burnet Regional Council - Acquisition of Land Act 1967

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 and conditions contained in Schedule 2.

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

Schedule 1

Acquisition of Land Act 1967 ("ALA")**Part 1 – Preliminary**

Entity Power given to	Section of ALA	Description
Entity	4B(2)	Power to give the relevant Chief Executive for the resource interest a written notice.

Part 2 – Taking of Land**Division 2 – Taking other than by agreement**

Entity Power given to	Section of ALA	Description
Constructing Authority	8(2)	Power to consider the grounds of objection to the taking of any land and the other specified matters.
Constructing Authority	8(2)(b)	Power to hear the objector.
Constructing Authority	8(2A)	In the specified circumstances, the power to discontinue a resumption or amend a notice of intention to resume if of the opinion that the resumption should be discontinued or that the notice of intention to resume should be amended.
Constructing Authority	9(2)	In the specified circumstances, the power to apply to the Minister that land be taken as prescribed by section 9 of the <i>Acquisition of Land 1967</i> if of the opinion that the land in question is required for the purpose for which it is proposed to be taken.
Constructing Authority	12(5A)	In the specified circumstances, the power to agree with a claimant on the amount of compensation.
Constructing Authority	12(7)	In the specified circumstances, the power to serve a copy of the gazette resumption notice upon every person who to your knowledge is entitled, pursuant to section 18 of the <i>Acquisition of Land 1967</i> , to claim compensation or is a mortgagee of the land.
Constructing Authority	13(1)(b)	In the specified circumstances, the power to agree in writing with an owner of land that the taking of part of the land will leave, or has left, a parcel of land that is of no practical use or value to the owner of such land and accordingly that parcel of land will be taken.

Schedule 1

Division 3 – Taking by agreement

Subdivision 1 – Resumption agreements

Entity Power given to	Section of ALA	Description
Constructing Authority	15	Power to enter into a resumption agreement .

Subdivision 2 – Process for taking

Entity Power given to	Section of ALA	Description
Constructing Authority	15C(1)	Power to apply to the relevant Minister for the land to be taken under this section.
Constructing Authority	15D(1)	Power to, by gazette notice, declare that the land is taken for the purpose stated in the notice, without making any application under section 15C.
Constructing Authority	15D(3)	Power to be satisfied the land: (a) may be taken; and (b) should be taken for the purpose for which it is proposed to be taken.

Part 3 – Discontinuance of Taking of Land

Entity Power given to	Section of ALA	Description
Constructing Authority	16(1)	Power to at any time before the publication of a gazette resumption notice, serve upon every person who has been served with a notice of intention to resume a further notice stating that the resumption of the land concerned is being discontinued.
Constructing Authority	16(1B)	Power to agree with a claimant upon the amount of compensation to be paid under section 16(1A) of the <i>Acquisition of Land Act 1967</i> .
Gazetting Authority	17(1)	In certain circumstances, power to, by gazette notice (the revoking gazette notice), revoke the gazette resumption notice, in whole or in part.
Constructing Authority	17(5)	Power to agree with a claimant: (a) upon the amount of compensation to be paid under section 17(4) of the <i>Acquisition of Land Act 1967</i> ; or (b) that the amount of compensation should be determined by the Land Court.

Schedule 1

Part 4 - Compensation

Entity Power given to	Section of ALA	Description
Constructing Authority	19(4)	Power to: (a) satisfy yourself that it is reasonable in all the circumstances to accept, and deal, with a claim for compensation served by the claimant more than 3 years after the day the land was taken; and (b) accept, and deal, with the claim.
Constructing Authority	21(1)	Power to agree with a claimant that the claimant will be granted, in satisfaction wholly or partly of the claimant's claim for compensation, any easement, right of way, lease or other right of occupation, or any other right, privilege or concession in, upon, over or under the land taken or any other land the property of Council.
Constructing Authority	21(1A)	Power to agree with the claimant that the claimant will be transferred land held in fee simple by Council in satisfaction wholly or partly of the Claimants claim for compensation.
Constructing Authority	21(2)	Power to agree with a claimant that the extent to which a grant (referred to in section 21(1) of the <i>Acquisition of Land 1967</i>) shall satisfy the claim for compensation should be determined by the Land Court.
Constructing Authority	29(1)	In the specified circumstances, the power to agree with a claimant upon the amount of compensation to be paid.

Part 5 - General

Entity Power given to	Section of ALA	Description
Constructing Authority	37(2)	In the specified circumstances, the power to give an occupier or an owner at least 7 days notice in writing.
Constructing Authority	37(5)	In the specified circumstances, the power to agree with a claimant: (a) upon the amount of compensation to be paid under section 37 of the <i>Acquisition of Land Act 1967</i> ; or (b) that the amount of compensation is to be determined by the Land Court.
Constructing Authority	38(1)	In the specified circumstances, the power to issue a warrant to the sheriff to deliver possession of any land to the person appointed in the warrant.

Schedule 2

Limitations and Conditions to the Exercise of Power

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

INSTRUMENT OF DELEGATION

South Burnett Regional Council ***Disaster Management Act 2003***

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

Disaster Management Act 2003 ("DIMA")**Part 1 - Disaster Management Groups and Committees****Division 3 - Local Government Disaster Management Groups****Subdivision 1 – Establishment of functions**

Entity power given to	Section of DIMA	Description
Local Government	29	Power to establish a Local Disaster Management Group for the local government's area.

Subdivision 2 - Application of sections 29 and 30 in particular circumstances

Entity power given to	Section of DIMA	Description
Local Government	31	Power to agree to unite with other local governments, with the approval of the Minister and the district disaster coordinator, for the purpose of establishing a local group.

Subdivision 3 – Membership

Entity power given to	Section of DIMA	Description
Local Government	37	Power to give written notice of the members of a local group to: <ul style="list-style-type: none"> (a) the chief executive; and (b) the chairperson for the disaster district in which the local group is situated.

Part 3 - Disaster Management Plans and Guidelines**Division 3 - Disaster Management Plans for Local Governments****Subdivision 1 - Disaster Management Plans**

Entity power given to	Section of DIMA	Description
Local Government	57(1)	Power to prepare a plan (a local disaster management plan) for disaster management in the local government's area.
Local Government	57(2)(g)	Power to consider other matters that are appropriate for inclusion in the local disaster management plan.
Local Government	59(1)	Power to review or renew a local disaster management plan when considered appropriate, subject to sub-section 2.
Chief Executive Officer	60(1)(c)	Power to consider the places where a copy of the local disaster management plan should be available for inspection, free of charge, by members of the public.

Subdivision 2 - Application of Subdivision 1 in particular circumstances

Entity power given to	Section of DIMA	Description
Local Government	61	Power to, with the approval of the Minister and the district group for the disaster district in which the local government is situated, to agree to unite with other local governments for the purpose of preparing a local disaster management plan.
Chief Executive Officer	60(3)	Power to decide the fee for provision of a copy of the local disaster management plan.

Schedule 2

Limitations to the Exercise of Power

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

INSTRUMENT OF DELEGATION

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

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

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

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

Schedule 1

Environmental Protection Act 1994 ("ENPA")**CHAPTER 5 – ENVIRONMENTAL AUTHORITIES FOR ENVIRONMENTALLY RELEVANT ACTIVITIES****Part 2 - Application Stage****Division 4 – Notices about not properly made applications**

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

Division 5 – Joint applicants

Entity power given to	Section of ENPA	Description
Administering Authority	130(3)	In certain circumstances, the power to: <ul style="list-style-type: none"> (a) give a notice or other document relating to the application to all the applicants, by giving it to the principal applicant nominated in the application; or (b) make a requirement under this chapter relating to the application of all the applicants, by making it of the principal applicant nominated in the application.

Division 6 – Changing applications**Subdivision 1 – Preliminary**

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

Subdivision 3 – Changed applications – effect on assessment process

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

Part 3 - Information Stage**Division 2 – Information requests**

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

Part 4 - Notification Stage**Division 1 – Preliminary**

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

Division 2 – Public notice

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

¹ The *Environmental Protection and Other Legislation Amendment Act 2014* changes the section reference from s. 150(1)(c) to s. 150(1)(d). This amendment will be made on a day to be fixed by proclamation (but it has not yet proclaimed).

Authority	(ii)	(a) fix a new submission period for the application; and (b) give the applicant written notice of the period.
Administering Authority	159(5)(b)(iii)	In certain circumstances, power to give the applicant an information notice about the decision.

Division 3 – Submissions about applications

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

Part 5 - Decision Stage

Division 2 – Deciding an application

Subdivision 1 – Decision period

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

Subdivision 2 – Decision

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

Administering Authority	173(3)	Power to refuse an application for an environmental authority.
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Division 4 – Steps after deciding application

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

Division 6 – Conditions

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

Part 6 - Amending Environmental Authorities by Administering Authority

Division 1 – Amendments

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

Administering Authority	213(3)	In certain circumstances, power to give written notice of the amendment to the environmental authority holder.
Administering Authority	214(2)	In certain circumstances, power to amend the environmental authority.
Administering Authority	214(3)	In certain circumstances, power to give: (a) an information notice about the amendment to the holder of the environmental authority; and (b) written notice of the amendment to the assessment manager for the development application.
Administering Authority	215(1)	In certain circumstances, power to amend an environmental authority.
Administering Authority	215(1)(a)	Power to consider the amendment is necessary or desirable because of a matter mentioned in subsection (2) and the procedure under division 2 is followed.

Division 2 – Procedure for particular amendments

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

Division 3 – Steps for amendments

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

Part 7 - Amendment of Environmental Authorities by Application

Division 2A – Provision for particular amendment applications

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

Authority		
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Division 3 – Assessment level decisions

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

Division 4 – Process if proposed amendment is a major amendment

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

Division 5 – Process if proposed amendment is minor amendment

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

	(b) are necessary or desirable.
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Division 6 – Steps after deciding amendment application

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

Part 8 - Amalgamating Environmental Authorities

Division 2 – Deciding amalgamation application

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

Division 3 – Miscellaneous provisions

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

Division 4 – De-amalgamating environmental authorities

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

Part 9 - Transferring Environmental Authorities for Prescribed ERAs

Entity power given to	Section of ENPA	Description
Administering Authority	254(1)	Power to consider each transfer application and decide to: (a) approve the transfer; or (b) refuse the transfer.
Administering Authority	255(1)(b)	In certain circumstances, power to issue the amended environmental authority (the transferred environmental authority) to each holder.
Administering Authority	255(2)	In certain circumstances, power to, within 10 business days after the decision is made, give the existing holder and the proposed holder written notice of the decision.

Part 10 - Surrender of Environmental Authorities**Division 1 – Preliminary**

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

Division 3 – Final rehabilitation reports

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

Division 4 – Requests for Information

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

Division 5 – Deciding surrender applications

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

Authority		transitional environmental program.
Administering Authority	269(c)	Power to be satisfied of another circumstance prescribed by regulation.

Division 8 – Miscellaneous provisions

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

Part 11 - Cancellation or Suspension of Environmental Authorities

Division 1 – Preliminary

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

Division 2 – Procedure for cancellation or suspension by administering authority

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

Part 11A - General Provisions

Division 3 – Deciding suspension applications

Entity power given to	Section of ENPA	Description
Administering Authority	284C	Power to decide whether to approve the application or refuse the application.

Administering Authority	284F(1)(a)(ii)	In certain circumstances, power to give the holder of the environmental authority written notice of the decision.
Administering Authority	284F(1)(b)	In certain circumstances, power to give the holder an information notice about the decision.

Part 12 - General Provisions

Division 1 – Plan of operations for environmental authority relating to mining lease or petroleum lease

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

Division 2 – Financial assurance

Subdivision 1 – Requiring financial assurance

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

Subdivision 2 – Amount and form of financial assurance

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

Subdivision 3 – Claiming or realising financial assurance

Entity power given to	Section of ENPA	Description
Administering Authority	299(2)	Power to must give written notice to the entity who gave the financial assurance.
Administering Authority	300	Power to consider any written representations made within the stated period by the entity who gave the financial assurance.

Administering Authority	301(1)	Power to decide whether to make a claim on or realise the financial assurance.
Administering Authority	301(2)	In certain circumstances, power to give the entity an information notice about the decision.

Subdivision 4 – Amending or discharging financial assurance

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

Division 3 – Annual fees and returns

Subdivision 1 – Annual notices

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

Division 4 – Non-compliance with eligibility criteria

Entity power given to	Section of ENPA	Description
Administering	314(2)	In certain circumstances, power to require the holder of the environmental

Authority		authority to: (a) make a site-specific application for a new environmental authority under part 2; or (b) make an amendment application for the authority under part 7.
Administering Authority	314(3)	Power to give written notice of the proposed requirement to the holder of the environmental authority.
Administering Authority	314(5)	Power consider any representations made by the holder within the stated period.

Division 5 – Miscellaneous provisions

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

CHAPTER 7 – ENVIRONMENTAL MANAGEMENT

Part 1 - Environmental Duties

Division 2 – Duty to Notify of Environmental Harm

*Subdivision 3B – Duty of local government*²

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

Part 2 - Environmental Evaluations

Division 2 – Environmental audits

Subdivision 1 – Audit requirements

Entity power given to	Section of ENPA	Description
Administering Authority	322(1)	In certain circumstances, power to, by written notice, require the holder of an environmental authority to: (a) conduct or commission an audit (an environmental audit) about a stated matter concerning a relevant activity; and (b) give the administering authority an environmental report on the audit.
Administering Authority	322(2)	Power to be reasonably satisfied the audit is necessary or desirable.

² The *Environmental Protection and Other Legislation Amendment Act 2014* introduces new s. 320DB. This amendment will be made on a day to be fixed by proclamation (but it has not yet proclaimed).

Administering Authority	323(1)	Power to be satisfied that: (a) a person is, or has been, contravening a regulation, an environmental protection policy, a transitional environmental program or an enforceable undertaking; or (b) a person is, or has been, contravening any of the following provisions: (i) section 363E; (ii) section 440Q; (iii) section 440ZG; (iv) a provision of chapter 8, part 3D, 3E or 3F.
Administering Authority	323(2)	Power to, by written notice (also an audit notice), require the person to: (a) Conduct or commission an audit (also an environmental audit) about the matter; and (b) give the administering authority an environmental report about the audit.

Division 3 – Environmental investigations

Entity power given to	Section of ENPA	Description
Administering Authority	326B(1)	Power to be satisfied on reasonable grounds that: (a) an event has happened causing environmental harm while an activity was being carried out; or (b) an activity or proposed activity is causing, or is likely to cause environmental harm.
Administering Authority	326B(2)	Power to, by written notice (an investigation notice), require the person who has carried out, is carrying out or is proposing to carry out the activity to: (a) conduct or commission an investigation (an environmental investigation) about the event or activity; and (b) submit an environmental report about the investigation to the authority.
Administering Authority	326BA(1) ³	<i>Power to be satisfied that circumstances contained in subsection (a) – (c) apply to the land.</i>
Administering Authority	326BA(2)	<i>Power to give written notice (an investigation notice) requiring a prescribed responsible person for the land to</i> (a) <i>conduct or commission an investigation; and</i> (b) <i>give the administering authority an investigation report.</i>

Division 5 – Steps after receiving environmental reports

Entity power given to	Section of ENPA	Description
Administering Authority	326F(2)	Power to, by written notice, ask the recipient to give further information needed to decide whether to approve the environmental report.
Administering Authority	326G(4)	Power to decide to accept the report or to refuse to accept the report.
Administering Authority	326G(5)	Power to be satisfied that the report does not adequately address the relevant matters for the environmental investigation to which the report

³ The *Environmental Protection and Other Legislation Amendment Act 2014* introduces new s. 326BA. This amendment will be made on a day to be fixed by proclamation (but it has not yet proclaimed).

		relates.
Administering Authority	326G(7)	In certain circumstances, power to extend the period mentioned in subsection (6) for making the decision.
Administering Authority	326G(7)(a)	Power to be satisfied that there are special circumstances for extending the time.
Administering Authority	326G(8)	Power to give the recipient written notice of the decision within 5 business days after making the decision.
Administering Authority	326H	Power to do one or more of the following: (a) require the recipient to prepare and submit a transitional environmental program to it; (b) if the recipient is the holder of an environmental authority – amend the conditions of the authority; (c) serve an environmental protection order on the recipient; or (d) take any other action it considers appropriate.
Administering Authority	326I(2)	Power to require the recipient to conduct or commission another environmental investigation and submit a report on the investigation to it.
Administering Authority	326I(3)	Power to give written notice to the recipient.

Part 3 - Transitional Environmental Programs

Division 2 - Submission and approval of transitional environmental programs

Entity power given to	Section of ENPA	Description
Administering Authority	332(1)	Power to require a person or public authority to prepare and submit for approval a draft transitional environmental program: (a) as a condition of an environmental authority; or (b) as a development condition of a development approval.
Administering Authority	332(2)	In the specified circumstances, the power to require a person or public authority to prepare and submit for approval a draft transitional environmental program.
Administering Authority	334A(1)	Power to, by written notice, ask the person or public authority that submitted the draft transitional environmental program to give further information needed to decide whether to approve the draft program.
Administering Authority	336(1)	Power to invite a person or public authority that has submitted a draft transitional environmental program and another person who has made a submission under section 335 of the Environmental Protection Act 1994 about the transitional environmental program, to a conference to help in deciding whether or not to approve the program.
Administering Authority	336(2)	Power to give written notice to all persons invited to attend a conference of when and where the conference is to be held.
Administering Authority	336(3)	If its considered impracticable to give notice to all persons invited to attend a conference, the power to give notice of the conference by publishing a notice in the newspapers you decide.
Administering Authority	336(4)	In the specified circumstances, the power to appoint an independent person to mediate a conference.
Administering Authority	336A(1)	Power to ask any person for advice, comment or information about a submission for approval of a transitional environmental program at any time.
Administering	337(1)	In the specified circumstances, the power to decide whether to approve a

Authority		draft transitional environmental program within the specified time period.
Administering Authority	337(2)	In certain circumstances, power to extend the period mentioned in subsection (1) for making the decision.
Administering Authority	337(2)	Power to give an information notice about the decision to extend to the person or public authority that submitted the program and any submitters.
Administering Authority	338(1)	In deciding whether to approve or refuse to approve a draft program or the conditions (if any) of the approval, the power to: (a) comply with any relevant regulatory requirement; and (b) subject to paragraph (a), consider the specified criteria.
Administering Authority	339(1)	Power to: (a) approve a draft transitional environmental program: (i) as submitted; or (ii) as amended at the request, or with the agreement, of the administering authority; or (b) refuse to approve a draft transitional environmental program.
Administering Authority	339(2)	Power to impose on an approval of a draft transitional environmental program: (a) any conditions the authority must impose under a regulatory requirement; (b) a condition requiring the holder of the approval to give an amount of financial assurance as security for compliance with the transitional environmental program and any conditions of the program; and (c) any other conditions the administering authority considers appropriate.
Administering Authority	340(1)	Power to, within 8 business days after making a decision under section 339, give the person or public authority that submitted the program a written notice about the decision.
Administering Authority	340(2)(b)	If the program is approved, power to state any conditions imposed on the approval by the administering authority.
Administering Authority	340(2)(c)	If the program is approved, power to state the day the approval ends.
Administering Authority	340(3)	If the program is refused, or approved with conditions, power to give an information notice.
Administering Authority	342(2)	In the specified circumstances, the power to consider and decide whether to approve a draft transitional environmental program if satisfied there has been substantial compliance with the Environmental Protection Act 1994.
Administering Authority	343A(2)(B)	In certain circumstances, power to give the holder of the environmental authority a copy of the environmental authority including the note.

Division 3A – Financial assurances

Entity power given to	Section of ENPA	Description
Administering Authority	344(3)	In the specified circumstances, the power to approve an amendment of an approval for a transitional environmental program for an environmentally relevant activity.
Administering Authority	344(4)	Without limiting the matters to be considered in deciding an application, the power to have regard to the specified criteria.
Administering Authority	344A(2)	Power to may recover the reasonable costs or expenses of taking the action

Authority		by making a claim on or realising the financial assurance or part of it.
Administering Authority	344A(3)	Power to give written notice to the person who gave the financial assurance.
Administering Authority	344B	Power to consider any written representations made within the stated period by the person who gave the financial assurance.
Administering Authority	344C(1)	Power to, within 10 business days after the end of the stated period, decide whether to make a claim on or realise the financial assurance.
Administering Authority	344C(2)	Power to, within 5 business days after making the decision, give the person an information notice about the decision.

Division 3B – Cancellation of approval for transitional environmental programs

Entity power given to	Section of ENPA	Description
Administering Authority	344E(1)	Power to cancel the approval for a transitional environmental program for the reasons provided in that subsection.
Administering Authority	344E(1)(b)	Power to be satisfied the approval holder has: <ul style="list-style-type: none"> (i) disposed of the place or business to which the program relates; or (ii) ceased the activity to which the program relates.
Administering Authority	344E(2)(a)	Power to give a notice stating the details of the cancellation to the approval holder.
Administering Authority	344F(2)(a)	Power to withdraw the notice by another written notice.
Administering Authority	344G(2)	Power to give the holder of the environmental authority a copy of the authority that does not include the note.

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

Entity power given to	Section of ENPA	Description
Administering Authority	352(1)	In the specified circumstances, the power to give written notice to a person of: <ul style="list-style-type: none"> (a) receiving a program notice; and (b) the day by which a draft transitional environmental program dealing with the activity must be submitted for approval.
Administering Authority	355(1)	In certain circumstances, power to apply to the Court for an order that section 353(1) does not apply to the person for any continuation of the original offence.

Part 4A - Temporary emissions licences

Entity power given to	Section of ENPA	Description
Administering Authority	357E(1)	Power to: <ul style="list-style-type: none"> (a) grant the application for a temporary emissions licence: <ul style="list-style-type: none"> (i) as submitted; (ii) on different terms than have been requested in the application; or

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

Part 5 - Environmental Protection Orders

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

CHAPTER 9 – INVESTIGATION AND ENFORCEMENT

Part 1 - Administration Generally

Entity power given to	Section of ENPA	Description
As delegate of the Chief Executive of the Environmental Protection Agency: 516(1)(b) and 517	445(1)(c) ⁴	In the specified circumstances, the power to appoint an authorised person.
Chief Executive Officer	445(2)	Power to appoint an employee of a local government to be an authorised person
As delegate	448 ⁵	In the specified circumstances, the power to issue an identity card to each

⁴ The power is subject to the following limitations as per the instrument of delegation of the Chief Executive of the Environmental Protection Agency dated 7 February 2008 (copy attached).

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

⁵ The power is subject to the following limitations as per the instrument of delegation of the Chief Executive of the Environmental Protection Agency dated 7 February 2008 (copy attached).

of the Chief Executive of the Environmental Protection Agency: 516(1)(b) & 517.		authorised person appointed.
Administering Authority	451(1)	In the specified circumstances, the power to give a notice under section 451 of the Environmental Protection Act 1994 to a person requiring the person to give information relevant to the administration and enforcement of the Environmental Protection Act 1994.

Part 2 - Powers of Authorised Persons for Places and Vehicles

Entity power given to	Section of ENPA	Description
Administering Authority	454(1)	Power to believe on reasonable grounds land is contaminated land
Administering Authority	454(3)(b)	Power to give written notice to the owner and occupier.
Administering Authority	458(2)	In the specified circumstances, the power to give written notice of an application made under section 458(1) of the Environmental Protection Act 1994 to: <ul style="list-style-type: none"> (a) the owner of the land; and (b) if the owner is not the occupier of the land - the occupier; and (c) if the application is for an order to carry out work mentioned in section 458(1)(a) of the Environmental Protection Act 1994: <ul style="list-style-type: none"> (i) the environmental authority holder; or (ii) transitional environmental program approval holder; or (iii) the registered operator. (d) if the application is for an order to take actions required under a clean-up notice – the recipient of the notice.
Administering Executive	463(2)	In the specified circumstances, the power to direct the destruction or disposal of a forfeited thing.
As delegate of the Chief Executive of the Environmental Protection Agency: 516(1)(b) and 517.	490	In the specified circumstances, the power to issue a certificate.

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

CHAPTER 10 – LEGAL PROCEEDINGS**Part 3 - Legal Proceedings**

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

Part 5 - Enforceable undertakings⁶

Entity power given to	Section of ENPA	Description
Administering Authority	507(1)	Power to accept an enforceable undertaking.
Administering Authority	507(3)	Power to give written notice of: (a) administering authority's decision to accept or reject the enforceable undertaking; and (b) the reasons for the decision.
Administering Authority	507(4)	Power to form a reasonable belief that the undertaking will: (a) secure compliance with the Act; and (b) enhance the protection of the environment.
Administering Authority	509(1)	Power to give written agreement to: (a) withdraw the undertaking; or (b) vary the undertaking.
Administering Authority	510	Power to amend an enforceable undertaking with the written agreement of the person who made the undertaking.
Administering Authority	511	Power to: (a) amend an enforceable undertaking to correct a clerical or formal error; and (b) give written notice of the amendment to the enforceable undertaking.
Administering Authority	512(1)	Power to amend or suspend an enforceable undertaking if the administering authority is satisfied of the requirements in paragraphs (a) – (d).
Administering Authority	512(2)	Power to give a notice stating proposed action in respect of the enforceable undertaking.
Administering Authority	512(4)	Power to consider written representations.
Administering Authority	512(5)	Power to decide to take action under the section.
Administering Authority	512(6)	Power to give an information notice about the decision within 10 business days after making the decision.
Administering Authority	512(7)	Power to give written notice of a decision not to take action.
Administering Authority	513(2)	Power to apply to the Magistrates Court for an order about contravention of enforceable undertaking.

⁶ The *Environmental Protection and Other Legislation Amendment Act 2014* introduces a new Part 5 (Enforceable undertakings). These new provisions will come into effect on a day to be fixed by proclamation (but it has not yet been proclaimed), and once devolved to Council by the State.

CHAPTER 11 – ADMINISTRATION**Part 2 - Delegations**

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

Part 3 - Review of Decisions and Appeals**Division 2 – Internal Review of Decisions**

Entity power given to	Section of ENPA	Description
Administering Authority	521(2)(a)(ii)	In the specified circumstances, the power to allow a longer period within which an application for a review of an original decision must be made.
Administering Authority	521(5)	In the specified circumstances, the power to, within the decision period for a review of an original decision: <ul style="list-style-type: none"> (a) review the original decision; and (b) consider any submissions properly made by a recipient of a review notice; and (c) make a decision (the review decision) to: <ul style="list-style-type: none"> (i) confirm or revoke the original decision; or (ii) vary the original decision in a way considered appropriate.
Administering Authority	521(8)	Within 10 business days after making a review decision, the power to give written notice of the review decision to the applicant and persons who were given notice of the original decision.

Division 3 – Appeals**Subdivision 2 – Appeals to Court**

Entity power given to	Section of ENPA	Description
Dissatisfied person	531(1)	In certain circumstances, power to may appeal against the decision to the Court.

Part 4 - General

Entity power given to	Section of ENPA	Description
Administering Executive	544(1)	Power to approve forms.

CHAPTER 12 – MISCELLANEOUS

Part 3A - Auditors

Division 1 – Preliminary

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

CHAPTER 13 – SAVINGS, TRANSITIONAL AND RELATED PROVISIONS

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

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

Administering Authority	621(4)	If you act under section 621(1) or (2) of the Environmental Protection Act 1994, the power to give the person carrying out the activity an information notice about your decision to give the approval or approval and certificate.
Administering Authority	623(2)	In the specified circumstances, the power to give a registered operator a notice stating that you are satisfied that the risk of environmental harm from carrying out the activity is no longer insignificant.
Administering Authority	626(3)(a)	In the specified circumstances, the power to, by written notice, ask an applicant to give a stated document or information relevant to an application.

