



Minutes

Of The

General Council Meeting

Held in the Council Chambers, 45 Glendon Street Kingaroy

on Wednesday, 21 August 2013

Chief Executive Officer: Ken McLoughlin

SOUTH BURNETT REGIONAL COUNCIL MINUTES

Wednesday, 21 August 2013

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Minutes of the meeting of the South Burnett Regional Council, held in the Council Chambers, 45 Glendon Street Kingaroy on 21 August 2013 at 9:02am

PRESENT:

Councillors:

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

Council Officers:

Ken McLoughlin (Chief Executive Officer), Gary Wall (General Manager Finance, Property & Information Technology), Chris Du Plessis (Acting General Manager Planning, Community & Environment), Russell Hood (General Manager Infrastructure)

1. Leave Of Absence

Nil.

2. Prayers

A representative of the Ministers Fraternal, Pastor Cam Rub from the Highway Christian Church, offered prayers for Council and for the conduct of the Council meeting.

ATTENDANCE:

Cr BL Green entered the meeting at 9:03am.

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 17 July 2013 as recorded be confirmed.

Resolution:

Moved Cr KA Duff, seconded Cr KM Campbell.

That the minutes of the previous meeting held on Wednesday 17 July 2013 as recorded be confirmed.

*Carried 6/0
FOR VOTE - Councillors voted unanimously*

4. Mayoral Report

4.1 MR - 1203812 - Mayor's Report

Summary

Mayoral Report to council for the period 9 July 2013 to 13 August 2013.

Officer's Recommendation

That the Mayoral Report to council for the period 9 July 2013 to 13 August 2013 be received.

Resolution:

Moved Cr DW Kratzmann, seconded Cr DJ Palmer.

That the Mayoral Report to council for the period 9 July 2013 to 13 August 2013 be received.

*Carried 6/0
FOR VOTE - All Councillors voted unanimously*

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

See Business Function Headings

5. Planning, Communities & Environment

5.1 Planning & Land Management (P&LM)

(a) Officer's Reports

5.1.1 P&LM - 1179338 - Forwarding a Request to change an existing approval for the reconfiguration of a Lot (2 Lots into 36 Lots) - Lot 1 RP157007 and Lot 62 FY2526; Applicant:Watts Eagle Services

Summary

Key Point Summary

- Applicant has requested an extension to the existing Development Approval by a further two (2) years - Ellesmere Road, Burrandowan Road and Bunya Highway
- Original Reconfiguration of a Lot approval granted by the former Kingaroy Shire Council on 29 March 2007
- Given the length of time which has transpired since the original Reconfiguration of a Lot (RAL) approval was granted, the substantial change in Council's current approach to development means that it is unlikely to support a further extension to the RAL approval but rather require the separate lodgement of a new Reconfiguration of a Lot application
- The existing approval is a Development Permit for Reconfiguration of a Lot (2 Lots into 40 Lots)

- Subject site is included within the Rural Residential Zone under the Kingaroy Shire IPA Planning Scheme
- No subsequent approvals have been issued by Council enabling the commencement of infrastructure or operational works
- Recommendation that the approval period for the Reconfiguration of a Lot be extended for a further two (2) years until 23 November 2015

Officer's Recommendation

That Council:

1. Grants an extension to the *relevant period* of two (2) years from the date of this last decision until 23 November 2015; and
2. Amend Condition RAL8 to read as follows (deleted text in strikethrough and new text in bold):

The developer shall contribute to parks and open space either 10% of the development area excluding roads, or a monetary contribution in lieu. Such contribution shall be either of the following or a combination of them:

- a) A monetary contribution, to the value of ~~\$1,000~~ **\$1,191.65** per lot.
- b) Works for the improvement of land for use as a park (including the development of recreational facilities) equal to the value of require contributions.

For guidance of land suitable for credit towards parks and open space provision, refer to ~~Kingaroy Shire Council Local Planning Policy 8 – Parks~~ **Planning Scheme Policy No. 7 within the Kingaroy Shire IPA Planning Scheme.**

Proposed works in lieu of a monetary contribution shall be detailed and submitted to Council for acceptance for the purpose of satisfying this condition.

To determine the value of the works, the developer shall supply to Council detailed plans, description of work and schedule of quantities of the works and landscaping et cetera to be undertaken. Council shall then prepare an estimate of costs for the works. This estimate shall be taken as the value of the works.

~~The developer shall bond the full amount of works pursuant to option (c) prior to sealing the Survey Plan. The bond shall be released upon satisfactory completion of work, to the estimated value of the works. Any balance amount shall then be accepted as monetary parks contribution to Council.~~

3. Insert Advice Condition ADV10 as follows (new advice condition in bold):

The Applicant is advised that it is unlikely that Council will support further extensions to the currency period due to the timeframe since the original Development Permit was issued on 29 March 2007.

All other conditions of development approval are to be retained as per Council's Decision Notice dated 29 March 2007.

Resolution:

Moved Cr DP Tessmann, seconded Cr DJ Palmer.

That the Officer's Recommendation be adopted.

*Carried 6/0
FOR VOTE - Councillors voted unanimously*

5.1.2 P&LM - 1018723 - Sam Sawtell - Spratt Contracting - Advising that the applicant wishes to notify Council that they intend to negotiate issues in DA728 Decision Notice

Summary

Key Point Summary

- Applicant has requested a Negotiated Decision Notice in relation to Conditions contained within Council's Decision Notice dated 24 January 2011 IR551354 (1 additional lot, staging the development in two (2) stages and the option to construct an internal road or alternatively pay a contribution
- Written representations were provided to Council on 16 April 2012
- Council negotiated several conditions with the applicant at a meeting held at Nanango on 28 May 2012
- Recommendation that Council amend conditions GEN1, GEN2, RAL1, RAL4, RAL9, RAL10, ENG5, ENG6, ENG7, ENG10 & ENG11
- The applicant provided confirmation via email on 25 November 2012 that they agreed with the Draft proposed conditions in the negotiated decision notice
- Recommendation that Council approve the Applicant's representations and agreed negotiations with Council's Infrastructure Department and issue a Negotiated Decision Notice under the *Sustainable Planning Act 2009*

Officer's Recommendation

That Council issue a Negotiated Decision Notice in relation to the Reconfiguration of a Lot (1 lot into 13 lots) at 241 Izzards Road, Nanango (and described as Lot 3 on RP188104) to reflect the changes (deleted text in strikethrough and new text in bold).

General

GEN1. The subject site is to be developed generally in accordance with the plans and information submitted with the application unless otherwise amended by the following conditions:

- Drawing No. 07645-5 **6** (Proposed Subdivision) Sheet 1 of 1 prepared by Kimmorley Surveying Pty Ltd dated ~~8-11-2010~~ **12-03-2012**

~~GEN2. Revised proposal plans are required to be submitted to and approved by Council prior to the submission of any subsequent Development Application for Operational Works. The revised plan/s shall show:~~

- ~~▪ The proposed internal road shall be designed and constructed in accordance with Schedule 2 of the Nanango Planning Scheme. The road indentation along the western boundary of Lot 10 and the eastern boundary of Lot 11 shall be deleted.~~
- ~~▪ A new layout for proposed Lots 2 & 3 that will ensure existing dams are contained within a lot and does not cross a common boundary.~~

- A covenant over Proposed Lots 1, 4 and 5 to restrict the construction of habitable buildings adjacent to the rural-zoned land to the south.

GEN2. Revised proposal plans are required to be submitted to and approved by Council prior to the submission of any subsequent Development Application for Operational Works. The revised plan/s shall show:

- **A new layout for proposed Lots 2 & 3 that will ensure existing dams are contained within a lot and does not cross a common boundary.**

GEN3. All works, including the relocation of services (Telstra, lighting etc.) are to be completed at no cost to Council.

GEN4. Prior to the sealing of the Survey Plan the applicant is required to pay the Council all rates and charges or any expenses being a charge over the subject land in accordance with Section 3.7.2(3)(c) of the *Integrated Planning Act*.

GEN5. The site must be cleared of any declared pests listed as:

- Class 1 7 2 pests under the *Land Protection (Pest and Stock Route Management) Act 2002*;
- Class 3 pests under the *Land Protection (Pest and Stock Route Management) Act 2002* (only if the land adjoins a Council declared Significant Environmental Area);
- Council declared pests under Local Law No. 13 "Control of Pests";
- Other pests identified within Council's Pest Management Plans.

Staging

RAL1. The development may be staged as following:

- Stage 1 is to include proposed Lots 1 and 2 with a balance area.
- Stage 2 is to include proposed Lots ~~3-7~~ **3, 4, 5, 6, 7, 8 and 13** and a balance area with the construction of the new internal road adjacent to these lots. The new road will extend from the intersection of Izzards Road eastward along the boundaries of Proposed Lots 2 ~~and 3~~ **and 13, northwards to include Lot 8** and continuing south to provide access to Proposed Lots 4, 5, 6 and 7 and include the turn around area.
- Stage 3 is to include Lots ~~8-12~~ **9, 10, 11 and 12** and the construction of the remaining section of the new internal road **for the full frontage of these Lots. Alternatively a contribution may be paid to Council equal to the cost of constructing the remaining 85m of the internal road. The amount of the contribution shall be determined by Council prior to payment. The new road shall extend northward for the full length of the eastern boundary of Proposed Lot 11. The contribution is currently assessed at \$23,800.00**

Survey Marks

RAL2. Prior to the submission of the Survey Plan to Council, the applicant is to reinstate survey marks and install new survey marks in their correct position in accordance with the Survey Plan, and the work is to be certified in writing by a Licensed Surveyor.

Compliance Assessment

RAL3 All conditions of this approval are to be satisfied prior to Council issuing a Compliance Certificate for the Plan of Survey and it is the applicant's responsibility to notify Council to inspect compliance with conditions.

Sealing of a Plan of Survey (Compliance Certificate) fee will be charged, with payment required prior to Council consenting to the Survey Plan or associated documentation.

Natural Resources Valuation Fees

RAL4. Payment of Department of Environment and Resource Management valuation fee that will result from the issue of split valuations prior to Council sealing the Plan of Survey. The contribution is currently assessed at ~~\$396.00~~ **\$572.00** (42 ~~13~~ lots x ~~\$33.00~~ **\$44.00** per lot), however, the actual amount payable will be based on Council's Register of Regulatory & Cost-Recovery Fees and the rate applicable at the time of payment.

Electricity

RAL5. Reticulated electricity is to be provided to all proposed lots within each stage of the development in accordance with relevant Australian Standards.

RAL6. Written confirmation from the electricity authority, that all matters relating to the reticulation of electricity including electrical civil works have been completed, is to be provided to Council prior to sealing the Survey Plan for each stage.

Telecommunications

RAL7. Evidence of an agreement to provide a telephone service to all proposed lots within each stage of the development is to be provided to Council prior to sealing the Survey Plan for each stage.

Easements

RAL8. Provide all easements or drainage reserves found necessary for whatever purpose during the course of engineering investigation and design. Such easements or drainage reserves are to be of an appropriate width to the purpose, but in any case, generally not less than 4.0m, except where otherwise stated. Such easements or drainage reserves shall be in favour of Council when the Survey Plan is lodged for sealing.

Vegetation Buffer

RAL9. A ~~40m~~ **20m wide** vegetation buffer **including a 10m wide area clear of vegetation** is to be established adjacent to the southern boundary within proposed Lots 1, 4 ~~and 5~~ **and 6** ~~to comply~~ **to more satisfactorily achieve compliance** with State Planning Policy 1/92. The buffer is to be established to a minimum height of 1.5m with abundant foliage. ~~Alternatively, a bond may be lodged with Council that is equal to 20% of the estimated cost of the landscaping, provided that planting has been undertaken in accordance with the approved detailed landscaping plan.~~

RAL10. Provide a Statutory Covenant to protect the ~~40m~~ **20m wide** ~~vegetation~~ buffer ~~along~~ adjacent to the southern boundary of proposed Lots 1, 4 ~~and 5~~ **and 6** from clearing, destruction and damage and to prohibit the construction of **habitable** buildings or structures within the buffer/fire break area. In this regard, the Statutory Covenant is to comply with the "Statutory Covenant – Guidelines for their Use in Queensland". The Statutory Covenants are to be registered prior to Council sealing the Survey Plans pursuant to Section 97(3)(b) of the *Land Title Act 1994* and Section 373(4)(b) of the *Land Act 1994*.

Street Names & Signage

ENG1. The applicant is required to make an application to Council for the name of the proposed new road. A minimum of three (3) names are to be provided by the applicant for the new road.

Stormwater Management

ENG2. Stormwater drainage is to be designed such that no restriction to existing or developed stormwater flow from upstream properties or ponding of stormwater within upstream properties occurs as a result of the development.

- ENG3. All stormwater collected from the site including roof water and all impervious areas are to be piped to a legal point of discharge. Such works are to be sized and constructed as determined by the detailed design.
- ENG4. The stormwater drainage system serving the site is to be designed so that the development will not make material changes to the pre-development location, duration, frequency or concentration of overland stormwater flow at the point of discharge to all downstream properties including road reserves. In the event that a material change to the pre-development stormwater flows will occur, the applicant is to produce evidence to Council’s satisfaction of a legal right as to the method for stormwater discharge over the downstream land.

Development Contributions

- ENG5. Payment prior the sealing of the Plan of Survey for Stage 1, a contribution toward parkland shall be made in accordance with Planning Scheme Policy No. 7 – Infrastructure.

The total contribution is currently assessed at ~~\$2,751.80~~ **\$2,801.02**; however, the actual amount payable will be based on Council's policy and the rate applicable at the time of payment.

Contribution	Zone/ Catchment	Rate	Calculation	Contribution
Public Parks		\$1,375.90 \$1,400.51 per lot	3 lots less 1 credit = 2 lots	\$2,751.80 \$2,801.02

- ENG6. Payment prior the sealing of the Plan of Survey for Stage 2, a contribution toward parkland shall be made in accordance with Planning Scheme Policy No. 7 – Infrastructure.

The total contribution is currently assessed at ~~\$6,879.50~~ **\$9,803.57**; however, the actual amount payable will be based on Council's policy and the rate applicable at the time of payment.

Contribution	Zone/ Catchment	Rate	Calculation	Contribution
Public Parks		\$1,375.90 \$1,400.51 per lot	6 8 lots less 1 credit = 5 7 lots	\$6,879.50 \$9,803.57

- ENG7. Payment prior the sealing of the Plan of Survey for Stage 3, a contribution toward parkland shall be made in accordance with Planning Scheme Policy No. 7 – Infrastructure.

The total contribution is currently assessed at ~~\$5,503.60~~ **\$4,201.53**; however, the actual amount payable will be based on Council's policy and the rate applicable at the time of payment.

Contribution	Zone/ Catchment	Rate	Calculation	Contribution
Public Parks		\$1,375.90 \$1,400.51 per lot	5 4 lots less 1 credit = 4 3 lots	\$5,503.60 \$4,201.53

Vehicle Access/Road

- ENG8. Prior to sealing of the Survey Plan for Stage 1, provide an access to proposed Lots 1, 2 and the balance area. The access for the balance area shall have a 4m wide compacted gravel surface that shall extend for the full length of the northern boundary of proposed Lot 2. All accesses shall be constructed in accordance with Nanango Standard Drawing Number R5000-03-01 and at a location approved by Council's Infrastructure Department.
- ENG9. Prior to sealing of the Survey Plan for Stage 1, upgrade Izzard Road along the frontage of proposed Lots 1 and 2 where necessary to ensure that the road meets the standard required in Schedule 2 of the Nanango Shire IPA Planning Scheme.
- ENG10. Prior to sealing of the Survey Plan for Stage 2, construct the new internal road for the full length of the boundary of proposed Lot 2 to Lot 7 including the cul-de-sac head **frontage to Lots 3, 4, 5, 6, 7 and 8.**
- ENG11. Prior to sealing of the Survey Plan for Stage 3, construct the new internal road for the full length of the boundary of proposed Lot 8 to Lot 12 including extending the road to the road reserve along the northern boundary of proposed Lots 10 and 11 **frontage to Lots 9, 10, 11 and 12.**

OR

Prior to sealing the Survey Plan for Stage 3, construct the new internal road for the full frontage of Lots 9 and 12, including a turning circle in accordance with Figure 2.12G (Turning circle 18m diameter) of Queensland Streets to provide access to proposed Lots 10 and 11 subject to the payment of a contribution as outlined in Condition RAL1 above.

Associated Operational Work

- ENG12. All operational works are to be designed and constructed in accordance with South Burnett Regional Council requirements and accepted engineering practice including reference to Australian Standards, Codes of Practice and Industry Guidelines as nominated by South Burnett Regional Council.
- ENG13. The following design plans shall be submitted to Council for approval as part of a separate application for a Development Permit for Operational Works:
- Internal roadworks plan;
 - Stormwater layout plan and design details;
 - Electricity layout; and
 - Environmental management plan.
- ENG14. A Development Permit for Operational Work is to be obtained for the construction of the new road and access points.
- ENG15. Any lot filling undertaken on the site is to be in accordance with Queensland Development Code Part 10.0 – Retaining Walls and Excavation and Filling and to the satisfaction of Council.
- ENG16. No fill is to be placed on the development unless approved by Council as part of the engineering plans for Operational Works. Any allotment filling for a greater depth than 500mm to provide for building platforms shall be conducted in accordance with Australian Standard 3798. Test results as required by Australian Standard 3798 and a certificate of Quality and uniformity of fill shall be provided by a RPEQ. The level of responsibility shall be Level 1.

Advice

- ADV1. Section 3.5.21(1) of the *Integrated Planning Act 1997* provided that, if this approval is not acted upon within the period of 4 years the approval will lapse. Note that in accordance with section 3.5.21(4) a related approval may extend the relevant (currency) period.
- ADV2. All Reconfiguration of a Lot conditions unless otherwise indicated, the subject of this approval, must be complied with prior to the Council sealing the Survey Plan.
- ADV3. Operational work (subject to a future Development Permit for Operational Works) will be inspected upon practical completion and if satisfactory will be placed 'on maintenance' for a period of twelve months after which the works will be reinspected and taken 'off maintenance' if satisfactory.
- ADV4. Telecommunications connections can be arranged by logging onto Telstra's website (www.telstracommunity.com) and completing the 'Intent to Develop' form to register your development.
- ADV5. You are encouraged to discuss the development with Ergon Energy upon receipt of this approval to facilitate the timely supply of electricity to the development. Connection of electricity can take up to 8 months from the date of application to Ergon Energy.
- ADV6. This development approval does not authorise any activity that may harm Aboriginal cultural heritage. Under the *Aboriginal Cultural Heritage Act 2003* you have a duty of care in relation to such heritage. Section 23(1) provides that "A person who carries out an activity must take all reasonable and practicable measures to ensure the activity does not harm Aboriginal cultural heritage." Council does not warrant that the approved development avoids affecting Aboriginal cultural heritage. It may therefore be prudent for you to carry out searches, consultation, or a cultural heritage assessment to ascertain the presence or otherwise of Aboriginal cultural heritage. The Act and the associated duty of care guidelines explain your obligations in more detail and should be consulted before proceeding.
- ADV7. Attached for your information is a copy of Section 4.1.27.(1) of *Integrated Planning Act 1997* as regards Rights of Appeal. With respect to Appeal Rights of Applicants, the following is drawn to your attention—
- a) the applicant's Appeal Period commences upon receipt of this advice and expires 20 business days thereafter.
 - b) should the applicant notify the assessment manager (Council) in writing of acceptance of the conditions of approval and that it is not intended to make an appeal, the Applicant's Appeal Period is at an end.

Resolution:

Moved Cr BL Green, seconded Cr KA Duff.

That the Officer's Recommendation be adopted.

*Carried 6/0
FOR VOTE - Councillors voted unanimously*

5.1.3 P&LM - 1153147 - Forwarding an application for Material Change of Use - Proposed Telecommunications Facility & Equipment at Chinchilla-Wondai Road Tingoora - Lot 103 SP122590 - Applicant: NBN Co./Owner: Tasmanian Plantation

Summary

Key Point Summary

- Application is to construct a new fixed wireless broadband facility (Major Utility – Telecommunication Facility);
- Subject site is included in the Rural Locality;
- Application is Impact Assessable against:
 - Rural Locality Code;
 - Telecommunications Facility Code;
 - Natural Features and Resources Overlay Code;
- Application was publicly notified between 17 May 2013 and 11 June 2013;
 - No public submissions were received during the notification period
- Application is recommended for approval subject to reasonable and relevant conditions.

Officer's Recommendation

That Council *approve* a Development Permit for Material Change of Use (Major Utility – Telecommunication Facility) at Tingoora Chelmsford Road, Wondai (and described as Lot 103 on SP122590) subject to the following conditions.