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

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

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

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

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

Division 5 – Transitional authorities for environmentally relevant activities

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

Division 5A – Suspended Activities

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

Division 6 – Financial assurance

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

Division 8 – Provisions about environmental management plans

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

Part 21 - Saving and Transitional Provisions for State Development, Infrastructure and Planning (Red Tape Reduction) and Other Legislation Amendment Act 2014

Entity power given to	Section of ENPA	Description
Administering Authority	715B(4)	Power to amend an existing environment authority to replace a condition that relates to a former item if the new condition imposes requirements that are equivalent to the replaced condition.
Administering Authority	715B(5)	Power to give written notice of the amendment to the environmental authority holder. ⁷

⁷ Section 715B expires one year after commencement.

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 ***Environmental Protection Regulation 2008***

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

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

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

Schedule 1

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

Entity power given to	Section of ENPR	Description
Local Government	19C	In assessing the application, power to consider the following matters as a code for IDAS under the Planning Act: a) an environmental objective assessment (to be carried out in accordance with Schedule 5, Part2) against the environmental objectives and performance outcomes mentioned in schedule 5, part 3, table 2; b) the standard criteria; c) if the activity is to be carried out in a strategic environmental area – the impacts of the activity on the environmental attributes for the area under the <i>Regional Planning Interests Act 2014</i> .

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

Entity power given to	Section of ENPR	Description
Administering Authority	51(1)	When making an environmental management decision relating to an activity, other than a prescribed ERA, power to: a) carry out an environmental objective assessment (to be carried out in accordance with Schedule 5, Part2) against the environmental objective and performance outcomes mentioned in schedule 5, part 3, tables 1 and 2; b) consider the environmental values declared under this regulation; ba) if the activity is to be carried out in a strategic environmental area – consider the impacts of the activity on the environmental attributes for the area under the <i>Regional Planning Interests Act 2014</i> ; c) consider each of the following under any relevant environmental protection policies: (i) the management hierarchy; (ii) environmental values; (iii) quality objectives; (iv) the management intent; and d) consider the matters of national environmental significance.
Administering Authority	51(2)	For an environmental management decision relating to a prescribed ERA, power to: a) carry out an environmental objective assessment (to be carried out in accordance with Schedule 5, Part2) against the environmental objective and performance outcomes mentioned in schedule 5, part 3, table 1; and

		b) consider the matters mentioned in subsection (1)(b), (ba) and (c).
Administering Authority	52(1)	When making an environmental management decision relating to an activity, power to consider imposing conditions about the specified matters.
Administering Authority	53(1)	When making an environmental management decision relating to an activity, power to consider whether to impose conditions about the release of contaminants from the activity on the receiving environment.
Administering Authority	53(2)	Power to consider the specified matters when considering whether to impose a monitoring condition.

Part 3 - Additional Regulatory Requirements for Particular Environmental Management Decisions

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

CHAPTER 5 – MATTERS RELATING TO ENVIRONMENTAL MANAGEMENT AND ENVIRONMENTAL OFFENCES

Part 9 - Waste Tracking

Division 4 – Miscellaneous

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

CHAPTER 5A – WASTE MANAGEMENT BY LOCAL GOVERNMENTS¹**Part 2 - Waste Management in Local Government Areas****Division 1 – Storage of general waste**

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

Division 2 – Removal of General Waste

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

Division 3 – Storage and treatment of industrial waste

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

¹ Section 81ZS – Devolution – Waste Management in Local Government Areas – Act, 514, the administration and enforcement of Part 2 is devolved to each local government for its local government area.
Section 81ZT – Devolution – Receiving and Disposing of Waste – Act, 514, the administration and enforcement of Part 3, to the extent it relates to a waste facility owned, operated or otherwise controlled by a local government, is devolved to the local government.
Section 81ZU, Chapter 5A expires on 1 September 2016.

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

Part 3 - Receiving and Disposing of Waste

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

CHAPTER 8 - FEES

Part 3 - Annual Fees

Division 2 - Reduced Annual Fees in Particular circumstances

Subdivision 3 - Offences and Record Keeping

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

CHAPTER 9 - REPEAL, TRANSITIONAL AND SAVINGS PROVISIONS

Part 2 - Transitional and Savings Provisions

Division 2 - Transitional Provisions about Environmentally Relevant Activities

Subdivision 1 – General

Entity power given to	Section of ENPR	Description
Administering Authority	150(3)	In the specified circumstances, as soon as practicable after commencement, power to: (a) give the holder of the registration certificate a notice stating that, under this regulation, the activity is no longer an environmentally relevant activity; and

		(b) from the anniversary day of the registration certificate, the holder no longer needs a registration certificate to carry out the activity.
Administering Authority	151(2)	In the specified circumstances, as soon as practicable after commencement, power to give the holder of a relevant authority a notice stating that: (a) under this regulation, the activity is still an environmentally relevant activity; (b) the provision of schedule 2 applicable to the holder's activity; (c) from the anniversary day of the relevant authority, the holder is taken to have a relevant authority to carry out the activity mentioned in the provision of schedule 2 applicable to the holder's activity.
Administering Authority	153(2)	In the specified circumstances, as soon as practicable after commencement, power to give the holder of an environmental authority a notice stating that: (a) under this regulation, the activity is still an environmentally relevant activity; (b) the provision of schedule 5 or 6 applicable to the holder's activity; (c) from the anniversary day of the former environmental authority, the holder is taken to have an environmental authority to carry out the activity mentioned in the provision of schedule 5 or 6 applicable to the holder's activity.

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 - Fire and Emergency Services Act 1990

Under 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 and conditions contained in Schedule 2.

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

Fire and Emergency Services Act 1990 ("FWSA")**Part 10 - Funding****Division 1 - Interpretation**

Section of FWSA	Description
105(1) "Prescribed property" paragraph (b)	In the specified circumstances, power to determine that a portion of a parcel of land separately held by an owner should be classed as a separate parcel for the purposes of Part 10 of the <i>Fire and Rescue Service 1990</i> .

Division 2 - Funding for Urban Fire Brigades

Section of FWSA	Description
112(2)	In the specified circumstances, power to give the owner of each prescribed property within its area a levy notice.
113(6)	In certain circumstances, power to amend or revoke a levy licence and give a new levy licence.
117(3)	In the specified circumstances, the power to decide the way in which Council keeps the administration fee.
121(2)	Power to refuse an application to pay an outstanding amount in instalments or grant an application to pay an outstanding amount in instalments subject to any conditions thought fit.
126(1)	Power to, by notice in writing, require an owner of prescribed property to pay an amount not exceeding an amount representing the prescribed per centum of the amount of arrears, by way of collection fee.

Chapter 4 - State Emergency Service, Emergency Service Units and Authorised Rescue Officers**Part 1 State Emergency Service****Division 3 - Membership in SES Units**

Section of FWSA	Description
134(2)	Power to nominate a local controller of an SES unit.

Schedule 1

Division 5 – Agreements

Section of FWSA	Description
140	Power to enter an agreement with the Commissioner that sets out responsibilities of each party in relation to the SES in the local government's area.

Part 2 Emergency Service Units

Section of FWSA	Description
146(2)	Power to nominate an ES unit co-ordinator of the ES unit.

Schedule 2

Limitations and Conditions 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, the delegate in exercising delegated power in relation to that matter, will only commit the 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, the Council's relations with the public at large.
3. The delegate will not exercise any delegated power in relation to a matter which has already been the subject of a resolution or other decision of the 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 affect, 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 power which cannot lawfully be the subject of delegation by Council.

INSTRUMENT OF DELEGATION

South Burnett Regional Council - Food Act 2006

Under 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 and conditions contained in Schedule 2.

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

Food Act 2006 ("FA")**CHAPTER 3 - LICENCES FOR PARTICULAR BUSINESSES****Part 3 - Applications for, and Issue of, Licences****Division 1 - Applications for Licence**

Section of FA	Description
55	Power to consider the application and decide to grant, or refuse to grant, the application.
56(1)	Power to be satisfied that the specified criteria are fulfilled.
56(2)	Power to obtain and consider the written advice of an auditor about whether or not the auditor considers the food safety program complies with section 98.
57	Power to have regard to the specified matters.
58(a)	In deciding whether premises are suitable for carrying on a licensable food business, the power to have regard to whether the premises comply with the food standards code, standard 3.2.3.
58(b)	In deciding whether premises are suitable for carrying on a licensable food business, the power to obtain and consider the written advice of an authorised person about whether or not the authorised person considers the premises are suitable for carrying on the business.
59(1)(a)	Power to make inquiries to decide the suitability of - (i) the applicant to hold a licence; and (ii) the premises for carrying on a licensable food business.
59(1)(b)	In the specified circumstances power to give notice to the applicant requiring the applicant to provide the local government with further information or a document.

Division 2 - Decisions on Applications for Licence

Section of FA	Description
60(2)	The power to give an applicant an information notice for the decision.
62(1)	Power to consider more time is needed to make a decision about an application because of the complexity of matters that need to be considered in deciding the application.

Schedule 1

Section of FA	Description
62(2)	In the specified circumstances, the power to give notice to the applicant.
62(3)	In the specified circumstances, the power to agree with the applicant on the day by which the application must be decided.

Division 3- Provisional Licences

Section of FA	Description
64	In the specified circumstances, the power to issue a provisional licence to the applicant.
67	Power to decide a term of a licence other than a provisional licence of not more than 3 years.

Part 4 - Term and Condition of Licences

Section of FA	Description
68(1)	Power to decide a term of provisional licence of not more than 3 months.
68(2)	Power to issue a notice to extend the term of licence.
69(1)(e)	In the specified circumstances, the power to impose other reasonable conditions considered appropriate for the food business.
69(2)(b)	Power to consider it necessary to impose a condition.
69(3)	Power to give an information notice for the decision.

Part 5 - Renewal, Restoration or Amendment of Licences**Division 2 - Renewal, Restoration and Amendment****Subdivision 1 - Applications**

Section of FA	Description
71	Power to give the licensee notice of the imminent expiry of a licence.
72(3)	Power to consider the application and decide to renew, or refuse to renew, the licence.
72(4)	Power to have regard to the specified matters.
72(5)	Power to give an information notice to the licensee if the local government decides to refuse to renew the licence or impose conditions on the licence.

Schedule 1

Section of FA	Description
73(3)	Power to consider the application and decide to restore, or refuse to restore, the licence.
73(4)	Power to have regard to the specified matters.
73(5)	Power to give a person an information notice for the decision if the local government decides to refuse to restore the licence, or impose conditions on the licence.
74(3)	Power to consider the application and decide to amend, or refuse to amend, the licence.
74(4)	Power to amend a licence by changing the location of the premises from which the licensee proposes to carry on a licensable food business.
74(5)	In the specified circumstances, the power to be satisfied on reasonable grounds that the premises are suitable for carrying on a licensable food business.
74(6)	Power to give a licensee a licence and an information notice for a decision if the local government decides to refuse to amend the licence.
74(7)	Power to give the licensee an information notice for the decision if the local government decides to impose conditions on the licence.

Subdivision 2 - Enquiries about Applications and Continuation of Licences

Section of FA	Description
75(1)	In the specified circumstances power to require the applicant to give the local government further information or a document.

Part 6 - Suspension or Cancellation of Licences

Section of FA	Description
78(2)	In the specified circumstances, the power to have regard to the specified matters regarding the suitability of a person to hold a licence.
79(1)(a)	Power to form a belief that a ground exists to suspend or cancel a licence.
79(2)	In the specified circumstances, the power to give the licensee a show cause notice.
80(2)	In the specified circumstances, the power to consider all representations.
81	In the specified circumstances, the power to form a belief that a ground no longer exists to suspend or cancel a licence.
82(1)(b)	Power to form a belief that a ground exists to suspend or cancel a licence.

Schedule 1

Section of FA	Description
82(2)(a)	In the specified circumstances, the power to suspend the licence for not longer than the proposed suspension period.
82(2)(b)	In the specified circumstances, the power to cancel the licence or suspend it for a period.
82(3)	Power to give an information notice to the licensee for the decision if the local government decides to take action under s82(2).
83	In the specified circumstances, the power to suspend a licence immediately.
83(2)	Power to give an information notice to the licensee together with a show cause notice about the decision to suspend a licence.
83(4)	Power to give the licensee a licence.

Part 7 - Other Provisions about Licences and Licensees**Division 3 - Carrying on Licensable Food Business from Mobile Premises**

Section of FA	Description
91(1)(b)	Power to consider that a licensee has done or omitted to do something, if done or omitted to be done in the first local government's area, would be a contravention of the conditions of the licence.
91(2)	In the specified circumstances, the power to advise the first local government of the thing done or omitted to be done.
92(2)	In the specified circumstances, the power to take action in relation to the thing done or omitted to be done by the licensee.

Division 4 - General Provisions

Section of FA	Description
97(1)	Power to consider the application and decide to grant, or refuse to grant, the application.
97(2)	Power to be satisfy the licence has been destroyed, lost or stolen, or damaged in a way to require its replacement.
97(3)	Power to issue another licence to the applicant to replace the damage, destroyed, lost or stolen licence.
97(5)	Power to give an information notice to the applicant for the decision if the local government decides to refuse to grant the application.

Schedule 1

CHAPTER 4 - FOOD SAFETY PROGRAMS**Part 2 - Applications for Accreditation of Food Safety Programs**

Section of FA	Description
103(1)	Power to consider the application and decide to accredit, or refuse to accredit, the food safety program.
103(2)	Power to obtain and consider the written advice of an auditor about whether or not the auditor considers the food safety program complies with the criteria in section 104.
104	Power to be satisfied that the food safety program meets the specified criteria.
105(1)	In the specified circumstances, the power to give notice to the applicant requiring the applicant to give further information or a document to a local government.
106(2)	Power to give an applicant an information notice for a decision if the local government decides to refuse to accredit a food safety program.
107(4)	Power to give an information notice to the applicant if the application is refused under section 107.
108(1)	In the specified circumstances, the power to consider more time is needed to make a decision.
108(2)	In the specified circumstances, the power to give notice to the applicant of the specified matters.
108(3)	In the specified circumstances, the power to agree with the applicant on a day by which the application must be decided.

Part 3 - Matters about Compliance Audits for Accredited Food Safety Programs

Section of FA	Description
109(2)	The power to give the holder of a food safety program an information notice for the decision.
109(2)(a)	In the specified circumstances, the power to decide how often the holder of the program must have compliance audits of the program conducted under this Act.
109(3)	In the specified circumstances, the power to have regard to the stated matters.
110(1)	In the specified circumstances, the power to change the frequency of compliance audits for a food safety program.

Schedule 1

Section of FA	Description
110(2)	In the specified circumstances, the power to have regard to the results of a compliance or non-conformance audit of the program.
110(3)	The power to give an information notice for the decision to the holder of a food safety program if the local government decides to change the frequency of compliance audits for the food safety program.
110(4)	Power to give the holder of a food safety program a notice of change if the local government decides to change the frequency of compliance audits for the food safety program.

Part 4 - Amendment of Accredited Food Safety Programs**Division 1 - Amendment by Holder of Accredited Food Safety Program**

Section of FA	Description
112(4)	Power to consider the application and decide to approve, or refuse to approve, the amendment.
112(5)	Power to be satisfied that the stated criteria are fulfilled.
112(6)	Power to give an information notice to an applicant for a decision if the local government decides to refuse to approve an amendment.
113(1)	In the specified circumstances power to require the applicant to give the local government further information or a document.

Division 2 - Amendment of Accredited Food Safety Program - Local Government's Initiative

Section of FA	Description
114(1)	In the specified circumstances, the power to direct the holder of a food safety program to amend the program.
114(2)	Power to give a notice to the holder of a food safety program for a direction under section 114(1).
114(3)(c)	Power to give an information notice with a notice of direction made under section 114(2).
115(2)	Power to be satisfied that the amendment complies with the direction under section 114.

Schedule 1

Part 5 - Cancellation of Accreditation, and Surrender, of Particular Food Safety Programs

Section of FA	Description
118(1)	In the specified circumstances, the power to form a belief that a ground exists to cancel the accreditation of a food safety program and to give the holder of the program a show cause notice.
119(2)	In the specified circumstances, the power to consider all representations.
120	In the specified circumstances, the power to form a belief that a ground no longer exists to cancel the accreditation.
121(1)(b)	In the specified circumstances, the power to form a belief that— (i) a ground still exists to cancel the accreditation; and (ii) cancellation of the accreditation is warranted.
121(2)	Power to cancel the accreditation.
121(3)	Power to give the holder of a food safety program an information notice for the decision if the local government decides to take action under section 121(2).

CHAPTER 7 _ MONITORING AND ENFORCEMENT**Part 5 - Injunctions**

Section of FA	Description
222(b)	Power to form a belief on reasonable grounds that an injunction under the part is necessary.
223	Power to apply to the District Court for an injunction in relation to the conduct.

CHAPTER 9 - REVIEWS AND APPEALS**Part 1 - Internal Review of Decisions**

Section of FA	Description
238(2)	Power to extend the time for applying for the review.
239	Power to give an applicant a notice of the review decision.
239(1)	In the specified circumstances, the power to make a further decision after reviewing the original decision.

Schedule 1

CHAPTER 10 – LEGAL PROCEEDINGS**Part 3 - Proceedings**

Section of FA	Description
255(1)(b)	Power to apply to the Court for an order against a person for the payment of the costs, that the state or local government has incurred in taking a thing or doing something during the investigation of an offence.
258(1)	Power to consider appropriate the way in which the local government may deal with a thing that becomes local government's property.
258(2)	Power to destroy or dispose of a thing.

CHAPTER 11 – MISCELLANEOUS**Part 3 - Prescribed contaminants in food**

Section of FA	Description
277	Power to approve forms for the use by the local government under this Act.

CHAPTER 11 – MISCELLANEOUS**Part 3B – Food business rating schemes**

Section of FA	Description
271H(1)	<i>Power to give the chief executive notice of intention to conduct a food business rating scheme.</i>
271H(2)	<i>Before conducting a food business rating scheme, power to give the chief executive a notice stating the specified matters.</i>
271K(1)	<i>Power to make a submission to the Minister against a proposed disallowance of the food business rating scheme.</i>
271M(1) (c)(i)	<i>Power to give notice of disallowance to all food businesses participating in the scheme.</i>

Note: Not yet proclaimed into force

Schedule 1

CHAPTER 12 – REPEAL AND TRANSITIONAL PROVISIONS
Part 3 – Transitional provisions for Health Legislation Amendment Act 2011

Section of FA	Description
303(2)	<i>Power to give a notice to the chief executive within 90 days of the commencement of chapter 11, part 3B of the FA stating the required details.</i>

Note: Not yet proclaimed into force

Schedule 2

Limitations and Conditions 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, the delegate in exercising delegated power in relation to that matter, will only commit the 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, the Council's relations with the public at large.
3. The delegate will not exercise any delegated power in relation to a matter which has already been the subject of a resolution or other decision of the 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 affect, 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 power which cannot lawfully be the subject of delegation by Council.

INSTRUMENT OF DELEGATION

South Burnett Regional Council – Information Privacy Act 2009

Under Section 257 of the *Local Government Act 2009*, **SOUTH BURNETT REGIONAL COUNCIL**, resolves to delegate the exercise of the powers contained in Schedule 1 to the Chief Executive Officer.

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

All prior resolutions delegating the same powers are repealed.

Information Privacy Act 2009 ("IPA")**Powers delegated:****CHAPTER 2 – PRIVACY PRINCIPLES****Part 3 Transfer of Personal Information Outside Australia**

Entity Power Given To	Section of IPA	Description
Law Enforcement Agency	29	Power to be satisfied on reasonable grounds that noncompliance with the IPP is necessary in certain circumstances.
Agency	33(a)	Power to agree with an individual to transfer an individual's personal information to an entity outside Australia
Agency	33(c)	Power to be satisfied on reasonable grounds that the transfer is necessary to lessen or prevent a serious threat to the life, health, safety or welfare of an individual, or to public health, safety or welfare.
Agency	33(c)(i)	Power to form a reasonable belief that the recipient of the personal information is subject to a law, binding scheme or contract that effectively upholds principles for the fair handling of personal information that are substantially similar to the IPPs or, if the agency is a healthy agency, the NPPs.

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

Entity Power Given To	Section of IPA	Description
Agency	34(1)	Power to enter into a service arrangement with a service provider.

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

Entity Power Given To	Section of IPA	Description
Agency	44(3)	Power to consider a person has an appropriate interest in the amendment of the personal information.

Schedule 1

Entity Power Given To	Section of IPA	Description
Agency	49(2)	Power to consider a search for a document from a backup system is appropriate.

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

Entity Power Given To	Section of IPA	Description
Principal Officer (the CEO – does not require delegation)	50(2)	Power to delegate the power to deal with an application to another officer of the agency.
Agency	50(5)(b)	Power to appoint an appropriately qualified health care professional to make a health care decision in relation to the application.

Division 2 – Preliminary contact with applicant

Entity Power Given To	Section of IPA	Description
Entity	52(1)(b)	Power to decide that an application is outside the scope of this Act for 1 or more of the following reasons: <ul style="list-style-type: none"> (i) the document is not a document of an agency, or document of a Minister, for this chapter; (ii) the entity is not an agency for this chapter; (iii) the application is made to the information commissioner, RTI commissioner or privacy commissioner.
Entity	52(2)	Power to give prescribed written notice to the applicant of the decision.
Agency	53(2)	Power to inform a person how an application does not comply with a relevant application requirement.
Agency	53(5)	Power to decide that an application does not comply with all relevant application requirements and to give the applicant prescribed written notice of the decision.
Agency	54(5)(b)	Power to consider whether an application is an application that can be made under this Act and power to give the applicant prescribed written notice of the decision.

Schedule 1

Entity Power Given To	Section of IPA	Description
Agency	55(1)	At any time before a deemed decision is taken to have been made in relation to an access or amendment application, power to ask the applicant for a further specified period to consider the application.
Agency	55(3)	Power to continue to consider the application and make a considered decision in relation to it in certain circumstances.

Division 3 – Contact with relevant third party

Entity Power Given To	Section of IPA	Description
Agency	56(1)	Power to give access to a document of which may reasonably be expected to be of concern to a government, agency or person.
Agency	56(3)(b)	Power to decide: <ul style="list-style-type: none"> (i) that a document is a document for this chapter; or (ii) that the information is not exempt information or contrary to public interest information.
Agency	56(3)(c)	Power to give prescribed written notice of the decision in 56(3)(b) to the applicant and the relevant third party.
Agency	56(3)(d)	In the specified circumstances, power to defer giving access to a document.
Agency	56(4)	Power to give the applicant written notice when access is no longer deferred under 56(3)(d).

Division 4 - Transfers

Entity Power Given To	Section of IPA	Description
Agency	57(2)	In the specified circumstances, power to transfer an access or amendment application to another agency.

Part 4 - Refusal to Deal with Access or Amendment Application

Entity Power Given To	Section of IPA	Description
Agency	59(2)	Power to refuse to deal with an application without having identified any or all of the documents.

Schedule 1

Entity Power Given To	Section of IPA	Description
Agency	60(1)	Power to refuse to deal with an access or amendment application, or, if the agency or Minister is considering 2 or more access or amendment applications by the applicant, all the applications, if when using the power to consider the work involved in dealing with the application or all the applications would, if carried out : (a) substantially and unreasonably divert the resources of the agency from their use by the agency in the performance of its functions.
Agency	61(1)	Power to give the applicant a written notice regarding its refusal to deal with an application under section 60.
Agency	62(3)	In the specified circumstances, power to refuse to deal with the later application to the extent it is for access to a document or documents sought under the first application.
Agency	63(3)	In the specified circumstances, power to refuse to deal with the later application to the extent it is for amendment of a document or documents sought under the first application.

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

Entity Power Given To	Section of IPA	Description
Agency	65(a)	In the specified circumstances, power to make a decision (a considered decision): (i) whether access is to be given to the document; and (ii) if access is to be given – whether any access charge must be paid before access is given,
Principal Officer (the CEO – does not require delegation)	66(2)	In the specified circumstances, power to give prescribed written notice of the decision to the applicant.
Agency	68(1)	In the specified circumstances, power to give a prescribed written notice to an applicant.
Agency	69(2)	Power to give a prescribed written notice.

Schedule 1

Division 2 – Amendment Applications

Entity Power Given To	Section of IPA	Description
Agency	70	If a person makes an amendment application for a document, power to: <ul style="list-style-type: none"> (a) consider the application and make a considered decision whether the amendment of the document is to be permitted; and (b) give the person a written notice of the decision.
Principal Officer (the CEO – does not require delegation)	71(2)	Power to give prescribed written notice of the decision to the applicant.
Agency	72(1)	Power to refuse to amend a document if the agency is not satisfied: <ul style="list-style-type: none"> (a) the personal information is inaccurate, incomplete, out of date or misleading; or (b) the information sought to be amended is personal information of the applicant; or (c) if the application is purportedly made by an agent, that the agent is suitably authorised to make the amendment application.
Agency	73(1)	Power to give a prescribed written notice to the applicant for an amendment application of the decision on the application.
Agency	74	Power to make an amendment by: <ul style="list-style-type: none"> (a) altering the personal information; or (b) adding an appropriate notation to the personal information.
Agency	76(3)(b)	Power to give the applicant written notice of the nature of the notation.
Agency	76(5)	Power to decide the information to which the notice relates is not information in relation to which the applicant was entitled to apply to the agency for amendment of the document.
Agency	76(5)(b)	In the specified circumstances, power to give prescribed written notice to the applicant of the decision.

Schedule 1

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

Entity Power Given To	Section of IPA	Description
Agency	81(1)	Power to consider whether an access charge for an access application should be waived.
Agency	82(2)	When deciding to waive any access charge for an application, power to consider: <ul style="list-style-type: none"> (a) the applicant is the holder of a concessional card; and (b) the applicant is not making the application for some other person who is seeking to avoid the payment of a charge.
Agency	82(3)	Power to give the applicant a prescribed written notice of a decision under 82(2) before the end of the processing period.

Part 7 - Giving Access

Entity Power Given To	Section of IPA	Description
Agency	87(1)	In the specified circumstances, power to defer giving access to a document for a reasonable period.
Agency	87(2)	In the specified circumstances, power to give the applicant written notice when access is no longer deferred under section 87(1).
Agency	88(1)	Power to reasonably consider that a document will disclose to the applicant information that is not relevant to the access application for the document.
Agency	88(2)	Power to delete the irrelevant information from a copy of the document and give access to the document by giving access to a copy of the document with the irrelevant information deleted.
Agency	88(3)	Power to consider, from the terms of the application or after consultation with the applicant- <ul style="list-style-type: none"> (a) the applicant would accept the copy; and (b) it is reasonably practicable to give access to the copy.
Agency	89(c)	Power to decide that an applicant would wish to be given access to a copy of a document and to give access.

Schedule 1

Entity Power Given To	Section of IPA	Description
Agency	90	Power to decide that an applicant would wish to be given access to a copy of a document and to give access.
Agency	91(2)	Power to consider whether it is consistent with the primary object of this act to give the applicant or a person nominated by the applicant and approved by the agency, a summary of the applicant's personal information; and power to agree with the intermediary or the intermediary and applicant regarding conditions of use or disclosure.
Agency	91(3)(a)	Power to make an agreement with an <i>information giver</i> for the disclosure of information given by that person.
Agency	91(3)(b)	Power to make an agreement with another person other than the applicant, for the disclosure of information, if the summary of information contains personal information about the other person.

Part 8 - Internal Review

Entity Power Given To	Section of IPA	Description
Agency	94(2)	Power to review a reviewable decision and make a new decision.
Reviewer	97(1)	Power to decide an internal review application as soon as practicable.
Agency	97(2)	Power to notify an applicant of a decision.
Agency	97(3)	Power to give a prescribed written notice of the decision to the applicant.

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

Entity Power Given To	Section of IPA	Description
Local Government / Agency	102(2)	In the specified circumstances, power to apply to the information commissioner to participate in the external review.
Agency	106(1)(b)	Power to apply to the commissioner to allow the agency further time to deal with the access or amendment application.

Schedule 1

Division 5 – Powers of information commissioner on external review

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

Part 11 – References of questions of law and appeals

Entity Power Given To	Section of IPA	Description
Participant in an external review	131(1)	Power to request the commissioner to refer a question of law arising on an external review to QCAT.
Participant in an external review	132(1)	Power to appeal to the Appeal Tribunal against the decision of the information commissioner on the external review.

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

Entity Power Given To	Section of IPA	Description
Agency	157(1)	Power to apply to the information commissioner for an approval under this section.

Part 6 – Compliance Notices

Entity Power Given To	Section of IPA	Description
Agency	159(1)	If given a compliance notice, power to ask the information commissioner to extend the time within which it must take the action stated in the compliance notice.

Schedule 1

Entity Power Given To	Section of IPA	Description
Agency	159(3)(b)	In the specified circumstances, power to give the commissioner an undertaking to take the stated action within the extended period.

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

Entity Power Given To	Section of IPA	Description
Respondent	172(1)	Power to agree on a resolution of the complaint.

SCHEDULE 3 – INFORMATION PRIVACY PRINCIPLES

Entity Power Given To	Section of IPA	Description
Agency	2(5)(b)	Power to form a reasonable belief that there would be little practical benefit to the individual in complying with subsection 3 in the circumstances.
Agency	7(3)	Power to consider it is not required to amend personal information included in a document under the agency's control in a way asked for by the individual the subject of the personal information.
Agency	10(1)(b)	Power to be satisfied on reasonable grounds that the use of the information for the other purpose is necessary to lessen or prevent a serious threat to the life, health, safety, or welfare of an individual, or to public health, safety or welfare.
Agency	10(1)(d)	Power to be satisfied on reasonable grounds that the use of the information for the other purpose is necessary in certain circumstances.
Agency	11(1)(c)	Power to be satisfied on reasonable grounds that the disclosure is necessary to lessen or prevent a serious threat to the life, health, safety or welfare of an individual, or to public health, safety or welfare.
Agency	11(1)(e)	Power to be satisfied on reasonable grounds that the disclosure of the information is necessary in certain circumstances.
Agency	11(1)(f)(iv)	Power to be satisfied on reasonable grounds that the relevant entity will not disclose the personal information to another entity.

Schedule 2

Limitations to the Exercise of Power

1. Where Council in its budget or by resolution allocates an amount for the expenditure of Council funds in relation to a particular matter, the delegate in exercising delegated power in relation to that matter, will only commit the 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, the Council's relations with the public at large.
3. The delegate will not exercise any delegated power in relation to a matter which has already been the subject of a resolution or other decision of the 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 affect, 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 power which cannot lawfully be the subject of delegation by Council.

INSTRUMENT OF DELEGATION

South Burnett Regional Council *Land Act 1994*

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

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

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

Schedule 1

Land Act 1994 ("LANA")**CHAPTER 2 - LAND ALLOCATION****Part 1 - Allocation Powers**

Entity power given to	Section of LANA	Description
Registered owner	18(1)	In the specified circumstances, the power to agree with the Governor in Council granting or leasing unallocated State land in exchange for freehold land.

Part 2 - Reservations

Entity power given to	Section of LANA	Description
Registered owner or Trustee	26(2)	In the specified circumstances, the power to agree with the Minister in respect to the specified matters when the Minister is deciding the boundaries of land being resumed.

CHAPTER 3 - RESERVES, DEEDS OF GRANT IN TRUST AND ROADS**Part 1 - Reserves and Deeds of Grant in Trust****Division 2 - Reserves**

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

Local government	34H(1)	Power to apply to the Minister to remove improvements from a revoked reserve.
Trustee of an operational reserve	34I(1)	In certain circumstances, power to apply for the issue of a deed of grant over a reserve.
Trustee of an operational reserve	34I(3)	Power to give notice of the trustee's intention to make the application to each person with a registered interest in the reserve.
Trustee of an operational reserve	34I(4)	Power to give notice to any other person the trustee considers has an interest in the reserve.

Division 3 - Deeds of Grant in Trust

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

Division 5 - Appointments, functions and removal of trustees

Entity power given to	Section of LANA	Description
Trustee of trust land	47(2)	In the specified circumstances, the power to give a copy of an audited financial statement to the chief executive within 28 days after it has been finished.

Division 6 - Powers of trustees

Entity power given to	Section of LANA	Description
Trustee of trust land	52(5)	Power to apply for the approval of an action that is inconsistent with the purpose for which the reserve was dedicated or the land was granted in trust (<i>inconsistent action</i>).
Trustee of a deed of grant in trust	55A(1)	Power to apply to surrender all or part of a deed of grant in trust.

Trustee of a deed of grant in trust	55A(2)	Power to give notice of the trustee's intention to apply to each person with a registered interest in the deed of grant in trust.
Trustee of a deed of grant in trust	55A(1)	Power to give notice to any other person the trustee considers has an interest in the deed of grant in trust.
Owner of improvements on a deed of grant in trust that has been surrendered	55H	Power to apply to remove the owner's improvements on a surrendered deed of grant in trust.

Division 7- Trustee leases and trustee permits

Entity power given to	Section of LANA	Description
Trustee	57(1)	Power to lease all or part of the trust land upon first obtaining the Minister's written 'in principle' approval to the lease.
Trustee	57(2A)	Power to, without the Minister's approval, grant a trustee lease (construction) or a trustee lease (State or statutory body) lease all or part of the trust land.
Trustee	60(1)	Power to issue and enter into on behalf of Council a trustee permit for the use of all or part of trust land.
Relevant person	64(4)	Power to apply for approval to lease or sub-lease trust land even if an authority is in force
Trustee	66(1)	In the specified circumstances, the power to allow a trustee lessee or trustee permittee to remove the trustee lessee's or trustee permittee's improvements on the land within a reasonable time stated by you.

Division 11 - Other grants for public purposes

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

Part 2 - Roads

Division 2 - Closing Roads

Entity power given to	Section of LANA	Description
Any person	94(2)	Power to apply for the dedication of a road for public use.
Public utility provider or	99(1)	Power to apply for the permanent closure of a road.

adjoining owner for the road		
Adjoining owner for the road or, in certain circumstances, another person	99(3)	In the specified circumstances, the power to apply (also a road closure application) to the Minister for the temporary closure of a road.
Adjoining owner for the road	99(6)	In the specified circumstances the power to ask in the application that, on the closure of the road, the adjoining land and the other land be amalgamated.

Division 3 - Road licences for temporarily closed roads

Entity power given to	Section of LANA	Description
Adjoining owner or, in certain circumstances, another person	103(1)	In the specified circumstances, the power to apply to the Minister for a road licence over a temporarily closed road.

Division 4 - Permanently closed roads

Entity power given to	Section of LANA	Description
Registered owner	109A(1)	In the specified circumstances, power to apply for the simultaneous opening and closure of roads.
Trustee or Lessee	109B(1)	In the specified circumstances, power to apply for the simultaneous opening and closure of roads.

CHAPTER 4 - LAND HOLDINGS

Part 1 - Making Land Available

Entity power given to	Section of LANA	Description
Any person	120A(1)	Power to apply for an interest in land without competition.

Part 3 - Leases

Entity power given to	Section of LANA	Description
Lessee of a lease	136(5)	Power to enter a land management agreement.
Lessee of a lease	164C(1)	Power to make an extension application.
Lessee of a lease	164C(2)	Power to advise the Chief Executive, that the lessee wishes to allow the lease to expire at the end of its term (an expiry advice).

Lessee of a lease	164C(7)	Power to appeal against the Minister's decision.
Lessee of a lease	164H(1)(b)	Power to advise the Chief Executive and agree to the lease becoming a rolling term lease.
Lessee of a lease	169(b)(i)	Power to enter into a forest consent agreement in relation to the land.
Lessee of a lease	176(1)	Power to apply for approval to subdivide a lease.
Lessee of two or more leases	176K(1)	In the specified circumstances, power to apply for approval to amalgamate adjoining leases.
Lessee of a lease	176XA	Power to agree with the Minister to cancel the land management agreement registered on a lease.

Part 4 - Permits

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

CHAPTER 5 - MATTERS AFFECTING LAND HOLDINGS

Part 2 - Conditions

Division 3 - Changing Conditions

Entity power given to	Section of LANA	Description
Lessee or Licensee	210	Power to apply to change conditions of a lease, licence or permit under section 210(1).

Lessee of a lease	212B(5)	Power to make agreement with the designated officer for the lease about matters stated in section 212B(5)(a) and (b).
Lessee or Licensee	214A	Power to make written submissions to the Minister in response to a warning notice.

Part 4 - Forfeiture**Division 3A - Sale of lease instead of forfeiture****Subdivision 3 - Sale by local government**

Entity power given to	Section of LANA	Description
Local government	240G(1)	Power to apply to the Minister for approval to sell a lease.
Local government	240I(4)	Power to set a reserve price for the sale of the lease by auction, or a price for the sale of the lease under an agreement, that is at least the total of all charges owing to the State under the <i>Land Act 1994</i> relating to the lease.

CHAPTER 6 - REGISTRATION AND DEALINGS**Part 4 - Dealings Affecting Land****Division 2 - Surrender**

Entity power given to	Section of LANA	Description
Registered owner	327	The power to apply to surrender, absolutely, freehold land.
Lessee	327A	The power to apply to surrender all or part of a lease.
Registered owner of freehold land	327B	The power to apply to surrender freehold land.
Lessee	327C(1)	The power to apply to surrender all or part of a lease.
Lessee	327C(2)	The power to give notice of the lessee's intention to apply to any other person with a registered interest in the lease.
Lessee	327C(3)	The power to give notice to any other person the lessee considers has an interest in the lease.
Owner of improvements on a lease that has been surrendered	327I(1)	The power to apply to remove improvements on surrendered lease.

Division 7 - Correcting and changing deeds of grant and leases

Entity power given to	Section of LANA	Description
Registered owner or Trustee	358(1)	In the specified circumstances, the power to surrender land contained in a deed of grant or deed of grant in trust.
Registered owner or	358(2)	In the specified circumstances, the power to surrender land contained in a

Instrument of Delegation
Land Act 1994

Current as at 1 January 2015

Trustee		deed of grant or deed of grant in trust with the Minister's written approval.
Lessee or a person acting for the lessee	360C	In the specified circumstances, power to apply to amend the description in a lease.
Applicant	360D(2)	Power to give notice of the applicant's intention to apply to any other person with a registered interest in the lease land.
Applicant	360D(3)	Power to give notice to any other person the applicant considers has an interest in the lease.

Division 8 - Easements

Entity power given to	Section of LANA	Description
Trustee	368(2)(a)	In the specified circumstances, the power to ask the chief executive to extinguish an easement.

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

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

Part 7 - Tenures Under Other Acts**Division 1 - Sale to Local Authorities Land Act 1882**

Entity power given to	Section of LANA	Description
Local government	492(1)	In the specified circumstances, the power to apply to exchange a conditional deed for a reserve or deed of grant in trust with Council as trustee or a lease issued under the <i>Land Act 1994</i> .
Lessee of a	521ZL(2)	Power to agree to the renewal application being treated as an extension

lease		application and advise the Chief Executive of same.
Lessee of a lease	521ZM(2)	Power to advise the Chief Executive that the lessee wishes the lease to become a rolling term lease.

Schedule 2

Limitations to the Exercise of Power

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

INSTRUMENT OF DELEGATION

South Burnett Regional Council *Liquor Act 1992*

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

Liquor Act 1992 ("LIQA")**Part 5 - Grant, Variation and Transfer of Licences and Permits and Related Matters****Division 1 - Applications**

Entity power given to	Section of LIQA	Description
Local Government	105B(1)	Power to consent to an application for an adult entertainment permit.
Local Government	105B(4)	Power to abstain from consenting to the application for an adult entertainment permit.
Local Government	117(2)	In the specified circumstances, the power to— (a) comment on the reasonable requirements of the public in the locality; or (b) object to the grant of an application on the grounds that the amenity, quiet or good order of the locality would be lessened.
Local Government	117A(2)	In the specified circumstances, the power to comment on, or object to, an application by given written comments or objections to the Chief Executive within 28 days after receiving the Chief Executive's advice about the application.

Part 6 - Obligatory Provisions and Offences**Division 4 - Provisions concerning consumption of liquor in certain public places**

Entity power given to	Section of LIQA	Description
Local Government	173C(1)	Power to designate a public place mentioned in section 173B(1)(a) of the <i>Liquor Act 1992</i> that is in Council's area as a public place where liquor may be consumed.
Local Government	173C(2)	Power to specify the period or times during which the designation is to have effect.
Local Government	173D(6)	In the specified circumstances, the power to provide written approval for the use of a public place mentioned in section 173D(5) of the <i>Liquor Act 1992</i> .
Local Government	173E(1)	Power to repeal or amend a designation under section 173C of the <i>Liquor Act 1992</i> .
Local Government	173N(4)	Power to give the Queensland Police a written notice of suspension of designation of a public place in a restricted area.

Part 6AB - Safe Night Precincts

Division 3 - Provisions that apply when a safe night precinct has a local board

Entity power given to	Section of LIQA	Description
Chief Executive Officer	173NH(2) (d)	Power to nominate an employee of the local government for the local government area as a member of a consultative committee for a safe night precinct.

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 ***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 3 - THE BUSINESS OF LOCAL GOVERNMENT****Part 3 - Roads and other infrastructure****Division 1- Roads**

Entity power given to	Section of LOGA	Description
Local government	61(1)	Power to give the owner of land the local government wants to acquire, a notice of intention to acquire land.
Local government	61(5)	Power to give permission to an owner to erect, place, re-erect, replace or repair any structure or part of a structure on the land.
Local government	62(6)	Power to reasonably require information to decide the claim.
Local government	62(7)	In the specified circumstances, power to give the claimant written notice of Council's decision on the claim.
Local government	64(4)	Power to agree on compensation for the acquisition of the land.
Local government	65(1)	Power to decide not to proceed with the realignment of a road or part of a road after giving a notice of intention to acquire land.
Local government	65(3)	Power to serve notice of Council's decision on all owners of land who were served with the notice of intention to acquire land.
Local government	65(4)(a)	Power to withdraw the notice of intention to acquire land.
Local government	65(4)(b)	Power to lodge with the registrar of titles for registration a notice of Council's decision not to proceed with the realignment of the road, or part of the road.
Local government	66(4)	Power to agree on an amount of compensation.
Local government	67(1)	Power to acquire land that adjoins a road for use as a footpath.
Local government	67(2)	In the specified circumstances, power to decide whether any of the rights specified in this subsection are appropriate.
Local government	67(3)	Power to consider necessary structural alterations to the structure, room or cellar.
Local government	68(4)	Power to object to the opening or closing of the road.
Local government	69(1)	Power to close a road.
Local government	69(2)(c)	Power to decide that it is necessary or desirable to close a road for a temporary purpose in the circumstances specified.
Local government	69(4)	Power to do everything necessary to stop traffic using the road after it is closed.
Local government	69(5)	If a road is closed to traffic for a temporary purpose, power to permit the use of any part of the road on the conditions considered appropriate.

Local government employee or contractor	70(3)	In the specified circumstances, power to: (a) make an agreement with the owner or occupier of the land; or (b) give the owner or occupier of the land at least 3 days written notice.
Local government	70(4)	In the specified circumstances, power to give the owner or occupier of the land oral notice of the matters mentioned in subsection (3)(b).
Chief Executive Officer	70(6)(b)	Power to allow a later time for receipt of a claim for compensation.
Local government	70(7)(a)	Power to make an agreement with a person for the amount of compensation.
Local government	71(2)	Power to give the owner or occupier advice about the permanent level of the road.
Local government	71(4)(a)	Power to make an agreement with the owner or occupier, or their successor in title, for the amount of compensation.
Local government	72(1)(b)	Power to consider that the conduct of the activity is having, or will have, a significant adverse impact on a road in the local government area.
Local government	72(2)	Power to require the entity which is conducting an activity to provide information, within a reasonable time, that will enable the local government to assess the impact of the activity on the road.
Local government	72(3)	After assessing the impact of the activity on the road, power to do one or more of the following: (a) give the entity a direction about the use of the road to lessen the impact; (b) require the entity: (i) to carry out works to lessen the impact; or (ii) to pay an amount as compensation for the impact.
Local government	74(2)	Power to consider appropriate particulars to be shown on the register of roads.
Local government	75(2)	For the specified reasons, power to give written approval.
Local government	75(4)	Power to decide the conditions of an approval under subsection (2).

Division 2 - Stormwater drains

Entity power given to	Section of LOGA	Description
Local government	77(1)	Power to, by written notice, require the owner of a property to connect a stormwater installation for the property to the local government's stormwater drain in the way, under the conditions and within the time stated in the notice.
Local government	77(3)(b)	Power to give approval for the connection to a local government stormwater drain.
Local government	77(4)	Power to impose conditions on approval for the connection, including about the way the connection must be made.
Local government	78(4)	Under the specified circumstances, power to, by written notice, require the owner of the property to perform the work stated in the notice, within the time stated in the notice.
Local	78(5)	For a notice provided in subsection (4), power to decide a time that is

government		reasonable.
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CHAPTER 4 - FINANCES AND ACCOUNTABILITY

Part 1 - Rates and charges

Entity power given to	Section of LOGA	Description
Local government	95(3)(a)	Power to sign and lodge for registration a request to register a charge over the land on behalf of the local government.
Chief Executive Officer	95(3)(b)	Power to sign a certificate that states there is a charge of the land for overdue rates and charges.
Chief Executive Officer	95(5)(b)	Power to sign a certificate that states the overdue rates and charges have been paid.

CHAPTER 5 - MONITORING AND ENFORCING THE LOCAL GOVERNMENT ACTS

Part 2 - The public

Division 1 - Powers of authorised persons

Entity power given to	Section of LOGA	Description
Local government	133(3)	Power to give, or make a reasonable attempt to give, the occupier of the property a written notice that informs the occupier of the following: (a) the intention to enter the property; (b) the reason for entering the property; (c) an estimation of when the property will be entered.
Local government	133(4)	Power to give, or make a reasonable attempt to give, written notice to the occupier within a reasonable time before the property is to be entered.
Local government	137(2)(a)	Power to agree on an amount of compensation for a person who has incurred damage or loss because of the exercise or purported exercise of a power under this division.

Division 2 - Powers of other persons

Entity power given to	Section of LOGA	Description
Local government	140(1)(a)	Power to give a remedial notice to the owner of a property.
Owner or Owner's agent	140(2)	Power to enter property at the times stated in the reasonable entry notice and take the action that is required under the remedial notice.
Local government	142(6)	In the specified circumstances, power to give the person who failed to take the action, written notice of the amount of the debt.
Local government	143(1)	Power to form a belief that there is no reasonably practicable way of obtaining materials other than by removing the materials from the relevant land.

Person	146(1)	Power to enter the property in accordance with a Court order made under this section.
Person	146(2)	Power to apply to a Magistrate for a Court order.
Local government	147(3)(a)	Power to agree on an amount of compensation for a person who has incurred damage or loss because of the exercise or purported exercise of a power under this division.

Part 3 - Investigation of local government records

Division 3 – Investigations by local government

Entity power given to	Section of LOGA	Description
Chief Executive Officer	148F(2)	Power to make all inquiries the Chief Executive Officer considers to be reasonable to find out whether and to what extent the register or record is incorrect/power to direct an authorised person to make such enquiries.
Chief Executive Officer	148G(2)	Power to, in the circumstances in subsection (1) require a person to give information or produce a document, or direct an authorised person to require a person to give information or produce a document.

CHAPTER 6 - ADMINISTRATION

Part 2 - Councillors

Division 3 - Vacancies in councillor's office

Entity power given to	Section of LOGA	Description
Chief Executive Officer	162(1)(e)	Power to give leave.
Chief Executive Officer	166(6)	In the specified circumstances, power to request the political party to advise the full name and address of its nominee.
Chief Executive Officer	166(8)	Power to, within 14 days after the office become vacant, invite nominations.

Division 6 - Conduct and performance of councillors

Entity power given to	Section of LOGA	Description
Entity dealing with the complaint under this division	176A(2)	The power to decide not to take any further action in relation to a complaint about the conduct of a person who is no longer a councillor in the prescribed circumstances.
Entity that makes a decision under subsection (2)	176A(3)	The power to give to an entity that made the complaint, and the accused person, a written notice that states: (a) No further action will be taken in relation to the complaint; and (b) The reasons for the decision.

Part 5 - Local government employees**Division 3 - Common provisions**

Entity power given to	Section of LOGA	Description
Local government	198(2)	Power to make an agreement with other local governments that an employee may be employed by more than one local government.

CHAPTER 7 - OTHER PROVISIONS**Part 2 - Superannuation**

Entity power given to	Section of LOGA	Description
Local government	219(2)	Power to declare an employee to be a permanent employee by a written notice given to the super board.

Part 4 - Legal provisions

Entity power given to	Section of LOGA	Description
Local government	236(1)	The power to sign a document on behalf of a local government.

Part 6 - Other provisions

Entity power given to	Section of LOGA	Description
Local government	262(2)	In the specified circumstances, power to do anything that is necessary or convenient for performing the responsibilities.
Chief Executive Officer	265A(1)(b)	Power to authorise an employee of a local government to conduct searches of registers or documents about the land in the land registry.

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 ***Plumbing and Drainage 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

Plumbing and Drainage Act 2002 ("PLDA")**Part 4 - Compliance Assessment****Division 2- Compliance assessment generally**

Entity power given to	Section of PLDA	Description
Local Government	84(3)	In specified circumstances, power to issue: (a) for a plan — a compliance permit; or (b) for work — a compliance certificate.

Division 3 - Assessing plans

Entity power given to	Section of PLDA	Description
Local Government	85(3)	Power to give a person making a compliance request, a written notice (an information request), requesting further information needed to assess the plan.
Local Government	85(6)	Power to, in deciding compliance request: (a) give the person making the compliance request a compliance permit; or (b) refuse to give a compliance permit.
Local Government	85(7) ¹	Power to decide reasonable and relevant conditions to a compliance permit for achieving compliance.
Local Government	85(8)	Power to give a copy of the compliance permit to: (a) the owner of the premises to which the compliance permit relates; and (b) If the permit is for a plan for work involving the installation of water meters on premises – the water service provider for the premises, if the water service provider is not the local government.
Local Government	85(10)	Power to give the person who made the compliance request an information notice about the decision.
Local Government	85A(2)	Power to comply with notice given by distributor/retailer.
Local Government	85C(2)(b)(i)	Power to be satisfied there is enough water available to premises at which the facility is proposed to be installed to operate the facility.
Local Government	85C(2)(b)(ii)	Power to be satisfied either: (a) there is enough suitable land available as part of the premises to allow grey water from the facility to be used on the land; or (b) a suitable alternative arrangement has been made for the use of the grey water.
Local Government	85D(2)(b)(i)	Power to be satisfied there is enough water available to premises at which the facility is proposed to be installed to operate the facility.

¹ Under section 87(7A), a local government can not give a compliance permit for SEQ water work unless it is the relevant service provider for the work or 1 of the following applies:
(a) the work has been approved by the distributor-retailer who is the relevant service provider for the work;
or
(b) the local government has been advised by the distributor-retailer in writing that a compliance permit for the type of work may be given without the distributor-retailer's approval.

Local Government	85D(2)(b)(ii)	Power to be satisfied either: (a) there is enough suitable land available as part of the premises to dispose of effluent from the onsite sewerage facility; or (b) a suitable alternative arrangement has been made to dispose of the effluent.
Local Government	85D(2)(b)(iii)	Power to be satisfied the on-site sewerage facility is otherwise appropriate for the premises.
Local Government	85E(4)(b)	Power to extend the decision period to a longer period.

Division 4 - Assessing compliance assessable work

Entity power given to	Section of PLDA	Description
Local Government	86(5)	Power to assess regulated work at the stages prescribed under the Standard Plumbing and Drainage Regulation.
Local Government	86(6)	In the specified circumstances the power to decide not to carry out the assessment (if the work is on-site sewerage work), if an approved person for the assessment gives it a notice (a notice of compliance) in the approved form verifying that the work complies with: (a) the relevant compliance permit; and (b) the Standard Plumbing & Drainage Regulation.
Local Government	86(7)	Power to ask the person making the request for compliance assessment to supply a plan of the assessed work.
Local Government	86(8)	Power to decide request for compliance assessment.
Local Government	86(9) ²	Power to: (a) give the person making the request a compliance certificate; or (b) refuse to give a compliance certificate.
Local Government	86(10)	Power to also give a copy of the compliance certificate to: (a) the owner of the premises to which the compliance certificate relates; and (b) if the work involved the installation of water meters on premises – the water service provider for the premises, if the water service provider is not the local government.
Local Government	86(12)	Power to give the person who made the request an information notice about the decision.
Local Government	86(13)	Power to form an opinion that a person is competent to give a notice of compliance for on site sewerage work for the purpose of being an approved person under this section.
Local Government	86AA(2)	Power to comply with notice given by distributor-retailer.
Local Government	86A(3)(b)	In the specified circumstances, power to ask the person who made the request to provide a plan of the completed work.

² Under section 89(9A), a local government can not give a compliance permit for SEQ water work unless it is the relevant service provider for the work or 1 of the following applies:
(a) the work has been approved by the distributor-retailer who is the relevant service provider for the work; or
(b) the local government has been advised by the distributor-retailer in writing that a compliance permit for the type of work may be given without the distributor-retailer's approval.

Local Government	86A(4)	Power to decide request for compliance assessment.
Local Government	86A(5)	In the specified circumstances, power to: (a) give the person making the request a compliance certificate; or (b) refuse to give a compliance certificate.
Local Government	86A(6)	Power to also give a copy of the compliance certificate to the owner of the premises to which the compliance certificate relates.
Local Government	86A(8)	Power to give the person who made the request an information notice about the decision.
Local Government	86B(3)	Power to decide request for compliance assessment for on-site sewerage work for testing purposes.
Local Government	86D(3)	Power to replace the certificate with a new certificate that has different conditions for the ongoing operation, maintenance or testing of the relevant grey water use facility or on-site sewerage facility.
Local Government	86E(3)	Power to, by written notice, require the former holder of the certificate to remove all or a stated part of the relevant grey water use facility or on-site sewerage facility.
Local Government	86G(1)	Power to, by complying with subsections (2) and (3), amend a condition of a compliance certificate for work for testing purposes if it considers the amendment is necessary or desirable because of a change in a relevant chief executive approval.

Part 6 - Investigation and enforcement by local governments

Division 1- Inspectors

Entity power given to	Section of PLDA	Description
Local Government	107(1)	Power to appoint an individual to be an inspector if satisfied the individual is qualified for appointment because the individual has the qualifications and experience prescribed under a regulation.

Division 2- Enforcement

Entity power given to	Section of PLDA	Description
Local Government	115(1)	In certain circumstances, power to give show cause notice.
Local Government	116(1)	In certain circumstances, power to give the owner of premises a notice requiring them to do a stated thing.
Local Government	116(2)	Power to give written notice to a person who has performed plumbing or drainage work requiring the person to do a stated thing if it is reasonably believed that the work does not comply with the <i>Plumbing and Drainage Act 2002</i> .
Local Government	117(1)	In specified circumstances, power to form the reasonable belief that pollution of the water supply in premises or the water service provider's water service to premises has been, or could be, caused by the plumbing on the premises.
Local Government	117(2)	In specified circumstances, power to give written notice to an owner or occupier of premises to do any of the following: (a) install a backflow prevention device; (b) register a backflow prevention device that is required to be registered

		(c) under the Standard Plumbing and Drainage Regulation; have a backflow prevention device inspected, tested and if necessary repaired or replaced by a licensee licensed to do the work.
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Part 6A - General offences**Division 2 – Building and installation and related offences**

Entity power given to	Section of PLDA	Description
Local Government	127A	Power to, in writing, authorise a person to dismantle or take away all or part of a greywater treatment plant installed on premises.
Local Government	128	Power to, in writing, authorise a person to dismantle or take away all or part of an on-site sewerage facility installed on premises.