General

- GEN1. The subject site is to be developed generally in accordance with the plans and information submitted with the application unless otherwise amended by the following conditions:
- Drawing No. 4MUR-51-06-TNG-C1, Rev 4 - Site Specific Notes and Antenna Table
 - Drawing No. 4MUR-51-06-TNG-C2, Rev 2 – Overall Site Plan;
 - Drawing No. 4MUR-51-06-TNG-C2, Rev 4 –Site Setout Plan;
 - Drawing No. 4MUR-51-06-TNG-C2, Rev 4 – Site Elevation and Details.
- GEN2. All works, including the repair or relocation of services (Telstra, lighting) is to be completed at no cost to Council.
- GEN3. Dust prevention measures must be undertaken to ensure that dust does not cause a nuisance to occupiers of adjacent properties.
- GEN4. Maintain the site in a clean and orderly state at all times.
- GEN5. Any new earthworks or structures are not to concentrate or impede the natural flow of water across property boundaries and onto any other lots.

Property Access

- ENG1. Property access to Lot 103 shall be in accordance with Kingaroy Shire Council Drawing No. 10231 and table S2.7 – Design and Construction Standards of the Wondai Shire Council IPA Planning Scheme.

Only one access per lot shall be permitted.

Advice

- ADV1. Section 341(1) of the *Sustainable Planning Act 2009* provides that, if this approval is not acted upon within the period of four (4) years the approval will lapse. Note that in

accordance with section 341(7) a related approval may extend the relevant (currency) period.

ADV2. This development approval does not authorise any activity that may harm Aboriginal Cultural Heritage. Under the *Aboriginal Cultural Heritage Act 2003* you have a duty of care in relation to such heritage. Section 23(1) provides that "A person who carries out an activity must take all reasonable and practicable measures to ensure the activity does not harm Aboriginal Cultural Heritage." Council does not warrant that the approved development avoids affecting Aboriginal Cultural Heritage. It may therefore, be prudent for you to carry out searches, consultation, or a Cultural Heritage assessment to ascertain the presence or otherwise of Aboriginal Cultural Heritage. The Act and the associated duty of care guidelines explain your obligations in more detail and should be consulted before proceeding.

ADV3. Attached for your information is a copy of Division 8 of the *Sustainable Planning Act 2009* as regards Rights of Appeal. With respect to Appeal Rights of Applicants, the following is drawn to your attention—

- a) the applicant's Appeal Period commences upon receipt of this advice and expires twenty (20) business days thereafter.
- b) should the applicant notify the Assessment Manager (Council) in writing of acceptance of the conditions of approval and that it is not intended to make an appeal, the Applicant's Appeal Period is at an end.

Resolution:

Moved Cr KM Campbell, seconded Cr DP Tessmann.

That the Officer's Recommendation be adopted.

*Carried 6/0
FOR VOTE - Councillors voted unanimously*

5.1.4 P&LM - 1197489 - Boondooma Museum & Heritage Association Inc - Forwarding an Application for Grants and Donations for Material Change of Use fees for Caravan Parking and Accommodation

Summary

Council received a written request from the Boondooma Museum & Heritage Association Inc for the 100% waiver of planning fees for an application for a Material Change of Use (Caravan Park and Accommodation) at 8262 Mundubbera Durong Road, Boondooma (and described as Lot 3 on SP186442).

Officer's Recommendation

That Council *approve* a 100% waiver of the planning application fee (\$240), having regard to the nature of the Caravan Park and Accommodation proposed by the Boondooma Museum and Heritage Association Inc and its future use for the promotion of the historic significance of the Boondooma Homestead.

Resolution:

Moved Cr KA Duff, seconded Cr KM Campbell.

That the Officer's Recommendation be adopted.

*Carried 6/0
FOR VOTE - Councillors voted unanimously*

(b) Portfolio Report

Planning & Land Management Portfolio Report

No Report.

5.2 Environmental Services (ES)

(a) Officer's Reports

No Report.

(b) Portfolio Report

Environmental Services Portfolio Report

No Report.

5.3 Waste (W)

(a) Officer's Reports

No Report.

(b) Portfolio Report

Waste Portfolio Report

No Report.

5.4 Natural Resource Management (NRM) & Parks (NRM&P)

(a) Officer's Reports

5.4.1 NRM&P - 1203419 - Natural Resource Management & Parks Portfolio Report

Summary

Natural Resource Management & Parks Portfolio Report to Council for the period 9 July 2013 to 12 August 2013

Officer's Recommendation

That the Natural Resource Management & Parks Portfolio Report to Council for the period 9 July 2013 to 12 August 2013 be received.

Resolution:

Moved Cr KA Duff, seconded Cr DP Tessmann.

That the Natural Resource Management & Parks Portfolio Report to Council for the period 9 July 2013 to 12 August 2013 be received.

*Carried 6/0
FOR VOTE - Councillors voted unanimously*

(b) Portfolio Report

Natural Resource Management (NRM) & Parks Portfolio Report

No Report.

5.5 Community (C)

(a) Officer's Reports

5.5.1 C - 1203602 - Minutes of the Arts Culture & Heritage Management Advisory Committee meeting held on 6 August 2013

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 on Tuesday, 6 August 2013.

Officer's Recommendation

That Council endorse the attached minutes and recommendations of the Arts, Culture and Heritage Management Advisory Committee held on Tuesday, 6 August 2013.



Minutes

Of the

Arts Culture & Heritage Committee

Held in the South Burnett Regional Council Chambers , Kingaroy

on 6 August 2013

Commencing at 1.00 p.m.

Community & Cultural Services Coordinator: Michael Hunter



Regional Arts Development Fund Committee Minutes

ORDER OF BUSINESS:

1.	CONFIRMATION OF MINUTES OF PREVIOUS MEETING.....	1
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2.2	Apologies	1
2.	AGENDA ITEMS	1
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2.2	Correspondence.....	1
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2.4	Round One Applications for the 2013/2014 Year (1 July - 26 July 2013)	1
2.5	Quick Response Application.....	3
2.6	FilmFest 2013 Report.....	3
2.7	2012/2013 Budget Review	3
3.	GENERAL SECTION	4
3.1	Other Business.....	4



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, 6 August 2013 at 1.00 p.m.

Present

Cr Keith Campbell, Michael Hunter (SBRC Cultural Services Coordinator), Chris Du Plessis, Peter Peacey, Robyn Dower, Ted Wall and Julia Shaw.

Meeting opened at 12.57pm

1. CONFIRMATION OF MINUTES OF PREVIOUS MEETING

1.1 ACH Committee Meeting Minutes

That the minutes of the previous meeting held on Monday, 29 April 2013 as recorded be confirmed.

Resolution: That the minutes of the previous Committee Meeting held on Monday, 29 April 2013 as record be confirmed.

Moved: Robyn Dower

Seconded: Peter Peacey

Carried: 5/0

2.2 Apologies

Apologies were received from the following Committee members:

- Elaine Madill,
- Suzanne McBride

2. AGENDA ITEMS

2.1 Welcome

Cr Keith Campbell welcomed everyone to the meeting and noted appreciation to former Councillor Cheryl Dalton for her contribution to the Arts Community.

2.2 Correspondence

- Artslink
- Flying Arts Alliance Inc.

Resolution: That the inward correspondence be received.

Moved: Ted Wall

Seconded: Julia Shaw

Carried: 5/0

2.3 Outcome Reports

The following Outcome Report was received.

1. Margaret Westerman - two (2) Bookbinding Workshops - \$618.00

Resolution: That the Outcome Reports be received.

Moved Robyn Dower

Seconded: Julia Shaw

Carried: 5/0

2.4 Round One Applications for the 2013/2014 Year (1 July - 26 July 2013)

Council has received four (4) applications for Round One with a total amount requested of \$14,717 (ex GST).

Julia Shaw declared an interest in the following application and left the meeting at 1:11pm

Applicant: Nanango Art Society Inc.
Description of Workshop: Nanango Art Fest
Cost: \$8,100

Resolution: That this application be approved for \$6850 (excluding the promotion and program costs) subject to the following conditions:

- A minimum 80% participation from SBR residents
- To include advertising to the wider community
- To provide dates of workshop/event to enable placement of details on Council's website
- To demonstrate that at least one place in the course has been offered to a youth participant.
- To be included as an invitee to the 2013 RADF Showcase exhibition if required.

Moved: Robyn Dower
Seconded: Ted Wall

Carried 4/0
Absent Did not Vote: Julia Shaw

Julia Shaw returned to the meeting at 1:39pm

Applicant: Cherry Carroll
Description of Workshop: Bunya Mountains - Pleine - Air Painting Experience
Cost: \$1,638

Resolution: That this application be approved for \$1,563 (excluding printing costs) subject to the following conditions:

- A minimum 80% participation from SBR residents
- To include advertising to the wider community
- To provide dates of workshop/event to enable placement of details on Council's website
- To demonstrate that at least one place in the course has been offered to a youth participant.
- To be included as an invitee to the 2013 RADF Showcase exhibition if required.

Moved: Peter Peacey
Seconded: Robyn Dower

Carried 5/0

Applicant: Music Inc.
Description of Workshop: Song Writing Workshop
Cost: \$1,055

Resolution: That this application be approved for \$1,022 (excluding catering costs) subject to the following conditions:

- A participation fee of no less than \$10 per person for this workshop
- A minimum 80% participation from SBR residents
- To include advertising to the wider community
- To provide dates of workshop/event to enable placement of details on Council's website
- To demonstrate that at least one place in the course has been offered to a youth participant.

- **To be included as an invitee to the 2013 RADF Showcase exhibition if required.**

Moved: Ted Wall
Seconded: Julia Shaw

Carried 5/0

Applicant: Jumping Ant Arts Inc.
Description of Workshop: "High Tea" - What a Buzz
Cost: \$3,924

Resolution: That this application be approved for \$3,924 subject to the following conditions:

- A minimum 80% participation from SBR residents
- To include advertising to the wider community
- To provide dates of workshop/event to enable placement of details on Council's website
- To demonstrate that at least one place in the course has been offered to a youth participant.
- To be included as an invitee to the 2013 RADF Showcase exhibition if required.
-

Moved Peter Peacey
Seconded: Robyn Dower

Carried 5/0

2.5 Quick Response Application

Applicant: Barbara Madden
Description of Workshop: Matisse & Van Gogh Workshops
Cost: \$1,650
Supported by: Cr Cheryl Dalton, Elaine Madill and Ted Wall.

Applicant: Boogie Spinning Group
Description of Workshop: "Weaving at Wooroolin" & "Dyeing and Felting with Animal Fibre"

Cost: \$1,830
Supported by: Cr Cheryl Dalton, Elaine Madill, Ted Wall and Peter Peacey

Resolution: *That the Quick Response Applications be ratified by the Committee.*

Moved: Robyn Dower
Seconded: Ted Wall

Carried: 5/0

2.6 FilmFest 2013 Report

The FilmFest 2013 Report was tabled. The committee raised concerns regarding the number of guests confined to a small area not allowing the public easy access to the special guest. Cultural Services Coordinator to address this issue for future events.

2.7 2012/2013 Budget Review

Council's RADF Liaison Officer provided an update on the 2012/2013 ACH & RADF Budget to the committee.

3. GENERAL SECTION

3.1 Other Business

- Visit from Georgina Siddall – LGAQ Senior Advisor Arts & Culture
- Queensland Regional Arts and Culture Conference Rockhampton 21-23 August 2013.
- Regional Arts Development Fund Forum 21 August 2013.
- Ted Wall verbally tendered his resignation from the committee. Cr Campbell thanked Ted for his contribution to the community and the committee and wished him well in his future endeavours.
- Outstanding Outcome Report - South Burnett Musical Comedy Society - Set making workshop - 3rd and final letter. Ted Wall verbally reported that he had spoken to the Secretary. The Secretary has been unwell but has advised that the outstanding outcome report will be completed and returned to Council. The Secretary is to contact the RADF Liaison Officer to confirm a date when this report will be furnished.

Resolution: That Council send a letter to the President of the South Burnett Musical Comedy Society advising that the Outcome Report must be completed by 31 August 2013 or monies granted be returned.

Moved: Robyn Dower

Seconded: Julia Shaw

Carried: 5/0

- RADF Showcase opening night – 8 November 2013
- Round 2 opens 2 September to 27 September 2013
- Arts Culture & Heritage MAC Meeting to be held on Tuesday 8 October 2013 at 9:00am
- The Liaison Officer to call for nominations for additional members to join the Arts Culture & Heritage Committee.

The Meeting closed at 3:00pm.

Resolution:

Moved Cr KM Campbell, seconded Cr DP Tessmann.

That the Officer's Recommendation be adopted.

*Carried 6/0
FOR VOTE - Councillors voted unanimously*

5.5.2 C - 1203631- Minutes of the Boondooma Homestead Management Advisory Committee meeting held on 13 August 2013

Summary

The Boondooma Homestead Management Advisory Committee held a meeting on 13 August 2013 and submits the following minutes to be tabled at the next Council Meeting for discussion.

Officer's Recommendation

That Council endorses the recommendations and minutes of the Boondooma Homestead Management Advisory Committee meeting held on 13 August 2013.



South Burnett
Regional Council

Directorate: Community and Economic Development

Minutes of the Boondooma Homestead Management Advisory Committee
Tuesday, 13 August @ 9.00am

Present: Buddy Thomson, Mavis Metzroth, Pattie Brown, Bob & Leslie Somerset, Marion Alford, Bruce Metzroth, Marion Alford, Lynne Bennett and Judy Brandt

Apologies: Richard Grimes, Cr Kathy Duff and Kathleen Jiggen

Observers: Michael Hunter, Chris Du Plessis and Russell Springall

Chair: Cr Keith Campbell **Minutes:** Wendy Kruger

Agenda Item	Action Summary	Responsible Officer	Due Date
Welcome			
Minutes from Previous Meeting	<p>Resolution: That the minutes of the previous Committee Meeting held on Tuesday, 9 July 2013 as record be confirmed.</p> <p>Moved: Pattie Brown Seconded: Bruce Metzroth</p> <p>Carried: 10/0</p>		
Correspondence			
<ul style="list-style-type: none"> Ergon - Offer for Upgrade 	<p>Russell advised that the letter received from Ergon Energy was to advise Council that the current system is upgradeable however as the capacity is not being fully used overall, the cost would be at the Committee's expense.</p> <p>Based on what's being used on average does not warrant Ergon Energy installing an upgrade at their cost.</p> <p>The spikes occur during the festival and it is up to the committee to manage the spike by use of generators.</p>	Russell Springall	



South Burnett
Regional Council

Directorate: Community and Economic Development

Minutes of the Boondooma Homestead Management Advisory Committee
Tuesday, 13 August @ 9.00am

Agenda Item	Action Summary	Responsible Officer	Due Date
Business Arising from Previous Meeting - 9 July 2013			
<ul style="list-style-type: none"> Update on Caravan Park Development Application 	<p>The site has been checked and all is in good shape and the power supply is what it should be. The committee can note that for future reference that it can be increased in the future if it is needed. The Committee is waiting on a response from Ergon Energy regarding the outcome of a funding application.</p> <p>Chris provided a brief overview to Cr Keith Campbell on the Caravan Park and applying for a Development Application.</p> <p>Chris then advised the application was referred to the Heritage Council and DMTR and that once we receive notification from these bodies the next step will be public notification. The Incorporated body is to pay for the advertising; however Council will manage the public notification. It will be for 15 working days and hopefully will go to the Council by the end of the year or early in 2014. Chris will keep the committee updated as the application is progressed.</p>	Chris Du Plessis	
General Business			
<ul style="list-style-type: none"> Budget Update 	<p>Michael provided an update to the Committee. The budget is on target. Resolution: That the budget update be received. Moved: Buddy Thompson Seconded: Bob Somerset</p>		Carried: 10/0



South Burnett
Regional Council

Directorate: Community and Economic Development

Minutes of the Boondooma Homestead Management Advisory Committee
Tuesday, 13 August @ 9.00am

Agenda Item	Action Summary	Responsible Officer	Due Date
<ul style="list-style-type: none"> Update on Cabins - Final Building Inspection 	<p>Russell provided a brief overview on the final inspection for the cabins. There were a couple of outstanding matters that needed to be completed before the cabins could be used as accommodation. The buildings are level, the accesses have been completed, the smoke alarms are now installed and electricity has been connected. One of the cabins has to be accessible to all persons ie doors to be widened etc. There is to be some form of soundproofing between the cabins also needs to be considered before being used as rented accommodation.</p>	Russell Springall	
<ul style="list-style-type: none"> Australia Post Neighbourhood Community Grant 	<p>Judy updated the committee that they will not hear until September 2013 if they are successful. They had applied for funding to the value of \$16,000 for floor coverings, panelling and internal furnishings for the Cabins.</p> <p>Russell advised the Committee they are to ensure that the floor coverings should be of a commercial grade to ensure fire resistance.</p>	Judy Brandt	
<ul style="list-style-type: none"> Clarification of Lawsons Bro ad creek Road 	<p>This item is to be held over to the next meeting as Cr Duff was an apology. Cr Duff to update the Committee at the next meeting.</p>	Cr Kathy Duff	
<ul style="list-style-type: none"> Update on Queensland Heritage Council Visit 	<p>Andrew Woodward from the Queensland Heritage Council visited the Homestead on 6 August 2013. He carried out a thorough inspection and took plenty of photographs. He advised that the Heritage Council were not interested in anything outside the heritage scope of works. The visit seemed to be very positive and was very helpful.</p> <p>Russell to search Council's records for the original survey documentation showing what the original homestead land encompassed.</p>	Buddy Thompson Russell Springall	



South Burnett
Regional Council

Directorate: Community and Economic Development

Minutes of the Boondooma Homestead Management Advisory Committee
Tuesday, 13 August @ 9.00am

Agenda Item	Action Summary	Responsible Officer	Due Date
<p>Agenda Items - New Business</p> <ul style="list-style-type: none"> • Resignation of Kathleen Jiggen 	<p>Judy Brandt advised that Kathleen Jiggen tendered her resignation from the Boondooma Homestead Management Advisory Committee via email. Judy to forward the email to Michael Hunter or Wendy Kruger.</p> <p>Resolution: That Council to send a letter of thanks to Kathleen Jiggen for her contribution to the Boondooma MAC Committee.</p> <p>Moved: <i>Buddy Thompson</i> Seconded: <i>Judy Brandt</i> Carried: 10/0</p>		
<ul style="list-style-type: none"> • Faulty Light 	<p>Judy Brandt advised that the light in the main bedroom of the Caretakers Cottage has still not been repaired. Michael had passed this request to the Properties Section after the July Boondooma MAC meeting. Michael was notified that this would be of a high priority due to the nature and risk of this request. Michael is to address this with the Properties team.</p>	Michael Hunter	
Meeting closed at 10.39am	The next meeting is on 10 September 2013 starting at 10.00 am.		

Resolution:

Moved Cr KA Duff, seconded Cr KM Campbell.

That the Officer's Recommendation be adopted.

*Carried 6/0
FOR VOTE - Councillors voted unanimously*

(b) Portfolio Reports

Community Portfolio Report

No Report.

Arts, Culture and Heritage Portfolio Report

No Report.

Sport and Recreation Portfolio Report

5.5.3 C - 1203464 - Sport & Recreation Portfolio Report

Summary

Sport & Recreation Portfolio Report to Council for the period 9 July 2013 to 12 August 2013

Officer's Recommendation

That the Sport & Recreation Portfolio Report to Council for the period 9 July 2013 to 12 August 2013 be received.

Resolution:

Moved Cr BL Green, seconded Cr DJ Palmer.

That the Sport & Recreation Portfolio Report to Council for the period 9 July 2013 to 12 August 2013 be received.

*Carried 6/0
FOR VOTE - Councillors voted unanimously*

Presentation:

The CEO of Southern Queensland Country Tourism, Mary-Clare Power gave an update on Southern Queensland Country Tourism.

ADJOURNMENT:

Motion:

Moved Cr DP Tessmann, seconded Cr DJ Palmer.

That the meeting adjourn for morning tea.

*Carried 6/0
FOR VOTE - Councillors voted unanimously*

RESUMPTION:

Motion:

Moved Cr BL Green, seconded Cr KA Duff.

That the meeting resume at 11:05am with attendance as previous to the adjournment

*Carried 6/0
FOR VOTE - Councillors voted unanimously*

Indigenous Affairs Portfolio Report

No Report.

6. Economic Development & Tourism

6.1 Economic Development (ED)

(a) Officer's Reports

No Report.

(b) Portfolio Report

Economic Development Portfolio Report

No Report.

6.2 Tourism (T)

(a) Officer's Reports

No Report.

(b) Portfolio Report

Tourism Portfolio Report

No Report.

7. Infrastructure Services

7.1 Roads & Drainage (R&D)

(a) Officer's Reports

7.1.1 R&D - 1024704 - Kevin B & Helen Smoothy - Forwarding a request to change a road name from Glenclyffe - Wengenville Road to Smoothy Road - L42 FY2049 & L41 FY818

Summary

It is recommended that the requested change to Wengenville-Glenclyffe Road be not approved and an alternate name based on other historical information will be recommended.