Division 5 - Discharge and disposal offences

Entity power given to	Section of PLDA	Description
Local Government	128OA	Power to authorise the disposal of the contents of a greywater treatment plant into the infrastructure of the sewerage service provider for the area in which the plant is located.
Local Government	128P(2)	Power to approve a place and a way a person must dispose of the contents (other than effluent) of an on-site sewerage facility that has not been installed only for testing purposes.
Local Government	128P(4)	Power to approve a place and a way a person must dispose of effluent from an on-site sewerage facility mentioned in subsection (2).

Part 9 - Miscellaneous provisions

Entity power given to	Section of PLDA	Description
Local Government	143B	Power to monitor greywater use facilities in seweraged areas to ensure certain things.
Local Government	143C	Power to monitor on-site sewerage facilities installed for testing purposes in seweraged areas to ensure certain things.

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 *Public Health Act 2005*

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

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

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

Schedule 1

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

Entity power given to	Section of PUHA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers
CEO	14(1)	Power to agree with the chief executive that: a) the State do a thing in the administration or enforcement of this Act for a matter mentioned in section 13(1); or b) the local government do a thing in the administration or enforcement of the Act for a matter mentioned in section 12(1).	This power does not need to be delegated as it is given directly to the CEO under the Act.	
CEO	14(3)	Power to perform functions and exercise powers for this Act for a matter mentioned in section 12(1), including appointing authorised persons.	This power does not need to be delegated as it is given directly to the CEO under the Act.	Sub-delegation of power to appoint authorised persons is not recommended.
CEO	16(a)	Power to consult with the Chief Executive before the Chief Executive does a thing under Section 15(3).	This power does not need to be delegated as it is given directly to the CEO under the Act.	
Local Government	17(2)	Power to give the Chief Executive information about the local Government's administration and enforcement of the matter if asked by notice by the Chief Executive.		
CEO	17(4)	Power to be consulted by the Chief Executive before notice is given by the Chief Executive under this section.	This power does not need to be delegated as it is given directly to the CEO under the Act.	

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

Entity power given to	Section of PUHA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers
CEO	22(2)	Power to consult the chief executive of the department in which the relevant one of those Acts is administered.	This power does not need to be delegated as it is given directly to the CEO under the Act.	

Division 3 - Enforcement of Public Health Orders

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

Division 4 – Taking Steps Under Enforcement Order

Entity power given to	Section of PUHA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers
Local Government	32(3)	Power to lodge a request to register the charge in the appropriate form over the land the Registrar of Titles.		
CEO	32(4)	Power to sign certificate stating there is a charge over the land under section 32.	This power does not need to be delegated as it is given directly to the CEO under the Act.	Sub-delegation not recommended

Part 4 - Authorised Prevention and Control Programs

Entity power given to	Section of PUHA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers
Local government	36(5)	In the specified circumstances power to consult with the chief executive.		
CEO	39(1)(a)	In certain circumstances, the power to agree.	This power does not need to be delegated as it is given directly to the CEO under the Act.	
CEO	39(1)(c)	In certain circumstances, the power to agree.	This power does not need to be delegated as it is given directly to the CEO under the Act.	
Water Service Provider	57B	Power to form a reasonable belief that the provider has complied with an improvement notice and power to inform the authorised		

		person of the belief.		
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CHAPTER 3 – NOTIFIABLE CONDITIONS**Part 3 - Contact Tracing****Division 1 – Contact Tracing Officers**

Entity power given to	Section of PUHA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers
CEO	90(4)(a)	Power to agree to the appointment of a contact tracing officer for a notifiable condition under section 90(2).	This power does not need to be delegated as it is given directly to the CEO under the Act.	

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

Entity power given to	Section of PUHA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers
CEO	333(3)	Power to agree to the appointment of an emergency officer (general) for declared public health emergencies under section 333 (1)(c).	This power does not need to be delegated as it is given directly to the CEO under the Act.	

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

Entity power given to	Section of PUHA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers
Administering Executive	376(2)	Power to give directions to an authorised person.		
CEO	376(3)	Power to give directions to an authorised person for the area in which the authorised person is exercising the powers.	This power does not need to be delegated as it is given directly to the CEO under the Act.	Sub-delegation of power not recommended.
CEO	377(2)	Power to appoint an authorised person.	This power does not need to be delegated as it is given directly to the CEO under the Act.	Sub-delegation of power not recommended.
CEO	377(2)(b)	Power to agree with the CEO of another local government about the appointment of an employee of the other local government as an authorised person for the local	This power does not need to be delegated as it is given directly to the	

		government and its area.	CEO under the Act.	
CEO	377(3)	Power to appoint an employee of, or another person under contract to, one of the local governments to be an authorised person for the local governments' areas.	This power does not need to be delegated as it is given directly to the CEO under the Act.	
Administering Executive	378	Power to appoint a person as an authorised person.		
Administering Executive	378(a)	Power to be satisfied the person is qualified for appointment because the person has necessary expertise or experience.		
CEO / Administering Authority	379(1)(b)	Power to sign and to give the signed notice to the authorised person.		
CEO / Administering Authority	379(2)	Power to sign and give the signed notice to an authorised person.		
Administering executive	380(1)	Power to issue an identity card to each authorised person.	This power does not need to be delegated as it is given directly to the CEO under the Act.	

Part 2 - Powers of Authorised Persons

Division 1 - Entry of places

Entity power given to	Section of PUHA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers
Issuing authority by its employees or agents	388(2)	In the specified circumstances power to at reasonable times, enter the place to take the steps stated in the order.	This power does not need to be delegated	This power does not need to be delegated.

Division 2 - Procedure for entry

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

Division 7 – Recovery of costs and expenses

Entity power given to	Section of PUHA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers
Local Government	407(3)	Power to lodge a request to register the charge in the appropriate form over the land		

		with the Registrar of Titles.		
CEO	407(4)	Power to sign certificate stating there is a charge over the land under section 407.	This power does not need to be delegated as it is given directly to the CEO under the Act.	

Part 4 - Approved Inspection Programs

Entity power given to	Section of PUHA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers
CEO	427(1)	Power to approve a program (an approved inspection program).	This power does not need to be delegated as it is given directly to the CEO under the Act.	
CEO	440(1)	Power to give a certificate stating the matters in section 440.	This does not need to be delegated as it is given directly to the CEO under the Act.	
CEO	440(4)	Power to issue a certificate stating the stated costs were incurred and the way in which, the purpose for which, they were incurred is evidence of the matters stated.	This does not need to be delegated as it is given directly to the CEO under the Act.	Sub delegation of power not recommended.
Local Government	446(1)	Power to considered appropriate how to deal with a thing that become the local governments property.		
Local Government	446(2)	Power to destroy a thing that has become the local governments property.		

CHAPTER 11 – MISCELLANEOUS

Part 2 - Other provisions

Entity power given to	Section of PUHA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers
CEO	458(2)	Power to approve forms for use by the local government under this Act.	This power does not need to be delegated as it is given directly to the CEO under the Act.	Sub-delegation of power not recommended.

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 ***Right to Information Act 2009***

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

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

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

Schedule 1

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

Entity power given to	Section of RTIA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers
NOTE	30(1)	Power to deal with all access applications made to a local government as an agency under this Act, is given directly to the Chief Executive Officer as the Council's "principal officer".		
Principal Officer	30(2)	The CEO as the Council's Principal Officer has the power to delegate the principal officer powers to deal with an application to another officer of the agency.	This power does not need to be delegated as it is given directly to the CEO (as the agency's principal officer) under the Act.	
Entity	32(1)(b)	Power to decide the application is outside the scope of this Act.		
Entity	32(2)	Power to give a prescribed written notice to the applicant of the decision.		
Agency	33(2)	Power to inform the person how the application does not comply with the relevant application requirement.		
Agency	33(3)	Power to consult with the applicant with a view to making an application in a form complying with all relevant application requirements.		
Agency	33(5)	Power to decide the application does not comply with all relevant application requirements and give the applicant prescribed written notice of the decision.		
Agency	34(2)	Power to, within 15 business days after the application is received, inform the applicant that: (a) the application could have been made under the Information Privacy Act without any application fee or processing charge being payable; and (b) the applicant may either: (i) ask for the application to be dealt with under the		

		(ii) Information Privacy Act; or confirm the application as an application under this Act.		
Agency	35(1)	In the specified circumstances, power to ask the applicant for a further specified period to consider the application.		
Agency	35(3)	In the specified circumstances, power to continue to consider the application and make a considered decision relating to it.		
Agency	36(1)	If a person makes an access application, power to: (a) consider whether a processing charge or access charge is payable in relation to the application; and (b) before the end of the processing period for the application, give the applicant: (i) a schedule of relevant documents for the applicant unless the applicant waives the requirement; and (ii) a charges estimate notice.		
Agency	36(2)	Power to consult with the applicant with a view to narrowing the application to reduce the applicable charges.		
Agency	36(4)	Power to give the applicant a new charges estimate notice.		
Agency	36(7)	Power to agree to extend the prescribed period.		

Division 3 – Contact with relevant third party

Entity power given to	Section of RTIA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers
Agency	37(1)	Power to give access to a document that contains information the disclosure of which may reasonably be expected to be of concern to a government, agency or person (relevant third party) only after taking steps that are reasonably practicable to: (a) obtain the views of the relevant third party about whether: (i) the document is a document to which this Act does not apply; or (ii) the information is exempt information or contrary to public interest information; and (b) inform the relevant third party that if access is given to the document because of an access application,		

		access may also be given to the document under a disclosure log.		
Agency	37(3)(b)	Power to decide: (i) the document is a document to which this Act does apply; or (ii) the information is not exempt information or contrary to public interest information.		
Agency	37(3)(c)	Power to give prescribed written notice of the decision to the applicant and relevant third party.		
Agency	37(4)	Power to give the applicant written notice when access is no longer deferred under subsection (3)(d).		

Division 4 – Transfers

Entity power given to	Section of RTIA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers
Agency	38(2)	In the specified circumstances, power to transfer an application to another agency.		
Agency	38(2)(b)	Power to consent to the transfer of an application.		

Part 4 - Refusal to Deal with Application

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

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

Part 5 - Decision

Entity power given to	Section of RTIA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers
Agency	45(a)	In the specified circumstances, power to make a considered decision: (i) whether access is to be given to the document; and (ii) if the access is to be given – whether any charge must be paid before access is given.		
Agency	45(b)	Power to give the person written notice of the decision under section 54.		
Principal Officer	46(2)	In the specified circumstances, power to give prescribed written notice of the decision to the applicant.	This power does not need to be delegated as it is given directly to the CEO as the Principal Officer under the Act.	
Agency	47(3)	In the specified circumstances, power to refuse access to a document of the agency.		
Agency	48(1)	For an access application made for a document, power to decide to give access to the document unless disclosure would, on balance, be contrary to the public interest.		
Agency	48(3)	Despite section 48(1), power to decide to give access to all or part of a document.		
Agency	49(1)	For an access application made for a document, power to decide to give access to the document unless disclosure would, on balance, be contrary to the public interest.		
Agency	49(3)	Power to consider on the balance, disclosure of information would be contrary to the public		

		interest.		
Agency	49(5)	Despite section 47(3)(b), power to decide to give access to all or part of a document.		
Agency	50(1)	For an access application made for a document, power to decide to give access to the document unless disclosure would, on balance, be contrary to the public interest.		
Agency	50(4)	Despite section 47(3)(c), power to decide to give access to all of part of a document.		
Agency	51(1)	For an access application made for a document, power to decide to give access to the document unless disclosure would, on balance, be contrary to the public interest.		
Agency	51(3)	Despite section 47(3)(d), power to decide to give access to all or part of a document.		
Agency	52(1)(b)	Power to be satisfied that: (i) the document has been or should be in the agency's possession; and (ii) all reasonable steps have been taken to find the document but the document cannot be found.		
Agency	52(2)	In the specified circumstances, power to consider the document has been kept in, and is retrievable from, the backup system.		
Agency	54(1)	For the specified purposes, power to give a prescribed written notice to an applicant for an access application.		
Agency	54(2)(g)(v)	Power to consider access would not be in the best interests of the child.		
Agency	54(2)(g)(vi)	Power to consider that disclosure to the applicant might be prejudicial to the physical or mental health or wellbeing of the applicant.		
Agency	55(2)	In the specified circumstances, power to give a prescribed written notice.		

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

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

Instrument of Delegation
Right to Information Act 2009

Current as at 1 July 2014

		(2) before the end of the processing period.	
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Part 7 - Giving Access

Division 1 – Giving access to applicant

Entity power given to	Section of RTIA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers
Agency	68(4)	In the specified circumstances, power to refuse access in a particular form and to give in another form.		
Agency	72(1)	In the specified circumstances, power to defer giving access to a document for a reasonable period.		
Agency	72(2)	Power to give the applicant written notice when access is no longer deferred under section 72(1).		
Agency	73(1)	Power to reasonably consider whether information in a document is not relevant to the access application for the document.		
Agency	73(2)	Power to delete irrelevant information from a copy of a document and give access to the document by giving access to a copy of the document with the irrelevant information deleted.		
Agency	73(3)	Power to consider, from the terms of the application or after consultation with the applicant: (a) the applicant would accept the copy; and (b) it is reasonably practicable to give access to the copy.		
Agency	74	In the specified circumstances, power to give access.		
Agency	75	In the specified circumstances, power to give access.		
Agency	76(2)	In the specified circumstances, power to consider whether it is consistent with the primary object of the Act to give the applicant, or a person nominated by the applicant and approved by the agency (an intermediary), a summary of the person information on conditions of use or disclosure agreed between the agency and the intermediary, or between the agency, the intermediary and the applicant.		
Agency	77(2)	In the specified circumstances, power to direct that access to the document is to be given instead to an appropriately qualified healthcare professional nominated by the applicant and approved by the agency.		

Part 8 - Internal Review

Entity power given to	Section of RTIA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers
Agency	83(1)	Power to decide an internal review application.		
Agency	83(2)	Power to notify the applicant of the decision in the circumstances specified.		
Principal Officer	83(3)	Power to give prescribed written notice of the decision to the applicant.	This power does not need to be delegated as it is given directly to the CEO as the Principal Officer under the Act.	

Part 9 - External Review**Division 3 – After application made**

Entity power given to	Section of RTIA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers
Agency	93(1)(b)	Power to apply to the commissioner to allow further time to deal with the access application.		

Division 5 – Powers of information commissioner on external review

Entity power given to	Section of RTIA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers
Agency	99(2)	Power to give an additional statement to the commissioner and the applicant, containing further and better particulars of the reasons for the decision..		

Part 11 - References of questions of law and appeals

Entity power given to	Section of RTIA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers
Participant in an external review	118	Power to request the commissioner refer a question of law arising on an external review to QCAT.		
Participant in an external review	119	Power to appeal to the appeal tribunal against the decision of the information commissioner on the external review.		

SCHEDULE 4

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

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

Schedule 2

Limitations to the Exercise of Power

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

INSTRUMENT OF DELEGATION

South Burnett Regional Council ***Standard Plumbing and Drainage Regulation 2003***

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

Standard Plumbing and Drainage Regulation 2003 ("SPDR")**Part 3 - Compliance assessment and inspection of notifiable work****Division 2 - Assessing plans**

Entity power given to	Section of SPDR	Description
Local Government	14(6)	Power to require a person to give a reasonable number of copies of a plan for compliance assessable work.
Local Government	14D(3)(c)(ii)	In the specified circumstances the power to require other information in relation to the testing.
Local Government	15(1)	Power to decide that a part of the compliance assessable work is outside the local government's expertise to assess.
Local Government	15(2)	In the specified circumstances, the power to accept certification of a plan for compliance assessable work and associated documents by a competent person.

Division 3 - Assessing plumbing and drainage work

Entity power given to	Section of SPDR	Description
Local Government	18(2)	In the specified circumstances, the power to require a person to give Council the information or documents needed to assess compliance assessable work.
Local Government	20(2)(a)	In the specified circumstances, the power to agree on a time an inspector must start assessing the compliance assessable work with the responsible person for the work.
Local Government	22(6)	In the specified circumstances, the power to allow a responsible person for compliance assessable work to give a compliance report at a time more than 10 business days after the testing or commissioning.
Local Government	22(7)(b)(i)	In the specified circumstances, the power to form an opinion that another person is competent to test or commission the plumbing or drainage.

Division 4 - Assessing compliance assessable work in remote areas

Entity power given to	Section of SPDR	Description
Local Government	27	In the specified circumstances, the power to decide to test or commission plumbing or drainage, the subject of compliance assessable work carried out in a remote area.
Local Government	29(1)(b)	Power to decide to accept a notice given under section 86A(3)(a) of the <i>Plumbing and Drainage Act 2002</i> from another person.
Local Government	29(3)	If a notice given under section 86A(3)(a) of the <i>Plumbing and Drainage Act 2002</i> is accepted from an approved person, the power to advise the person who performs the compliance assessable work of this decision.

Division 5 – Inspecting notifiable work

Entity power given to	Section of SPDR	Description
Local Government	29A(2)	Power to agree, with the responsible person and the occupier of the place where notifiable work was performed: (a) for the local government to assess the work for compliance with this regulation; and (b) the time within which the local government must start assessing the work.
Local Government	29B(2)	The power to form a reasonable belief the work does not comply with this regulation, and to give the responsible person for the work written notice (a rectification notice) of the action required to make the work comply.
Local Government	29B(4)(c)	The power to form a reasonable belief an assessment of the rectification work is required.
Local Government	29B(4)(d)	The power to decide conditions that the delegate considers reasonable.
Local Government	29B(10)	The power to decide with the responsible person a period within which the responsible person must comply with a rectification notice.

Part 4 - Production certification

Entity power given to	Section of SPDR	Description
Local Government	30(3)(b)	Power to: (a) be satisfied that use of a non-certified plumbing or drainage item is necessary for maintaining the plumbing and drainage in its original form; and (b) approve the continued use of the non-certified plumbing or drainage item.
Local Government	30(4)	For approving the continued use of a non-certified plumbing or drainage item under section 30(3)(b) of the SPDR, the power to require a person to have the plumbing or drainage item tested at the person's cost within a stated reasonable time and at a stated reasonable place.
Local Government	32	In the specified circumstances, the power to— (a) require that a plumbing or drainage item is not installed or used in the circumstances; and (b) approve the installation or use of— (i) the plumbing or drainage item, but with a protective coating, lining or wrapping for the plumbing or drainage item; or (ii) another plumbing or drainage item.

Part 5 - Installations on premises
Division 1 - Supply pipes and drains

Entity power given to	Section of SPDR	Description
Local Government	34(1)	In the specified circumstances, the power to form a belief on reasonable grounds that an ordinary supply pipe can not give an efficient water supply for the premises or premises group.
Local Government	34(2)	In the specified circumstances and for a supply pipe for premises, the power to require— (a) part or all of the supply pipe (the premises main) to be built to the standard of a water main; and (b) the premises main to supply directly each separately occupied part of the premises; and (c) the premises main to supply directly each fire service within the premises.
Local Government	34(3)	In the specified circumstances and for a supply pipe for a premises group, the power to require— (a) a part of the supply pipe (the premise group main) to be built, in the way and to the extent directed, to the standard of a water main; and (b) each separately occupied part of the premises group to be served directly by a supply pipe connected to the premises group main; and (c) each separately occupied part of the premises group that is to have a fire service to be served directly by a fire service connected to the premises group main.
Local Government	34(3)(b)	In the specified circumstances, the power to direct the way and to the extent a part of a supply pipe (the premises group main) is to be built to the standard of a water main.
Local Government	35(1)	In the specified circumstances, the power to form the belief on reasonable grounds that drainage alone can not give efficient drainage for the premises.
Local Government	35(2)	In the specified circumstances and for sanitary drainage for premises, the power to require the building of a sewer for the premises (the premises sewer) that it is to the standard of a sewer forming part of Council's or another service provider's sewerage system.
Local Government	35(3)	In the specified circumstances and for sanitary drainage for a premises group, the power to require a sewer for the premises group (the premises group sewer) be built to the standard of a sewer forming part of Council's or another service provider's sewerage system.

Division 2 - Backflow prevention devices

Entity power given to	Section of SPDR	Description
Local Government	38(2)	Power to authorise an entity to keep a register of the testable backflow prevention devices.

Division 3 - Arrestors

Entity power given to	Section of SPDR	Description
Local Government	39(1)(d)	Power to require a larger capacity for a grease arrestor on premises.
Local Government	39(7)(a)	Power to approve the diameter of any outlet pipe from a grease arrestor on premises.
Local Government	39(8)	Power to approve the design and location of the ventilation for a grease arrestor on premises.
Local Government	39(9)	In approving the design and location of a grease arrestor's ventilation under section 39(8) of the SPDR, the power to have regard to the grease arrestor's design and location of trap water seals in the grease arrestor.

Division 4 - Other installations for plumbing

Entity power given to	Section of SPDR	Description
Local Government	41(1)(a)	Power to approve the connection of air cooling equipment to a supply pipe.
Local Government	41(2)(b)	In the specified circumstances, the power to approve the connection and use of air cooling equipment that is in the form of a domestic evaporative air conditioner.
Local Government	41(3)	Power to give an approval under section 41(2) of the SPDR only if satisfied that it is reasonable in the circumstances to allow the equipment's use.
Local Government	44(1)(a)	Power to approve the connection of hydraulic powered equipment to a supply pipe.
Local Government	44(2)(b)	Power to approve the connection and use, on premises occupied by a disabled person, of hydraulic powered equipment that is in the form of a domestic water lift.
Local Government	44(3)	Power to give an approval under section 44(2) of the SPDR only if satisfied there is no other practical or economic way of giving mobility to the disabled person.
Local Government	45(1)	Power to give written approval to a pipe carrying water supplied by Council or another service provider— (a) being connected to a water storage tank used to store water obtained from another source; or (b) being discharged into a water storage tank used to store water obtained from another source.

Division 5 - Other installations for drainage

Entity power given to	Section of SPDR	Description
Local Government	47(1)	Power to give approval of a water closet pan, urinal or another fixture being installed in part of a premises below the level of the sewer or on-site sewerage facility for the premises.
Local Government	47(2)	Power to give an approval under section 47(1) of the SPDR only if satisfied on reasonable grounds that there is adequate provision for lifting waste water to the sewer or on-site sewerage

		facility and preventing sewerage flowing back into the room.
Local Government	52(2)	In the specified circumstances, the power to, by written notice given to an owner of a new building and an owner of an old building, require that— (a) the new building's owner pay the reasonable costs of changing the vents on the old building; and (b) the old building's owner change the vents.

Part 6 - Appointment of inspectors

Entity power given to	Section of SPDR	Description
Local Government	53(2)(a)	In the specified circumstances, the power to form the opinion that an individual has the qualifications, skills and experience to give the individual the necessary competence for assessing plumbing and drainage work.
Local Government	53(3)(a)	In the specified circumstances, the power to form the opinion that an individual has the qualifications, skills and experience that gives the individual the necessary competence for inspecting and approving on-site sewerage facilities.

Part 7 - Miscellaneous Provisions

Entity power given to	Section of SPDR	Description
Local Government	54(3)(a)	In the specified circumstances, the power to perform the work.
Local Government	54(3)(b)	In the specified circumstances, the power to fairly apportion the reasonable overall cost between or among the owners.
Local Government	54(3)(c)	In the specified circumstances, the power to recover, as a debt from each owner, the owner's share of the costs.

SCHEDULE 6 - DICTIONARY

Entity power given to	Section of SPDR	Description
Local Government	"Competent person"	In the specified circumstances, the power to form an opinion that a person is competent to practise in the aspect of design of plumbing or drainage, including, for example, giving and certifying plans of plumbing or drainage work.

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 Act 1915*

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 Act 1915 ("STOA")

Entity power given to	Section of STOA	Description
Local Government	19(1)	Power to destroy any diseased stock, or stock that is suspected of being diseased found straying on any road or land under the local government's control.
Local Government	19(2)	Power to give notice to nearest inspector and to the owner of the stock.

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 ***Sustainable Planning 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.

Sustainable Planning Act 2009 ("SUPA")**CHAPTER 3 – LOCAL PLANNING INSTRUMENTS****Part 2 - Planning Schemes****Division 5 – Application of superseded planning schemes**

Entity power given to	Section of SUPA	Description
Local Government	96(1)	Power to decide a request for application of a superseded planning scheme.
Local Government	96(2)	Power to, by written request, extend the period in which to make a decision on a request for application of a superseded planning scheme by no more than 10 business days.
Local Government	96(4)	Power to agree with the person making a request to further extend the period in which to make a decision on a request for application of a superseded planning scheme.
Local Government	97	Power to give written notice of a decision on a request for application of a superseded planning scheme.
Local Government	98(4)	Power to decide a request to extend the period for carrying out development the subject of a superseded planning scheme application.
Local Government	98(4)	Power to give written notice of a decision on a request to extend the period for carrying out development the subject of a superseded planning scheme application.

CHAPTER 5 – DESIGNATION OF LAND FOR COMMUNITY INFRASTRUCTURE**Part 6 - Acquiring Designated Land**

Entity power given to	Section of SUPA	Description
Designator of Land	223(1)	Having regard to the considerations in subsection (2), the power to decide a request by the owner of an interest in designated land to acquire the designated land under hardship.
Designator of Land	224	Power to give a notice to an owner who has made a request under section 223 of a proposal to buy the nominated interest.
Designator of Land	225	Power to give a notice to an owner who has made a request under section 223 of a refusal to acquire the nominated interest.
Designator of Land	226	Power to take one of the specified actions as an alternative to buying a nominated interest and to give notice to the owner stating the proposed action.
Designator of Land	227(2) ¹	In the specified circumstances, power to give the owner of land a notice of intention to resume the nominated interest.

¹ The notice is taken to be a notice of intention to resume under the Acquisition of Land Act 1967, section 7 (section 227(3) SPA).

CHAPTER 6 – INTEGRATED DEVELOPMENT ASSESSMENT SYSTEM (IDAS)**Part 1 - Preliminary****Division 4 – Assessment managers and referral agencies****Subdivision 3 – Additional third party advice or comment about applications**

Entity power given to	Section of SUPA	Description
Assessment Manager Concurrence Agency	256(1)	Power to ask any person for advice or comment about an IDAS application.

Part 2 - Application Stage**Division 1 – Application process****Subdivision 1 – Applying for development approvals**

Entity power given to	Section of SUPA	Description
Assessment Manager	261(1)(a) (ii)(A)(B)	Power to: (a) be satisfied the application complies with section 260(1)(a), (b), (d) and (e) and (3); and (b) receive and after considering any non-compliance with section 261(1)(c), accept the application
Person required to take action under IDAS ie. as Assessment Manager or Referral Agency	262(5)(a) and (b)	Power to: (a) extend the period to take action under e-IDAS in the specified circumstances; and (b) give notice of an extension of time taken under e-IDAS.
Owner of Land	263	Power to give owner's consent for land the subject of an application.

Subdivision 2 – Notices about receipt of applications

Entity power given to	Section of SUPA	Description
Assessment Manager	266(1)	Power to give notice that an application is not a properly made application.
Assessment Manager	267(2)	In the specified circumstances, power to give an acknowledgement notice for a properly made application.

Part 3 - Information and Referral Stage**Division 2 – Giving material to referral agencies**

Entity power given to	Section of SUPA	Description
Assessment Manager	272(b)	Power to agree a further period for receipt of referral agency material with the applicant.
Assessment Manager	274(2)(b)	Power to agree to extend the time for compliance with section 272 after an application has been revived under section 274(1).