Officer's Recommendation

That Council:

1. Not approve the renaming of Wengenville-Glenclyffe Road to Smoothy Road.
2. Rename Wengenville-Glenclyffe Road to Wengenville Road and define the extents as Glenclyffe Road to Maidenwell-Bunya Mountains Road.
3. Rename Maidenwell-Glenclyffe Road to Behans Road in recognition of the historical name.
4. That Department of Natural Resource Management (DNRM) be advised of these changes for updating their database.
5. All property addresses affected by this change be amended by Council in its records.

PROCEDURAL MOTION:

Moved Cr DJ Palmer, seconded Cr KA Duff.

That the previous item lay on the table until further information is obtained from the affected residents.

*Lost 3/3 on the casting vote of the Mayor
FOR VOTE - Cr KA Duff, Cr BL Green, Cr DJ Palmer
AGAINST VOTE - Cr DW Kratzmann (Mayor), Cr KM Campbell, Cr DP Tessmann*

Resolution:

Moved Cr DP Tessmann, seconded Cr BL Green.

That the Officer's Recommendation be adopted.

*Carried 4/2
FOR VOTE - Cr DW Kratzmann (Mayor), Cr KM Campbell, Cr BL Green, Cr DP Tessmann
AGAINST VOTE - Cr KA Duff, Cr DJ Palmer*

7.2 Design & Technical Services (D&TS)

(a) Officer's Reports

7.2.1 D&TS - 1202634 - Renaming and Renumbering of Council roads - Part One

Summary

Following amalgamation, several roads on the borders of the former Council areas have been identified as having inconsistent road names and/or rural addressing of properties. This causes confusion to the casual user and significant difficulties to emergency services. This report identifies these roads and recommends amendments to the names and/or numbering of these roads.

Australian Standard AS/NZS 4819:2011 Rural and Urban Addressing has specific requirements in relation to road naming and these requirements will be adopted in the report's recommendations. No suggestion has been included for sections of roads that require re-naming. The renaming of these sections will be carried out in accordance with Council's Road Naming Policy.

Officer's Recommendation

It is recommended that Council:

1. Renumber the following roads/road sections in accordance with Council's Road Naming Policy following consultation with landowners adjoining the sections of road affected and Council offering financial assistance, to a maximum of \$50 per residence, to assist residents with their change of address obligations:
 - i. **Booie Road**, defined as from the Burnett Highway to Kingaroy-Barkers Creek Road.
 - ii. **Bellbird Road**, defined as from the D'Aguliar Highway to Kingaroy-Cooyar Road.
2. Rename the following roads/road sections in accordance with Council's Road Naming Policy following consultation with landowners adjoining the sections of road affected and Council offering financial assistance, to a maximum of \$50 per residence, to assist residents with their change of address obligations:
 - i. **School Road** and the small section of **Darley Estate Road between Semgreens Road and Kunioon Road** to be renamed as **Kunioon Road**. Kunioon Road would then be defined as from Nanango Brooklands Road to Buttsworth Road.
 - ii. **Lucas Road** between West Coolabunia Road and Semgreens Road be renamed to form part of **West Coolabunia Road**.
 - iii. **Ellesmere North Road/Glencliffe Road**
 - a. *Ellesmere North Road be renamed Ellesmere Road.*
 - b. *Glencliffe Road (East Section) be renamed Ellesmere Road in accordance with existing road name signs.*
 - c. *Ellesmere Road will then be defined as from Stuart Valley Drive to Glencliffe-Wengenville Road.*
 - d. *Glencliffe Road defined as the current western section from Kumbia-Brooklands Road to Wengenville-Glencliffe Road.*
3. Rename and renumber the following road/road section in accordance with Council's Road Naming Policy following consultation with landowners adjoining the sections of road affected and Council offering financial assistance, to a maximum of \$50 per residence, to assist residents with their change of address obligations:

- i. **Barkers Creek-West Coolabunia Road** be renamed as **Goodger Gully Road** and then renumbered full length.
4. That Department of Natural Resource Management (DNRM) be advised of these changes for updating their database.
5. All property addresses affected by the above changes, or otherwise identified within the report, be amended by Council in its records.
6. Council's 'Road Naming Policy' be reviewed for compatibility with Australian Standard AS/NZS 4819:2011 Rural and Urban Addressing.

Resolution:

Moved Cr DP Tessmann, seconded Cr BL Green.

That the Officer's Recommendation be adopted.

*Carried 6/0
FOR VOTE - All Councillors voted unanimously*

7.1 Roads & Drainage (R&D) (Cont'd)

(b) Portfolio Report

Roads & Drainage Portfolio Report

7.1.2 R - 1203979 - Roads Portfolio Report

Summary

Roads Portfolio Report to Council for the period 9 July 2013 to 12 August 2013

Officer's Recommendation

That the Roads Portfolio Report to Council for the period 9 July 2013 to 12 August 2013 be received.

Resolution:

Moved Cr DP Tessmann, seconded Cr BL Green.

That the Roads Portfolio Report to Council for the period 9 July 2013 to 12 August 2013 be received.

*Carried 6/0
FOR VOTE - Councillors voted unanimously*

8. Finance, Property & Information Technology

8.1 Finance (F)

(a) Officer's Reports

8.1.1 F - 1203455 - South Burnett Regional Council Monthly Capital Works

Summary

The following information provides a snapshot of Council's Capital Works as at 13 August 2013.

Officer's Recommendation

That the South Burnett Regional Council's Monthly Capital Works Report as at 13 August 2013 be received and noted.

Resolution:

Moved Cr KM Campbell, seconded Cr DP Tessmann.

That the South Burnett Regional Council's Monthly Capital Works Report as at 13 August 2013 be received and noted.

*Carried 6/0
FOR VOTE - Councillors voted unanimously*

8.1.2 F - 1203384 - Monthly Financial Statements

Summary

The following information provides a snapshot of Council's Financial Position as at 13 August 2013.

Officer's Recommendation

That the Monthly Financial Report as at 13 August 2013 be received and noted.

Resolution:

Moved Cr KM Campbell, seconded Cr DJ Palmer.

That the Monthly Financial Report as at 13 August 2013 be received and noted.

*Carried 6/0
FOR VOTE - Councillors voted unanimously*

8.1.3 F - 1203403 - Revised Operational & Capital Budget**Summary**

In accordance with Section 170(3) of Local Government (Finance Planning Documents) Regulation 2012:

“The local government may by resolution amend the budget for a financial year at any time before the end of the financial year”

It is proposed to undertake the formal process to review a budget required under Section 170 of Local Government (Finance Planning Documents) Regulation 2012 on a quarterly basis. In the interim period, information will be brought to Council of any proposed changes as they are identified.

A minor review of the capital program has also been undertaken to both adjust projects within budget and to account for carry over projects from 2012/13 to be completed in this financial year.

Officer's Recommendation

That the following changes be made to Council's 2013/2014 budget at the next quarterly review:

Code	Amendment	Revised Budget	Comment
Operational Budget			
321-0004-0001	+15,518	65,518	GIS Scanning of Building Drainage. Increase due to full budget not spent in 12/13. (Amalgamation Reserve)
105-10-3	+30,000	30,000	Increase for by election
	+181,000	436,559	Biodiversity Grant Constrained funds from 12/13
	+6,000	6,000	Payment for Town Bus Service
Total Expenditure	+232,518		
Net Operational Result	+232,518		

Capital Budget			
600-1300-2	+276,000	276,000	Town Transformation Grant to be Received
600-1300-2	+60,000	60,000	Wondai Village Green Grant to be received
721-1300-4	+18,000	18,000	Parks & Gardens Capital Grant
405-1300-4	+463,423	2,058,757	R2R Increase
Total Income	+817,423		
	+25,000	25,000	Upgrade Electrical Switchboard – Nanango Office
	+50,000	50,000	Depot Cleanup Projects – WH&S Audit
	+9,600	9,600	Apex Park – New Toilet
	+2,700	2,700	Apex Park – BBQ's x 2
	+200	200	Apex Park – New Shelter
	+400	400	Apex Park – New Paths
	+1,400	1,400	Pioneer Park – BBQ's

	+2,403	27,300	Pioneer Park – Skate park & Shelter (Insurance Claim)
	-2,403	27,597	Butter Factor Park – Bike Training (Insurance)
	+75,000	75,000	Blackbutt Park – Toilet Block
	+500	500	Graffiti Wall – Murgon Youth Park
	+11,000	11,000	Graffiti Wall – Pioneer Park
	+500	500	Graffiti Wall – River Road Park
	+5,000	5,000	Maidenwell Sports Ground
	+29,500	29,500	Coomba Falls Walking Track
	+73,000	773,000	Business Operating System
	+276,000	676,000	Nanango Streetscape – Drayton Street
	+155,000	305,000	Wondai Village Green Development
	+300,000	300,000	Roads To Recovery – Crumpton Drive
	+163,423	163,423	Roads To Recovery – TH Burns Road
	+450,000	3,236,050	Plant & Equipment
	+1,500	1,500	QLD Rail – Crownthorpe/Kapernick Bridge
	-85,000	15,000	Blackbutt Water – Mains Unallocated Budget
	+85,000	85,000	John St (Margaret/Coulson) – Water Main
	+10,000	10,000	Online Water Quality
	-655,000	45,000	Kingaroy Water – Mains Unallocated
	+55,000	55,000	Rising Main Upgrade
	+1,450,000	2,250,000	Replace Rising Main – Stuart River WTP
	+75,000	75,000	Alford Street – Water Main
	+215,000	215,000	Walter Road– Water Main
	+110,000	110,000	King Street – Water Main
	+50,000	50,000	Goodger Road – Water Main
	+75,000	75,000	Duke Street – Water Main
	+130,000	130,000	Haly Street – Water Main
	+155,000	155,000	WTP – Gordonbrook Dam Safety Review
	+10,000	10,000	Replace Drive is Reservoir
	-10,000	40,000	Replace Reservoir Street Pipe work
	-100,000	40,000	Murgon Water - Mains Unallocated Budget
	+100,000	100,000	Cooper Street – Water Main
	+10,000	10,000	Power & Treatment Plant Upgrade
	+22,000	22,000	Upgrade Dosing Facilities
	+9,500	9,500	Controls & Telemetry Upgrade
	+50,000	50,000	Actuator Replacement
	-10,000	40,000	PLC Control Upgrade
	-320,000	0	Nanango Water – Mains - Unallocated Budget
	+140,000	140,000	Drayton Street North – Water Main
	+120,000	120,000	Chester Street – Water Main
	+60,000	60,000	Arthur Street West – Water Main
	-70,000	0	Proston Water – Unallocated
	+40,000	40,000	Collins Street
	-70,000	0	Proston Rural Water – Unallocated
	+100,000	100,000	Fairdale Road

	-240,000	0	Wondai Water – Unallocated
	+3,500	3,500	Baynes Street – Water Main
	+106,500	106,500	McCord Street – Water Main
	+130,000	130,000	Edwards Street – Water Main
	+6,100	6,100	Online Monitoring
	+25,000	25,000	Blackbutt – WWTP – Sludge Dewatering
	+163,000	163,000	River Road Trunk Main Replacement
	+100,000	100,000	Sewer Main Relining – Murgon
	+150,000	150,000	Sewer Main Relining – Nanango
	+20,000	20,000	Sludge Handling – Nanango WWTP
	+175,000	175,000	Sewer Main Relining – Wondai
	+60,000	60,000	Sludge Handling Upgrade – Wondai WWTP
	+15,000	15,000	Rotating Intake Screen – Wondai WWTP
	+1,700	1,700	Kumbia Transfer Station –
Total Expenditure	4,097,023		

Resolution:

Moved Cr KM Campbell, seconded Cr KA Duff.

That the following changes be made to Council's 2013/2014 budget at the next quarterly review:

Code	Amendment	Revised Budget	Comment
Operational Budget			
321-0004-0001	+15,518	65,518	GIS Scanning of Building Drainage. Increase due to full budget not spent in 12/13. (Amalgamation Reserve)
105-10-3	+30,000	30,000	Increase for by election
	+181,000	436,559	Biodiversity Grant Constrained funds from 12/13
	+6,000	6,000	Payment for Town Bus Service
Total Expenditure	+232,518		
Net Operational Result	+232,518		

Capital Budget			
600-1300-2	+276,000	276,000	Town Transformation Grant to be Received
600-1300-2	+60,000	60,000	Wondai Village Green Grant to be received
721-1300-4	+18,000	18,000	Parks & Gardens Capital Grant
405-1300-4	+463,423	2,058,757	R2R Increase
Total Income	+817,423		
	+25,000	25,000	Upgrade Electrical Switchboard – Nanango Office
	+50,000	50,000	Depot Cleanup Projects – WH&S Audit
	+9,600	9,600	Apex Park – New Toilet
	+2,700	2,700	Apex Park – BBQ's x 2

	+200	200	Apex Park – New Shelter
	+400	400	Apex Park – New Paths
	+1,400	1,400	Pioneer Park – BBQ's
	+2,403	27,300	Pioneer Park – Skate park & Shelter (Insurance Claim)
	-2,403	27,597	Butter Factor Park – Bike Training (Insurance)
	+75,000	75,000	Blackbutt Park – Toilet Block
	+500	500	Graffiti Wall – Murgon Youth Park
	+11,000	11,000	Graffiti Wall – Pioneer Park
	+500	500	Graffiti Wall – River Road Park
	+5,000	5,000	Maidenwell Sports Ground
	+29,500	29,500	Coomba Falls Walking Track
	+10,000	10,000	Road Signage Yallakool
	+73,000	773,000	Business Operating System
	+276,000	676,000	Nanango Streetscape – Drayton Street
	+155,000	305,000	Wondai Village Green Development
	+300,000	300,000	Roads To Recovery – Crumpton Drive
	+163,423	163,423	Roads To Recovery – TH Burns Road
	+450,000	3,236,050	Plant & Equipment
	+1,500	1,500	QLD Rail – Crownthorpe/Kapernick Bridge
	-85,000	15,000	Blackbutt Water – Mains Unallocated Budget
	+85,000	85,000	John St (Margaret/Coulson) – Water Main
	+10,000	10,000	Online Water Quality
	-655,000	45,000	Kingaroy Water – Mains Unallocated
	+55,000	55,000	Rising Main Upgrade
	+1,450,000	2,250,000	Replace Rising Main – Stuart River WTP
	+75,000	75,000	Alford Street – Water Main
	+215,000	215,000	Walter Road– Water Main
	+110,000	110,000	King Street – Water Main
	+50,000	50,000	Goodger Road – Water Main
	+75,000	75,000	Duke Street – Water Main
	+130,000	130,000	Haly Street – Water Main
	+155,000	155,000	WTP – Gordonbrook Dam Safety Review
	+10,000	10,000	Replace Drive is Reservoir
	-10,000	40,000	Replace Reservoir Street Pipe work
	-100,000	40,000	Murgon Water - Mains Unallocated Budget
	+100,000	100,000	Cooper Street – Water Main
	+10,000	10,000	Power & Treatment Plant Upgrade
	+22,000	22,000	Upgrade Dosing Facilities
	+9,500	9,500	Controls & Telemetry Upgrade
	+50,000	50,000	Actuator Replacement
	-10,000	40,000	PLC Control Upgrade
	-320,000	0	Nanango Water – Mains - Unallocated Budget
	+140,000	140,000	Drayton Street North – Water Main
	+120,000	120,000	Chester Street – Water Main
	+60,000	60,000	Arthur Street West – Water Main

	-70,000	0	Proston Water – Unallocated
	+40,000	40,000	Collins Street
	-70,000	0	Proston Rural Water – Unallocated
	+100,000	100,000	Fairdale Road
	-240,000	0	Wondai Water – Unallocated
	+3,500	3,500	Baynes Street – Water Main
	+106,500	106,500	McCord Street – Water Main
	+130,000	130,000	Edwards Street – Water Main
	+6,100	6,100	Online Monitoring
	+25,000	25,000	Blackbutt – WWTP – Sludge Dewatering
	+163,000	163,000	River Road Trunk Main Replacement
	+100,000	100,000	Sewer Main Relining – Murgon
	+150,000	150,000	Sewer Main Relining – Nanango
	+20,000	20,000	Sludge Handling – Nanango WWTP
	+175,000	175,000	Sewer Main Relining – Wondai
	+60,000	60,000	Sludge Handling Upgrade – Wondai WWTP
	+15,000	15,000	Rotating Intake Screen – Wondai WWTP
	+1,700	1,700	Kumbia Transfer Station –
Total Expenditure	4,107,023		

*Carried 6/0
FOR VOTE - Councillors voted unanimously*

8.1.4 F - 1176553 - Rate Exemptions and Remissions additions to approved list South Burnett Jobmatch

Summary

A request has been received from South Burnett Jobmatch to allow a partial rate remission on their Employment and Training Centre at 7 Glendon Street, Kingaroy.

It is recommended that Council agree to provide a rate remission for South Burnett Jobmatch effective from 1 July 2013.

Officer's Recommendation

That Council agree to provide a partial rate remission effective from 1 July 2013 for South Burnett Jobmatch for the Employment and Training centre situated at 7 Glendon Street, Kingaroy.

Resolution:

Moved Cr KM Campbell, seconded Cr DP Tessmann.

That the Officer's Recommendation be adopted.

*Carried 6/0
FOR VOTE - Councillors voted unanimously*

8.1.5 F - 1203706 - Revised Regulatory & Commercial Fees & Charges 2013/14**Summary**

That the following amendments to the 2013/2014 Register of Regulatory and Commercial Charges be considered;

Type of Charge	Currently	Proposed
Maidenwell Oval Facilities		
Camping & Toilet Facilities		
Per Child	\$3	Remove Fee – Currently Coin Operated
Per Adult	\$7	Remove Fee – Currently Coin Operated
Swimming Pools		
Season Pass – Nanango	N/A	Season Pass – All Pools
Waste Services		
Commercial and Industrial waste	This fee was adopted by Council at its meeting on 20/02 /2013 and was inadvertently omitted from the current Fees and Charges listing.	\$ 86 per tonne
Construction and Demolition waste	This fee was adopted by Council at its meeting on 20/02 /2013 and was inadvertently omitted from the current Fees and Charges listing.	\$29 per tonne

Officer's Recommendation

That the 2013/2014 Register of Regulatory and Commercial Charges be amended to include the following changes:

Type of Charge	Currently	Proposed
Maidenwell Oval Facilities		
Camping & Toilet Facilities		
Per Child	\$3	Remove Fee – Currently Coin Operated
Per Adult	\$7	Remove Fee – Currently Coin Operated
Swimming Pools		
Season Pass – Nanango	N/A	Season Pass – All Pools
Waste Services		
Commercial and Industrial waste	This fee was adopted by Council at its meeting on 20/02 /2013 and was inadvertently omitted from the current Fees and Charges listing.	\$ 86 per tonne
Construction and Demolition waste	This fee was adopted by Council at its meeting on	\$29 per tonne

	20/02 /2013 and was inadvertently omitted from the current Fees and Charges listing.	
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Resolution:

Moved Cr KM Campbell, seconded Cr DJ Palmer.

That the Officer's Recommendation be adopted.

*Carried 6/0
FOR VOTE - Councillors voted unanimously*

(b) Portfolio Report

Finance Portfolio Report

8.1.6 F - 1203486 - Finance Portfolio Report**Summary**

Finance Portfolio Report to Council for the period 9 July 2013 to 12 August 2013

Officer's Recommendation

That the Finance Portfolio Report to Council for the period 9 July 2013 to 12 August 2013 be received.

Resolution:

Moved Cr KM Campbell, seconded Cr KA Duff.

That the Finance Portfolio Report to Council for the period 9 July 2013 to 12 August 2013 be received.

*Carried 6/0
FOR VOTE - Councillors voted unanimously*

8.2 Property (P)**(a) Officer's Reports**

No Report.

(b) Portfolio Report

Property Portfolio Report

8.2.1 P - 1203854 - Property Portfolio Report

Summary

Property Portfolio Report to Council for the period 9 July 2013 to 12 August 2013

Officer's Recommendation

That the Property Portfolio Report to Council for the period 9 July 2013 to 12 August 2013 be received.

Resolution:

Moved Cr DJ Palmer, seconded Cr KA Duff.

That the Property Portfolio Report to Council for the period 9 July 2013 to 12 August 2013 be received.

*Carried 6/0
FOR VOTE - Councillors voted unanimously*

8.3 Information Technology (IT)

(a) Officer's Reports

No Report.

(b) Portfolio Report

Information Technology Portfolio Report

8.3.1 IT - 1203874 - Information Technology Portfolio Report

Summary

Information Technology Portfolio Report to Council for the period 9 July 2013 to 12 August 2013

Officer's Recommendation

That the Information Technology Portfolio Report to Council for the period 9 July 2013 to 12 August 2013 be received.