Division 3 – Information requests

Entity power given to	Section of SUPA	Description
Assessment Manager Concurrence Agency	276(1)	Power to ask the applicant, by written request (information request), to give further information needed to assess an application.
Assessment Manager Concurrence Agency	277(1)	Power to, by written notice to the applicant, extend the information request period.
Assessment Manager Concurrence Agency	277(3)	Power to decide to agree with the applicant to further extend the information request period.
Assessment Manager	280(2)(b)	Power to agree to extend the time for compliance with section 278 after an application has been revived under section 280(1).

Division 4 – Referral agency assessment**Subdivision 1 – Assessment generally**

Entity power given to	Section of SUPA	Description
Referral Agency	282(1)	Power to assess the application against the specified matters.
Referral Agency	282(2)	Power to assess the application having regard to the specified matters.
Concurrence Agency	284(1)	Power to extend the assessment period.
Concurrence Agency / Referral Agency	284(3)	Power to request the applicant to agree to further extensions of the assessment period.

Part 4 - Notification Stage**Division 2 – Public notification**

Entity power given to	Section of SUPA	Description
Assessment Manager	297(1)	Power to agree with the applicant to give and to give public notice of an application.
Assessment Manager	302(1)(a)	Power to agree to extend the period in which to carry out actions under section 297(1).
Assessment Manager	302(1)(b)	Power to agree to extend the time for compliance with section 301.
Assessment Manager	303(2)	Power to agree to extend the time to carry out the actions under section 297(1) after an application has been revived under section 303(1).
Assessment Manager	303(3)	Power to agree to extend the time for compliance with section 301 after an application is revived under section 303(1).
Assessment Manager	304(1)	Power to, if satisfied, in the specified circumstances, assess and decide an application despite non-compliance with public notification.

Division 3 – Submissions about applications

Entity power given to	Section of SUPA	Description
Assessment Manager	305(3)	Power to decide to accept a written submission that is not a properly made submission.

Part 5 - Decision Stage**Division 2 – Assessment process**

Entity power given to	Section of SUPA	Description
Assessment Manager	313(2)	Power to, in the specified circumstances, assess the part of the application requiring code assessment against each of the specified matters or things to the extent the matter or thing is relevant to the development.
Assessment Manager	313(3)	Power to, in the specified circumstances, assess the part of the application requiring code assessment having regard to the specified matters.
Assessment Manager	314(2)	Power to, in the specified circumstances, assess the part of the application requiring impact assessment against each of the specified matters or things to the extent the matter or thing is relevant to the development.
Assessment Manager	314(3)	In the specified circumstances, assess the part of the application requiring impact assessment having regard to the specified matters.
Assessment Manager	315(1)	Power to, in the specified circumstances, assess a development application (superseded planning scheme).
Assessment Manager	316(4)	Power to assess the part of the application that states the way in which the applicant seeks to vary, the effect of any planning instrument for the land having regard to the specified matters.
Assessment Manager	317	In assessing an application, power to decide to give weight to later planning instrument, code, law or policy.

Division 3 – Decision**Subdivision 1 – Decision-making period**

Entity power given to	Section of SUPA	Description
Assessment Manager	318(1)	Power to decide an application.
Assessment Manager	318(2)	Power to extend the decision making period.
Assessment Manager	318(4)	Power to request and agree with the applicant further extensions of the decision making period.

Subdivision 2 – Decision rules - generally

Entity power given to	Section of SUPA	Description
Assessment Manager	324(1) ²	Power to decide an application including any conditions other than an application for a preliminary approval that seeks to vary the effect of a local planning instrument.

Subdivision 3 – Decision rules-application under section 242

Entity power given to	Section of SUPA	Description
Assessment Manager	327(1)	Power to decide the part of an application for a preliminary approval that seeks to vary the effect of a local planning instrument.

Subdivision 4 – Deemed decision for particular applications

Entity power given to	Section of SUPA	Description
Assessment Manager	331(6)	Where a deemed approval has been given for an application, power to issue a decision notice.

Division 4 – Notice of decision

Entity power given to	Section of SUPA	Description
Assessment Manager	334(1)	Power to give a written notice of a decision on an application (a decision notice).
Assessment Manager	337(1)	Power to give a copy of a decision to approve an application to the principal submitter.
Assessment Manager	337(2)	Power to give a copy of a decision to refuse an application to the principal submitter.

² Any conditions included as a consequence of a decision to approve a development application must be lawful having regard to Chapter 6, Part 5, Division 6 of SPA.

Division 6 – Conditions

Entity power given to	Section of SUPA	Description
Assessment Manager Concurrence Agency	348	Power to enter into an agreement with an applicant to establish obligations, or secure the performance, of a party to the agreement about a condition.

Part 6 - Changing or Withdrawing Development Applications**Division 1 – Preliminary**

Entity power given to	Section of SUPA	Description
Assessment Manager	350(1)(b)	Power to be satisfied that a change of applicant is a minor change.
Assessment Manager	350(2)	Power to decide that a change to an application is a minor change under section 350(1)(d).

Division 3 – Changed applications – effect on IDAS

Entity power given to	Section of SUPA	Description
Assessment Manager	354(1)(b)	Power to be satisfied that a change: (a) only deals with a matter raised in a properly made submission for the application; or (b) is in response to an information request.
Assessment Manager	354(4)	In the specified circumstances, power to decide that the notification stage does not have to restart or be repeated.
Assessment Manager	355(4)	In the specified circumstances, power to decide that the notification stage does not have to be repeated.

Part 7 - Missed Referral Agencies

Entity power given to	Section of SUPA	Description
Assessment Manager Referral agency	357(2)	Power to give notice to another party of a missed referral agency

Part 8 - Dealing with Decision Notices and Approvals**Division 1 – Changing decision notices and approvals during applicant's appeal period**

Entity power given to	Section of SUPA	Description
Assessment Manager	362	Power to consider any representations made to the assessment manager under section 361.
Assessment Manager	363(1)	Power to issue a negotiated decision notice.

Assessment Manager	363(5)	Power to decide not to agree with any of the representations and to give notice that the assessment manager does not agree with the applicant's representations.
Local Government	364(2)	Power to give an applicant a new infrastructure charges to replace the original notice.

Division 2 – Changing approvals-request for change after applicant's appeal period ends

Subdivision 1 – Preliminary

Entity power given to	Section of SUPA	Description
Relevant Entity	368(3)	Power to give a pre-request response notice.

Subdivision 2 – Procedure for changing approvals

Entity power given to	Section of SUPA	Description
Person	369	Power to, by written notice, ask a responsible entity to make a change to an approval.

Subdivision 3 – Assessing and deciding request for change

Entity power given to	Section of SUPA	Description
Owner	371	Power to give owner's consent to the request.
Responsible Entity	371(d)	Power to be satisfied of the circumstances in which know consent is not required under subparagraphs (i) and (ii).
Responsible Entity	371(e)	Power to be satisfied of the circumstances in which know consent is not required under subparagraphs (i) and (ii).
Entity	373(1)(a)	Power to give the responsible entity notice that (a) it has no objection to a proposed change; or (b) it objects.
Responsible Entity	374(1) and (2)	Power to assess an application having regard to the specified matters.
Responsible Entity	375(1)(a) and (b)	Power to decide to approve or refuse (with or without conditions) a request to change a development approval.
Responsible Entity	375(5)	Power to agree with the person making the request to extend the period within which the entity must decide the request.
Responsible Entity	376(1)	Power to give notice of a decision on an application to change a development approval.

Division 3 – Changing or cancelling particular conditions-other than on request

Entity power given to	Section of SUPA	Description
Assessment Manager	378(3)	Power to change or cancel a development condition.

Concurrence Agency		
Assessment Manager Concurrence Agency	378(7)	Power to give notice of intention to change or cancel a development condition to the owner and occupier of land.
Assessment Manager Concurrence Agency	378(9)	Power to decide whether to change or cancel a development condition.
Assessment Manager Concurrence Agency	378(9)(a)	Power to give notice that a development condition will not be changed or cancelled.
Assessment Manager Concurrence Agency	378(9)(b)	Power to give notice of a change to or cancellation of a development condition.

Division 4 – Cancelling approvals

Entity power given to	Section of SUPA	Description
Assessment manager	381(a) and (b)	Power to: (a) cancel an approval at the request of an owner or person with owner's consent under section 379; and (b) give notice of the cancellation.

Division 5 – Extending period of approvals

Entity power given to	Section of SUPA	Description
Assessment Manager	383(4)	Power to decide the owner's consent is not required.
Concurrence Agency	385(a) and (b)	Power to give the assessment manager notice: (a) stating no objection to the extension being approved; or (b) objecting to the extension being approved.
Assessment Manager	387(1)	Power to approve or refuse a request to extend the relevant period for an approval.
Assessment Manager	387(3)	Power to agree with the person making a request to extend the decision making period for a request to extend the relevant period.
Assessment Manager	389	Power to give notice of the decision on a request to extend the relevant period.

Part 10 - Compliance Stage**Division 2 – Compliance assessment****Subdivision 2 – Referring request to local government**

Entity power given to	Section of SUPA	Description
Local Government	402(4) and 402(5)(a) and (b)	Power to: (a) assess an aspect of development referred by a compliance assessor to the local government; and (b) give notice of the local government's response to a matter referred to it by a compliance assessor.

Subdivision 3 – Compliance assessor to assess and decide request

Entity power given to	Section of SUPA	Description
Compliance Assessor	405(1)	Power to be satisfied that a development, document or work achieves compliance, or would achieve compliance if particular conditions were complied with.
Compliance Assessor	405(2) and (3)	Power to decide a compliance assessment request.
Compliance Assessor	405(5)	Power to issue an action notice for a non-compliant development, document or work.
Compliance Assessor	407(1)(a) and (b)	Power to issue: (a) a compliance permit for development; and (b) a compliance certificate for a document or work.
Compliance Assessor	408(3)(b)(i)	Where a compliance assessment request for development is deemed approved, power to issue a compliance permit.
Compliance Assessor	408(3)(b)(ii)	Where a compliance assessment request for a document or work is deemed approved, power to issue a compliance certificate.

Division 3 – Changing Notices, Compliance Permits and Certificates

Entity power given to	Section of SUPA	Description
Compliance Assessor	412(3)	Power to withdraw an action notice after considering representations made under section 412(2).
Compliance Assessor	412(4)	Power to issue a new action notice after considering representations about a matter mentioned in section 405(5)(b).
Compliance Assessor	412(5)	Power to issue a new action notice after considering representations about a matter mentioned in section 405(5)(c) or (d).
Local Government	412(6)	Power to agree to allow a compliance assessor (as a nominated entity of the Local Government) to withdraw an action notice or give a new action notice where a response under section 402 has been given.
Compliance Assessor	412(9)	Power to, where the compliance assessor does not agree with representations about a matter mentioned in section 405(b), (c) or (d), give notice of the decision about the representations.
Compliance Assessor	413(2)(a)	Power to: (a) decide an application to change a compliance permit or compliance

		certificate; and (b) Issue a new compliance permit or compliance certificate showing the change.
Compliance Assessor	413(2)(c)	Power to give notice of refusal to change a compliance permit or compliance certificate.
Local Government	413(3)	Power to agree for a compliance assessor to change a condition of a compliance permit imposed by the Local Government.

CHAPTER 7 – APPEALS, OFFENCES AND ENFORCEMENT

Part 1 - Planning and Environment Court

Division 7 – Other court matters

Entity power given to	Section of SUPA	Description
Local Government	456(1)	Power to bring a proceeding in the Court for a declaration.
Assessment Manager	456(2)	Power to bring a proceeding about a matter done, to be done or that should have been done for chapter 6, Part 11, Division 2 for a development application called in the specified circumstances.

Division 8 – Appeals to court relating to development applications and approvals

Entity power given to	Section of SUPA	Description
Applicant	461(1)	Power to appeal to the Court about a development application.
Submitter	462(1)	Power to appeal to the Court about a development application.
Submitter	463(2)	Power to appeal to the Court about a referral agency's response made by a prescribed concurrence agency for the development application for particular aquaculture development.
Advice Agency	464(2)	Power to appeal to the Court about a development application where the advice agency response is treated as a properly made submission.
Concurrence Agency	465(1)	Power to appeal to the Court about a decision relating to an extension for an approval.
Responsible Entity	466(1)	Power to appeal to the Court about a permissible change to a development application where a notice under section 373 or a pre-request response notice has been given.
Person to whom notice is given under s378(9)(b)	467(1)	Power to appeal to the Court about a change or cancellation of a condition.

Division 10 – Appeals to Courts about other matters

Entity power given to	Section of SUPA	Description
Party to a proceeding	479(1)	Power to appeal to the Court against a decision by a Building and Development Committee.

before Building and Development Committee		
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Division 11 – Making an appeal to Court

Entity power given to	Section of SUPA	Description
Submitter	485(4)	Power to elect to co-respond to an appeal.
Person given notice about an appeal under s 465	485(9)(c)	Power to elect to co-respond to an appeal where not otherwise a party.
Person given notice about an appeal under s 466	485(10)(b)(ii)	Power to elect to co-respond to an appeal where not otherwise a party.
Person given notice of an appeal under Division 10	487(4)	Power to elect to co-respond to an appeal where not otherwise a party.
Entity entitled to elect	488	Power to elect to be a co-respondent to an appeal.

Division 14 – Appeals to Court of Appeal

Entity power given to	Section of SUPA	Description
Party to a proceeding	498(1)	Power to appeal a decision of the Court to the Court of Appeal

Part 2 - Building and Development Dispute Resolution Committees

Division 3 – Committee declarations

Subdivision 1 – Declarations

Entity power given to	Section of SUPA	Description
Assessment Manager	510(3)	Power to bring an application for a declaration about whether an application is a properly made application.
Compliance Assessor	512	Power to bring an application for a declaration about whether an application for compliance assessment has lapsed.
Responsible Entity	513(3)	Power to bring an application for a declaration about whether a proposed change to an approval is a permissible change.

Subdivision 2 – Proceedings for declarations

Entity power given to	Section of SUPA	Description
Person entitled to bring	515(1)	Power to request the chief executive to appoint a building and development committee to start hearing the proceeding.

proceeding		
Party to the Proceeding	515(4)	Power to agree to a request.

Division 4 – Appeals to committees about development applications and approvals

Subdivision 1 – Appeals about particular material changes of use

Entity power given to	Section of SUPA	Description
Relevant Entity	521(2)(a) (ii)	Power to appeal to the building and development committee about a permissible change to a development application where a notice under section 373 or a pre-request response notice has been given.

Division 8 – Making appeals to building and development committees

Entity power given to	Section of SUPA	Description
Assessment Manager	543(4)	Power to apply to the building and development committee to withdraw from the appeal.
Person to whom notice of appeal is given under subsection 539 or 541	543(5)	Power to elect to co-respond to an appeal under sections 519, 522 or 527 where not otherwise a party.
Person to whom notice of appeal is given under subsection 539 or 541	544(c)	Power to elect to co-respond to an appeal under section 520 or section 529 where not otherwise a party.
Person to whom notice of appeal is given	545(b)(ii)	Power to elect to co-respond to an appeal under section 521 where not otherwise a party.
Person to whom notice of appeal is given under section 541	546(c)	Power to elect to co-respond to an appeal under section 528 where not otherwise a party.
Local government	547(3)(b)	Power to elect to co-respond to an appeal under sections 532, 533 or 535 where not otherwise a party.

Division 9 – Process for appeals or proceedings for declarations in building and development committees

Entity power given to	Section of SUPA	Description
Party to an Appeal	560(1)	Power to appear as a representative of the local government as a party to an appeal at a building development committee hearing .
Party to an	562(1)	Power to make written submissions if requested by the building and

Appeal	and (2)	development committee.
Assessment Manager / Compliance Assessor	568	Power to give the registrar written notice.

Part 3 - Provisions about Offences, Notices and Orders

Division 3 – Enforcement notices

Entity power given to	Section of SUPA	Description
Assessing Authority	590(1) ³	Power to form a reasonable belief that a person has or is committing a development offence and to issue an enforcement notice for a development offence.
Assessing Authority	590(9)	In relation to a development offence involving premises, power to issue an enforcement notice to the owner where the person who committed the offence is not the owner of the premises.
Assessing Authority	591(2)	Power to: (a) consider all representations made by a person about a show cause notice within the period stated in the notice; and (b) form the belief that it is appropriate to give an enforcement notice.
Assessing Authority	592(2)	Power to form the belief that it is not possible or practical to take steps to demolish or remove work.

Division 4 – Offence proceedings in Magistrates Court

Entity power given to	Section of SUPA	Description
Local Government Assessing Authority for building assessment provisions Assessing Authority	597(1)	Power to bring a proceeding in a Magistrates Court for an offence against Chapter 7, Part 3.

Division 5 – Enforcement orders of Court

Entity power given to	Section of SUPA	Description
Local Government Assessing Authority for building assessment provisions	601(1)(a)	Power to bring a proceeding in the Court for an enforcement order to remedy or restrain the commission of a development offence.

³ 590(7) The local government may not delegate this power to give an enforcement notice ordering the demolition of a building.

Local Government Assessing Authority	601(1)(b)	Power to bring a proceeding in the Court for an interim enforcement order.
Local Government Assessing Authority	601(1)(c)	Power to bring a proceeding in the Court to cancel or change an enforcement order or interim enforcement order.

CHAPTER 8 – INFRASTRUCTURE

Part 1 - Preliminary

Entity power given to	Section of SUPA	Description
Local Government	626(3)(a)	Power to amend an infrastructure charges notice for the relevant development approval.

Part 2 - Provisions for Local Governments

Division 1 – Charges for trunk infrastructure

Subdivision 2 – Charges resolutions

Entity power given to	Section of SUPA	Description
Participating Local Government for a distributor-retailer	632(2)	Power to agree about the charges break up (a <i>breakup agreement</i>).

Subdivision 3 – Levying charges

Entity power given to	Section of SUPA	Description
Local Government	635(2) ⁴	Power to give an infrastructure charges notice.

Subdivision 4 – Payment

Entity power given to	Section of SUPA	Description
Local Government	639(1)(a) and (b)	Power to agree with a recipient of an infrastructure charges notice about the matters in (a) and (b).

Subdivision 5 – Changing charges during relevant appeal period

Entity power given to	Section of SUPA	Description
Local	642	Power to consider the submissions.

⁴ As per section 626(3).

Government		
Local Government	643(1)	Power to decide it agrees with a submission and to give the recipient a new infrastructure charges notice (a negotiated notice).
Local Government	643(4)	Power to decide it does not agree with any of the submissions and to give the recipient a notice stating the decision.

Division 2 – Development approval conditions about trunk infrastructure

Subdivision 1 – Conditions for necessary trunk infrastructure

Entity power given to	Section of SUPA	Description
Local Government	646(2)	Power to impose a condition requiring either or both of the following to be provided at the stated time (a) the identified infrastructure; (b) the different trunk infrastructure delivering same desired standard service.
Local Government	647(2)	Power to impose a condition on a development approval that requires development infrastructure necessary to service the premises to be provided at a stated time.

Subdivision 2 – Conditions for additional trunk infrastructure costs

Entity power given to	Section of SUPA	Description
Local Government	650	Power to impose a condition (an additional payment condition).
Local Government	651(2)	Power to agree the payment time with the applicant.
Local Government	655(3)	Power to agree to on terms of the timing of the refund with the payer.

Subdivision 3 – Working out cost for required offset or refunds

Entity power given to	Section of SUPA	Description
Local Government	657(3)	Power to give notice to the applicant about and to amend the existing infrastructure charges notice.

Division 3 – Miscellaneous provisions about trunk infrastructure

Subdivision 1 – Conversion of particular non-trunk infrastructure before construction starts

Entity power given to	Section of SUPA	Description
Local Government	660(1)	Power to consider and decide the conversion application within the required period.
Local Government	660(3)	Power to give notice to the applicant requiring the applicant to give information the local government reasonably needs to make the decision.
Local Government	660(5)(b)	Power to agree with the applicant about any later period for compliance with the notice.

Local Government	661(1)	Power to give the applicant notice of the decision on a conversion application.
Local Government	662(3)	Power to amend the development approval by imposing a necessary infrastructure condition for the trunk infrastructure.
Local Government	662(4)	In certain circumstances, power to give an infrastructure charges notice, or amend by notice to the applicant, any existing infrastructure charges notice for the development approval.

Subdivision 2 – Other provisions

Entity power given to	Section of SUPA	Description
Local Government	664(2)	Power to agree with the applicant about a levied charge.

Part 3 - Provisions for State Infrastructure Providers

Entity power given to	Section of SUPA	Description
Local Government	669(2)(b)	Power to agree with the State infrastructure provider and the person who provided the replacement infrastructure about when the amount of the levied charge will be paid.

Part 4 - Infrastructure Agreements

Entity power given to	Section of SUPA	Description
Owner of land	674(1)	Power to enter an infrastructure agreement and to consent to obligations under it being attached to the land.

Part 5 - Miscellaneous

Entity power given to	Section of SUPA	Description
Public Sector Entity	677(1)(a) and (b)	Power to enter into an agreement about the matters provided in (a) and (b).
Local Government	679(2)	Power to impose a condition on a development approval for the supply of development infrastructure.

CHAPTER 9 – MISCELLANEOUS

Part 2 - Environmental Impact Statements

Division 2 – EIS process

Entity power given to	Section of SUPA	Description
Local Government Assessment Manager	691(8)	Power to comment on draft terms of reference for an EIS.
Local	695(1)	Power to make a submission on a draft EIS.

Government Assessment Manager		
Local Government Assessment Manager	695(3)(a)	Power to amend a submission on a draft EIS.
Local Government Assessment Manager	695(3)(b)	Power to withdraw a submission on a draft EIS.

Part 3 - Compensation

Entity power given to	Section of SUPA	Description
Local Government	709(1)	Power to decide a claim for compensation.
CEO	709(2)	To: (a) give a claimant a written notice of decision; (b) notify the amount of any compensation to be paid; (c) advise the claimant of appeal rights.
Local Government	710(1)	Power to: (a) grant all of the claims; or (b) grant part of the claim and reject the rest; or (c) refuse all of the claim.
Local Government	710(2)(a)	For an entitlement to claim the compensation under section 705, give notice of intention to resume the interest in the land under the Acquisition of Land Act, section 7. ⁵
CEO	713	Power to give the registrar of titles written notice of payment of compensation under Section 704.

Part 4 - Power to Purchase, Take or Enter Land for Planning Purposes

Entity power given to	Section of SUPA	Description
Local Government	714(1)	Power to be satisfied that the taking of land would help to achieve the strategic outcomes stated in its planning scheme.
Local Government	714(2)	At any time after a development approval or compliance permit has taken effect, power to be satisfied of the circumstances in subparagraphs (i) – (iii).
Assessment Manager / Relevant Entity	715(1)	Power to enter land at all reasonable times to undertake works if the assessment manager / relevant entity is satisfied: (a) implementing a development approval or compliance permit would require the undertaking of works on land other than the land the subject of the approval or permit; and (b) the applicant or person who requested compliance assessment has taken reasonable steps to obtain the agreement of the owner of the land to enable the works to proceed, but has not been able to obtain

⁵ The power to give the notice is in section 7 of the *Acquisition of Land Act 1967*.

		the agreement; and (c) the action is necessary to implement the development approval or compliance permit.
Assessment Manager Entity	716(3)	Power to decide a claim for compensation for loss or damage because of an entry onto land under section 715.
Assessment Manager Entity	716(5)	Power to recover from the applicant or person who requested compliance assessment the amount of any compensation or loss or damage paid under this part that is not attributable to the assessment manager's negligence.

Part 6 - Public Access to Planning and Development Information**Division 4 – Planning and development certificates**

Entity power given to	Section of SUPA	Description
Local Government	741	Power to give a planning and development certificate.

Part 7 - Notification stage for particular aquaculture development**Division 2 – Public notification**

Entity power given to	Section of SUPA	Description
Assessment Manager	746(1)	Power to agree with the applicant to and carry out public notification of proposed development.
Assessment Manager	749(2)	Power to give each prescribed concurrence agency for the application, written notice that the assessment manager has complied with this division.
Assessment Manager	750	In the specified circumstances, power to assess an application despite non-compliance with public notification.

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 ***Tobacco and Other Smoking Products Act 1998***

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

Tobacco and Other Smoking Products Act 1998 ("TOSP")**Part 2C - Smoke-Free Outdoor Places****Division 3 - Other outdoor places**

Entity power given to	Section of TOSP	Description
Local Government	26ZO(3)	In the specified circumstances, power to give the chief executive information about the local government's administration and enforcement of the matter.

Division 4 – Prohibition on smoking at public transport waiting points and malls by local governments

Entity power given to	Section of TOSP	Description
Local Government	26ZPD(3)	In the specified circumstances, power to give the chief executive information about the local government's administration and enforcement of the local law.

Part 3 - Monitoring and enforcement**Division 1 – Appointment of authorised persons and other matters**

Entity power given to	Section of TOSP	Description
Local Government	28(2)	Power to appoint any of the following persons as an authorised person for the local government and its area: (a) an employee of the local government; (b) if another local government consents, an employee of the other local government; or (c) another person under contract to the local government.
Local Government	28(3)	Power, together with CEOs of other local governments, to appoint an employee of one of the local governments another person under contract to one of the local governments as an authorised person for the local governments' 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.

INSTRUMENT OF DELEGATION

South Burnett Regional Council *Transport Operations (Road Use Management) Act 1995*

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

Transport Operations (Road Use Management) Act 1995 ("TORA")**CHAPTER 2 - ROAD USE****Part 2 - Official Traffic Signs**

Entity power given to	Section of TORA	Description
	69(1)	Power to install an official traffic sign: (a) on a road that is not a declared road; or (b) on a declared road, with the chief executive's written agreement; or (c) on an off-street regulated parking area.
	69(2)	Under section 69(1), power to install an official traffic sign that: (a) defines a traffic area; and (b) indicates that parking on declared roads within the traffic is regulated.
	69(3)	Power to remove an official traffic sign installed by the local government.
	69(4) ¹	Power to install or remove an official traffic sign that will result in a change to the management of a local government road.
	71(1)	Power to: (a) be satisfied in the circumstances of the case that a danger, hindrance or obstruction to traffic or other emergency exists or is likely to exist, or the use of a road or any part thereof or an off-street regulated parking area or any part thereof is prevented, hindered or obstructed, or likely to be prevented, hindered or obstructed; (b) install any official traffic sign which, in your opinion, may be necessary, required or desirable for the purpose of regulating, guiding or warning traffic.
	71(2)	Power to be satisfied that the danger, hindrance or obstruction to traffic or other emergency exists or is likely to exist or the use of the road or the part thereof or the off-street regulated parking area or the part thereof is prevented, hindered or obstructed or likely to be prevented, hindered or obstructed.
	74(2)	Power to take proceedings for the imposition and enforcement of a penalty under subsection (1) for a contravention relating to an official traffic sign installed by the local government.
	75(1)	In the specified circumstances, the power to remove an official traffic sign or other thing in the nature or similar to or which is likely to be mistaken for an official traffic sign.
	76(1)	If an official traffic sign installed by the local government is injured, power to sue for damages, or recover in a summary way under the <i>Justices Act 1886</i> .

¹ Only if the Chief Executive has approved the proposed change under the *Transport Planning and Coordination Act 1994*, section 8D.