Resolution:

Moved Cr DJ Palmer, seconded Cr KM Campbell.

That the Information Technology Portfolio Report to Council for the period 9 July 2013 to 12 August 2013 be received.

*Carried 6/0
FOR VOTE - Councillors voted unanimously*

9. Executive Services**9.1 Human Resources (HR)****(a) Officer's Reports****9.1.1 HR - 1324642 - Staff Christmas Function and Closure****Summary**

It is proposed to hold this year's South Burnett Regional Council's Christmas function in Kingaroy on Friday 20 December 2013. It is open to all Council employees and all employees are encouraged to attend. It is requested that employees are not rostered to take RDO's on this Friday so they can attend the Christmas function. Employees who do not attend the Christmas function must remain at work until usual closing times as the function is deemed to be part of Council business.

It is also proposed to close Council offices and depots over the Christmas period from 12:00pm Friday 20 December 2013 and re-open on Monday 6 January 2014. The Infrastructure Department will return on Monday, 30 December 2013 and Council's library facilities and Customer Service centres returning earlier on Thursday, 2 January 2014 with reduced staff. The opening times for the Region's Visitor Information Centres over the Christmas/New Year period are yet to be confirmed but will be similar to the below:-

Blackbutt Visitor Information Centre <i>(Accredited)</i>	Hours: Mon-Sun 9:00am to 3:00pm Closed - Christmas Day, Boxing Day & New Year's Day <i>TO BE CONFIRMED</i>
Kingaroy Visitor Information Centre <i>(Accredited)</i>	Hours: Mon-Fri 9:00am to 4:30pm Sat-Sun 10:00am to 4:00pm Closed - Christmas Day, Boxing Day & New Year's Day <i>TO BE CONFIRMED</i>
Murgon Visitor Information Centre <i>(Accredited)</i>	Hours: Mon-Sat 9:00am to 4:00pm Sun 10:00am to 1:00pm Closed - Christmas Day, Boxing Day & New Year's Day <i>TO BE CONFIRMED</i>
Nanango Visitor Information Centre <i>(Accredited)</i>	Hours: Mon-Fri 9:00am to 4:30pm Sat 10:00am to 4:00pm Sun 10:00am to 2:00pm Closed - Christmas Day, Boxing Day & New Year's Day <i>TO BE CONFIRMED</i>
Wondai Visitor Information Centre <i>(Accredited)</i>	Hours: Mon-Sun 9:00am to 4:00pm Closed – Christmas Day, Boxing Day & New Year's Day <i>TO BE CONFIRMED</i>

Officer's Recommendation

That:

1. Council closes administration offices, depots and library facilities on Friday, 20 December 2013 at the following times for the purpose of allowing Council employees to attend the staff Christmas function:
 - Blackbutt – 11:30am
 - Kingaroy – 12:30pm
 - Murgon – 11:15am
 - Nanango – 11:45am
 - Proston – 11:15am
 - Wondai – 12:00pm
2. Council will be closed from Monday, 23 December 2013 and re-open on Monday, 6 January 2014 with the following exceptions –
 - a. Infrastructure staff will return to work on Monday, 30 December 2013 to ensure continuity of scheduled works.
 - b. Library facilities across the region will re-open on Thursday, 2 January 2014.
 - c. A skeleton staff will return to work on Thursday, 2 January 2014 (including customer service).
3. Key skeleton staff are rostered on to undertake on-call and emergency work where required during the Christmas Closedown period.
4. Council advise employees to use leave entitlements (eg. annual leave, TOIL, RDO's) during this period with TOIL and RDO's being used in the first instance.

Resolution:

Moved Cr KM Campbell, seconded Cr DJ Palmer.

That the Officer's Recommendation be adopted.

*Carried 6/0
FOR VOTE - Councillors voted unanimously*

(b) Portfolio Report

Human Resources Portfolio Report

No Report.

9.2 Governance (G)

(a) Officer's Reports

9.2.1 G - 1203681 - Delegation of Powers to the Chief Executive Officer

Summary

Council is vested with power to make a range of decisions and to take various actions under legislation and other statutory instruments. These statutory instruments, together with other legislation under which Council exercises its jurisdiction, are called local government Acts.

Generally, the exercise of any Council power under State or other laws requires a resolution of the Council. Given the vast number of decisions which need to be made and the operational activities which need to be undertaken on a daily basis, Council could simply not function if a separate resolution was required every time.

To overcome that problem, section 257 of the *Local Government Act 2009* allows Council to delegate its powers under State and other laws to one or more individuals or standing committees, including to the Chief Executive Officer (CEO).

To further streamline the decision making process, s259 of the *Local Government Act 2009* allows the CEO to sub-delegate his powers (including those delegated to him by Council) to another Council employee.

Council is a subscriber to a delegations update service provided by Council's solicitors, MacDonnells Law. Council has previously resolved to delegate all of its powers under State law to its Chief Executive Officer in accordance with the recommendations made by its solicitors. Council's Chief Executive Officer has sub-delegated those powers to relevant positions and individuals within Council.

Pursuant to section 257(4)(1) of the *Local Government Act 2009* a delegation to the Chief Executive Officer under subsection (1) must be reviewed annually by the Council. In this report, it is proposed that Council will delegate its powers in broad terms under nominated State laws to its Chief Executive Officer. It is further proposed that the Chief Executive Officer will sub-delegate those powers to relevant officers within Council where permitted.

Officer's Recommendation

That Council resolve:

1. To delegate to the Chief Executive Officer, the exercise of its powers under the following Acts in the terms of the Instruments of Delegation:

- *Acquisition of Land Act 1967*
- *Animal Management (Cats and Dogs) Act 2008*
- *Building Act 1975*
- *Disaster Management Act 2003*
- *Environmental Protection (Waste Management) Regulation 2000*
- *Fire and Rescue Service Act 1990*
- *Food Act 2006*
- *Information Privacy Act 2009*
- *Land Protection (Pest and Stock Route Management) Act 2002*
- *Liquor Act 1992*
- *Local Government Regulation 2012*
- *Local Government Act 2009*
- *Neighbourhood Disputes Resolution Act 2011*
- *Peaceful Assembly Act 1992*

- *Plumbing and Drainage Act 2002*
- *Public Health (Infection Control for Personal Appearance Services) Act 2003*
- *Right to Information Act 2009*
- *Standard Plumbing and Drainage Regulation 2003*
- *State Penalties Enforcement Act 1999*
- *Stock Act 1915*
- *Sustainable Planning Act 2009*
- *Tobacco and Other Smoking Products Act 1998*
- *Transport Infrastructure Act 1994*
- *Transport Operations (Road Use Management) Act 1995*
- *Waste Reduction and Recycling Act 2011*
- *Water Supply (Safety and Reliability) Act 2008*

2. That all prior resolutions delegating the powers under the Acts referred to in resolution 1 to the Chief Executive Officer are repealed."

INSTRUMENT OF DELEGATION

South Burnett 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 are repealed.

Schedule 1

Acquisition of Land Act 1967 ("ALA")**Powers Conferred upon Chief Executive Officer: under s.257 of Local Government Act 2009****Part 2 - Taking of Land**

Section of ALA	Description
8(2)	Power to consider the grounds of objection to the taking of any land and the other specified matters.
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.
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.
12(5A)	In the specified circumstances, the power to agree with a claimant on the amount of compensation.
12(7)	In the specified circumstances, the power to serve 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 a copy of the gazette resumption notice.
13(1)	In the specified circumstances, the power to agree in writing with an owner of land that a parcel of the land will by reasons of its small size or shape be of no practical use or value to the owner of such land and accordingly the whole of the land will be taken.
15(1)	In the specified circumstances, the power to— <ul style="list-style-type: none"> (a) agree in writing to the taking of any land for a purpose for which the land may be taken; (b) take the land under and in accordance with section 15 of the <i>Acquisition of Land Act 1967</i>.

Schedule 1

Part 3 - Discontinuance of Taking of Land

Section of ALA	Description
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.
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> .
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.

Part 4 - Compensation

Section of ALA	Description
18(3)	In the specified circumstances, the power to allow, on written application, a lessee's, tenant's or licensee's estate or interest to continue interrupted.
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.
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.
23(2)	In the specified circumstances and subject to being satisfied that an applicant is entitled to claim compensation, the power to make to the applicant the advance applied for by the applicant in respect of the compensation claimed by the applicant.
23(3)(a)	In the specified circumstances, the power to make a claimant an offer in writing of an amount of compensation in settlement of the claimant's claim.
23(5)	Before paying an advance, the power to require a claimant to satisfy you regarding taxes, rates and other matters which, if unpaid, would be a charge upon the land, and may reduce the advance by any sum which, in respect of any thereof, is unpaid or, as respects to any period of time prior to the date when the land was taken, will become payable.
23(6)	Where the land concerned is subject to a mortgage at the date when it is taken, the power to reduce the advance by the sum due to the mortgagee.
29(1)	In the specified circumstances, the power to agree with a claimant upon the amount of compensation to be paid.

Schedule 1

Part 5 - General

Section of ALA	Description
37(1)	Power to temporarily occupy and use any land for the purpose of constructing, maintaining or repairing any works, and the power to exercise any of the following powers— <ul style="list-style-type: none"> (a) take therefrom stone, gravel, earth, and other material; (b) deposit thereon any material; (c) form and use temporary roads thereon; (d) manufacture bricks or other materials thereon; (e) erect workshops, sheds, and other buildings of a temporary nature thereon.
37(2)	In the specified circumstances, the power to give an occupier or an owner at least 7 days notice in writing.
37(5)	In the specified circumstances, the power to agree with a claimant: <ul style="list-style-type: none"> (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.
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 - Animal Management (Cats and Dogs) 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 and conditions contained in Schedule 2.

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

Animal Management (Cats and Dogs) Act 2008 ("AMA")

CHAPTER 2 - IDENTIFICATION OF CATS AND DOGS

Part 1 - Prescribed Permanent Identification Devices

Division 6 - Giving Identifying Information

Section of AMA	Description
39	Power to give identifying information for the cat or dog to a person listed in this section.

CHAPTER 3 - REGISTRATION

Part 2 - How Cat or Dog is Registered

Section of AMA	Description
49(2)	Power to give an owner a registration notice , that the cat or dog has been registered in accordance with the requirements in sub-section (3).

CHAPTER 4 - REGULATED DOGS

Part 1 - Preliminary

Division 2 - Interpretation

Section of AMA	Description
64(1)(b)	Power to recognise a body which supervises an exhibition or an obedience trial for the purposes of this section.

Schedule 1

Part 3 - Restricted Dog Permits

Division 1 - Obtaining Permit for Restricted Dog

Subdivision 1 - Permit Applications

Section of AMA	Description
74(1)	After a restricted dog permit application has been made, power to require the applicant to give a stated document or information that is relevant to the application.
75(1)	Power to either grant or refuse a permit application.
75(3)	Power to be satisfied that desexing is likely to be a serious risk to the health of the dog.
75(5)	If the local government decides to grant the application, power to impose a condition provided for under a regulation.

Subdivision 2 - Action After Decision on Application

Section of AMA	Description
77(1)	Power to issue a restricted dog permit after deciding to grant a permit application.
79	Power to issue an information notice about the decision to refuse to grant a permit.

Division 3 - Renewal of Permit

Section of AMA	Description
84(1)	Power to either grant or refuse a renewal application.
84(4)(b)	Power to seek further documents or information in the way mentioned in section 74.
84(5)(a)	Power to issue a renewal permit after deciding to grant a renewal application.
84(5)(b)	Power to issue an information notice about the decision to refuse the renewal application.

Schedule 1

Division 4 - Amendment of Permits

Section of AMA	Description
87(1)	In the specified circumstances, power to amend a restricted dog permit at any time, by giving the permit holder notice of the amendment and recording particulars of the amendment in the restricted dog register.

Part 4 - Regulated Dog Declarations

Section of AMA	Description
89	Power to:- (a) declare a particular dog to be a declared dangerous dog; (b) declare a particular dog to be a declared menacing dog; (c) declare a particular dog to be a restricted dog.
89(4)	Power to be satisfied a dog is of a breed mentioned in section 63(1).
90(1)	Power to give any owner of the dog a proposed declaration notice .
92	Power to withdraw a proposed declaration notice by giving a notice of the withdrawal to any owner of the dog.
94(1)	Power to consider any written representations and evidence accompanying them within the period stated in the proposed declaration notice.
94(2)	If satisfied that the relevant ground under section 89 still exists, power to make the regulated dog declaration for the dog.
95(1)	Power to give the owner of the dog the subject of the declaration a notice under subsection (2) or (3).

Part 6 - Miscellaneous Provisions

Section of AMA	Description
100(3)	Power to destroy the dog as soon as practicable after surrender.
102	In the specified circumstances, power to recover costs from the dogs owner if the incurring of the cost was necessary and reasonable.

Schedule 1

CHAPTER 5 - INVESTIGATION, MONITORING AND ENFORCEMENT

Part 2 - Entry to Places

Division 1 - Powers of Entry

Section of AMA	Description
114(1)	Power to give notice of the approved inspection program.

CHAPTER 10 - TRANSITIONAL PROVISIONS

Section of AMA	Description
212(3)	Power to include other information in the restricted dog register which the local government considers appropriate.

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 - Building Act 1975

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

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

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

Building Act 1975 ("BA")

CHAPTER 4 – ASSESSMENT OF BUILDING DEVELOPMENT APPLICATION AND CARRYING OUT SELF-ASSESSABLE BUILDING WORK

Part 1 – Laws and Other Documents under which Building Work must be Assessed

Division 1 – General Provisions about the Laws and Documents for the Assessment

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

Part 2 – Persons Responsible for Assessing Building Development Applications

Entity power given to	Section of BA	Description
Local government	51(2)	In the specified circumstances power to: <ul style="list-style-type: none"> (a) receive, assess and decide the application; (b) appoint or employ a private certifier or another building certifier to perform building certifying functions for: <ul style="list-style-type: none"> (i) the application; and (ii) if the building development approval applied for is granted—the building work.
Local government	52	In the specified circumstances power to issue the building development approval applied for only if: <ul style="list-style-type: none"> (a) a local government building certifier has carried out the building assessment work for the application; and (b) the building certifier is appropriately licensed to carry out the building assessment work.

Schedule 1

Entity power given to	Section of BA	Description
Local government	53(2)	In the specified circumstances power to accept and, without further checking, rely and act on the certificate or other document: <ul style="list-style-type: none"> (a) the original application; (b) another building development application for all or part of the building work under the original application.
Assessment manager	55(3)	In the specified circumstances power to resume or start the application process at any stage of IDAS the assessment manager considers appropriate.

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

Entity power given to	Section of BA	Description
Assessment manager	63	Power for the assessment manager to approve a building application subject to the requirement in Part 4 as follows: <ul style="list-style-type: none"> (a) the fire safety management plan accompanying the application complies with the <i>Fire and Rescue Service Act 1990</i>, section 104FC, or (b) the building work involves an alternative solution, for performance requirements under the BCA, that includes a fire safety management procedure as a condition of the occupation and use of the building and the fire safety management plan adequately reflects the procedure.
Assessment manager	65(2)	Power for the assessment manager to approve the building application (subject to conditions) if each registered holder of the easement or covenant has consented to the building work.

Schedule 1

Entity power given to	Section of BA	Description
Assessment manager	66(2)	Power for the assessment manager to approve the building application if the special structure: <ul style="list-style-type: none"> (a) complies with the building assessment provisions; and (b) reasonably provides for all of the following: <ul style="list-style-type: none"> (i) the safety of persons using the structure if there is a fire (including, for example, means of egress); (ii) the prevention and suppression of fire; (iii) the prevention of the spread of fire; (iv) the health and amenity of persons using the structure.
Assessment manager	67(3)	In the specified circumstances power for the assessment manager to approve the building application if subsections (3)(a) and (3)(b) have been complied with.
Assessment manager	68(3)	Power for the assessment manager to approve a building application if the building certifier has decided the alterations do not unduly reduce the following: <ul style="list-style-type: none"> (a) the existing level of fire protection for persons accommodated in, or using, the building or structure; (b) the existing level of resistance to fire of the building or structure; (c) the existing safeguards against spread of fire to adjoining buildings or structures; (d) the existing level of emergency egress from the building or structure.

Part 5 – Conditions of Building Development Approvals

Division 1 - Conditions Taken to be Imposed

Entity power given to	Section of BA	Description
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Schedule 1

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

Division 2 – Conditions that may be Imposed

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

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

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

Schedule 1

Division 2 – Other Building Work

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

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

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

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

Entity power given to	Section of BA	Description
Local government	206(1)	Power to: <ul style="list-style-type: none"> (a) form the reasonable belief proper grounds exist for applying to the tribunal to start a disciplinary proceeding against a building certifier; (b) before making the application give the building certifier a notice (a "show cause notice").

Schedule 1

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

CHAPTER 7 – FIRE SAFETY FOR BUDGET ACCOMMODATION BUILDINGS**Part 3 – Budget Accommodation Buildings Built, Approved or Applied for, before 1 January 1992**

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

Schedule 1

Entity power given to	Section of BA	Description
Local government	222(2)	Within 20 business days after receiving an application for advice as to conformity with a fire safety standard, the power to: <ul style="list-style-type: none"> (a) decide if the building conforms with the fire safety standard; and (b) give the building owner written notice of the decision.

Part 4 – All Budget Accommodation Buildings

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

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

Entity power given to	Section of BA	Description
Local government	231AL(1)	Where a written application is made by the owner of an RCB to obtain a fire safety (RCB) compliance certificate or certificate of classification, power to approve a later day for obtaining the certificate

CHAPTER 8 – SWIMMING POOL SAFETY**Part 2 – Compliance with pool safety standard and other matters about pool safety****Division 3 – Exemptions from compliance with pool safety standard - disability****Subdivision 2 – Ending and revocation of exemptions**

Entity power given to	Section of BA	Description
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Schedule 1

Entity power given to	Section of BA	Description
Local government	242(1)(b)	In the specified circumstances power to be satisfied 1 or more of the following applies: <ul style="list-style-type: none"> (i) the decision on the application for the exemption was based on a false or misleading particular given by an applicant; (ii) the exemption has ended under section 241 of the <i>Building Act 1975</i>; (iii) the exemption was subject to conditions and there has been a contravention of a condition.
Local government	242(2)	In the specified circumstances, the power to give an applicant a show cause notice inviting the applicant to show cause why a decision should not be revoked.
Local government	242(3)	Power to: <ul style="list-style-type: none"> (a) consider any representations made under a show cause notice; and (b) give a further notice (a "revocation notice") to the applicant, revoke a decision previously given.

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

Subdivision 1 – Applying for exemptions and deciding applications

Entity power given to	Section of BA	Description
Local government	245A	Power to require the owner of a regulated pool to give further information to establish that compliance with the part of the pool safety standard is not practicable.
Local government	245B(1)	Power to consider the application and decide to: <ul style="list-style-type: none"> (a) grant the exemption; or (b) refuse to grant the exemption.

Schedule 1

Entity power given to	Section of BA	Description
Local government	245B(2)	In deciding the application, power to consider: <ul style="list-style-type: none"> (a) whether compliance with the part of the pool safety standard may require the owner to: <ul style="list-style-type: none"> i) move or demolish a building or part of a building; or ii) change the location of size of the regulated pool; or iii) remove vegetation protected from removal under an Act or a local law; (b) the cost of the barrier or work required to ensure the pool complies with the part of the pool safety standard, having regard to the nature of any existing barriers for the pool; (c) other matters considered relevant.
Local government	245B(3)	Subject to section 245B(5), power to grant an exemption on reasonable conditions considered necessary or desirable to prevent a young child from accessing the pool.
Local government	245C(1)	If exemption is granted, power to give the applicant a written notice of the exemption.
Local government	245C(2)	If the exemption is refused, or conditions imposed, power to give the applicant an information notice about the decision.

Subdivision 2 – Revocation of exemptions

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

Schedule 1

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

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

CHAPTER 8B – TRANSPORT NOISE CORRIDORS**Part 2 – Designation by Local Governments**

Entity power given to	Section of BA	Description
Local government	246X (1)	A local government may by gazette notice designate land as a transport noise corridor.

Schedule 1

Entity power given to	Section of BA	Description
Local government	246X(2)	<p>A local government may designate land under (1) only if:</p> <p>(a) the land is within:</p> <p>iv) 100m if a road under its control: or</p> <p>v) A distance of more than 100m but not more than 200m of a road under its control, if the noise level caused by traffic on the road at the distance has been measured and approved by the CEO.</p>

CHAPTER 9 – SHOW CAUSE AND ENFORCEMENT NOTICES

Entity power given to	Section of BA	Description
Local government	248(1)	<p>Power to give a notice (an "enforcement notice") to the owner of a building, structure or building work if the local government reasonably believes the building, structure or building work:</p> <p>(a) was built before the commencement of this section without, or not in accordance with, the approval of the local government; or</p> <p>(b) is dangerous; or</p> <p>(c) is in a dilapidated condition; or</p> <p>(d) is unfit for use of occupation; or</p> <p>(e) is filthy, infected with disease or infested with vermin.</p>
Local government	248(2)	Power to give an enforcement notice to a person who does not comply with a particular matter in this Act.
Local government	248(3)	Subject to section 248(4), the power to give a person a show cause notice.