Part 5 - Powers and Functions of Police Officers

Entity power given to	Section of TORA	Description
	100(1)	Power to consider on reasonable grounds that a vehicle, tram or animal in Council's area has been abandoned on a road, other than a busway, by the person who last drove or used it, or that: (a) a vehicle, tram or animal in Council's area has been: (i) left on a road unattended whether temporarily or otherwise for a time or in a place, condition, way or circumstances where its presence is hazardous; or (ii) found on a road in a place, condition, way or circumstances where its presence is hazardous or in contravention of the TORA; and (b) the driver of the vehicle, tram or animal: (i) can not readily be located; or (ii) has failed to immediately remove the vehicle, tram or animal when required to do so.
	100(1)(b)(ii)	In the specified circumstances, the power to require a person to immediately remove a vehicle, animal or tram.
	100(3)	In the specified circumstances, the power to remove a vehicle, tram or animal from a road and detain it at a place for safe keeping.
	100(4)	In the specified circumstances, the power to cause notice in writing to be given to the owner of a vehicle, tram or animal, if the owner can be ascertained, of the removal and of the place at which the vehicle, tram or animal is then detained.
	100(6)(a)	In the specified circumstances, power to advertise that the local government will offer the vehicle, tram or animal for sale by public auction.
	100(6)(b)	In the specified circumstances, the power to offer a vehicle, tram or animal for sale by public auction.
	100(6)(c)	In the specified circumstances, the power to dispose of a vehicle, tram or animal in such manner and on such terms as you determine.
	100(8)	Power to deal with any goods, equipment or thing contained in, on or about a vehicle, tram or animal at the time of its removal in the same manner as the vehicle, tram or animal may be dealt with under section 100 of the TORA.
	100(9)	Power to direct how any perishable goods in or on a vehicle, tram or animal at the time of its removal may be disposed of.
	100(10)(b)	Power to be satisfied: (a) of an applicant's ownership or of the applicant's right to possession of a vehicle, tram or animal; (b) if an applicant is a person acting on behalf of an owner - of the applicant's authority to act on behalf of the owner.

Part 6 - Regulated Parking

Entity power given to	Section of TORA	Description
	101(1)	Power to regulate parking in the local government area: (a) on a road, other than a declared road; or (b) on a declared road, with the chief executive's written agreement; or

		(c) on an off-street regulated parking area.
	102(1) ²	Power to regulate parking by installing official traffic signs indicating how parking is regulated.

CHAPTER 6 - MISCELLANEOUS

Part 2 - Other Provisions

Entity power given to	Section of TORA	Description
CEO	166A(3)	Power to approve certain persons as toll officers for a local government tollway.
CEO	166A(3)(B)	Power to consider an employee, of the contractor, has the necessary expertise for these sections.

² Only if:
 (a) the boundaries of the traffic area have been defined under a local law; or
 (b) the sign is installed on the road at every road entry to the traffic 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.

INSTRUMENT OF DELEGATION

South Burnett Regional Council ***Waste Reduction and Recycling 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

Waste Reduction and Recycling Act 2011 ("WRRRA")**CHAPTER 3 – WASTE LEVY****Part 1 - Weighbridges**

Entity power given to	Section of WRRRA	Description
Operator of waste disposal site	52(2)	Power to give the Chief Executive a return in the approved form for the period prescribed under a regulation.

CHAPTER 6 – STRATEGIC PLANNING FOR WASTE REDUCTION AND RECYCLING**Part 2 - Local government strategic planning for waste****Division 3- Chief executive action to prepare waste reduction and recycling plan for local government**

Entity power given to	Section of WRRRA	Description
Local Government	128(3)(c)	Power to make written submissions.

CHAPTER 9 – REVIEWS**Part 1 - Internal Reviews**

Entity power given to	Section of WRRRA	Description
Powers delegated to Council in first instance by Chief Executive pursuant to Waste Reduction and Recycling (Authorised Persons) Delegation (No. 1) 2012	175 ¹	Subject to conditions, power to consider an application for an internal review of a decision.
Powers delegated to Council in	176(2) ²	Power to extend the time for making an internal review application.

¹ The power can only be exercised as it relates to sections 248(2) and 253(3) of the Act.

² The power can only be exercised as it relates to sections 248(2) and 253(3) of the Act.

first instance by Chief Executive pursuant to Waste Reduction and Recycling (Authorised Persons) Delegation (No. 1) 2012		
Applicant of an internal review application	177(2)	Power to apply for a stay of an original decision.
Powers delegated to Council in first instance by Chief Executive pursuant to Waste Reduction and Recycling (Authorised Persons) Delegation (No. 1) 2012	178(1)(a) ³	Power to conduct an internal review of the decision the subject of the application.
Powers delegated to Council in first instance by Chief Executive pursuant to Waste Reduction and Recycling (Authorised Persons) Delegation (No. 1) 2012	178(1)(b) ⁴	Power to make a decision to: i) confirm the original decision; or ii) amend the original decision; or substitute another decision for the original decision.

³ The power can only be exercised as it relates to sections 248(2) and 253(3) of the Act.

⁴ The power can only be exercised as it relates to sections 248(2) and 253(3) of the Act.

CHAPTER 10 AUTHORISED PERSONS

Part 2 - General matters about authorised persons

Division 2 - Appointment

Entity power given to	Section of WRRRA	Description
Powers delegated to Council in first instance by Chief Executive pursuant to Waste Reduction and Recycling (Authorised Persons) Delegation (No. 1) 2012	183(1) ⁵	Power to appoint an authorised person.
Powers delegated to Council in first instance by Chief Executive pursuant to Waste Reduction and Recycling (Authorised Persons) Delegation (No. 1) 2012	187 ⁶	To issue an identify card to an authorised person.

⁵ The authorised person can be appointed to exercise the powers in section 117 and Chapter 10 of the WRRRA in relation to the following offences:

- (a) Chapter 5: Parts 1, 2 and Part 3, Division 1 and 2 of the Act;
- (b) Section 251(a) in relation to a contravention of section 107(1), 108, 109(1) or (2);
- (c) Section 251(b) in relation to a contravention of section 103 or 104;
- (d) Section 254, and section 264 of the Act.

⁶ The authorised person can be appointed to exercise the powers in section 117 and Chapter 10 of the WRRRA in relation to the following offences:

- (a) Chapter 5: Parts 1, 2 and Part 3, Division 1 and 2 of the Act;
- (b) Section 251(a) in relation to a contravention of section 107(1), 108, 109(1) or (2);
- (c) Section 251(b) in relation to a contravention of section 103 or 104;
- (d) Section 254, and section 264 of the Act.

CHAPTER 11 – SHOW CAUSE NOTICES AND COMPLIANCE NOTICES

Part 2 - Show cause notices

Entity power given to	Section of WRRRA	Description
Powers delegated to Council in first instance by Chief Executive pursuant to Waste Reduction and Recycling (Local Government - Waste Management) Delegation (No. 1) 2012	246(1) ⁷	Power to reasonably believe a person has contravened a prescribed provision.
Powers delegated to Council in first instance by Chief Executive pursuant to Waste Reduction and Recycling (Local Government - Waste Management) Delegation (No. 1) 2012	246(2) ⁸	Power to give a person a show cause notice, subject to subsection (3).
Powers delegated to Council in first instance by Chief Executive pursuant to Waste Reduction and Recycling	246(3) ⁹	Power to reasonably consider that it is not appropriate in the circumstances to give the show cause notice.

⁷ The power can only be exercised as it relates to sections 103(1), 104(1), 107(1), 108, 109(1) or (2), and 112(2) of WRRRA.

⁸ The power can only be exercised as it relates to sections 103(1), 104(1), 107(1), 108, 109(1) or (2), and 112(2) of WRRRA.

⁹ The power can only be exercised as it relates to sections 103(1), 104(1), 107(1), 108, 109(1) or (2), and 112(2) of WRRRA.

(Local Government - Waste Management) Delegation (No. 1) 2012		
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Part 3 - Compliance notices

Entity power given to	Section of WRRRA	Description
Powers delegated to Council in first instance by Chief Executive pursuant to Waste Reduction and Recycling (Local Government - Waste Management) Delegation (No. 1) 2012	248(1) ¹⁰	Subject to s246 (2) and subject to holding a reasonable belief that a person has contravened, or is contravening, a prescribed provision, power to give a compliance notice to a person requiring the person to do either or both of the following – a) to refrain from contravening the prescribed provision; b) to remedy the contravention in the way stated in the notice.
Powers delegated to Council in first instance by Chief Executive pursuant to Waste Reduction and Recycling (Local Government - Waste Management) Delegation (No. 1) 2012	249(2) ¹¹	Power to give a compliance notice if the Chief Executive: a) has considered all submissions made by the person about the show cause notice within the period state in that notice; and b) still believes it is appropriate to give a compliance notice.

¹⁰ The power can only be exercised as it relates to sections 103(1), 104(1), 107(1), 108, 109(1) or (2), and 112(2) of WRRRA.

¹¹ The power can only be exercised as it relates to sections 103(1), 104(1), 107(1), 108, 109(1) or (2), and 112(2) of WRRRA.

CHAPTER 12 – WASTE AUDITS**Part 2 - Chief executive may require conduct of waste audits**

Entity power given to	Section of WRRRA	Description
Powers delegated to Council in first instance by Chief Executive pursuant to Waste Reduction and Recycling (Local Government - Waste Management) Delegation (No. 1) 2012	253(1) ¹²	Subject to holding a reasonable suspicion that a person is contravening or has contravened a prescribed provision, power to give a notice requiring a person to commission a waste audit of the matter and to provide a waste report on the audit.

Part 3 - Other provisions

Entity power given to	Section of WRRRA	Description
A recipient as defined in s253(1).	256(1)	Power to make and provide a statutory declaration.

CHAPTER 13 – COURT ORDERS

Entity power given to	Section of WRRRA	Description
Powers delegated to Council in first instance by Chief Executive pursuant to Waste Reduction and Recycling (Local Government - Waste Management) Delegation (No. 1) 2012	260(2)	Power to carry out work or take any other action reasonably necessary to fulfil the requirements of the order.

¹² The power can only be exercised as it relates to section 104 of WRRRA.

Powers delegated to Council in first instance by Chief Executive pursuant to Waste Reduction and Recycling (Local Government - Waste Management) Delegation (No. 1) 2012	261	Power to bring a proceeding in the Magistrates Court for an order to remedy or restrain an offence against this Act, or a threatened or anticipated offence against this Act.
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CHAPTER 14 – MISCELLANEOUS

Entity power given to	Section of WRRRA	Description
Powers delegated to Council in first instance by Chief Executive pursuant to Waste Reduction and Recycling (Local Government - Waste Management) Delegation (No. 1) 2012	264(2)(c)	Power to keep documents under this Act in accordance with this section.
Powers delegated to Council in first instance by Chief Executive pursuant to Waste Reduction and Recycling (Local Government - Waste Management) Delegation (No. 1) 2012	270 ¹³	Power to approve forms for use under this Act.

¹³ The power can only be exercised as it relates to section 174 of the Act.

Schedule 2

Limitations to the Exercise of Power

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

INSTRUMENT OF DELEGATION

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

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

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

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

Schedule 1

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

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

Subdivision 2 – Changing registration details

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

Subdivision 3 – Transferring registration

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

Subdivision 4 – Cancelling registration other than for transfer

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

Division 2 – General powers of service providers and authorised persons

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

Division 3 - Power to restrict water supply

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

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

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

Entity power given to	Section of WSSR	Description
Service provider	45(1)	Power to appoint a person to be an authorised person if: <ul style="list-style-type: none"> (a) satisfied the person has the necessary expertise or experience to be an authorised person; or (b) the person has satisfactorily finished training approved by the service provider.
Service provider	45(2)	Power to be satisfied that the person: <ul style="list-style-type: none"> (a) can perform the functions of an authorised person safely; and (b) can, while performing those functions, mitigate any risks to public health and safety.

Division 6 - Water efficiency management plans

Entity power given to	Section of WSSR	Description
Water service provider	52(1)	Upon written direction of the chief executive, power to give a customer, or type of customer, a written notice: <ul style="list-style-type: none"> (a) to prepare a plan (a water efficiency management plan); and (b) to give it to the water service provider within the reasonable time stated by the chief executive.
Water service provider	52(3)	In the specified circumstances, power to give a customer, or type of customer, a written notice, approved by the chief executive: <ul style="list-style-type: none"> (a) to prepare a plan (also a water efficiency management plan); and (b) to give it to the water service provider within the reasonable time stated by the water service provider.
Water service provider	54(1)	For deciding whether or not to approve a water efficiency management plan, power to require the customer to give additional information about the plan within a reasonable period.
Water service provider	54(2)	Power to approve, with or without conditions, or refuse to approve a water efficiency management plan: <ul style="list-style-type: none"> (1) if additional information is not required – within 60 business days after receiving the plan; or (2) if additional information is required – within 60 business days of when the information is received or should have been given, whichever is earlier.
Water service provider	54(3)	In the specified circumstances, power to give the customer an information notice.
Water service provider	54(5)	Power to extend the period of 20 business days mentioned in section 54(4).
Water service provider	57(2)	Upon the direction of the chief executive, power to give a customer, or type of customer, a written notice requiring the customer to: <ul style="list-style-type: none"> (a) amend an approved water efficiency management plan and give it to the water service provider within the reasonable time stated by the

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

Part 4 - Service Providers Obligations

Division 1 - Drinking water quality management

Subdivision 2 - Drinking water quality management plans

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

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

Division 3 – Customer service standards

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

Division 5 - Reporting for particular financial years

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

Division 6 - Water for fire fighting

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

Division 11 - Water for fire fighting

Entity power given to	Section of WSSR	Description
Small service provider	146(1)	Power to apply to the regulator for an exemption from complying with the specified requirements.
Small service provider	149(1)	In the specified circumstances, power to give the regulator notice of the change.

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

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

Division 4 - Connecting to particular registered services

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

Division 5 - Restricting domestic water supply

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

Part 6 - Trade Waste

Entity power given to	Section of WSSR	Description
Sewerage Service Provider	180(1)	In the specified circumstances, power to give a person an approval to discharge trade waste (a trade waste approval) into Council's sewerage infrastructure.
Sewerage Service Provider	180(2)	In the specified circumstances and before giving a trade waste approval, power to consider the effect of the proposed discharge on an existing or potential re-use of waste water or sludge.
Sewerage Service	180(3)	Power to consider the effect of the proposed discharge on any existing or potential re-use of waste water or sludge.

Provider		
Sewerage Service Provider	180(4)	Power to be satisfied: (a) having regard to the amount, type and strength of the proposed discharge, the discharge will not harm the sewerage or the health and safety of anyone working on the sewerage; and (b) the sewage treatment plant to treat the discharge is capable of treating the discharge to an acceptable standard.
Sewerage Service Provider	180(5)	In the specified circumstances, power to be satisfied the proposed discharge into the sewerage is consistent with the plan.
Sewerage Service Provider	181(1)	Power to give a trade waste approval on conditions.
Sewerage Service Provider	182	Power to suspend or cancel a trade waste approval (the proposed action) if satisfied any of the specified circumstances applies.
Sewerage Service Provider	183(1)	In the specified circumstances, power to give an approval holder a show cause notice about the proposed action.
Sewerage Service Provider	183(2)	Power to consider submissions made in response to a Show Cause Notice, to be satisfied the proposed action should be taken, and then to: (a) if the proposed action was to suspend the approval for a stated period - suspend the approval for not longer the proposed suspension period; or (b) if the proposed action was to cancel the approval - either cancel the approval or suspend it for a period.
Sewerage Service Provider	183(3)	In the specified circumstances, power to give the approval holder an information notice about the decision.
Sewerage Service Provider	183(4)	Power to consider any submissions and, if not satisfied the proposed action should be taken, the power to give the approval holder a notice about the decision.
Sewerage Service Provider	184(1)	In the specified circumstances, power to suspend or cancel an approval without giving a show cause notice, if further action is considered necessary: (a) in the interests of public health or safety; or (b) to prevent environmental harm; or (c) to prevent damage to Council's sewerage system.
Sewerage Service Provider	184(2)	In the specified circumstances, power to cancel a trade waste approval given by the sewerage service provider.
Sewerage Service Provider	184(3)	In the specified circumstances, power to give the approval holder an information notice about the action.
Sewerage Service Provider	185(2)	Power to give a notice to the approval holder to amend a trade waste approval to ensure that it is consistent with conditions mentioned in section 185(1)(a).

Part 7 - Offences

Entity power given to	Section of WSSR	Description
Service provider	191	Power to give written consent to a person connecting to, or disconnecting from, the service provider's infrastructure.
Service provider	192(1)	Power to give written consent to a person interfering with a service provider's infrastructure.
Service provider	192(2)	Power to give written consent to a person building over, interfering with access to, increasing or reducing the cover over, or changing the surface of land in any way causing ponding of water over an access chamber for, a service provider's infrastructure.
Service provider	193(1)	Power to give written consent to a person discharging trade waste into a service provider's infrastructure.
Service provider	193(3)	Power to give written consent to a person discharging water from an ornamental pond, a swimming pool or the filtration system of a swimming pool into a service provider's infrastructure.
Service provider	195(1)	Power to give written approval to a person taking water from a service provider's infrastructure.
Service provider	195(2)	In the specified circumstances, power to give written approval to a person taking water from a supply pipe on premises for use off the premises.

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

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

Division 2 – Changing registration details

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

recycled water scheme which is registered under Chapter 3, Part 1A, Division 2		
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Part 2 - Recycled Water Management Planning

Entity power given to	Section of WSSR	Description
Recycled water provider	202(1)	Power to apply to the regulator for approval of a recycled water management plan.
Recycled water provider	203(1)(b)	Power to sign a statutory declaration verifying the information included in the plan, or any additional information given under section 203(1)(a).
Recycled water provider	208(2)	Power to give regulator notice of a stoppage or proposed stoppage of the production or supply of recycled water, in accordance with the circumstances of that section.
Recycled water provider	208(5)	Power to, as soon as practicable, give the regulator notice of the stoppage or proposed stoppage of the production or supply of recycled water under a scheme and otherwise in the circumstances of that section.
Recycled water provider	209(1)	Power to obtain the regulator's agreement to amend the recycled water management plan for the scheme.
Recycled water provider	212(2)	Power to apply to the regulator for approval of the proposed amended recycled water management plan.
Recycled water provider	212(3)	Power to exercise the delegable powers (if any) contained in sections 202(2), (3) and (4), and sections 203 to 208 as if a reference in the sections to: <ul style="list-style-type: none"> (a) the recycled water management plan were a reference to the amended recycled water management plan; and (b) the plan were a reference to the amended plan.
Relevant entity for the recycled water scheme	215(1)	If a recycled water management plan has been suspended, power to apply to the regulator for an approval to resume supply of recycled water under the scheme.
Recycled water provider	215(3)	Power to exercise the delegable powers (if any) contained in sections 202 and 203 as if a reference in the sections to: <ul style="list-style-type: none"> (a) the recycled water management plan were a reference to the suspended recycled water management plan; and (b) the plan were a reference to the suspended plan.
Recycled water provider	215(7)	Power to exercise the delegable powers (if any) contained in sections 202(2), (3) and (4), and sections 203 to 208 as if a reference in the sections to: <ul style="list-style-type: none"> (a) the recycled water management plan were a reference to the amended recycled water management plan; and (b) the plan were a reference to the amended plan.

Part 3 - Notice About Permanently Stopping Supply of Recycled Water

Entity power given to	Section of WSSR	Description
Recycled water provider	230(2)	Power to give a notice to the regulator of a proposed stoppage at least 30 days before the supply of recycled water is stopped.
Relevant entity for the critical recycled water scheme (if relevant)	230(4)	Power to give the regulator notice of the proposed stoppage at least 60 days before supply of the recycled water is stopped.
Relevant entity for the critical recycled water scheme (if relevant)	230(6)(b)	Power to sign a statutory declaration verifying the information included in the notice, or any additional information given under section 230(6)(a).
Recycled water provider	230(9)	Power to give the regulator notice of a stoppage of recycled water under recycled water scheme within 5 days after the supply stops.

Part 4 - Validation Programs

Entity power given to	Section of WSSR	Description
Recycled water provider	237(1)	Power to apply to the regulator for approval of a validation program.
Relevant entity for the critical recycled water scheme (if relevant)	238(1)(b)	Power to sign a statutory declaration verifying the information included in the program, or any additional information given under section 238(1)(a).
Relevant entity	242(2)	Power to apply to the regulator for approval of the proposed amended validation program.
Recycled water provider	242(3)	Power to exercise the delegable powers (if any) contained in sections 237(2) and sections 238 to 241 as if a reference in the sections to: <ul style="list-style-type: none"> (a) the validation program were a reference to the amended validation program; and (b) the program were a reference to the amended program.

Part 6 - Reviews and Audits of Recycled Water Management Plans

Entity power given to	Section of WSSR	Description
Recycled water provider	259(2)(b)	In the specified circumstances, power to apply to the regulator for approval of the amended plan.
Scheme manager	259(4)	In the specified circumstances, power to apply to the regulator for approval of the amended recycled water management plan for the scheme.
Recycled water provider	259(6)	Power to exercise the delegable powers (if any) contained in sections 202(2), (3) and (4), and sections 203 to 208 as if a reference in the sections to: <ul style="list-style-type: none"> (a) the recycled water management plan were a reference to the amended recycled water management plan; and (b) the plan were a reference to the amended plan.

Part 7 - Reporting Requirements**Division 4 - Connecting to registered services**

Entity power given to	Section of WSSR	Description
Alerting entity	270(2)	In the specified circumstances, power to immediately inform the regulator and, if another entity is the responsible entity for the noncompliance, the responsible entity, of the noncompliance and the circumstances that gave rise to the noncompliance.
Responsible entity for the non-compliance	270(4)	Power to give the regulator notice of the following: <ul style="list-style-type: none"> (a) the noncompliance and the circumstances that gave rise to the noncompliance; (b) any action taken, or to be taken, by the entity to correct the noncompliance; and (c) the measures the entity will take to prevent the noncompliance in the future.
Alerting entity	271(2)	In the specified circumstances, power to immediately inform the regulator and, if another entity is the responsible entity for prescribed incident, the responsible entity, of the prescribed incident.
Alerting entity	271(4)	In the specified circumstances, power to give the regulator notice of: <ul style="list-style-type: none"> (a) the prescribed incident and the circumstances that gave rise to the prescribed incident; (b) any action taken, or to be taken, by the entity relating to the prescribed incident; and (c) the measures the entity will take to prevent the prescribed incident happening again in the future.

Part 8 - Declaration of critical recycled water schemes

Entity power given to	Section of WSSR	Description
Entity to whom a notice of the regulator's intention to make a	303(3)(e)	In the specified circumstances, power to give the regulator a written submission about the proposed declaration.

decision		
Relevant entity for a critical recycled water scheme	306(1)	Power to considers the scheme should not be a critical recycled water scheme, and to ask the regulator to review the making of the declaration.
Recycled water provides / entity declared to be part of the scheme	307(2)	In the specified circumstances, power to give the regulator notice of who is the scheme manager.

Part 10 - Miscellaneous

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

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

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

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

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

Subdivision 3 – Preparation of emergency actions plans

Entity power given to	Section of WSSR	Description
Owner of a referable dam	352G(1)	Power to give an emergency action plan for a dam to the chairperson of the relevant disaster management group for the plan.
Owner of a referable dam	352G(4)	Power to prepare a written response (a Disaster Management Review Response).

Subdivision 6 – Reviewing emergency action plans

Entity power given to	Section of WSSR	Description
Owner of the dam	352P(2)(c)	Power to prepare a new emergency action plan , under subdivision 3, that effectively deals with the emergency condition: to give it to the chief executive within the stated period of at least 30 business days.
Owner of a referable dam	352P	The power, before 1 October each year to: (a) review the approved emergency action plan for the dam; and (b) give to the chief executive: (i) a notice stating whether or not the owner proposes an amendment to the plan because of the review; and (ii) if the owner proposes an amendment – a copy of the plan including the proposed amendment.

Subdivision 8 – Renewing emergency action plans

Entity power given to	Section of WSSR	Description
Owner of the referable dam	352S(2)	At least one month before the end of an approval period for an emergency action plan power to (a) prepare a new emergency action plan for the dam under subdivision 3; and (b) give it to the chief executive for approval.

Subdivision 9 – Emergency event reporting

Entity power given to	Section of WSSR	Description
Owner of referable dam	352T(2)	Power to prepare a report (an emergency event report) and to give it to the chief executive.
Owner of referable dam	352T(2)(b)	Power to agree a further period in writing with the chief executive.
Owner of referable dam	352T(3)(a)	Power to reasonably consider a hazard no longer poses a risk to the dam.
Owner of referable dam	352T(3)(b)	Power to reasonably consider that a hazard no longer poses a risk to the safety of persons or property.
Owner of referable dam	352U(3)	Power to prepare a report (an emergency event interim report) and to give it to the chief executive officer in accordance with section 352U(2).

Division 3 – Safety Conditions For Existing Referable Dams

Entity power given to	Section of WSSR	Description
Owner of a referable dam	353(3)	Power to provide information to the chief executive in response to a notice given under section 353(2).
Owner of a referable dam	354(3)(b)	Power to agree with the chief executive, an extended period for deciding safety conditions.
Owner of a referable dam	356(4)	Power to provide information to the chief executive in response to a notice issued under section 356(3).

Part 2 - Flood Mitigation Manuals and Reporting**Division 2 – Preparation of Flood Mitigation Manuals**

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

Division 3 – Approving Flood Mitigation Manuals

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

Division 4 – Amending and Reviewing Flood Mitigation Manuals

Entity power given to	Section of WSSR	Description
Owner of a referable dam	371(2)	Power to amend a flood mitigation manual for a dam in compliance with a notice issued under section 372(1).
Owner of a referable dam	373	Power to: (a) review and, if necessary, update a flood mitigation manual; and (b) give a copy of it to the minister for the minister's approval under division 3.

Division 5 – Renewing Flood Mitigation Manuals

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

Division 6 – Annual Preparedness Report

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

		(b) give the report to the chief executive.
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Division 8 – Authorising Alternative Operational Procedures

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

Division 9 – Flood Event Reporting

Entity power given to	Section of WSSR	Description
Owner of a referable dam	383(2)	Power to prepare a report (a flood event report) under division 9 and give it to the chief executive.
Owner of a referable dam	383(2)(b)	Power to agree to a further period in writing with the chief executive.
Owner of a referable dam	384(3)	Power to comply with a notice given to the owner of the dam under section 384(2).

Part 3 - Declaring Temporary Full Supply Levels to Mitigate Flood or Drought

Division 2 – Obtaining Information and Advising Minister

Entity power given to	Section of WSSR	Description
Owner of a referable dam	391(3)	Power to comply with an impact information notice given under section 391(1).
Owner of a referable dam	392	Power to consult with the chief executive.

CHAPTER 5 – INVESTIGATIONS AND ENFORCEMENT MATTERS**Part 5A - Particular Provisions to Monitor Relevant Service Providers****Division 2 – Improvement plans**

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

Part 8 - Notices of Cost Recovery**Division 1 – Show cause notices**

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

Part 9 - Enforcement Proceeding

Entity power given to	Section of WSSR	Description
Entity	476(1)	Power to consent to a proceeding for an enforcement order being started by a person on the entities behalf.

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

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

Part 3 - Appeals and external Reviews

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

original decision		
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Part 4 - Arbitration

Entity power given to	Section of WSSR	Description
Interested person who applied an internal review of the original decision	524(2)	Power to be dissatisfied with the decision and to give the authority under the <i>Queensland Competition Authority Act 1997</i> a notice (a dispute notice) applying for arbitration on the decision.
Interested person who gave dispute notice	526	Power to withdraw the dispute notice at any time before the authority makes its decision on the dispute.

CHAPTER 8 - MISCELLANEOUS**Part 3 - Other Miscellaneous Provisions**

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

Schedule 2

Limitations to the Exercise of Power

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 - Work Health and Safety Act 2011

Under 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 and conditions contained in Schedule 2.

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

Schedule 1

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

Section of WHS	Description
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.
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

Section of WHS	Description
52(1)	Power to negotiate and agree upon the work group.
52(4)	Power to negotiate a variation of the agreement upon a work group.
52(5)	Power to, if asked by a worker, negotiate with the worker's representative under this section 52.
53(1)	Power to notify the workers of the outcome of negotiations and of any work groups determined by agreement.
53(2)	Power to notify the worker of the outcome of the negotiations and of the variation (if any) to the agreement.
57(1)	Power to notify the workers of the outcome of the negotiations and of any work groups determined by agreement.
57(2)	Power to notify the workers of the outcome of the negotiations and of the variation (if any) to the agreement.
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.
71(5A)	Power to refuse to grant access to the workplace to a person (the assistant) assisting a health and safety representative for a work group if the health and safety representative has not: <ul style="list-style-type: none"> (a) given notice under section 68(3B); or (b) given the person conducting the business or undertaking the information about the assistant prescribed under a regulation.
73(1)	Power to agree to apportion the costs of the representative exercising powers and performing functions under the WHS in another way.
73(2)	Power to negotiate and agree upon a variation to the apportionment of costs between persons conducting the businesses or undertakings.