Schedule 1

Entity power given to	Section of BA	Description
Local government	249(1)	In the specified circumstances power to require a person to do any of the following: (a) to apply for a development permit; (b) to do, or not to do, another act to ensure building work complies with the approval of the local government given before the commencement of this section; (c) to repair or rectify the building or structure; (d) to secure the building or structure (whether by a system of support or in any other way); (e) to fence off the building or structure to protect persons; (f) to cleanse, purify and disinfect the building or structure; (h) to comply with this Act for a particular matter.
Local government	249(2)	Power to require a person to demolish or remove the building or structure only if the local government reasonably believes that it is not possible and practical to take steps to comply with subsection (1)(c) to (f).

CHAPTER 10 – GENERAL PROVISIONS

Entity power given to	Section of BA	Description
Local government	256(2)(d)	Power to make a complaint against the Building Act for an offence under section 245G(1).
Local government	256(2)(e)	Power to make a complaint for an offence against section 245K, 245L or 246AR(2) of the Building Act.
Local government	256(2)(f)	Power to make a complaint for an offence against section 246AD(2) or 246AJ(4) of the Building Act.
Local government	256(2)(g)	Power to make a complaint for an offence against section 246AP(2) of the Building Act.

Schedule 1

Local government	256(2)(h)	Power to make a complaint for an offence against Chapter 8, part 4, division 5, subdivision 2 (excluding section 246ATH(2)) of the Building Act.
Local government	256(2)(i)	Power to make a complaint for an offence against Chapter 8, part 5 of the Building Act.
Local government	256(2)(i)	Power to authorise a person to make a complaint for an offence against Chapter 8, part 5 of the Building Act.
Local government	256(2)(k)	Power to make a complaint for another offence against the Building Act.
Local government	256(2)(k)	Power to authorise a person to make a complaint for another offence against the Building Act.

CHAPTER 11 – SAVINGS AND TRANSITIONAL PROVISIONS**Part 1 – Transitional Provisions for *Local Government Act 1993***

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

Schedule 1

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

Entity power given to	Section of <i>BA</i>	Description
Local government	266	Power to decide that a building or structure is: <ul style="list-style-type: none"> (a) dangerous; or (b) in a dilapidated condition and unfit for use of or occupation; or (c) filthy; or (d) is infected with disease; or (e) is infested with vermin. to allow for the alteration or removal of a building otherwise lawfully constructed before the commencement of the section.

Schedule 2

Limitations 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 and conditions contained in Schedule 2.

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

Disaster Management Act 2003 ("DMA")

Part 2 - Disaster Management Groups and Committees

Division 2 - District Disaster Management Groups

Subdivision 2 - Membership

Section of DMA	Description
24(1)(c)	In the specified circumstances, power to appoint a person as a member of a district group.
24(6)	As soon as practicable after a person is appointed under section 24(1)(c) of the <i>Disaster Management Act 2003</i> , the power to inform the executive officer of the State group, and the district disaster coordinator of the district group, of the appointments.

Division 3 - Local Government Disaster Management Groups

Subdivision 3 - Membership

Section of DMA	Description
33(1)	In the specified circumstances, the power to appoint persons as members of a local group.
33(3)	In the specified circumstances, the power to appoint a person as a member of a local group only if satisfied the person has the necessary expertise or experience to be a member.
34(1)	Power to appoint: <ul style="list-style-type: none"> (a) a member of the local group as the chairperson of the local group; (b) a member of the local group as the deputy chairperson of the local group.

Part 6 - State Emergency Service

Division 3 - Membership

Section of DMA	Description
85(2)	In the specified circumstances, the power to nominate a member of a SES unit as the local controller of the SES unit.

Schedule 1

Part 7 - Emergency Service Units

Division 3 - Membership

Section of DMA	Description
94(2)	In the specified circumstances, the power to nominate a member of a ES unit as the ES unit coordinator.

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 - Environmental Protection (Waste Management) Regulation 2000

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.

Environmental Protection (Waste Management) Regulation 2000 ("EPWMR")**Part 2A - Waste Management in Local Government Areas****Division 2 - General Waste****Subdivision 1 - Storage of General Waste**

Entity Power Given To	Section of EPWMR	Description
Local Government	10C(1)(b)	Power to require the owner or occupier of premises, to supply enough waste containers, other than standard general waste containers, to contain the general waste produced at the premises.
Local Government	10D(1)(a)	Power to require the occupier of premises to store general waste in another type of container.
Local Government	10E(1)(a)	Power to require the occupier of serviced premises to keep a waste container at a particular place at the premises.
Local Government	10F(2)	Power to require that the following is supplied at the premises:- <ul style="list-style-type: none"> • An elevated stand at a level required by the local government for holding all waste containers; or • An imperviously paved area, drained as required by the local government, upon which can be stood all waste containers; and • A suitable hose cock and hose in the vicinity of the stand or paved area. • A suitable enclosure for the area where waste containers are kept.
Local Government	10H(2)	Power to give the occupier of premises a notice stating <ul style="list-style-type: none"> • The days on which the waste is to be collected. • Where the waste container is to be placed for collection. • The time by which the waste container is to be placed for collection.

Schedule 1

Entity Power Given To	Section of EPWMR	Description
Local Government	10I(2)	The power to:- (a) give a written approval to the owner or occupier of the premises for depositing or disposing of the waste; and (b) impose conditions on the approval.
Local Government	10J(1)	Where there is industrial waste, the power to require: <ul style="list-style-type: none"> • The number of industrial waste containers. • That waste containers be kept at a particular place on the premises. • That waste containers must be kept clean and in good repair.
Local Government	10K	Power to require the occupier of premises where there is industrial waste, to treat the waste to a standard approved by the local government.
Local Government	10M(3)	Power to give a written notice to require the owner occupier to fill a cesspit or cesspool with earth and remove any structures on or near.
Local Government	10N(1)(a)	Power to give written approval for placing, constructing or altering a sanitary convenience.
Local Government	10O(2)(b)	Power to require that nightsoil be buried in a particular place.

Part 3 - Receival and Disposal

Entity Power Given To	Section of EPWMR	Description
Waste facility owner, operator or controller	12(2)	In the specified circumstances, the power to give consent to a person depositing a specified waste at a waste facility.

Schedule 1

Entity Power Given To	Section of EPWMR	Description
Waste facility owner or operator	14(1)	Power to give consent to a person: <ul style="list-style-type: none"> <li data-bbox="737 427 1310 479">(a) entering a waste facility other than to deposit waste; or <li data-bbox="737 501 1310 553">(b) remaining on a waste facility after depositing waste; or <li data-bbox="737 575 1310 627">(c) interfering with waste at, or removing waste from, a waste facility.
Waste facility owner or operator	15(2)(c)	In the specified circumstances, the power to ask a person, who transports waste to a waste facility, to give information about the type and amount of waste being delivered.

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. The powers conferred under sections 12(2), 14(1) and 15(2)(c) must only be exercised in respect to a waste facility owned, operated or otherwise controlled by Council.
3. 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.
4. 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.
5. 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).
6. 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.
7. 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.
8. The delegate will not exercise any power which cannot lawfully be the subject of delegation by Council.

INSTRUMENT OF DELEGATION

South Burnett Regional Council - Fire and Rescue Service 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 Rescue Service Act 1990 ("FRSA")**Part 9B- Review of Notices**

Section of FRSA	Description
104(2)(b)(ii)	Power to nominate persons as assessors to assist QCAT in proceedings mentioned in s104SG(1).

Part 10 - Funding**Division 1 - Interpretation**

Section of FRSA	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 FRSA	Description
112(1)(a)	In respect of each financial year, the power to, at the first day of the financial year, determine the prescribed properties within Council's area.
117(3)	In the specified circumstances, the power to decide the way in which Council keeps the administration fee.
121(1)	Power to approve an application by an owner of a prescribed property to pay an outstanding amount in instalments.
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.

Schedule 2

Limitations and Conditions to the Exercise of Power

1. The Chief Executive Officer may sub-delegate the powers contained in Schedule 1 with the exception of powers delegated under section 104(2)(b)(ii) of the *Fire and Rescue Service Act 1990*.
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 - 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(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.

Schedule 1

Division 3- Provisional Licences

Section of FA	Description
64	In the specified circumstances, the power to issue a provisional licence to the applicant.

Part 4 - Term and Condition of Licences

Section of FA	Description
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.

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

Section of FA	Description
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.
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.
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.

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.

Schedule 1

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(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.
83	In the specified circumstances, the power to suspend a licence immediately.

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

Section of FA	Description
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.

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.
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)(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.
110(2)	In the specified circumstances, the power to have regard to the results of a compliance or non-conformance audit of the program.

Schedule 1

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.
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.
115(2)	Power to be satisfied that the amendment complies with the direction under section 114.

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.

Schedule 1

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(1)	In the specified circumstances, the power to make a further decision after reviewing the original decision.

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 – 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
Agency	33	For the specified circumstance, power to: (c) be satisfied on reasonable grounds that the transfer is necessary; or (d)(i) reasonably believe 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. (d)(iv) take reasonable steps to ensure that the personal information it transfers will not be held, used or disclosed by the recipient of the information in a way that is inconsistent with the IPPs.

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

Entity Power Given To	Section of IPA	Description
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Schedule 1

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.

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.
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.

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.

Schedule 1

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

Division 4 - Transfers

Entity Power Given To	Section of 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.
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.

Schedule 1

Entity Power Given To	Section of IPA	Description
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.

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: (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.

Schedule 1

Entity Power Given To	Section of IPA	Description
Agency	72(1)	Power to refuse to amend a document if the agency is not satisfied: (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: (a) altering the personal information; or (b) adding an appropriate notation to the personal information.
Agency	76(3)(b)	Power to give the applicant written notice of the nature of the notation.
Agency	76(5)	Power to decide the information to which the notice relates is not information in relation to which the applicant was entitled to apply to the agency for amendment of the document.
Agency	76(5)(b)	In the specified circumstances, power to give prescribed written notice to the applicant of the decision.

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

Entity Power Given To	Section of IPA	Description
Agency	81(1)	Power to consider whether an access charge for an access application should be waived.

Schedule 1

Entity Power Given To	Section of IPA	Description
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	89(c)	Power to decide that an applicant would wish to be given access to a copy of a document and to give access.
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 information giver for the disclosure of information given by that person.

Schedule 1

Entity Power Given To	Section of IPA	Description
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.
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.

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
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Instrument of Delegation (Chapter 3)
Information Privacy Act 2009

Schedule 1

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.
Agency	159(3)(b)	In the specified circumstances, power to give the commissioner an undertaking to take the stated action within the extended period.

Limitations 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 -
Land Protection (Pest and Stock Route Management) Act 2002*

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

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

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

Instrument of Delegation
Land Protection (Pest and Stock Route Management) Act 2002

1

Land Protection (Pest and Stock Route Management) Act 2002 ("LPA")**CHAPTER 2 - PEST MANAGEMENT****Part 6- Declared Pest Fences¹****Division 1 - Fixing building line and building declared pest fences**

Entity Power Given to	Section of LPA	Description
Building Authority - Local Government	48(1)	In the specified circumstances, the power to decide to build a declared pest fence on or as near as practicable to the building line.

Division 2 - General provisions about declared pest fences

Entity Power Given to	Section of LPA	Description
Building Authority - Local Government	51(2)	In the specified circumstances and before entering the land, the power to— (a) obtain the owner's consent to the entry; or (b) give the owner written notice of— (i) the intended entry; and (ii) the purpose of the entry; and (iii) the likely dates and times of entry.
Building Authority - Local Government	51(3)	In the specified circumstances, the power to be satisfied it is impracticable to give the notice under section 51(2)(b) of the <i>Land Protection (Pest and Stock Route Management) Act 2002</i> .
Building Authority - Local Government	51(5)	In the specified circumstances and if you need to enter the land in urgent circumstances, the power to give the owner the notice that is reasonably practicable in the circumstances.
Building Authority - Local Government	52(1)	Power to enter into an agreement with another person about making an opening in a declared pest fence for a particular purpose and period.

Instrument of Delegation
Land Protection (Pest and Stock Route Management) Act 2002

Schedule 1

Entity Power Given to	Section of LPA	Description
Building Authority - Local Government	53(1)	Power to form the reasonable belief that a person has committed an offence against section 55 of the <i>Land Protection (Pest and Stock Route Management) Act 2002</i> .
Building Authority - Local Government	53(2)	In the specified circumstances, the power to, by written notice given to a person, require the person, by the reasonable date stated in the notice, to restore the declared pest fence to the condition it was before the fence was damaged or opened.
Building Authority - Local Government	53(3)	In the specified circumstances, the power to accompany or include with the notice an information notice about your decision to make the requirement.
Building Authority - Local Government	53(4)	In the specified circumstances and if the person does not comply with the notice, the power to carry out the restoration.
Building Authority - Local Government	54(2)	In the specified circumstances, the power to promptly give written notice of the particulars of the damage to the person who appears to you to be the owner or person in possession of the thing.
Building Authority - Local Government	54(4)	Power to: <ul style="list-style-type: none"> • form the belief that damage was caused by a latent defect in the thing or other circumstances beyond your control; and • state the belief in the notice.
Building Authority - Local Government	54(5)(a)	In the specified circumstances, the power to form the reasonable belief that the damage is trivial.

Schedule 1

Part 8 - Pest Control for Land

Division 2 - Controlling pests

Entity Power Given to	Section of LPA	Description
Local Government	78(1)(b)	Power to form a reasonable belief a class 3 pest on an owner's land is causing, or has the potential to cause, an adverse economic, environmental or social impact on: <ul style="list-style-type: none"> (a) the owner's land that is, or is in or adjacent to, an environmentally significant area; or (b) an environmentally significant area adjacent to the owner's land.
Local Government	78(2)	In the specified circumstances, the power to give an owner a written notice (a pest control notice).
Local Government	78(3)(b)	In the specified circumstances, the power to be satisfied that an animal or plant, that is not a declared pest: <ul style="list-style-type: none"> (a) is threatening, or is likely to threaten, the survival of native wildlife in the area; or (b) is affecting, or is likely to affect, the area's capacity to sustain natural processes.
Local Government	79(3)	After considering a request made under section 79(1) of the <i>Land Protection (Pest and Stock Route Management) Act 2002</i> , the power to, by written notice given to a landowner: <ul style="list-style-type: none"> (a) extend the period to a date stated in the notice if satisfied: <ul style="list-style-type: none"> (i) it is not reasonably practicable for the person to comply with the notice in the period; or (ii) it is otherwise reasonable in the circumstances to extend it; or (b) refuse to extend the period.
Local Government	79(4)	In the specified circumstances, the power to give a landowner an information notice about a decision.
Local Government	80(1)	In the specified circumstances, the power to give an owner a written notice (an entry notice).
Local Government	80(3)	Power to give a landowner a further entry notice if you reasonably believe it is necessary for a pest controller to enter the land to check the effectiveness of action taken under an entry notice or take further action.

Instrument of Delegation
Land Protection (Pest and Stock Route Management) Act 2002

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Schedule 1

Entity Power Given to	Section of LPA	Description
Local Government	81(1)	Power to authorise a pest controller to: <ul style="list-style-type: none"> (a) at a reasonable time, enter an owner's land on the date stated in an entry notice or as soon as practicable after the stated date; and (b) take the action stated in the notice; and (c) take onto the land the persons, equipment and materials the pest controller reasonably requires to take the action.
Local Government	82(1)(c)	Power to cancel an entry notice.

CHAPTER 3 - STOCK ROUTE NETWORK MANAGEMENT**Part 4 - Stock Route Agistment Permits****Division 1 - Obtaining permits**

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

Instrument of Delegation
Land Protection (Pest and Stock Route Management) Act 2002

Schedule 1

Entity Power Given to	Section of LPA	Description
Local Government	119(1)(b)	In the specified circumstances, the power to give an applicant a review notice about the decision.
Local Government	121(a)	In the specified circumstances, the power to give an applicant a review notice about the decision.

Division 2 - Renewing permits

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

Division 3 - Conditions of permits

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

Instrument of Delegation
Land Protection (Pest and Stock Route Management) Act 2002

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Schedule 1

Division 4 - Cancellation of permits

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

Division 6 - Replacing permits

Entity Power Given to	Section of LPA	Description
Local Government	130(1)	Power to, by written notice, require the holder of a stock route agistment permit to return the permit, within a stated reasonable period, for amendment under a decision made under section 127(4) or 129(2)(b)(ii) to (iv) of the <i>Land Protection (Pest and Stock Route Management) Act 2002</i> .

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

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

Instrument of Delegation
Land Protection (Pest and Stock Route Management) Act 2002

7

Schedule 1

Division 3 - Notice of correct particulars

Entity Power Given to	Section of LPA	Description
Local Government	141(1)	In the specified circumstances, the power to, by written notice, require the holder to return the stock route travel permit.

Division 4 - Conditions of permits

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

Division 5 - Cancellation of permits

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

Division 7 - Miscellaneous provisions

Entity Power Given to	Section of LPA	Description
Local Government	146(1)	Power to, by written notice, require the holder of a stock route travel permit to return the permit within a stated reasonable period for amendment under a decision made under section 143(4) or 145(2)(b)(ii) to (iv) of the <i>Land Protection (Pest and Stock Route Management) Act 2002</i> .
Local Government	147(2)	Power to authorise inspections to calculate the rate of travel of stock.

Instrument of Delegation
Land Protection (Pest and Stock Route Management) Act 2002

Schedule 1

Part 6 - Fencing Stock Routes

Entity Power Given to	Section of LPA	Description
Local Government	148(1)	Power to consider whether it is necessary to build a stock-proof fence on the boundary of land adjoining a stock route network in order to protect or improve the stock route network.
Local Government	149(1)	In the specified circumstances, the power to, by written notice (a fencing notice) given to a land owner, require the land owner to build a stock-proof fence on the boundary of the land to prevent stock on the land entering a part of the stock route network.

Part 7 - Other Provisions about Stock Route Network Management**Division 1 - Mustering stock**

Entity Power Given to	Section of LPA	Description
Local Government	156(1)	In the specified circumstances, the power to, by written notice (a mustering notice) given to a permit holder, require the permit holder to muster the permit holder's stock on the land.

Division 2 - Pasture on the stock route network

Entity Power Given to	Section of LPA	Description
Local Government	161(2)	Power to, by written notice given to a landowner, require the owner to reduce the number of stock on the land.

Division 3 - Travelling stock facilities and water facility agreements

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

Schedule 1

Part 8 - Other Offences about the Stock Route Network

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

CHAPTER 5 - LAND PROTECTION COUNCIL AND LAND PROTECTION FUND**Part 2 - Land Protection Fund**

Entity Power Given to	Section of LPA	Description
Local Government	212(3)	Power to decide the regular intervals payments under section 212(2)(a) must be made.

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 - 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.

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

Section of LA	Description
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.
121A(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 of 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**

Section of LA	Description
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.
173C(2)	Power to specify the period or times during which the designation is to have effect.
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> .
173E(1)	Power to repeal or amend a designation under section 173C of the <i>Liquor Act 1992</i> .
173N(4)	Power to give the Queensland Police a written notice of suspension of designation of a public place in a restricted area.

Schedule 2

Limitations 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 - 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.

Local Government Act 2009 ("LGA")**CHAPTER 3 - THE BUSINESS OF LOCAL GOVERNMENT****Part 1 - Local Laws****Division 4 - Action by the Minister About Particular Local Laws**

Entity Power given to	Section of LGA	Description
CEO	38B(9)	Power to ask the police commissioner to give the chief executive officer information about noise abatement directions given to persons in the local government area.

Part 3 - Roads and Other Infrastructure**Division 1- Roads**

Entity Power given to	Section of LGA	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	62(7)	In the specified circumstances, power to give the claimant written notice of council's decision on the claim.
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 its decision on all owners of land who were served with the notice of intention to acquire land.
Local government	67(2)	In the specified circumstances, power to decide whether any of the rights specified in this subsection are appropriate.
Local government	69(1)	Power to close a road.
Local government	69(2)(c)	Power to decide whether to close a road in the circumstances specified.