Schedule 1

Section of WHS	Description
76(1)	Subject to subsections (2) to (4) power to agree upon the constitution of a health and safety committee.
77(c)	Power to agree upon the functions of a health and safety committee.
81(2)	Power to agree upon a procedure for the timely, final and effective resolution of health and safety issues.
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.
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.

Schedule 2

Limitations and Conditions 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, the delegate in exercising delegated power in relation to that matter, will only commit the 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, the Council's relations with the public at large.
3. The delegate will not exercise any delegated power in relation to a matter which has already been the subject of a resolution or other decision of the 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 affect, 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 power which cannot lawfully be the subject of delegation by Council.

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

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

Resolution:

Moved Cr KM Campbell, seconded Cr DJ Palmer.

That the Officer's Recommendation be adopted.

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

4.2.4 G - 1496831 - Annual Review of Delegations to the Chief Executive Officer

Summary

Section 257 of the *Local Government Act 2009* provides that 'a delegation to the Chief Executive Officer under subsection (1) of section 257 must be reviewed annually by the Local Government'.

Officer's Recommendation

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

1. That Council has reviewed its delegations to the Chief Executive Officer under the State Acts that are the subject of the delegations update service provided by Council's solicitors, MacDonnells Law; and
2. That the delegations referred to in paragraph 1 remain valid and are ratified by the Council.

Resolution:

Moved Cr KM Campbell, seconded Cr RLA Heit.

That the Officer's Recommendation be adopted.

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

5. Portfolio - Roads & Drainage

5.1 Roads & Drainage Portfolio Report

Summary

Roads & Drainage Portfolio Report to Council.

Officer's Recommendation

That the Roads & Drainage Portfolio Report to Council be received.

Resolution:

Moved Cr DP Tessmann, seconded Cr KA Duff.

That the Roads & Drainage Portfolio Report to Council be received.

Capital:

Semgreens Road Coolabunia – With much of the proof roll completed the sealing of this project should happen early this week. Once completed this crew will move to Coulson Street in Blackbutt to begin the drainage works.

Coulson Street Blackbutt – Following engagement with affected businesses and residents, plans are ready for work to start once the crew move into the area.

Ellesmere Road – Great progress continues to occur on this project with sealing to possibly occur the week after next. This crew will then move to the Minmore Road crest sealing job at Minmore.

Proston Boondooma Road – The clearing has been completed and the upgrading to the culverts is currently underway. Whilst this work is being undertaken maintenance is occurring on TH Burns Road, Coverty Road & Glencoe Road whilst the clearing is occurring.

Nanango Streetscape – The crew is into the final stages of the roundabout now. Work is due to commence shortly then on the alfresco dining concreting work to be done in front of Little Drayton Street.

Maintenance:

The following roads have been worked on by our grader crews...

Booie Rd – Booie

Hillsdale Rd – Booie

Smith Rd – Booie

Middle Rd – Proston

Blanch's Rd – Proston

Weir Rd – Okeden

McGills Rd – Ironpot

Ironpot Rd – Ironpot

Benjamin Rd – Ironpot

Memerambi Cemetery Rd – Memerambi

Oil Seeds Rd – Memerambi

Reseal Program:

The preparation work required for resealing to occur has begun in the Coolabunia area.

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

6. Portfolio - Arts, Communities, Health and Waste Services

6.1 Arts, Communities, Health and Waste Services Portfolio Report

Summary

Arts, Communities, Health and Waste Services Portfolio Report to Council.

Officer's Recommendation

That the Arts, Communities, Health and Waste Services Portfolio Report to Council be received.

Resolution:

Moved Cr RLA Heit, seconded Cr KA Duff.

That the Arts, Communities, Health and Waste Services Portfolio Report to Council be received.

Communities:

Healthy Communities - Get out Get Active – Active Taster Free Gym Programs

After a great response to the first block of the Active Taster programs we are in the final stage of our 2nd block which commenced on 20 July and ends this Friday on 28 August 2015. Participation was a little slower in the 2nd round but with additional advertising on social media, Council found that interest increased. The program has had some significant success in increasing the participation rate of women over 18 in physical activity.

Community Assistance Grants

With applications closing Monday 31 August, Council have received a number of enquiries about the fund. I encourage not-for-profit organisations based within the region whose events and projects benefit our residents to apply.

State Government Drought Relief Funding

Planning is continuing for the drought relief functions funded through Council by the State Government. Local community groups are hosting community gatherings in small rural communities which have been identified as most effected by the current drought. Local residents are encouraged to attend to get together and enjoy good food and fellowship. Kumbia will host the next function on the calendar in September.

Art:

Regional Arts Development Fund – RADF – Funding Round one for 2015-16

There is still time to apply for the current round of funding with applications closing Friday 28 August. Local art groups or individuals can apply for assistance to deliver workshops or projects in our local region. Information and forms are available on Council's website. Council has once again been successful in obtaining funding from Arts Queensland to deliver the RADF program for 2015-16. The amount of funding Council will receive will be able to be announced at the next meeting.

Libraries:

Libraries across the South Burnett, as part of Senior's week, hosted a number of events to celebrate the valuable contribution of older people in our community. During the week, an Orana Home Care Representative visited our libraries to inform interested patrons about government-funded Home Care Packages and all services for seniors. At the Nanango Library, local historian Dr Judith Grimes spoke about her new book, "Squatters of the South Burnett". The Kingaroy Library hosted an entertaining morning with local bush poet Carol Hutchison and cartoonist Tony Turton. In addition to this, the Kingaroy and Nanango libraries also held special storytime sessions with a VIP invitation list... Grandparents!

With August being Family History Month, the Kingaroy library hosted an informative talk from Daun Clapperton and Robyn Peterson about the database "Everyman Remembered", which lists the South Burnett's WW1 service men and women.

Also this month, the Nanango library will take part in National eSmart Week to celebrate and raise awareness of cybersafety in Australia. The library will be featuring a week-long display of cybersafety resources and will hold a workshop designed to raise awareness of online resources available to the community.

Library staff continued to deliver "Rhyme Time" sessions as a part of the State Government's Best Start Program. These sessions are held in each library and are filled with nursery rhymes, lullabies, finger plays and songs.

Health and Waste Services:

Waste

Transfer Station Construction

Hivesville and Durong Transfer stations will be officially operational and the landfill trenches closed off from Monday 31 August 2015.

The Brigooda and Cloyna Transfer Stations have been operational since 15 June 2015.

The upgrade to the Wattle Camp Transfer Station was completed in March 2015, while the Chahpingah upgrade was finished June 2015.

This now brings to a completion the Council's commitment to the public for the roll out of the Waste Services capital works program for the construction of 6 waste transfer stations.

The next phase of Waste Services capital works program is to finalise capping of the landfills at Hivesville, Durong, Chahpingah and Cloyna. Capping of some of these now closed landfills has already commenced.

Public Health

Amendments to the legislation concerning Tattooing, more specifically tattoo removal

An amendment to the Public Health (Infection Control for Personal Appearance Services) Regulation 2003 is expected to take place in September 2015. This amendment will classify tattoo removal by the administration of injectable products to be deemed as a 'high risk personal appearance service,' and therefore must be licensed under the Public Health (Infection Control for Personal Appearance Services) Act 2003. Infection control requirements will also need to be overseen and enforced by local government as part of licensing. Tattoo pigment removal by laser will not require licensing due to it being a different process, which does not involve skin penetration.

Amendments to the Smoking legislation

The Tobacco and Other Smoking Products (Extension of Smoking Bans) Amendment Bill 2015 was introduced into the Queensland Parliament as a Private Members Bill on 14 July 2015 and referred to the Health and Ambulance Services Committee for examination. The Explanatory

Notes state the objective of the Bill is to decrease the incidence of smoking in Queensland by strengthening smoking bans. The Bill proposes to ban smoking within 5 metres of all State Government buildings, at all transport waiting areas, pedestrian malls, public swimming pools and skate parks, and to ban the sale of cigarettes at pop up sales venues.

Delays to the civil liability protection provisions for Local Government in relation to the legislation concerning Asbestos

The amendments to the Public Health Act 2005 that will provide protection to Local Governments from civil liability for asbestos-related matters are now not expected to commence until September 2015. The Local Government Association of Queensland has been advised that the proclamation of the indemnity amendments to the Public Health Act 2005 and the associated Regulation, which was to occur on 30 June 2015 for commencement on 1 July 2015, has been delayed for administrative reasons. It is currently proposed that proclamation occur in September 2015.

Food Safety Review

The Safe Food Australia Guideline is currently being reviewed. Food Standards Australia New Zealand are currently seeking input from interested parties, particularly from Local Governments and food businesses. The deadline for submissions is 18 September 2015. Council's Environmental Services section are intending to make an operational submission in relation to some administrative concerns about clarity of information provided to Local Government and food businesses as well as consistency of interpretation and application of the Guideline on a state and national basis.

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

6.2 Arts and Communities

Officer's Reports

6.2.1 C - 1497018 - Minutes of the Arts, Culture & Heritage Committee

Summary

Providing a copy of the Minutes of the Arts, Culture and Heritage Management Advisory Committee Meeting held at the South Burnett Regional Council Chambers held on 30 June 2015.

Officer's Recommendation

That Council endorse the attached minutes and recommendations of the Arts, Culture and Heritage Management Advisory Committee held on 30 June 2015.



Minutes

Of the

Arts Culture & Heritage Committee

Held in the South Burnett Regional Council Office, Kingaroy

On 30 June 2015

Commencing at 9.00 a.m.

Senior Officer Community & Sport: Michael Hunter



Arts Culture & Heritage Management Advisory Committee Minutes

ORDER OF BUSINESS:

1.	CONFIRMATION OF MINUTES OF PREVIOUS MEETING.....	1
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3.	GENERAL SECTION	3
3.1	Other Business.....	3



Minutes of the meeting of the Arts Culture & Heritage (ACH) Management Advisory Committee, held in the South Burnett Regional Council Chambers, Glendon Street, Kingaroy on Tuesday, 30 June 2015 at 9.00 am

Present

Cr Ros Heit, Michael Hunter (Senior Officer Community & Sport (RADF Liaison Officer), Dot Rowland, Terry Jacobsen, Peter Peacey, Wayne Brown, Robyn Dower, Elaine Madill, Carolyn Knudsen (Manager Social Performance) entered the meeting at 9.25am

Meeting opened at 9.10am

1. CONFIRMATION OF MINUTES OF PREVIOUS MEETING

1.1 ACH Committee Meeting Minutes

That the minutes of the previous meeting held on Thursday, 30 April 2015 as recorded be confirmed.

Resolution: *That the minutes of the previous Committee Meeting held on Tuesday 6 April*

Moved: Terry Jacobsen

Seconded: Robyn Downer

Carried: 7/0

1.2 Apologies

- Val McGrath

2. AGENDA ITEMS

2.1 Welcome

Cr Ros Heit welcomed the committee.

2.2 Correspondence

• **The Pipeline Tour**

Council's Senior Officer for Community & Sport provided an update to the Committee members regarding information Council had received to bring the Pipeline Tour to the South Burnett. Potential Route would be Bundaberg, Gladstone, Biloela, Monto/Mundubbera, Gayndah, Kingaroy, Miles and concluding in Roma. Each RADF group would contribute \$3,000 - \$5,000 per year towards touring program.

There will be 3 acts per year, one act per school term.

First act they are looking at bringing on the pipeline tour will be the Queensland Ballet in October 2016.

The general feeling of the committee was that this was a great event to bring to your region as there is a lot of interest in dance in the South Burnett.

Questions raised by the committee were;

- What input would the South Burnett Regional Council have in decision of what comes to the area/tour?
- How many shows will there be?

Resolution:

That the committee in principal support the Pipeline Tour, and for Michael Hunter to liaise with the other interested stakeholders.

Moved: Elaine Maddill

Seconded: Robyn Dower

Carried: 7/0

• **Email from Jally entertainment**

Council's Senior Officer for Community & Sport provided an update to the Committee members regarding an email received from Jally Entertainment outlining two events 'Ladies Night' and 'An Evening with GROUCHO'.

Costings are as follows;

- 'Ladies Night' – Tuesday 14 June 2016 - \$5,000 plus GST plus royalties at 15%
- 'An Evening with GROUCHO' – Wednesday 2 November 2016 - \$3,000 plus GST – No Royalties – Family Friendly

The committee discussed the above events, however decided that neither of the productions suggested by Jally entertainment would suit and the dates are too close to the pipeline tour.

Resolution:

That the Committee decided that neither of the productions are suitable at this time and that Council thank Jally Entertainment for their offer and advise accordingly.

Moved: Dot Rowland

Seconded: Peter Peacey

Carried: 7/0

• **Email Chris Cook Band**

Council's Senior Officer for Community & Sport provided an update to the Committee members regarding an email received from Tina requesting Council consider bringing their show 'Dustier than Ever' to the South Burnett.

The Committee raised that Murgon, Nanango & Windaera already hold country music musters in our community and therefore decline this offer.

2.3 Outcome Reports

Outcome Reports were received by the following people.

2014/2015 Round 1

1. Robyn Dower- Sense of Wonder - \$2970.00
2. SB Care - Disability Community Creativity Project - \$5775.00
3. South Burnett Community Orchestra Association – Symphony in the South Burnett Workshop & Concert - \$3,950

That the outcome reports be held over until the next meeting as the committee has not had the opportunity to review the reports.

3. GENERAL SECTION

3.1 Other Business

- Discuss Funding rounds & dates for 2015/2016

The following dates were proposed for the 2015/2016 funding Rounds

- **Round 1**
Monday 3 August 2015 – Friday 28 August 2015
- **Round 2**
Monday 5 October 2015 – Friday 13 November 2015
- **Round 3**
Monday 1 February 2016 – Friday 4 March 2016

- Discuss ACH/RADF Meeting Dates for 2015/2016

The following dates were proposed for 2015/2016 Meetings;

- Tuesday 30 June 2015 - ACH
- Monday 14 September 2015 – ACH/RADF
- Tuesday 24 November 2015 - ACH/RADF
- Tuesday 15 December – Xmas Lunch/Committee
- Tuesday 16 February 2016 – ACH/RADF
- Wednesday 23 March 2016 – ACH/RADF
- Tuesday 17 May 2016 – ACH/RADF

Resolution:

That the committee accept the proposed funding rounds and meeting dates for the 2015/2016 financial year.

Moved: Terry Jacobsen

Seconded: Peter Peacey

Carried 7/0

- **Big Screen Film Festival 2015 update**

Michael Hunter provided the committee with an update on Big Screen Film Festival and thanked, NFSA and Heritage Bank Nanango for their continued support of this community event. The feedback from the community and Stakeholders was overwhelmingly positive and everyone is looking forward to the 10th Big Screen Film Festival.

Matinee Pensioners Free	Friday 12 June 2015
Felony	
Total Attendance	45
Opening Night	Friday 12 June 2015
The Water Diviner	
Total Attendance	174
	Saturday 13 June 2015
Charlie's Country	
Total Attendance	68
	Saturday 13 June 2015
Slow West	
Total Attendance	53
Gala Fundraiser	Saturday 13 June 2015
Manny Lewis	
Total Attendance	106
	Sunday 14 June 2015
Paper Planes	
Total Attendance	250
	Sunday 14 June 2015
Newsfront (free)	
Total Attendance	48
	Sunday 14 June 2015
Strangerland	
Total Attendance	105
TOTAL Attendance	849

- **Discuss Options/Ideas for the Big Screen Film Festival (10th Anniversary)**

Council is waiting on confirmation from NFSA as to whether or not they will support Big Screen Film Festival 2016.

Date for the 2016 festival to be decided at the next meeting.

- **RADF Showcase**

The committee would like to hold a RADF Showcase in October/ November 2015. It was suggested that a subcommittee would be formed to organise the event. Council staff to investigate availability of dates for October/November and bring back to the next meeting.

The Meeting was declared closed at 10.47am

Attachments

The Pipeline Tour

Bringing the arts to the LNG pipeline communities of central Queensland

Potential touring route:

Bundaberg- Gladstone – Biloela – Monto/Munduberra – Gayndah then down south to Kingaroy – Miles- Roma.

Aim:

To develop an artistic and performance programme for the communities listed above. The programme will incorporate a schools and community component. For example choirs, CALD, theatre groups, visual artists, voice, musicians –chamber etc, and dance to be involved in the touring programme

Affected RADF groups initially:

North Burnett
South Burnett
Gladstone
Biloela

Funding:

Each RADF group contribute \$3,000 - \$5,000 per year to the touring programme. Artour has offered to make an application to Playing Queensland for a touring subsidy to cover associated travel expenses

Frequency:

Three acts per year. One act per school term.

Selection Criteria:

The acts must have an education component and be family friendly. GAC and the four regions to work together to select appropriate acts.

For the Gladstone region:

The programme will align with the GECC.

Budget:

\$50k - \$80k

Kim Scott

From: John and Alli <info@jallyentertainment.com.au>
Sent: Wednesday, 17 June 2015 2:13 PM
To: Michael Hunter
Cc: Kim Scott
Subject: RE: Jally 2016

Hi Michael,

LADIES NIGHT – Tuesday 14 June 2016 – \$5,000 plus GST plus royalties at 15% - 18 +

An Evening with GROUCHO – Wednesday 2 November 2016 - \$3,000 plus GST – NO royalties. Family friendly

Thanks

John and Alli



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po box 588, noosa heads 4567

From: Michael Hunter [<mailto:MHunter@southburnett.qld.gov.au>]
Sent: Monday, 15 June 2015 9:47 AM
To: John and Alli
Cc: Kim Scott
Subject: RE: Jally 2016

John & Alli

Thanks for the email, I will present this at the next Arts Cultural Committee Meeting in early July. If you have any more information and costs for these could you forward to me prior to the 30 June 2015.

Regards
Michael

Michael Hunter
Senior Officer Community & Events
South Burnett Regional Council
PO Box 336
KINGAROY QLD 4610

☎ 07 4189 9146

☎ 07 4162 4806

✉ mhunter@southburnett.qld.gov.au

www.southburnett.qld.gov.au

An Evening with GROUCHO – (return season) USA based – Frank Ferrate was handpicked by Groucho Marx' son (Arthur) to play his father – Frank has performed the show nearly 3000 times, including shows in Broadway and London's West End – plus a Laurence Olivier nomination.

Touring October / November 2016. ** Family friendly show

<http://www.youtube.com/watch?v=gTZOFr7LsVM>

Bio - <https://www.dropbox.com/s/flf6b22icq4gvj3/Bio.pdf?dl=0>

Critics - <https://www.dropbox.com/s/bceibs74o00ljk/Critics.pdf?dl=0>

Image 1 - <https://www.dropbox.com/s/ev5lkhhf7m63cm1/FF%20-%20groucho%20-%207.jpg?dl=0>

Image 2 - <https://www.dropbox.com/s/5cpvxtvevdptc/FF-groucho-4.jpg?dl=0>

Image 3 - <https://www.dropbox.com/s/ezsvtx3m6xr9m1/FF-groucho-6.jpg?dl=0>

Poster - <https://www.dropbox.com/s/ulgi7hyani2pjo/POSTER-page1.jpg?dl=0>

Alternative poster - https://www.dropbox.com/s/zhqv7cpi0657uds/Print_POSTER%20-%20Evening%20with%20Groucho%20LP.jpg?dl=0

LADIES NIGHT (due to demand its back) – the original stage production that inspired the movie **THE FULL MONTY** – cannot confirm all cast.

Christopher Atkins (Blue Lagoon), Steven Tandy (The Sullivans), Dale Pengelly (The Boy from Oz) confirmed.

Great music – such as *HOT STUFF*, *BAD TO THE BONE*, *SMOOTH OPERATOR*, *WILD THING*.

'Ladies Night' has been translated into twelve languages and remains New Zealand's most commercially successful play, of all time.

With eight sell-out tours of Britain and the U.K, it won France's premiere theatre award for comedy- The Molière Prize.

Touring July / August 2016- ** Adult show 18+

<https://youtu.be/mBUwFFYgtEY>

Reviews - <https://app.box.com/s/836lbalhx6ucgvk6d2bknm19m1w1gzxo>

Image 1 - <https://app.box.com/s/3w11cc8xt4hhaslpouq4f87y6pphq81v>

Image 2 - <https://app.box.com/s/pvb8ma6x5if61a38spnghacnomjs9wc>



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LADIES NIGHT

A Comedy by Anthony McCarten and Stephen Sinclair

"I am still in recovery mode, from laughing beyond possibilities last night watching the most charmingly and disarming show (Ladies Night) I have seen in a very long time...!!!! Well done everyone.

It was deliciously funny, titillating and so endearing... oh, gosh, that gave me even more reasons to think that life is the most joyous ride along the slippery dip of gentleness, charm, ridicule and humanity...

I am still laughing...!!!! It was gorgeous.

I think everyone that was there will be out of the facelift market for quite a while just from laughing and the thorough exercise this show gave our cheeks and lips to lift up and be happy....

Feeling fantastically happy".

Caroline Drogue, City of Greater Geraldton

"This is a fabulously entertaining fun show which engaged the audience right from the start. We sold out our first show, and were lucky enough to have the opportunity to release a second show, which was 90% sold".

Glenda McKenzie Venue Coordinator, The J, Sunshine Coast

"Ladies Night's leaves the audience hyperactive and ready to hit the town. It's the kind of show you could take your idiosyncratic granny to. It's cheeky, fun, a little bit naughty - and a damned good giggle".

Samantha Darling.

"As for the finale itself, the grand finale, well, without giving too much away, 21F is the seat of the night".

Francis Till

"If ever there's been a show that does exactly what it says on the tin then Ladies Night is surely it. Raunchy, risque and rollicking good fun".

Chris High

"Go see Ladies Night. My wife dragged me along under duress and I must confess I enjoyed it immensely. Go, just go".

Will Somers

"They were standing in the aisles, whooping, clapping to the music and singing along".

Chros Burchell

"It's clear the fun the cast are having on stage, and it becomes infectious..."

Chris Hugh

"Go with a group of friends and it'll be the best night out you've had in ages. The only disappointment on the night was that I couldn't stay long enough to meet the guys in the bar afterwards".

S Morrison



ARTIST BIOGRAPHY

Frank Ferrante (Groucho) is an actor, director, and producer described by The New York Times as “the greatest living interpreter of Groucho Marx’s material.” Animal Crackers and A Night at the Opera co- author Morrie Ryskind called him “the only actor aside from Groucho who delivered my lines as they were intended.” Discovered by Groucho’s son Arthur when Frank was a drama student at the University of Southern California, Frank originated the off-Broadway title role in Groucho: A Life in Revue (written by Arthur) portraying the comedian from age 15 to 85. For this role, Frank won 1987’s New York’s Theatre World Award and was nominated for an Outer Critics Circle Award. He reprised the role in London’s West End and was nominated for the Laurence Olivier Award for ‘Comedy Performance of the Year.’ Frank played the Groucho role in the off-Broadway revival of The Cocoanuts and has played Captain Spalding in the several productions of Animal Crackers winning a Connecticut Critics Circle Award for his portrayal at Goodspeed Opera House and a Helen Hayes nomination in Washington D.C. at Arena Stage. In Boston in 1988, he played the Huntington Theatre in the record-breaking run of Animal Crackers that landed Frank on the cover of American Theatre magazine. His other regional roles include Max Prince in Neil Simon’s Laughter on the 23rd Floor at Philadelphia’s Walnut Street Theatre (which Frank also directed); George S. Kaufman in By George (a one-man play written by Frank); Tom in the farce Perfect Wedding; Oscar in The Odd Couple and leads in the Sunshine Boys, Lady in the Dark, and Anything Goes. Frank directed M*A*S*H star Jamie Farr in the Kaufman & Hart comedy George Washington Slept Here and revivals of Simon’s The Sunshine Boys, Brighton Beach Memoirs, Biloxi Blues, Broadway Bound and Lost in Yonkers. In 1995, he directed and developed the world premiere of the Pulitzer finalist Old Wicked Songs. In 2001, Frank starred in, directed and produced the national PBS television program Groucho: A Life in Revue.

Groucho Marx The New York Times summed up the comedy genius as “America’s most gifted funny man.” Born Julius Henry Marx on October 2, 1890, Groucho was the third of five sons born to poor immigrant parents Sam and Minnie Marx. Chico and Harpo preceded him. Gummo and Zeppo followed. Straight from the streets of New York’s upper Eastside, Groucho was thrust onstage at age 15 as one third of the singing Leroy Trio. Eventually, brothers Harpo, Chico, Gummo and Zeppo joined the act that began as the singing Four Nightingales and evolved into the world’s funniest vaudeville act known as the Marx Brothers. After twenty years of touring their act all over the country, the Marx Brothers finally hit pay dirt with a musical comedy called I’ll Say She Is. Audiences and critics went ballistic over the brothers’ irreverent humor, the expert pantomime, the wisecracks, the physical shtick, the outrageous musical talent. Said one local Philadelphia critic about the show, “It was as if a tornado hit town. We’ve never seen anything like the Marx Brothers.” I’ll Say She Is moved to Broadway in 1924 and was an instant sensation legitimizing the Marx Brothers as world-class talents. Two more Broadway hits followed - The Cocoanuts and Animal Crackers introducing audiences to Groucho’s most renowned incarnation - Captain Spalding, the African Explorer. In 1930, Groucho and his brothers moved to Hollywood and changed the face of film comedy forever. There they made Monkey Business, Horse Feathers, Duck Soup, A Night at the Opera, A Day at the Races, Room Service, At the Circus, Go West, The Big Store, A Night in Casablanca and Love Happy between 1931 and 1949. The Four Marx Brothers appeared on the cover of Time Magazine in 1932. As a solo, Groucho launched a career on radio and television with his Emmy Award winning work as the host of the comedy quiz show You Bet Your Life. The show flourished for fourteen highly rated seasons from 1947 to 1961 on ABC radio then NBC television. Groucho was a major fixture in 1950’s television with his “secret woid” and a duck that dropped from the sky to pay wacky contestants “an extra hundred dollars.” In the late 1960’s, a renewed interest in the anarchic hijinks of the Marx Brothers swept across the nation - particularly among college age students. Fortunately, Groucho Marx survived long enough to experience his renaissance. He made TV appearances, performed at Carnegie Hall at age 82 and received a special Academy Award in 1974 for “the brilliant and unequalled achievements of the Marx Brothers”. On August 19, 1977 Groucho Marx died at age 86. His final request? “Bury me next to Marilyn Monroe.”



Arts Culture & Heritage Management Advisory Committee – Minutes – 9 April 2015

Hi Wendy,

The Chris Cook Band has just returned home after a series of very successful Dustier than Ever { and 1 other} Shows in the Central Queensland area { Gympie, Thangool, Monto, Coalstoun Lakes, Childers, Bundaberg, Eidsvold, Redcliffe}

1

- 2300 kilometres, 8 Shows in 9 days and lots of interesting people.
This is a follow-up tour to 2 previously conducted around the Toowoomba area in 2014/15.

We are interested in performing the Dustier than Ever {Slim Dusty Tribute Show} in your area in the 2016 financial year, and previous communication with you has suggested that this may be an option.

Please remember this possibility when you are looking at funding submissions for the next financial year. You may wish to contact some of the following people with regard to the suitability/attraction of this Show or to look at Chris's website www.chriscook.com.au
I include a comment received after the Show was performed in Esk in March this year.