Schedule 1

Entity Power given to	Section of LGA	Description
Local government	69(3)	Power to publish notice of the closing of a road and power to consider what is an appropriate way to publish the notice.
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: <ul style="list-style-type: none"> (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).
CEO	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 of 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 1 or more of the following: <ul style="list-style-type: none"> (a) give the entity a direction about the use of the road to lessen the impact; (b) require the entity: <ul style="list-style-type: none"> (i) to carry out works to lessen the impact; or

Schedule 1

Entity Power given to	Section of LGA	Description
		(ii) to pay an amount as compensation for the impact.
Local government	72(4)	Power to require the works be carried out or the amount be paid before the impact commences or intensifies.
Local government	74(4)	Power to authorise an employee of the local government to sign a certificate relating to the matters in this section. [Note: this requires a separate authorisation of an employee to be given.]
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 LGA	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)	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 government	78(5)	For a notice provided in subsection (4), power to decide a time that is reasonable.

Division 3- Other matters

Entity Power given to	Section of LGA	Description
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Schedule 1

Entity Power given to	Section of LGA	Description
Local government	80A(1)	Power to establish a mall in its local government area.
Local government	80B(1)	Power to provide a ferry service across a watercourse if the land that forms both banks of the watercourse is in its local government area.
Local government	80B(3)	Power to lease the right to provide a ferry service across a watercourse that it has the exclusive right to provide a ferry service across.

CHAPTER 4 - FINANCES AND ACCOUNTABILITY**Part 1 - Rates and Charges**

Entity Power given to	Section of LGA	Description
CEO	95(3)(b)	Power to sign a certificate that states there is a charge of the land for overdue rates and charges.
CEO	95(5)(b)	Power to sign a certificate that states the overdue rates and charges have been paid.

Part 3 - Financial Sustainability and Accountability

Entity Power given to	Section of LGA	Description
Local government	107(3)	Power to enter into a contract of insurance on behalf of the local government.

CHAPTER 5 - MONITORING AND ENFORCING THE LOCAL GOVERNMENT ACTS**Part 2 - The Public****Division 1 - Power of authorised persons**

Entity Power given to	Section of LGA	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;

Schedule 1

Entity Power given to	Section of LGA	Description
		(b) the reason for entering the property; (c) an estimation of when the property will be entered.
Local government	134(5)	Power to give the public notice of the approval of an inspection program.
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 - Power of other persons

Entity Power given to	Section of LGA	Description
Local government	140(1)(a)	Power to give a remedial notice to the owner of a property.
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	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.

CHAPTER 6 - ADMINISTRATION**Part 2 - Councillors****Division 3 - Vacancies in councillor's office**

Entity Power given to	Section of LGA	Description
CEO	166(6)	In the specified circumstances, power to request the political party to advise the full name and address of its nominee.

Schedule 1

Division 5 - Obligations of councillors

Entity Power given to	Section of LGA	Description
CEO	170A(3)	Power to make guidelines about the way in which a councillor is to ask a local government employee for advice to help the councillor to make a decision.

Division 6- Conduct and performance of councillors

Entity Power given to	Section of LGA	Description
CEO	176B(4)	Upon receipt of a complaint under subsection (2), the power to conduct a preliminary assessment of the complaint.
Complaints assessor (the CEO)	176C(2)	The power to decide that no further action need be taken in relation to a complaint if the circumstances of that subsection is satisfied
Complaints assessor	176C(3)	The power to refer a complaint to the Department's Chief Executive or to the Mayor in the circumstances prescribed in that subsection.
Complaints assessor	176C(4)	The power to refer a complaint to the Department's Chief Executive; or the regional conduct review panel or the Tribunal in the circumstances of that subsection.
Complaints assessor	176C(7)	The power, after acting under subsection (2)-(6) to give the entity that made the complaint and the accused councillor a written notice in accordance with the subsection.
CEO	181A(1)	The power to keep a record of written complaints received under this Part and in accordance with this Section.

Part 5 - Local Government Employees**Division 2 – Other local government employees**

Entity Power given to	Section of LGA	Description
CEO (as part of a panel)	196(4)	Power to appoint a senior executive employee.

Schedule 1

Part 5 - Local Government Employees**Division 3 - Common provisions**

Entity Power given to	Section of LGA	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.

Part 6 - Authorised Persons

Entity Power given to	Section of LGA	Description
CEO	202(1)	Power to appoint a qualified person to be an authorised person.
CEO	202(5)	Power to give a written notice stating the conditions of an authorised person's appointment.
CEO	204(1)	Power to give each authorised person an identity card.

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

Entity Power given to	Section of LGA	Description
Local government	226(1)	Power to establish and amend a superannuation scheme for councillors or take part in a superannuation scheme for councillors.
Local government	226(4)	For the specified reasons, power to enter into an arrangement with a councillor of the local government.

Part 4 - Legal Provisions

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

Schedule 1

Entity Power given to	Section of LGA	Description
CEO	240(1)	Power to: (a) give instructions and act as the authorised agent for the local government; and (b) sign all documents for the local government.
Local government	240(1)	Power to authorise in writing another employee, other than the chief executive officer, to: (a) give instructions and act as the authorised agent for the local government; and (b) sign all documents for the local government.
CEO	248(2)	The power to certify a local law or consolidate a version of a local law in accordance with the section.

Part 6 - Other Provisions

Entity Power given to	Section of LGA	Description
Local government	262(2)	In the specified circumstances, power to do anything that is necessary or convenient for performing the responsibilities of a delegate of the local government.
Local government	268(1)	Power to adopt a process for resolving administrative action complaints.

Schedule 2

Limitations and Conditions to the Exercise of Power

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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 - Local Government Regulation 2012

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

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

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

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

Entity Power Given To	Section of LRG	Description
Local government	55(4)	Power to , within seven (7) days after making the resolution, give notice of the resolution to: (a) The complainant; and (b) The QCA; and (c) If a corporatised business entity is conducting the business activity—the corporatised business entity.

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

Entity Power Given To	Section of LRG	Description
Chief Executive Officer ('CEO') (delegation not required)	83(3)	Power to appoint a qualified person as a categorisation officer for this division.
CEO (delegation not required)	84(1)	Power to give a categorisation officer an identity card.

Division 4 – Objecting to rates category

Entity Power Given To	Section of LRG	Description
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Schedule 1

Entity Power Given To	Section of LRG	Description
CEO (delegation not required)	91(2)	Power to consider the objection and decide: (a) to change the rating category for the land: (i) to the rating category to which the owner claims in the objection notice the land should belong; or (ii) to another rating category; or (b) not to allow the objection.
CEO (delegation not required)	91(3)	Power to give the owner notice of the decision and the reasons for the decision.

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

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

Subdivision 3 – Acquiring land for overdue rates or charges

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

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

Entity Power Given To	Section of LRG	Description
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Schedule 1

Entity Power Given To	Section of LRG	Description
CEO (delegation not required)	156(2)	In certain circumstances, power to, as soon as practicable, give the ratepayer an information notice about the amendment.

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

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

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

Entity Power Given To	Section of LRG	Description
Local government	201(2)	In certain circumstances, power to transfer money from a trust fund.

Part 9 – Accounting Records

Entity Power Given To	Section of LRG	Description
CEO (delegation not required)	204(2)	Power to present the financial report: (a) if the local government meets less frequently than monthly—at each meeting of the local government; or (b) otherwise—at a meeting of the local government once a month.
CEO (delegation not required)	205(1)	Power to present the local government's annual budget meeting with a statement of estimated financial position.

Schedule 1

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

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

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

Entity Power Given To	Section of LRG	Description
CEO (delegation not required)	279	Power to be satisfied that that the employee has: (a) failed to perform their responsibilities under the Act; or (b) failed to perform a responsibility under the Act in accordance with the local government principles; or (c) taken action under the Act in a way that is not consistent with the local government principles.
CEO (delegation not required)	282(1)	Power to be satisfied, on reasonable grounds, that a local government employee will be subject to disciplinary action.

Schedule 1

Entity Power Given To	Section of LRG	Description
CEO (delegation not required)	282(1)	Power to suspend the employee from duty.
CEO (delegation not required)	283(1)	Power to give the employee: (a) written notice of the following: (i) the disciplinary action to be taken; (ii) the grounds on which the disciplinary action is taken; (iii) the particulars of conduct claimed to support the grounds; and (b) a reasonable opportunity to respond to the information contained in the written notice.

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

Entity Power Given To	Section of LRG	Description
CEO (delegation not required)	296	In certain circumstances, the power to inform the <i>informed person</i> .

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

Entity Power Given To	Section of LRG	Description
CEO (delegation not required)	305(2)	Power to consider it appropriate to include other information in the register.

Part 6 – Reporting missing local government property

Entity Power Given To	Section of LRG	Description
Local government	307A(2)	In certain circumstances, power to give written notice to the auditor-general.
Local government	307A(3)	In certain circumstances, power to suspect that property may have been stolen and to give written notice to a police officer.

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 – Neighbourhood Disputes Resolution 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 and conditions contained in Schedule 2.

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

Schedule 1

Neighbourhood Disputes Resolution Act 2011 ("NDRA")**CHAPTER 3 - TREES****Part 8 - Assistance from local government**

Entity Power Given To	Section of NDRA	Description
Local Government	88(1)(d)	Power to decide to take action under section 88
Local Government	88(3)	Power to authorise an appropriately qualified person to enter a tree-keeper's land
Local Government	88(4)	Power to give a tree-keeper a notice of the intention to enter the land
Local Government	88(5A)	Subject to the occurrence of s 88(5)(b) or s88(5)(c), power to give a tree-keeper notice of entry to land

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.

PEACEFUL ASSEMBLY ACT 1992/INSTRUMENT OF DELEGATION - REPRINT 1A*.DOC

INSTRUMENT OF DELEGATION

Peaceful Assembly 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 are repealed.

Schedule 1 Powers Conferred	
Section of the <i>Peaceful Assembly Act 1992</i>	Description
4 - definition of "representative" - paragraph (b)	Power to nominate an officer of Council to be Council's representative.
10(2)(b)	In the specified circumstances, the power to give a notice of permission for a public assembly stating Council does not oppose the holding of the assembly.
11(1)	In the specified circumstances, the power to, in a notice given under section 10(2)(b) of the <i>Peaceful Assembly Act 1992</i> , specify conditions to which the giving of the notice is subject.
11(2)(a)	In the specified circumstances, the power to have regard to the objects of the <i>Peaceful Assembly Act 1992</i> .
11(4)	In the specified circumstances, the power to consult, or attempt to consult, with - (a) if there is a body known to you to represent persons who have a significant interest in the place of assembly - the body; or (b) in any other case - each person, body or agency (an " interested person ") known to you to have a significant interest in, or responsibility for, the place of assembly.

*Peaceful Assembly Act 1992 - Reprint No. 1A**

PEACEFUL ASSEMBLY ACT 1992/INSTRUMENT OF DELEGATION - REPRINT 1A*.DOC

Schedule 1	
Powers Conferred	
Section of the <i>Peaceful Assembly Act 1992</i>	Description
11(5)	<p>If you consider that, because of time constraints and the number of interested persons involved, it is not practicable -</p> <ul style="list-style-type: none"> (a) to hold separate consultations with each interested person; or (b) to contact each interested person for the purpose of arranging consultations; <p>the power to -</p> <ul style="list-style-type: none"> (c) fix a reasonable time and place for holding the consultations; and (d) cause a notice of the time and place to be published in a newspaper circulating in the area in which the assembly is proposed to be held.
12(1)	In the specified circumstances, the power to apply to a Magistrates Court for an order refusing to authorise the holding of an assembly.
13(1)(a)	In the specified circumstances, the power to have regard to the objects of the <i>Peaceful Assembly Act 1992</i> .
13(1)(b)	<p>In the specified circumstances, the power to form the opinion, on reasonable grounds, that if the assembly were to be held -</p> <ul style="list-style-type: none"> (i) the safety of persons would be likely to be placed in jeopardy; or (ii) serious public disorder would be likely to happen; or (iii) the rights or freedoms of persons would be likely to be excessively interfered with.
13(1)(c)	In the specified circumstances, the power to consult, or attempt to consult, with each person, body or agency (an " interested person ") with which you would be required to consult under section 11(4) of the <i>Peaceful Assembly Act 1992</i> .
13(2)	In the specified circumstances, the power to request a mediation session be held.

Peaceful Assembly Act 1992 - Reprint No. 1A*

PEACEFUL ASSEMBLY ACT 1992/INSTRUMENT OF DELEGATION - REPRINT 1A*.DOC

Schedule 1	
Powers Conferred	
Section of the <i>Peaceful Assembly Act 1992</i>	Description
13(3)	<p>If you consider that, because of time constraints and the number of interested persons involved, it is not practicable, for the purpose of section 13(1)(c) of the <i>Peaceful Assembly Act 1992</i> -</p> <p>(a) to hold separate consultations with each interested person; or</p> <p>(b) to contact each interested person for the purpose of arranging consultations;</p> <p>the power to -</p> <p>(c) fix a reasonable time and place for holding the consultations; and</p> <p>(d) cause a notice of the time and place to be published in a newspaper circulating in the area in which the assembly is proposed to be held.</p>

Schedule 2	
Limitations to the Exercise of Power	
1. The Chief Executive Officer may not sub-delegate the powers contained in Schedule 1.	

*Peaceful Assembly Act 1992 - Reprint No. 1A**

INSTRUMENT OF DELEGATION

South Burnett Regional Council - Plumbing and Drainage Act 2002

Under Section 259 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.

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

Entity Power given to	Section of PDA	Description
Local government	84(3)	In the specified circumstances and if satisfied the plans or work comply with the <i>Standard Plumbing and Drainage Regulation</i> , the power to issue: <ul style="list-style-type: none"> (a) for a plan — a compliance permit; or (b) for work — a compliance certificate.

Division 3 - Assessing plans

Entity Power given to	Section of PDA	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 for regulated work or on site sewerage work.
Local government	85(6)	In deciding a compliance request, the power to: <ul style="list-style-type: none"> (a) give the person making the compliance request a compliance permit; or (b) refuse to give a compliance permit.
Local government	85(7)	Power to give a compliance permit on reasonable and relevant conditions decided by you for achieving compliance.
Local government	85(8)	If a compliance permit is given, the power to also give a copy of the compliance permit to: <ul style="list-style-type: none"> (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. (c) if the permit relates to a greywater use facility that is or includes a large greywater treatment plant – the regulator.

Schedule 1

Entity Power given to	Section of PDA	Description
Local government	85(10)	If a compliance permit is refused or given on conditions, the power to give the person who made the compliance request an information notice about the decision.
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.
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 PDA	Description
Local government	86(5)	Power to assess regulated work at the stages prescribed under a regulation.

Schedule 1

Entity Power given to	Section of PDA	Description
Local government	86(6)	In the specified circumstances the power to decide not to carry out the assessment. If an approval person for the assessment gives it a notice (a notice of compliance) in an approved form verifying that the work complies with: <ul style="list-style-type: none"> (a) the relevant compliance permit; and (b) the <i>Standard Plumbing & Drainage Regulation</i>.
Local government	86(7)	After assessing the work, the power to ask the person making the request for compliance assessment to supply a plan of the assessed work.
Local government	86(9)	In deciding a request for compliance assessment of regulated work, the power to: <ul style="list-style-type: none"> (a) give the person making the request a compliance certificate; or (b) refuse to give a compliance certificate.
Local government	86(10)	If a compliance certificate is given, the power to also give a copy of the compliance certificate to the: <ul style="list-style-type: none"> (a) 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. (c)
Local government	86(12)	If a compliance certificate is refused, the 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	86A(3)(b)	In the specified circumstances, after the work has been completed, the power to ask the person who made the request to provide a plan of the completed work.

Schedule 1

Entity Power given to	Section of PDA	Description
Local government	86A(5)	In the specified circumstances and in deciding a request for compliance assessment of certain regulated work or on-site sewerage work, the power to: (a) give the person making the request a compliance certificate; or (b) refuse to give a compliance certificate.
Local government	86A(6)	In the specified circumstances and if a compliance certificate is given, the 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)	In the specified circumstances and if a compliance certificate is refused, the power to give the person who made the request an information notice about the decision.
Local government	86D(3)	In the specified circumstances the 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)	In the specified circumstances the 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)	The 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 PDA	Description
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Schedule 1

Entity Power given to	Section of PDA	Description
Local government	107(1)	For the <i>Plumbing and Drainage Act 2002</i> , the 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 PDA	Description
Local government	115(1)	Before an enforcement notice is given under section 116(1)(a)(ii) to (iv) or (2) or (c) or (2) of the <i>Plumbing and Drainage Act 2002</i> , the power to give a person written notice (a show cause notice) inviting the person to show cause why an enforcement notice should not be given to the person.
Local government	116(1)(a)	Power to give written notice to the owner of premises requiring the owner to do a stated thing if the local government reasonably believes plumbing or drainage on the premises: <ul style="list-style-type: none"> (i) is in a condition, or functions in a way, that constitutes a danger or health risk to occupiers of the premises or the public; or (ii) is defective and should be altered, repaired or replaced; or (iii) is not adequate to deal with the sewerage or greywater generated on the premises or is in a condition that unreasonably interferes, or is likely to unreasonably interfere, with the use of enjoyment of any other premises; or (iv) was installed without, or not in accordance with the local government's approval.
Local government	116(1)(b)	Power to give written notice to the owner of premises requiring the owner to do a stated thing if the local government reasonably believes that the premises is not in a sewered area and the absence of an on-site sewerage facility on the premises constitutes a danger or health risk to occupiers of the premises or the public.

Schedule 1

Entity Power given to	Section of PDA	Description
Local government	116(1)(c)	Power to give written notice to the owner of premises requiring the owner to do a stated thing if the local government believes that the owner has contravened, or is contravening, section 128K, 128L or 128M ¹ .
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 the specified circumstances, the power to form the reasonable belief 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 the specified circumstances, the power to give written notice to an owner or occupier of premises to do any of the following: <ul style="list-style-type: none"> (a) install a backflow prevention device; (b) register a backflow prevention device that is required to be registered under the <i>Standard Plumbing and Drainage Regulation</i>; (c) have a backflow prevention device inspected, tested and if necessary repaired or replaced by a licensee licensed to do the work.

Part 6A - General Offences**Division 2 - Building and installation and related offences**

Entity Power given to	Section of PDA	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.

¹ Section 128K (Offence about discharging black water), 128L (Offences about discharging kitchen grey water from premises) or 128M (Offences about discharging grey water other than kitchen grey water from premises).

Schedule 1

Division 5 - Discharge and disposal offences

Entity Power given to	Section of PDA	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).

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 -
Public Health (Infection Control for Personal Appearance Services) 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 and conditions contained in Schedule 2.

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

Schedule 1

**Public Health (Infection Control for Personal Appearance Services) Act 2003
("PHICA")**

Part 4 - Licences to Carry On Business Providing Higher Risk Personal Appearance Services

Division 1 - Applications for and issue of licences

Section of PHICA	Description
33	Power to consider an application for a licence and either grant, or refuse to grant, the application.
34	Power to grant an application for a licence only if satisfied of the specified criteria.
35(1)	In deciding whether a person is a suitable person to hold a licence, the power to have regard to the specified matters.
36	In deciding whether premises at which higher risk personal appearance services are to be provided are suitable for providing the services, the power to have regard to the specified matters.
37(1)	Before deciding an application for a licence, the power to — (a) make inquiries to decide the suitability of — (i) the applicant to hold a licence; and (ii) the premises for providing higher risk personal appearance services; and (b) by notice given to the applicant, require the applicant to give you within the reasonable time of at least 40 days stated in the notice, further information or a document you reasonably require to decide the application.
38(1)	If you decide to grant an application for a licence, the power to — (a) issue a licence to the applicant; and (b) advise the applicant where a copy of the infection control guidelines may be obtained.
38(2)	If you decide to impose conditions on a licence, the power to immediately give the applicant an information notice for the decision.
38(3)	If you decide to refuse to grant an application for a licence, the power to immediately give the applicant an information notice for the decision.

Schedule 1

Section of PHICA	Description
39(4)	If an application for a licence is refused under section 39 of the <i>Public Health (Infection Control for Personal Appearance Services) Act 2003</i> , the power to give an information notice to an applicant for the decision.
40(2)	Power to decide an earlier date a licence ends.
41(1)(c)	Power to impose other reasonable conditions you consider appropriate to give effect to the <i>Public Health (Infection Control for Personal Appearance Services) Act 2003</i> by stating the conditions in the licence.
41(2)(b)	Power to consider another time, in which you may impose conditions under section 41(1)(c) of the <i>Public Health (Infection Control for Personal Appearance Services) Act 2003</i> , is necessary to minimise the infection risk associated with the provision of higher risk personal appearance services under a licensee's licence.
41(3)	If you decide to impose conditions under section 41(2)(b) of the <i>Public Health (Infection Control for Personal Appearance Services) Act 2003</i> , the power to immediately give a licensee an information notice for the decision.

Division 2 - Renewal of licences

Section of PHICA	Description
44(4)	Power to consider an application for renewal of a licence and renew, or refuse to renew, a licence.
44(5)	In deciding whether to grant an application for renewal of a licence, the power to have regard to the specified matters.
44(6)	If you decide to refuse to renew a licence, the power to immediately give the licensee an information notice for the decision.
44(7)	If you decide to impose conditions on a licence, the power to immediately give the licensee an information notice for the decision.
45(1)	Before deciding an application for renewal of a licence, the power to, by notice given to the licensee, require the licensee to give you, within a reasonable period of at least 40 days stated in the notice, further information or a document you reasonably require to decide the application.

Division 3 - Amendment of licences

Section of PHICA	Description
47(3)	Power to consider an application for an amendment of a licence and amend, or refuse to amend, the licence.

Schedule 1

Section of PHICA	Description
47(4)	Without limiting section 47(1) of the <i>Public Health (Infection Control for Personal Appearance Services) Act 2003</i> , the power to amend a licence by changing the location of the premises, or adding additional premises, from which the licensee proposes to carry on business providing higher risk personal appearance services.
47(5)	If the amendment relates to the premises covered by a licence, the power to amend the licence only if satisfied on reasonable grounds that the premises comply with the requirements of the <i>Public Health (Infection Control for Personal Appearance Services) Act 2003</i> .
47(6)	If you decide to refuse to amend a licence, the power to immediately give the licensee an information notice for the decision.
47(7)	If you decide to impose conditions on an amended licence, the power to immediately give the licensee an information notice for the decision.
48(1)	Before deciding an application for an amendment of a licence, the power to, by notice given to a licensee, require the licensee to give you, within a reasonable period of at least 40 days stated in the notice, further information or a document you reasonably require to decide the application.

Division 4 - Transfer of licences

Section of PHICA	Description
49(3)	Power to consider an application for transfer of a licence and either grant, or refuse to grant, the application.
49(4)	Power to grant an application for transfer of a licence only if satisfied of the specified criteria.
49(5)	In deciding whether to grant an application for transfer of a licence, the power to, in relation to the proposed transferee, have regard to the matters to which a local government may have regard in deciding whether a person is a suitable person to hold a licence and whether the premises are suitable for providing higher risk personal appearance services.
49(6)	If you decide to refuse to transfer a licence, the power to immediately give the licensee an information notice for the decision.
49(7)	If you decide to impose conditions on a transferred licence, the power to immediately give a transferee an information notice for the decision.
50(1)	Before deciding an application for transfer of a licence, the power to, by notice given to a licensee, require the licensee to give you, within a reasonable period of at least 40 days stated in the notice, further information or a document you reasonably require to decide the application.

Schedule 1

Division 5 - Suspension or cancellation of licences

Section of PHICA	Description
51(2)	For forming a belief that the ground mentioned in section 51(1)(a) of the <i>Public Health (Infection Control for Personal Appearance Services) Act 2003</i> exists, the power to have regard to the matters to which a local government may have regard in deciding whether a proposed licensee is a suitable person to hold a licence.
52(1)	If a licence is issued, the power to form the belief a ground exists to suspend or cancel a licence.
52(2)	In the specified circumstances, the power to give a licensee a notice under section 52 of the <i>Public Health (Infection Control for Personal Appearance Services) Act 2003</i> (a " show cause notice ").
53(2)	Power to consider all representations (the " accepted representations ") made by a licensee under section 53(1) of the <i>Public Health (Infection Control for Personal Appearance Services) Act 2003</i> .
54(1)	Power to form the belief that a ground no longer exists to suspend or cancel a licence after considering the accepted representations for a show cause notice.
54(3)	In the specified circumstances, the power to give a licensee notice that no further action is to be taken about a show cause notice.
55(1)	Power to form a belief that — (a) a ground still exists to suspend or cancel a licence; and (b) a suspension or cancellation of the licence is warranted; after considering the accepted representations for a show cause notice.
55(3)	In the specified circumstances, the power to — (a) suspend a licence for not longer than the stated period — if the proposed action stated in the show cause notice was to suspend the licence for a stated period; or (b) either cancel a licence or suspend a licence for a period — if the proposed action stated in the show cause notice was to cancel the licence.
55(4)	Power to immediately give an information notice for the decision made under section 55(3) of the <i>Public Health (Infection Control for Personal Appearance Services) Act 2003</i> to a licensee.
56(1)	Power to suspend a licence immediately if you form the belief that — (a) a ground exists to suspend or cancel the licence; and (b) it is necessary to suspend the licence immediately because there is an immediate and serious risk of infection to the licensee's clients.

Schedule 1

Section of PHICA	Description
56(2)(a)	Power to effect the suspension by giving an information notice to a licensee about the decision to suspend the licensee's licence together with a show cause notice.
56(2)(c)(i)	Power to cancel the remaining period of a suspension.

Division 6 - Other provisions about licences

Section of PHICA	Description
62(1)	Power to consider an application for replacement of a licence and either grant, or refuse to grant, the application.
62(2)	Power to grant an application for replacement of a licence if satisfied the licence has been destroyed, lost or stolen, or damaged in a way to require its replacement.
62(3)	If you decide to grant an application for replacement of a licence, the power to, as soon as practicable, issue another licence to the applicant to replace the damaged, destroyed, lost or stolen licence.
62(4)	If you decide to refuse to grant an application for replacement of a licence, the power to immediately give the applicant an information notice for the decision.

Part 5 - Mobile Higher Risk Personal Appearance Services

Section of PHICA	Description
65(3)	In the specified circumstances, the power to agree to a lesser period for notification under section 65(2) of the <i>Public Health (Infection Control for Personal Appearance Services) Act 2003</i> .
68(1)(b)	In the specified circumstances, the power to consider that a licensee or operator has done or omitted to do something that, if done or omitted to be done in the first local government area, would be a contravention of the conditions of the licensee's licence.
68(2)	In the specified circumstances, the power to advise the first local government of the thing done or omitted to be done.

Schedule 1

Part 6 - Investigation and Enforcement**Division 1 - Authorised persons**

Section of PHICA	Description
70(1)	Power to appoint any of the following persons as authorised persons for Council and its area — (a) employees of Council; (b) if another local government consents - employees of the other local government; (c) other persons under contract to Council.
70(2)	Power to be satisfied that a person is qualified for appointment because the person has the necessary expertise or experience to be an authorised person.
72(1)	Power to impose conditions on how an authorised person holds office in — (a) the authorised person's instrument of appointment; or (b) a signed notice given to the authorised person.

Division 3 - Monitoring compliance

Section of PHICA	Description
105(1)	Power to monitor compliance with the <i>Public Health (Infection Control for Personal Appearance Services) Act 2003</i> by having authorised persons inspect places of business in Council's area.
105(2)	Power to charge business proprietors reasonable fees for inspections carried out.

Part 7 - Reviews and Appeals**Division 1 - Internal review of decisions**

Section of PHICA	Description
121(2)	Power to, at any time, extend the time for applying for a review.
122(1)	After reviewing an original decision, the power to make a further decision (the " review decision ") to — (a) confirm the original decision; or (b) amend the original decision; or (c) substitute another decision for the original decision.

Schedule 1

Section of PHICA	Description
122(2)	Power to immediately give the applicant notice of the review decisions (the "review notice").

Part 8 - Legal Proceedings**Division 3 - Proceedings**

Section of PHICA	Description
140(1)	Power to consider appropriate how a forfeited thing is dealt with.
140(2)	Power to destroy a forfeited thing.

Part 9 - Miscellaneous

Section of PHICA	Description
147	Power to approve forms for use under the <i>Public Health (Infection Control for Personal Appearance Services) Act 2003</i> .

Part 10 - Transitional

Section of PHICA	Description
153(3)	In the specified circumstances, the power to — (a) assess the suitability of an applicant and premises under the <i>Public Health (Infection Control for Personal Appearance Services) Act 2003</i> ; and (b) for that purpose make inquiries and require further information or a document under section 37 of the <i>Public Health (Infection Control for Personal Appearance Services) Act 2003</i> .
154(3)	In the specified circumstances, the power to — (a) assess the suitability of an applicant and premises under the <i>Public Health (Infection Control for Personal Appearance Services) Act 2003</i> ; and (b) for that purpose make inquiries and require further information or a document under section 45 of the <i>Public Health (Infection Control for Personal Appearance Services) Act 2003</i> .
155(2)	In the specified circumstances, the power to issue a single licence to cover all the premises.

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 - 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 and conditions contained in Schedule 2.

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

Right to Information Act 2009 ("RIA")**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 RIA	Description
Agency	34(2)	Power to, within 15 business days after the application is received, inform the applicant that: <ul style="list-style-type: none"> (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: <ul style="list-style-type: none"> (i) ask for the application to be dealt with under the Information Privacy Act; or (ii) confirm the application as an application under this Act.
Agency	35(1)	In the specified circumstances, power to ask the applicant for a further specified period to consider the application.
Agency	35(3)	In the specified circumstances, power to continue to consider the application and make a considered decision relating to it.
Agency	36(1)	If a person makes an access application, power to: <ul style="list-style-type: none"> (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: <ul style="list-style-type: none"> (i) a schedule of relevant documents for the applicant unless the applicant waives the requirement; and (ii) a charges estimate notice.

Schedule 1

Division 3 - Contact with relevant third party

Entity Power Given To	Section of RIA	Description
Agency	37(1)	Power to give access to a document that contains information the disclosure of which may reasonably be expected to be of concern to a government, agency or person (relevant third party) only after taking steps that are reasonably practicable to: <ul style="list-style-type: none"> (a) obtain the views of the relevant third party about whether: <ul style="list-style-type: none"> (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: <ul style="list-style-type: none"> (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.

Division 4 - Transfers

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

Part 4 - Refusal to Deal with Application

Entity Power Given To	Section of RIA	Description
Agency	40(2)	Power to refuse to deal with the application without having identified any or all of the documents.

Schedule 1

Entity Power Given To	Section of RIA	Description
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: <ul style="list-style-type: none"> (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(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 RIA	Description
Agency	45(a)	In the specified circumstances, power to make a considered decision : <ul style="list-style-type: none"> (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.
Principal Officer	46(2)	In the specified circumstances, power to give prescribed written notice of the decision to the applicant.

Schedule 1

Entity Power Given To	Section of RIA	Description
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(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 or 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: <ul style="list-style-type: none"> (i) the document has been or should be in the agency's possession; and (ii) all reasonable steps have been taken to find the document but the document cannot be found.
Agency	52(2)	In the specified circumstances, power to consider the document has been kept in, and is retrievable from, the backup system.
Agency	54(1)	For the specified purposes, power to give a prescribed written notice to an applicant for an access application.
Agency	55(2)	In the specified circumstances, power to give a prescribed written notice.

Schedule 1

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

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

Part 7 - Giving Access**Division 1 – Giving access to applicant**

Entity Power Given To	Section of RIA	Description
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: <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	74	In the specified circumstances, power to give access.
Agency	75	In the specified circumstances, power to give access.

Schedule 1

Part 8 - Internal Review

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

Part 9 - External Review

Division 3 – After application made

Entity Power Given To	Section of RIA	Description
Agency	93(1)(b)	Power to apply to the commissioner to allow further time to deal with the access application.

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 - 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 and conditions contained in Schedule 2.

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

Standard Plumbing and Drainage Regulation 2003 ("SPDR")**Part 3 - Compliance Assessment****Division 2 - Assessing plans**

Section of SPDR	Description
14(6)	Power to require a person to give a reasonable number of copies of a plan for regulated work.
14D(3)(c)(ii)	In the specified circumstances the power to require other information in relation to the testing.
15(1)	Power to decide that a part of the compliance assessable work or onsite sewerage work is outside the local government's expertise to assess.
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

Section of SPDR	Description
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.
20(2)(a)	In the specified circumstances, the power to agree on a time an inspector must start assessing the compliance assessable work or onsite sewerage work with the responsible person for the regulated work or onsite sewerage work.
22(6)	In the specified circumstances, the power to allow a responsible person for compliance assessable work or onsite sewerage work to give a compliance report at a time more than 10 business days after the testing or commissioning.
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 remove areas

Section of SPDR	Description
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Schedule 1

Section of SPDR	Description
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.
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.
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 regulated work of this decision.
29(4)	Power to form an opinion that a person is competent to verify the regulated work complies with the <i>Standard Plumbing and Drainage Regulation 2003</i> .
29A(2)	Power to agree, with the responsible person and the occupier of the place where notifiable work was performed: <ul style="list-style-type: none"> (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.
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.
29B(4)(c)	The power to form a reasonable belief an assessment of the rectification work is required.
29B(5)	The power to decide conditions that the delegate considers reasonable.
29B(8)	The power to decide with the responsible person a period within which the responsible person must comply with a rectification notice.

Schedule 1

Part 4 - Production Certification

Section of <i>SPDR</i>	Description
30(3)(b)	Power to: <ul style="list-style-type: none"> • 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 • approve the continued use of the non-certified plumbing or drainage item.
30(4)	For approving the continued use of a non-certified plumbing or drainage item under section 30(3)(b) of the <i>Standard Plumbing and Drainage Regulation 2003</i> , 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.
32	In the specified circumstances, the power to— <ul style="list-style-type: none"> (a) require that a plumbing or drainage item is not installed or used in the circumstances; and (b) approve the installation or use of— <ul style="list-style-type: none"> (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**

Section of <i>SPDR</i>	Description
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.

Schedule 1

Section of SPDR	Description
34(2)	<p>In the specified circumstances and for a supply pipe for premises, the power to require—</p> <p>(a) part or all of the supply pipe (the "premises main") to be built to the standard of a water main; and</p> <p>(b) the premises main to supply directly each separately occupied part of the premises; and</p> <p>(c) the premises main to supply directly each fire service within the premises.</p>
34(3)	<p>In the specified circumstances and for a supply pipe for a premises group, the power to require—</p> <p>(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</p> <p>(b) each separately occupied part of the premises group to be served directly by a supply pipe connected to the premises group main; and</p> <p>(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.</p>
34(3)(b)	<p>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.</p>
35(1)	<p>In the specified circumstances, the power to form the belief on reasonable grounds that drainage alone can not give efficient drainage for the premises.</p>
35(2)	<p>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.</p>
35(3)	<p>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.</p>

Schedule 1

Division 2 - Backflow prevention devices

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

Division 3 - Arrestors

Section of SPDR	Description
39(1)(d)	Power to require a larger capacity for a grease arrestor on premises.
39(7)(a)	Power to approve the diameter of any outlet pipe from a grease arrestor on premises.
39(8)	Power to approve the design and location of the ventilation for a grease arrestor on premises.
39(9)	In approving the design and location of a grease arrestor's ventilation under section 39(8) of the <i>Standard Plumbing and Drainage Regulation 2003</i> , 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

Section of SPDR	Description
41(1)(a)	Power to approve the connection of air cooling equipment to a supply pipe.
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.
41(3)	Power to give an approval under section 41(2) of the <i>Standard Plumbing and Drainage Regulation 2003</i> only if satisfied that it is reasonable in the circumstances to allow the equipment's use.
44(1)(a)	Power to approve the connection of hydraulic powered equipment to a supply pipe.
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.
44(3)	Power to give an approval under section 44(2) of the <i>Standard Plumbing and Drainage Regulation 2003</i> only if satisfied there is no other practical or economic way of giving mobility to the disabled person.

Schedule 1

Section of SPDR	Description
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

Section of SPDR	Description
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.
47(2)	Power to give an approval under section 47(1) of the <i>Standard Plumbing and Drainage Regulation 2003</i> 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.
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 Inspections

Section of SPDR	Description
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.
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.

Schedule 1

Part 7 - Miscellaneous Provisions

Section of SPDR	Description
54(3)(a)	In the specified circumstances the power to perform the work.
54(3)(b)	In the specified circumstances the power to fairly apportion the reasonable overall cost between or among the owners.
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

Section of SPDR	Description
"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 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 - State Penalties Enforcement Act 1999

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

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

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

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

Section of SPEA	Description
15(1)	Power to approve the form of the infringement notice.

Division 3 - Obligations and options under infringement notices

Section of SPEA	Description
23(3)(b)	Power to approve of an acceptable way, other than the approved form, of making an application for payment of fine through instalments.
23(5)	Power to be satisfied that the application was made by the alleged offender.

Division 4 - Withdrawal and re-issue of infringement notice

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

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

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

Schedule 1

Division 6 - Cancellation of certain enforcement orders

Section of SPEA	Description
57(5)	Power to: (a) start a proceeding against an applicant for the offence; or (b) accept payment of the fine in full as stated in the infringement notice for the offence; or (c) issue a fresh infringement notice for the offence.

Part 9 - Miscellaneous

Division 2 - Other Enforcement Related Provisions

Section of SPEA	Description
157(2)	Power to issue a certificate for evidentiary purposes.

Division 3 - General

Section of SPEA	Description
162	Power to approve forms for use as infringement notices.

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 - 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 and conditions contained in Schedule 2.

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

Schedule 1

Stock Act 1915 ("SA")

Section of SA	Description
19	Power to destroy any diseased, or suspected of being diseased stock found straying on any road or land under the local government's control.

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 – *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 and conditions contained in Schedule 2.

All prior resolutions delegating the same powers are repealed.

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

Entity Power Given To	Section of SPA	Description
Local Government	96(1)	Decide a request for application of a superseded planning scheme
Local Government	96(2)	Extend the period in which to make a decision on a request for application of a superseded planning scheme
Local Government	96(4)	Request further extensions of the period in which to make a decision on a request for application of a superseded planning scheme
Local Government	97	Give notice of a decision on a request for application of a superseded planning scheme
Local Government	98(4)	Decide a request to extend the period for carrying out development the subject of a superseded planning scheme application.
Local Government	98(4)	Give 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 SPA	Description
Local Government	223(1)	Decide a request by the owner of an interest in designated land to acquire the designated land under hardship
Local Government	224	Give notice to an owner who has made a request under section 223 of a proposal to buy the nominated interest

Schedule 1

Entity Power Given To	Section of SPA	Description
Local Government	225	Give notice to an owner who has made a request under section 223 of a refusal to acquire the nominated interest
Local Government	226	Give notice of intention to take one of the specified actions as an alternative to buying a nominated interest
Local Government	227(2)	In the specified circumstances, give the owner of land notice of intention to resume the nominated interest

CHAPTER 6 – INTEGRATED DEVELOPMENT ASSESSMENT SYSTEM**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 SPA	Description
Assessment Manager Concurrence Agency	256(1)	Ask a 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 SPA	Description
Assessment Manager	262(5)(a)	Extend the period to take action under e-IDAS in the specified circumstances
Assessment Manager	262(5)(b)	Give notice of an extension of time taken under e-IDAS

Subdivision 2 – Notices about receipt of applications

Entity Power Given To	Section of SPA	Description
Assessment Manager	266(1)	Give notice that an application is not a properly made application

Schedule 1

Entity Power Given To	Section of SPA	Description
Assessment Manager	267(2)	In the specified circumstances, give an acknowledgement notice for a properly made application

Division 2 – Giving material to referral agencies

Entity Power Given To	Section of SPA	Description
Assessment Manager	274(2)(b)	Agree to extend the time for compliance with section 272 after an application has been revived under section 274(1)

Part 3 - Information and Referral Stage**Division 3 – Information requests**

Entity Power Given To	Section of SPA	Description
Assessment Manager Concurrence Agency	276(1)	Issue an information request for further information needed to assess an application
Assessment Manager Concurrence Agency	277(1)	Extend the information request period
Assessment Manager Concurrence Agency	277(3)	Request further extensions of the information request period
Assessment Manager Concurrence Agency	279(1)(a)	Decide to extend the information response period for an application required by an enforcement notice or in response to a show cause notice
Assessment Manager Concurrence Agency	279(1)(b)	Decide to extend the information response period on any other IDAS application
Assessment Manager	280(2)	Agree to extend the time for compliance with section 278 after an application has been revived under section 280(1)

Schedule 1

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

Entity Power Given To	Section of SPA	Description
Assessment Manager	297(1)	In the specified circumstances carry out public notice of an application
Assessment Manager	302(1)(a)	Agree to extend the period in which to carry out actions under section 297(1)
Assessment Manager	302(1)(b)	Agree to extend the time for compliance with section 301
Assessment Manager	303(2)	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)	Agree to extend the time for compliance with section 301 after an application is revived under section 303(1)
Assessment Manager	304(1)	In specified circumstances, assess an application despite non-compliance with public notification
Assessment Manager	305(3)	Accept a written submission that is not a properly made submission

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

Entity Power Given To	Section of SPA	Description
Assessment Manager	318(2)	Extend the decision making period
Assessment Manager	318(4)	Request further extensions of the decision making period

Subdivision 2 – Decision rules-generally

Entity Power Given To	Section of SPA	Description
Assessment Manager	324(1)	Decide an application other than an application for a preliminary approval that seeks to vary the effect of a local planning instrument.