" We all thoroughly enjoyed the show and were happily surprised by it really. I'm not a Slim fan per se, though I have the greatest respect for his rightful place as an Aussie icon. The Chris Cook Band is really good! And I say that as a lifelong performer myself. They project a warm welcome and really impress with their talent and skill.

It will be a pleasure to have you guys back and I look forward to plotting our next gig together.

Thanks for being so flexible for us at every step of the way. "

Jeanette Heinze-Graham
Somerset Civic Centre. March 2015 {phone 0754242713}

Other contacts are:
Kerry Saul - General Manager, Empire Theatre, Toowoomba. phone 0746989902.
John Sharp - Director, Community Development Association, Mundubbera. phone 0741654690.
Fay Neale - President, Biloela Arts Council. phone 0749923959.
Merissa Craft - Owner, Paragon Theatre, Childers. phone 0478066724.

I will contact you soon with regard to this .

Regards Tina.

Resolution:

Moved Cr RLA Heit, seconded Cr DJ Palmer.

That the Officer's Recommendation be adopted.

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

7. Portfolio - Property and Human Resources

7.1 Property and Human Resources Portfolio Report

Summary

Property and Human Resources Portfolio Report to Council.

Officer's Recommendation

That the Property and Human Resources Portfolio Report to Council be received.

Resolution:

Moved Cr DJ Palmer, seconded Cr KA Duff.

That the Property and Human Resources Portfolio Report to Council be received.

Wondai Swimming Pool Tender

Adam Stephenson completes his contract agreement with Council on 1st September 2015. Council called for tenders in August to provide management services for the Wondai Memorial Swimming Pool which closed on Friday 21st August. Council's assessment panel is currently reviewing all tenders and will prepare a report for Council to consider at the next Council meeting. Wondai Swimming Pool is due to open on 19th September.

South Burnett Aquatic Centre Tender

Council received 5 tenders for the lease and/or management of the South Burnett Aquatic Centre. The Tender assessment panel is reviewing all tender submissions and will prepare a report for the next Council meeting.

In the interim South Burnett Aquatic Centre has been managed by Belgravia Leisure. During this period the pool has continued to provide learn to swim lessons for mums and bubs, coaching, swimming lessons, lap swimming and general swimming for leisure. South Burnett Aquatic Centre is open to the entire community for recreation swimming and will continue to remain open during the assessment of tenders.

Murgon Swimming Pool

Murgon Swimming Pool Upgrade is well underway. Torbay Construction is at the final stages of completing the construction of the amenities, change rooms, kiosk, first aid room, storage and office. Final stages includes completing the flashing and guttering. The fit out of the amenities will commence on 7th September.

Torbay Construction has completed laying of the new bedding for the coping tiles along the top of the pool and the tiling of the pool. Torbay Construction is now working on pouring the concourse around the pool and finalising the landscaping.

Murgon Swimming Club has also been successful in receiving a grant for the construction of a new grandstand under permanent cover. The grandstand will also include new compliant seating. The grandstand construction will commence on 31st August.

Kingaroy Swimming Pool

Kingaroy Swimming Pool repair and maintenance has commenced.

The pool has been drained and the fibreglass, tiles and bedding, concrete plinths, packing in old gutters, fibre glassed ply in fills in floor and old expansion joint materials have been removed to prepare the surface of the pool back to a bare shell. The pool will have new concrete gutters in the wet deck, diving blocks at the deep end, and accessible expansion joints for ongoing maintenance, shade sail over grass area and toddlers pool. These items are major repairs, but necessary repairs to improve the life of the pool structure.

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

8. Portfolio - Water, Wastewater and Sport Development

8.1 Water, Wastewater & Sport Development Portfolio Report

Summary

Water, Wastewater & Sport Development Portfolio Report

Officer's Recommendation

That the Water, Wastewater & Sport Development Portfolio Report to Council be received.

Resolution:

Moved Cr BL Green, seconded Cr RLA Heit.

That the Water, Wastewater & Sport Development Portfolio Report to Council be received.

Water & Wastewater:

Kingaroy Wastewater Treatment Plant

Installation of yard pipework is commencing. The administration/laboratory building is progressing well. Mechanical and Electrical installation works will be commencing over the next 2 weeks which will almost double the number of workers on site.

The project team is also looking at the possible routes for a recycled water main to deliver recycled water to the Kingaroy Sporting Fields.

Gordonbrook Water Treatment Plant upgrade

Civil works are progressing well with the DAFF building slab and structure well underway. The PAC dosing slab is close to being poured and the Clarifier has been completed. Mechanical and electrical will commence in September, with the project on track for commissioning to commence in mid-January 2016.

Treatment and Reticulation systems

Some Mains breaks have been occurring around the region, particularly in Kingaroy and Nanango due to the changes in the soil temperatures and the drying out of the soil due to little to no rain. Planning is being undertaken for work on reservoirs within the Kingaroy system and also an overall condition assessment of reservoirs throughout the regions reticulation network is being carried out.

Sport Development:

Workshops

In the next couple of months, Council's Sport Development team will be organising workshops for local sporting group members to come along and learn about what funding opportunities are available and how best to prepare applications for success. Dates and times will be advised once confirmed.

Skatepark Day

Council is in the early stages of organising with local groups a South Burnett Skatepark Day. Skateparks in our region are very popular and we have a large number of locals who compete in competitions all over the state.

Get Out Get Active – Round 2 Application

Sport Development along with the Properties team have made an application for Round 2 of the 'Get Out Get Active' funding.

Council in partnership with South Burnett swimming pool managers will offer four water active programs for women including;

- Water aerobics*
- Deep water walk/run class*
- Water zumba*
- Exercise physiotherapy class*

The exercise physiotherapy class will be offered in the hydrotherapy pool at the South Burnett Aquatic Centre in Nanango with all other classes offered across the 6 pools in the South Burnett Region being Blackbutt, Nanango, Kingaroy, Wondai, Proston and Murgon.

Classes will run over a 12 week period.

Additionally, a keynote speaker will be invited to one of the local pools to speak to women about the importance of incorporating exercise in their everyday life and the benefits of water activities.

The promotional and marketing campaign will be targeted to the Y generation through school newsletters, Facebook, radio and flyers. It is anticipated that over 250 women and girls will participate in the program.

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

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

9.1 Natural Resource Management, Parks and Indigenous Affairs Portfolio Report

Summary

Natural Resource Management, Parks and Indigenous Affairs Portfolio Report to Council.

Officer's Recommendation

That the Natural Resource Management, Parks and Indigenous Affairs Portfolio Report to Council be received.

Resolution:

Moved Cr KA Duff, seconded Cr RLA Heit.

That the Natural Resource Management, Parks and Indigenous Affairs Portfolio Report to Council be received.

NRM

K & S Contracting have been appointed to carry out weed control for Council. They have been through an induction process that included training in our IT System, Occupational Health & Safety requirements, programs and reporting methods.

Parks & Gardens

In Blackbutt the capital works project for a new BBQ to be installed in Les Muller Park is underway. Blooming Beautiful preparations have also begun. In Kingaroy, Wondai and Murgon staff have been busy working on annual maintenance programs. These include painting of park furniture in Wondai and some fence maintenance at Kapernick Park near Boat Mountain. Regional Playground Audits are also being carried out and the reports have identified an extensive list of maintenance work that will need to be done across the whole region.

Rail trail

The first milestone is due at the end of August with a detailed plan to be presented to the State Government. Work is being carried out on some detailed construction drawings so we can obtain quotes to start on-ground works which should commence late November to early December. The Tingoora Bridge has been inspected to obtain a structural integrity report and survey work for Barambah Creek crossing is also being carried out.

Lake Boondooma & Bjelke Petersen Dam

The three cabins at Yallakool Caravan Park have been completed and the sewerage main connection is underway to connect the 3 new Cabins at Lake Boondooma.

Indigenous Affairs

As part of the South Burnett & Cherbourg on Show program on the October long week-end the Manager at Bjelke Petersen Dam is hosting an Indigenous Cultural evening with Wakka Wakka dancing and Muddy Flats entertaining.

I was honoured to be the Guest Speaker at the Vietnam Veterans Day that was held at Cherbourg and I laid a wreath on behalf of South Burnett Regional Council. A very moving Service was led by Eric Law who was one of six Vietnam Veterans from Cherbourg.

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

10. Portfolio - Finance, Planning and ICT

10.1 Finance, Planning and ICT Portfolio Report

Summary

Finance, Planning and ICT Portfolio Report to Council.

Officer's Recommendation

That the Finance, Planning and ICT Portfolio Report to Council be received.

Resolution:

Moved Cr KM Campbell, seconded Cr BL Green.

That the Finance, Planning and ICT Portfolio Report to Council be received.

Financial Report to 13 August 2015

The Financial Ratios, particularly Cash and Operating Cash, are within reasonable parameters. The first quarter rate notices have been delivered with the 2nd of September as the discount date. Collection of rates will impact on cash and receivable balances by mid- September.

Comprehensive Income Statement:

22% of the budgeted Total Income has been achieved primarily due to the recognition of rates revenue for the first quarter as at reporting date, 13 August. Total Expense incurred to date is only 11% of total original budget as compared to the 17% expired period. This is mainly attributable to lower costs for employee benefits and materials & services. The employee benefits budget will be validated against actual cost in the first quarter budget review. For materials and services, it is expected that by the end of September, expenses for on-going projects will be recognised thereby increasing costs to budget level.

Capex Report

The Capex report will be presented to the next Council meeting to allow for the proper recognition and accounting of capital expenditures carried over from 2014-2015 financial year.

Sale of land for arrears of rates

To date, thirty four (34) or 80% of the forty three (43) properties listed for public auction will be removed from the list as a result of full payment of rates in arrears or settlement through an agreed payment scheme. The table below shows the breakdown of the \$483,762.32 total rates in arrears corresponding to the list of properties to be sold by public auction:

Actual collections as of 19/8/15	\$ 113,126.47
To be settled through agreed payment schemes	248,797.41
No payment arrangement in place	121,838.44
TOTAL	\$ 483,762.32

Carried 7/0
FOR VOTE - Councillors voted unanimously

10.2 Finance (F)

Officer's Reports

10.2.1 F - 1497260 - Monthly Financial Statements

Summary

The following information provides a snapshot of Council's Financial Position as at 13 August 2015.

Officer's Recommendation

That the Monthly Financial Report as at 13 August 2015 be received and noted.

Key Financial Ratios

SOUTH BURNETT REGIONAL COUNCIL

FINANCIAL SCORECARD



Statement of Comprehensive Income**Statement of Comprehensive Income****As at 13 August 2015****17% of Year Complete**

	2016	Original Budget	Variance
	\$	\$	%
Income			
Revenue			
Recurrent Revenue			
Rates, levies and charges	10,467,149	42,750,542	24%
Fees and charges	422,564	4,501,830	9%
Rental Income	43,650	492,885	9%
Interest received	131,797	1,561,575	8%
Sales revenue	314,416	4,104,010	8%
Other Income	35,751	779,545	5%
Grants, subsidies, contributions and donations	3,563,612	9,292,105	38%
	<u>14,978,940</u>	<u>63,482,492</u>	
Capital Revenue			
Grants, Subsidies, Contributions & Donations	797,330	6,885,323	12%
Total Revenue	<u>15,776,270</u>	<u>70,367,815</u>	
Total Income	<u>15,776,270</u>	<u>70,367,815</u>	22%
Expenses			
Recurrent Expenses			
Employee benefits	2,836,761	25,331,350	11%
Materials and services	2,086,395	22,045,600	9%
Finance costs	7,182	2,373,090	0%
Depreciation and amortisation	2,278,860	13,673,160	17%
	<u>7,209,199</u>	<u>63,423,200</u>	
Capital Expenses			
	(38,686)	(750,000)	5%
Total Expense	<u>7,170,513</u>	<u>62,673,200</u>	11%
Net Result	<u>8,605,757</u>	<u>7,694,615</u>	

Statement of Financial Position

Statement of Financial Position
As at 13 August 2015

	2015 \$	Original Budget \$
Current Assets		
Cash and Cash Equivalents	47,438,439	18,776,575
Trade and Other Receivables	21,097,897	6,348,249
Inventories	945,055	1,046,188
Investments	-	-
Total Current Assets	69,481,391	26,171,012
Non-Current Assets		
Trade and other receivables	3,300	-
Investment Property	-	-
Property, Plant and Equipment	821,567,320	909,874,578
Intangible Assets	7,631,223	7,643,981
Total Non-Current Assets	829,201,843	917,518,559
TOTAL ASSETS	898,683,234	943,689,571
Current Liabilities		
Trade and other payables	10,411,150	4,454,835
Borrowings	2,213,721	4,192,710
Provisions	3,272,516	3,264,734
Total Current Liabilities	15,897,387	11,912,279
Non-Current Liabilities		
Borrowings	42,215,419	47,222,598
Provisions	10,616,231	10,616,231
Total Non-Current Liabilities	52,831,650	57,838,829
TOTAL LIABILITIES	68,729,037	69,751,108
NET COMMUNITY ASSETS	829,954,197	873,938,463
Community Equity		
Asset Revaluation Surplus	395,865,569	432,824,725
Retained Surplus/(Deficiency)	434,088,629	441,113,738
TOTAL COMMUNITY EQUITY	829,954,197	873,938,463

Resolution:

Moved Cr KM Campbell, seconded Cr DJ Palmer.

That the Monthly Financial Report as at 13 August 2015 be received and noted.

Carried 7/0
FOR VOTE - Councillors voted unanimously

10.2.2 F - 1494353 - Rate Exemptions and Remissions - Blackbutt & Benarkin Aged Care Association

Summary

A request has been received from the Blackbutt & Benarkin Aged Care Association Inc. to allow a rate remission on their property situated at 47 Hart Street, Blackbutt.

It is recommended that Council agree to provide a rate remission for the Blackbutt & Benarkin Aged Care Association Inc.

Officer's Recommendation

That Council agree to provide a rate remission for the Blackbutt & Benarkin Aged Care Association Inc. situated at 47 Hart Street, Blackbutt effective from 1 July 2015.

Resolution:

Moved Cr KM Campbell, seconded Cr DJ Palmer.

That the Officer's Recommendation be adopted.

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

10.2.3 F - 1495858 - Fees and Charges Schedule

Summary

At the General Meeting held on 24 June Council adopted the Fees and Charges for the 2015-2016 financial year. Those Fees and Charges were effective from 1 July 2015 and subject to the Fees and Charges for Halls being reviewed and further considered by Council.

The Fees and Charges Schedule attached includes both the Fees and Charges for Halls and several other items which were identified for change as part of the implementation of the 2015-2016 Fees and Charges.

The Fees and Charges requiring consideration by Council are listed in the attached schedule. The reason for the recommended changes has been included in the schedule for information.

Officer's Recommendation

That the amended list of Fees and Charges 2015-2016 as listed below be adopted effective immediately.

Fees & Charges						
Type of Charge	Adopted 15 / 16	15 / 16	GST	Head of Power	Reg / Com	
Animals - Domestic						
Registration - Dogs						
Non-Defined Area						
ID Tag / Replacement Tag	\$ 9.00	\$ 8.00	N	Animal Management (Cats & Dogs) Act 2008 Ch8, Pt1, 844 (2)	R	
Working Dog - Tag Cost Only	\$ 9.00	\$ 8.00	N	Animal Management (Cats & Dogs) Act 2008 Ch8, Pt1, 844 (2)	R	

Fees & Charges						
Type of Charge	Adopted 15 / 16	15 / 16	GST	Head of Power	Reg / Com	
Animals - Other						
Depasture: (Maximum Fees as Prescribed by Regulations)						
Cattle & Horses - Minimum Charge	/ head per week	\$ 1.00	\$ 1.05	N	Local Government Act 2009 S97(2)(a)	R
Cattle & Horses - Maximum Charge	/ head per week	\$ 2.00	\$ 2.55	N	Local Government Act 2009 S97(2)(a)	R
Small Animals (Pigs, Goats, Sheep, Alpacas) - Minimum Charge	/ head per week		\$ 0.10	N	Local Government Act 2009 S97(2)(a)	R
Small Animals (Pigs, Goats, Sheep, Alpacas) - Maximum Charge	/ head per week	\$ 0.40	\$ 0.40	N	Local Government Act 2009 S97(2)(a)	R

Fees & Charges						
Type of Charge	Adopted 15 / 16	15 / 16	GST	Head of Power	Reg / Com	
Halls-Category A : Kingaroy Town Hall						
Large Functions (Concerts, Stage Productions, Balls, Dances, Weddings, Private Dinners, Conferences, Speech Nights, School Formals, Eisteddfod)						
Up to 12 Hours						
Main Hall	\$ 552.00	\$ 550.00	Y			C
Reception Room	\$ 243.00	\$ 250.00	Y			C
BBQ Area	\$ 126.00	\$ 130.00	Y			C
Total Complex	\$ 789.00	\$ 820.00	Y			C
National Tours						
Town Hall	\$ 1,527.00	\$ 1,530.00	Y			C
Reception Room	\$ 750.00	\$ 750.00	Y			C
BBQ Area	\$ 250.00	\$ 250.00	Y			C
Total Complex	\$ 2,184.00	\$ 2,530.00	Y			C
Bond for Large Function including National Tours (Refundable less Cost of Damage or Loss)						
Main Hall		\$ 500.00	Y			C
Reception Room		\$ 250.00	Y			C
BBQ Area		\$ 100.00	Y			C
Total Complex		\$ 850.00	Y			C
Small Functions (Indoor Bowls, Darts, Bingo, Craft, Meetings, Workshops, Rehearsals, Preparations, Set Ups)						
Up to 12 Hours						
Main Hall		\$ 38.00	Y			C
Reception Room		\$ 24.00	Y			C
BBQ Area		\$ 20.00	Y			C
Total Complex		\$ 82.00	Y			C
Other Functions (Funerals, Memorials, Wakes)						
Main Hall		\$ 400.00	Y			C
Reception Room		\$ 200.00	Y			C
BBQ Area		\$ 50.00	Y			C
Total Complex		\$ 650.00	Y			C
Other Fees						
Commercial Kitchen Hire per 12 Hours		\$ 300.00	Y			C
Portable Stage	\$ 59.00	\$ 60.00	Y			C
Large Conference Projector	\$ 250.00	\$ 250.00	Y			C
Public Address System		\$ 250.00	Y			C
Public Address System Bond	\$ 328.00	\$ 320.00	Y			C
Public Address System Delivery and Setup	\$ 198.00	\$ 100.00	Y			C
Portable PA System		\$ 200.00	Y			C
Portable PA System Bond		\$ 250.00	Y			C
Hire Tables (Each)		\$ 8.00	Y			C
Hire Chairs (Each)		\$ 1.00	Y			C
Not for Profit Community Organisation in the South Burnett						
Large Functions (Concerts, Stage Productions, Balls, Dances, Weddings, Private Dinners, Conferences, Speech Nights, School Formals, Eisteddfod)						
Main Hall (for 12 Hour Period)		\$ 200.00	Y			C
Reception Room (for 12 Hour Period)		\$ 200.00	Y			C
BBQ Area (for 12 Hour Period)		\$ 200.00	Y			C
Total Complex (for 12 hour period)		\$ 200.00	Y			C
Small Functions (Indoor Bowls, Darts, Bingo, Craft, Meetings, Workshops, Rehearsals, Preparations, Set Ups)						
Main Hall (for 12 Hour Period)		\$ 50.00	Y			C
Reception Room (for 12 Hour Period)		\$ 50.00	Y			C
BBQ Area (for 12 Hour Period)		\$ 50.00	Y			C
Total Complex (for 12 hour period)		\$ 50.00	Y			C

Fees & Charges						
Type of Charge	Adopted 15 / 16	15 / 16	GST	Head of Power	Reg / Com	
Halls-Category B : Kingaroy Town Common Hall, Murgon Town Hall, Nanango Cultural Centre, Proston Town Hall and Wondai Town Hall						
Large Functions: Concerts, Play Productions, Balls, Dances, Weddings, Private Dinners, Conferences, Speech Nights, Expos.						
Up to 12 Hours						
Total Complex (includes Supper Room or Stage 1 or 2, Kitchen, Bar, Cold Rooms)		\$ 400.00	Y			C
National Tours						
Town Hall		\$ 1,500.00	Y			C
Reception Room		\$ 750.00	Y			C
BBO Area		\$ 250.00	Y			C
Total Complex		\$ 2,500.00	Y			C
Bond for Large Function including National Tours (Refundable less Cost of Damage or Loss)						
Supper Room or Stage 1 or 2, Kitchen, Bar, Cold Rooms		\$ 250.00	Y			C
Total Complex		\$ 500.00	Y			C
Small Functions: Indoor Bowls, Darts, Bingo, Craft, Meetings, Workshops, Rehearsals, Preparations, Set Ups						
Up to 12 Hours						
Supper Room and Kitchen		\$ 20.00	Y			C
Stage 1 and Kitchen		\$ 20.00	Y			C
Stage 2 and Kitchen		\$ 20.00	Y			C
Total Complex (includes Kitchen, Supper Rooms, Cold Rooms, Stage 1 & 2)		\$ 45.00				
Other Functions (Funerals, Memorials, Wakes)						
Supper Room or Stage 1 or 2, Kitchen, Bar, Cold Rooms		\$ 100.00	Y			C
Total Complex		\$ 200.00	Y			C
Other Fees						
Commercial Kitchen Hire per 12 Hours		\$ 120.00	Y			C
Portable Stage		\$ 60.00	Y			C
Large Conference Projector	\$ 250.00	\$ 250.00	Y			C
Public Address System		\$ 250.00	Y			C
Public Address System Bond	\$ 329.00	\$ 330.00	Y			C
Public Address System Delivery and Setup	\$ 198.00	\$ 100.00	Y			C
Portable PA System		\$ 200.00	Y			C
Portable PA System Bond		\$ 250.00	Y			C
Hire Tables (Each)		\$ 8.00	Y			
Hire Chairs (Each)		\$ 1.00	Y			
Not for Profit Community Organisation in the South Burnett						
Large Functions (Concerts, Stage Productions, Balls, Dances, Weddings, Private Dinners, Conferences, Speech Nights, School Formals, Eisteddfod)						
Main Hall (for 12 Hour Period)		\$ 150.00	Y			C
Supper Room or Stage 1 or Stage 2 (for 12 Hour Period)		\$ 150.00	Y			C
Small Functions (Indoor Bowls, Darts, Bingo, Craft, Meetings, Workshops, Rehearsals, Preparations, Set Ups)						
Main Hall (for 12 Hour Period)		\$ 22.00	Y			C
Supper Room or Stage 1 or Stage 2 (for 12 Hour Period)		\$ 22.00	Y			C

Fees & Charges						
Type of Charge	Adopted 15 / 16	15 / 16	GST	Head of Power	Reg / Com	
Halls-Category C : Maidenwell						
Maidenwell Hall						
Large Functions: Concerts, Play Productions, Balls, Dances, Weddings, Private Dinners, Conferences, Speech Nights, Expos.						
Up to 3 Hours						
Total Complex		\$ 170.00	Y			C
Bond	\$ 170.00	\$ 100.00	Y			C
Small Functions: Indoor Bowls, Darts, Bingo, Craft, Meetings, Workshops, Rehearsals, Preparations, Set Ups						
Up to 12 Hours						
Main Hall	\$ 13.00	\$ 13.00	Y			C
Other Functions (Funerals, Memorials, Wakes)						
Total Complex	\$ 20.00	\$ 20.00	Y			C
Other Fees						
Commercial Kitchen Hire per 12 Hours		\$ 50.00	Y			C
Portable Stage		\$ 60.00	Y			C
Large Conference Projector	\$ 250.00	\$ 250.00	Y			C
Public Address System		\$ 250.00	Y			C
Public Address System Bond	\$ 329.00	\$ 330.00	Y			C
Public Address System Delivery and Setup	\$ 198.00	\$ 100.00	Y			C
Portable PA System		\$ 200.00	Y			C
Portable PA System Bond		\$ 250.00	Y			C
Hire Tables (Each)		\$ 8.00	Y			
Hire Chairs (Each)		\$ 1.00	Y			
Not for Profit Community Organisation in the South Burnett						
Large Functions (Concerts, Stage Productions, Balls, Dances, Weddings, Private Dinners, Conferences, Speech Nights, School Formals, Eisteddfod)						
Main Hall per Event	\$ 20.00	\$ 20.00	Y			C
Small Functions (Indoor Bowls, Darts, Bingo, Craft, Meetings, Workshops, Rehearsals, Preparations, Set Ups)						
Main Hall per Event	\$ 13.00	\$ 12.00	Y			C
Meeting Rooms						
Kingaroy 1913 Chambers						
Non Profit Organisations - Free Hire - \$60 Cleaning Charge If Facility Not Left Clean						
Commercial Organisations	/ day or part thereof	\$ 69.00	\$ 70.00	Y		C

Fees & Charges						
Type of Charge	Adopted 15 / 16	15 / 16	GST	Head of Power	Req / Com	
Planning						
Material Change of Use Code						
Major Utility	\$ 3,938.05	\$ 3,938.00	N	Sustainable Planning Act 2009 S280(1)(d)(i)		R
Material Change of Use Impact						
Intensive Animal Husbandry (Feedlots < 50scu, Piggery < 200scu)	\$ 5,289.00	\$ 3,289.00	N	Sustainable Planning Act 2009 S280(1)(d)(i)		R
Change to an Approval						
Application to Amend an Approval, Extension to Relevancy Period	\$ 1,580.55	\$ 1,580.00	N	Sustainable Planning Act 2009 S370(2)(a)		R
Other Planning Fees						
Enquiry - Preliminary Application	\$ 653.95	\$ 654.00	N	Local Government Act 2009 S97(2)(a)		R
Itinerant Vendors / Commercial Use of Roads						
Application Fee (for Council Decision)	\$ 454.08	\$ 454.00	N	Local Government Act 2008 S97(2)(a)		R

Fees & Charges						
Type of Charge	Adopted 15 / 16	15 / 16	GST	Head of Power	Req / Com	
Plumbing						
Assessments						
New - Domestic						
New - Commercial						
School Projects, Industrial Development, Shops		\$ 912.00	N	Plumbing & Drainage Act 2002 S145(3)(b)		R
Alterations - Domestic						
Dwelling - Sewered or Unsewered (HSTP / Septic)		\$ 492.00	N	Plumbing & Drainage Act 2002 S145(3)(b)		R
Multi Dwell Units - (Sewered or Unsewered) Per Unit		\$ 679.00	N	Plumbing & Drainage Act 2002 S145(3)(b)		R
Alterations - Commercial						
School Projects, Industrial Development, Shops		\$ 608.00	N	Plumbing & Drainage Act 2002 S145(3)(b)		R
Up to 5 Fixtures		\$ 30.00	N	Plumbing & Drainage Act 2002 S145(3)(b)		R
Plus Per Fixture Over 5						
Re-Assessment						
HSTP		\$ 292.00	N	Plumbing & Drainage Act 2002 S145(3)(b)		R
Inspections						
Miscellaneous						
Reinspection						

Fees & Charges						
Type of Charge	Adopted 15 / 16	15 / 16	GST	Head of Power	Req / Com	
Right to Information						
Processing Charge for an Access Application (For Any Application Where the Processing Time is More Than 5 Hours)	/ 15 minutes	\$ 6.70	\$ 6.95	Y	RTI Regulation 2009 55	R

Resolution:

Moved Cr KM Campbell, seconded Cr KA Duff.

That the Officer's Recommendation be adopted/

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

11. Information Section (IS)

11.1 IS - 1495560 - Reports for the Information of Council

Summary

Minutes of the Audit Committee meeting held on 15 May 2015
List of correspondence pending completion of assessment report
Delegated Authority Report
Road Maintenance Expenditure Report

Officer's Recommendation

That the reports be received.

Resolution:

Moved Cr KA Duff, seconded Cr KM Campbell.

That the reports be received.

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

12. General Section

No Report.

13. Confidential Section

No Report.

There being no further business the meeting was declared closed at 10.01am

Confirmed before me this day of2015

..... **MAYOR**