Schedule 1

Subdivision 4 – Deemed decision for particular applications

Entity Power Given To	Section of SPA	Description
Assessment Manager	331(6)	Where a deemed approval has been given for an application, issue a decision notice

Division 4 – Notice of decision

Entity Power Given To	Section of SPA	Description
Assessment Manager	334(1)	Where a decision has been made on an application, issue a decision notice

Division 6 – Conditions

Entity Power Given To	Section of SPA	Description
Assessment Manager Concurrence Agency	348	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 SPA	Description
Assessment Manager	350(2)	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 SPA	Description
Assessment Manager	354(4)	In the specified circumstances decide that the notification stage does not have to restart or be repeated
Assessment Manager	355(4)	In the specified circumstances decide that the notification stage does not have to be repeated.

Part 7 - Missed Referral Agencies

Entity Power Given To	Section of SPA	Description
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Schedule 1

Entity Power Given To	Section of SPA	Description
Assessment Manager Referral agency	357(2)	Give notice of a missed referral agency

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

Entity Power Given To	Section of SPA	Description
Assessment Manager	363(1)	Issue a negotiated decision notice
Assessment Manager	363(5)	Give notice that the assessment manager does not agree with the applicant's representations
Local Government	364(2)	Give an applicant a new infrastructure charges notice or a regulated infrastructure charges notice or adopted infrastructure charge notice to replace an existing notice where a development approved in a negotiated decision notice affects the amount of an infrastructure charge or regulated infrastructure charge or adopted infrastructure charge notice

Division 2 – Changing approvals-request for change after applicant's appeal period ends**Subdivision 1 – Preliminary**

Entity Power Given To	Section of SPA	Description
Relevant Entity	368(3)	Issue a pre-request response notice

Subdivision 3 – Assessing and deciding request for change

Entity Power Given To	Section of SPA	Description
Relevant Entity	373(1)(a)	Give the responsible entity notice that there is no objection to a proposed change
Relevant Entity	373(1)(b)	Give the responsible entity notice of objections to the proposed change

Schedule 1

Entity Power Given To	Section of SPA	Description
Responsible Entity	375(1)	Decide a request to change a development approval
Responsible Entity	376(1)	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 SPA	Description
Assessment Manager Concurrence Agency	378(7)	Give notice of intention to change or cancel a development condition
Assessment Manager Concurrence Agency	378(9)	Decide whether to change or cancel a development condition
Assessment Manager Concurrence Agency	378(9)(a)	Give notice that a development condition will not be changed or cancelled
Assessment Manager Concurrence Agency	378(9)(b)	Give notice of a change to or cancellation of a development condition

Division 4 – Cancelling approvals

Entity Power Given To	Section of SPA	Description
Assessment manager	381	Cancel approval at the request of an applicant under section 379

Division 5 – Extending period of approvals

Entity Power Given To	Section of SPA	Description
Assessment Manager	387(1)	Decide a request to extend the relevant period for an approval
Assessment Manager	387(3)	Agree to extend the decision making period for a request to extend the relevant period

Schedule 1

Entity Power Given To	Section of SPA	Description
Assessment Manager	389	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 SPA	Description
Local Government	402(5)(a)	Assess an aspect of development referred by a compliance assessor to the Local Government
Local Government	402(5)(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 SPA	Description
Compliance Assessor	405(2), (3)	Decide a compliance assessment request
Compliance Assessor	405(5)	Issue an action notice for a non-compliant development, document or work
Compliance Assessor	407(1)(a)	Issue a compliance permit for development
Compliance Assessor	407(1)(b)	Issue a compliance certificate for a document or work
Compliance Assessor	408(3)(b)(i)	Where a compliance assessment request for development is deemed approved, issue a compliance permit
Compliance Assessor	408(3)(b)(ii)	Where a compliance assessment request for a document or work is deemed approved, issue a compliance certificate
Compliance Assessor	412(3)	Withdraw an action notice after considering representations made under section 412(2)
Compliance Assessor	412(4)	Issue a new action notice after considering representations about a matter mentioned in section 405(5)(b)

Schedule 1

Entity Power Given To	Section of SPA	Description
Compliance Assessor	412(5)	Issue a new action notice after considering representations about a matter mentioned in section 405(5)(c) or (d)
Local Government	412(6)	Agree to allow a compliance assessor to withdraw an action notice or give a new action notice where a response under section 402 has been given
Compliance Assessor	412(9)	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)	Decide an application to change a compliance permit or compliance certificate
Compliance Assessor	413(2)(b)	Issue a new compliance permit or compliance certificate showing the change
Compliance Assessor	413(2)(c)	Give notice of refusal to change a compliance permit or compliance certificate
Local Government	413(3)	Allow 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 SPA	Description
Local Government	456(1)	Bring a proceeding in the Court for a declaration
Assessment Manager	456(2)	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 SPA	Description
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Schedule 1

Entity Power Given To	Section of SPA	Description
Party to a proceeding before building and Development Committee	479(1)	Appeal to the Court against a decision by a Building and Development Committee

Division 11 – Making an appeal to Court

Entity Power Given To	Section of SPA	Description
Person given notice about an appeal under s 465	485(9)(c)	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)	Elect to co-respond to an appeal where not otherwise a party
Person given notice of an appeal under Div 10	487(4)	Elect to co-respond to an appeal where not otherwise a party
Entity entitled to elect	488	Elect to be a co-respondent to an appeal

Division 14 – Appeals to Court of Appeal

Entity Power Given To	Section of SPA	Description
Party to a proceeding	498(1)	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 SPA	Description
Assessment Manager	510(3)	Bring an application for a declaration about whether an application is a properly made application

Schedule 1

Entity Power Given To	Section of SPA	Description
Compliance Assessor	512	Bring an application for a declaration about whether an application for compliance assessment has lapsed
Responsible Entity	513(3)	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 SPA	Description
Person entitled to bring proceeding	515(1)	Request fast track proceedings for declarations

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 SPA	Description
Relevant Entity	521(a)(ii)	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
Person to whom notice of appeal is given under ss 539 or 541	543(5)	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 ss 539 or 541	544(c)	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)	Elect to co-respond to an appeal under s521 where not otherwise a party
Person to whom notice of appeal is given under s541	546(c)	Elect to co-respond to an appeal under section 528 where not otherwise a party

Schedule 1

Entity Power Given To	Section of SPA	Description
Local government	547(3)(b)	Elect to co-respond to an appeal under sections 532, 533 or 535 where not otherwise a party

Part 3 - Provisions about Offences, Notices and Orders**Division 2 – Show cause notice**

Entity Power Given To	Section of SPA	Description
Assessment Manager	588(2)	Issuing a show cause notice for a development offence

Division 3 – Enforcement notices

Entity Power Given To	Section of SPA	Description
Assessing Authority	590(1)	Issue an enforcement notice for a development offence
Assessing Authority	590(9)	In relation to a development offence involving premises, issue an enforcement notice to the owner where the person who committed the offence is not the owner of the premises

Division 4 – Offence proceedings in Magistrates Court

Entity Power Given To	Section of SPA	Description
Local Government Assessing Authority for building assessment provisions Assessing Authority	597(1)	Bring a proceeding in a Magistrates Court for an offence against Chapter 7, Part 3

Schedule 1

Division 5 – Enforcement orders of Court

Entity Power Given To	Section of SPA	Description
Local Government Assessing Authority for building assessment provisions	601(1)(a)	Bring a proceeding in the Court for an enforcement order to remedy or restrain the commission of a development offence
Local Government Assessing Authority	601(1)(b)	Bring a proceeding in the Court for an interim enforcement order
Local Government Assessing Authority	601(1)(c)	Bring a proceeding in the Court to cancel or change an enforcement order or interim enforcement order

CHAPTER 8 – INFRASTRUCTURE**Part 1 - Infrastructure Planning and Funding****Division 4 – Trunk infrastructure funding under an infrastructure charges schedule**

Entity Power Given To	Section of SPA	Description
Local Government	631(2)	Agree with an owner to include trunk infrastructure in an infrastructure charges schedule
Local Government Assessment Authority	632(3)	Agree with an owner of land to which an infrastructure charge relates that section 632(2) does not apply
Local Government Assessment Authority	633(2)	Issue an infrastructure charges notice to an applicant or person who requested compliance assessment in the specified circumstances
Local Government Assessment Authority	633(3)	Issue an infrastructure notice to the owner of land
Local Government Assessment Authority	637(1)	Enter into an agreement about and alternatives to paying infrastructure charges as specified

Schedule 1

Entity Power Given To	Section of SPA	Description
Local Government	637(2)	For development infrastructure that is land, give the applicant or person who requested compliance assessment a notice, in addition to, or instead of, the notice given under section 633 requiring the person to:- (a) give to the Local Government, in fee simple, part of the land the subject of the development application or request for compliance assessment; or (b) give to the Local Government, in fee simple, part of the land the subject of the development application or request for compliance assessment and an infrastructure charge
Local Government	639(2)	Enter into an agreement stating an infrastructure charge is a debt owing to the Local Government

Division 5 – Trunk infrastructure funding under a regulated infrastructure charges schedule

Entity Power Given To	Section of SPA	Description
Local Government	643(2)	Give a regulated infrastructure charges notice
Infrastructure provider	647	Enter into an agreement about and alternatives to paying regulated infrastructure charges as specified
Local Government	648(2)	Enter into an agreement stating a regulated infrastructure charge is a debt owing to the Local Government

Division 6 – Conditions local governments may impose for necessary truck infrastructure

Entity Power Given To	Section of SPA	Description
Infrastructure provider	649(6)	Agree to terms with an owner for a refund of the establishment cost of trunk infrastructure

Schedule 1

Division 7 – Conditions local governments may impose for additional trunk infrastructure costs

Entity Power Given To	Section of SPA	Description
Local Government	650(3)	Agree to a different time for payment of additional trunk infrastructure costs
Local Government	651(2)	Agree to terms for the refund of the proportion of the establishment cost of infrastructure

Division 9 – Miscellaneous**Part 4 - Changing Notices**

Entity Power Given To	Section of SPA	Description
Local Government	679(1)(a)	Give a negotiated infrastructure charges notice
Local Government	679(1)(b)	Give a negotiated regulated infrastructure charges notice
Local Government	679(4)	Give a notice that representations about an infrastructure charges notice or regulated infrastructure charges notice are not accepted

CHAPTER 9 – MISCELLANEOUS**Part 2 - Environmental Impact Statements****Division 2 – EIS process**

Entity Power Given To	Section of SPA	Description
Local Government	691(8)	Comment on draft terms of reference
Local Government	695(1)	Make a submission on a draft EIS
Local Government	695(3)(a)	Amend a submission on a draft EIS
Local Government	695(3)(b)	Withdraw a submission on a draft EIS

Schedule 1

Part 3 - Compensation

Entity Power Given To	Section of SPA	Description
Local Government	709(1)	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(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 <i>Acquisition of Land Act</i> , section 7
Local Government	710(2)(b)	For an entitlement to claim the compensation under section 705, in addition to rejecting all or part of the claim, decide to amend the planning scheme so that use of the land for the purposes the land could have been used for under the superseded planning scheme would be consistent with the new or amended planning scheme or planning scheme policy

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

Entity Power Given To	Section of SPA	Description
CEO	713	To give registrar of titles written notice of payment of compensation under Section 704
Local Government	714	Decide to take or purchase land for planning purposes under the <i>Acquisition of Land Act</i>

Schedule 1

Entity Power Given To	Section of SPA	Description
Assessment Manager / Relevant Entity	715(1)	Enter land at all reasonable times to undertake works if the assessment manager / relevant entity is satisfied: <ul style="list-style-type: none"> 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 the agreement; and c) the action is necessary to implement the development approval or compliance permit.
Assessment Manager	716(3)	Decide a claim for compensation for loss or damage because of an entry onto land under section 715
Assessment Manager	716(5)	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 7 - Notification stage for particular aquaculture development**Division 2 – Public notification**

Entity Power Given To	Section of SPA	Description
Assessment Manager	746(1)	Carry out public notification of proposed development
Assessment Manager	750	In the specified circumstances, assess an application despite non-compliance with public notification

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.
8. Applications other than applications for a *Permissible Change* for a development approval, that are exempt from delegated authority are listed in Appendix A of this schedule.
9. Each approval made under delegated authority will have a file report on the assessment of the application. This file report will be made available for perusal by any Councillor via a request made to the responsible Manager.
10. All applications or assessments may be referred to Council for a decision, however where an application, assessment or action which the delegate is of the view could be contentious, the application, assessment or action must be referred to Council for decision.
11. The delegate has the power to decide applications, assessments or actions that are within the ambit of this delegated power and the Planning Schemes for the South Burnett region..
12. As per section 588 and section 590 *Sustainable Planning Act 2009* a show cause notice and/or enforcement notice is to be signed and issued by the Chief Executive Officer before the commencement of court proceedings, except in the case of actions involving public safety or in the case of an emergency, in which a report detailing the necessity of the immediate issuing is provided within five (5) working days..
13. Council must be advised of all court actions initiated.

Applications that are exempt from this delegated authority pursuant to the *Sustainable Planning Act 2009* (SPA):

Note: The definitions used below are intended to be those as defined in the following Planning Schemes where applicable:

1. Kingaroy Shire Council Planning Scheme;
2. Nanango Shire Council Planning Scheme;
3. Wondai Shire Council Planning Scheme; and
4. Murgon Shire Council Planning Scheme.

a) RECONFIGURING A LOT

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

b) MATERIAL CHANGE OF USE

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

- a. Rural Use Class
 - 1) Forestry Business
 - 2) Intensive Animal Husbandry
- b. Residential Use Classes
 - 1) Caravan Park
 - 2) Retirement Village
- c. Commercial Use Classes
 - 1) Brothel
 - 2) Funeral Parlour
 - 3) Hotel
 - 4) Major Tourist Facility
 - 5) Retail Warehouse
 - 6) Major Shopping Development

Schedule 2

7) Veterinary Clinic

d. Industrial Use Classes

- 1) Extractive Industry
- 2) High Impact Industry
- 3) Service Station
- 4) Transport Station

e. Community Use Classes

- 1) Child Care Centre
- 2) Major Utility
- 3) Telecommunications Facility

f. Recreational Use Classes

- 1) Indoor Entertainment
- 2) Indoor Sports Facility

c) **GENERAL**

- a. Negotiated decisions for applications determined by delegation;
- b. All applications for which a properly made submission has been received by Council;
- c. All applications for defined uses that are identified as an inconsistent use in the Tables of Assessment Categories and Assessment Criteria under the Planning Schemes administered 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 and conditions 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 ("TOSPA")**Part 2C - Smoke-Free Outdoor Places****Division 3 - Other outdoor places**

Section of TOSPA	Description
26ZO(2)	In the specified circumstances, the power to give the chief executive information about the local government's administration and enforcement of the matter.

Part 3 – MONITORING AND ENFORCEMENT**Division 1 – Appointment of Authorised persons and other matters**

Section of TOSPA	Description
28(2)	Power to appoint:- a) an employee of the local government; or b) if another local government consents, an employee of the other local government; or c) another person under contract to the local government as an authorised person for the local government and its area.
28(3)	Power, together with CEOs of other local governments, to appoint:- a) an employee of one of the local governments; or b) another person under contract to one of the local governments as an authorised person for the local governments' area.

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 - Transport Infrastructure 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 and conditions contained in Schedule 2.

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

Transport Infrastructure Act 1994 ("TIA")**CHAPTER 6 - ROAD TRANSPORT INFRASTRUCTURE****Part 4 - Relationship with Local Governments**

Entity Power Given To	Section of TIA	Description
Local Government	41	In the specified circumstances, the power to make financial arrangements with the chief executive for improvements to be made to a State-controlled road.
Local Government	42(1)	In the specified circumstances, the power to apply to the chief executive for written approval to carry out road works on a local government road or make changes to the management of a local government road where the works or changes would - <ul style="list-style-type: none"> (a) require the carrying out of road works on a State-controlled road; or (b) otherwise have a significant adverse impact on a State-controlled road; or (c) have a significant impact on the planning of a State-controlled road or a future State-controlled road.
Local Government	43(1)	In the specified circumstances, the power to apply to the chief executive for written approval where you intend to approve the erection, alteration or operation of an advertising sign or other advertising device that would be - <ul style="list-style-type: none"> (a) visible from a motorway; and (b) beyond the boundaries of the motorway; and (c) reasonably likely to create a traffic hazard for the motorway.

Schedule 1

CHAPTER 7 - RAIL TRANSPORT INFRASTRUCTURE AND OTHER MATTERS**Part 8 - General**

Entity Power Given To	Section of TIA	Description
Local Government	253(1)	In the specified circumstances, the power to make a request to the chief executive for permission to construct, maintain and operate a road on rail corridor land by way of - <ul style="list-style-type: none"> (a) a bridge or other structure over a railway; or (b) a bridge or other structure that allows the road to pass under the railway; or (c) a level crossing.

CHAPTER 9 - BUSWAYS AND BUSWAY TRANSPORT INFRASTRUCTURE**Part 4 - Management of Busway Land and Busway Transport Infrastructure****Division 1 - Transport infrastructure interaction**

Entity Power Given To	Section of TIA	Description
Local Government	307(1)	In the specified circumstances, the power to make a request to the chief executive for permission to construct, maintain and operate a road located on busway land, consisting of - <ul style="list-style-type: none"> (a) a bridge or other structure allowing traffic to pass over the level at which buses use the busway land; or (b) a structure allowing traffic to pass under the level at which buses use the busway land.
Local Government	309(1)	In the specified circumstances, the power to apply to the chief executive for written approval where you intend to approve the erection, alteration or operation of an advertising sign or other advertising device that would be - <ul style="list-style-type: none"> (a) visible from a busway; and (b) reasonably likely to create a traffic hazard for the busway.

Schedule 1

CHAPTER 10 - LIGHT RAIL AND LIGHT RAIL TRANSPORT INFRASTRUCTURE**Part 4 - Management of Light Rail Land and Light Rail Transport Infrastructure****Division 1 - Transport infrastructure interaction**

Entity Power Given To	Section of TIA	Description
Local Government	358(1)	In the specified circumstances, the power to make a request to the chief executive for permission to construct, maintain and operate a road located on light rail land, consisting of - <ul style="list-style-type: none"> (a) a bridge or other structure allowing traffic to pass over the level at which light rail vehicles use the light rail land; or (b) a structure allowing traffic to pass under the level at which light rail vehicles use the light rail land.

CHAPTER 12 - MISCELLANEOUS TRANSPORT INFRASTRUCTURE**Part 2 - Operational Licences and Approvals for Licensees****Division 3 - Approvals for licensees for intersecting areas**

Entity Power Given To	Section of TIA	Description
Responsible Entity	420(3)	In the specified circumstances, the power to grant or refuse an application for approval by a licensee to construct, maintain, use or operate miscellaneous transport infrastructure stated in the licensee's operational licence across, over or under an intersecting area.
Responsible Entity	421	In the specified circumstances and if an application for approval has been refused, the power to give the applicant a written notice within 14 days after refusing the application stating the specified matters.

Division 4 - Conditions for approvals

Entity Power Given To	Section of TIA	Description
Responsible Entity	423(1)	In the specified circumstances and if an approval is granted, the power to impose reasonable conditions for the approval (" approval conditions ").
Responsible Entity	424	In the specified circumstances and if approval conditions are imposed, the power to give the application for the approval written notice within 14 days after imposing the conditions stating the specified matters.

Schedule 1

Division 5 - Arbitration of approval conditions

Entity Power Given To	Section of TIA	Description
Responsible Entity	426(1)	In the specified circumstances, the power to join with the application for approval in appointing an independent arbitrator to resolve the dispute.

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 - 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 and conditions 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 ("TORUMA")**CHAPTER 5 - ROAD USE****Part 2 - Official Traffic Signs**

Section of TORUMA	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(3)	Power to remove an official traffic sign installed by the local government.
69(4)	Power to install or remove an official traffic sign that will result in a change to the management of a local government road.
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> .

Part 5 - Powers and functions of Police Officers

Section of TORUMA	Description
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(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 <i>Transport Operations (Road Use Management) Act 1995</i> .

Schedule 1

Part 6 - Regulated Parking

Section of TORUMA	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)	Power to regulate parking by installing official traffic signs indicating how parking is regulated.

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 – 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 and conditions contained in Schedule 2.

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

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

Schedule 1

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	178 (1)(a)	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)	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.

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)	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	To issue an identify card to an authorised person.

CHAPTER 11 – SHOW CAUSE NOTICES AND COMPLIANCE NOTICES**Part 2 - Show cause notices**

Entity Power given to	Section of WRRRA	Description
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Schedule 1

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)	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)	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 (Local Government - Waste Management) Delegation (No. 1) 2012	246(3)	Power to reasonably consider that it is not appropriate in the circumstances to give the show cause notice.

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)	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.

Schedule 1

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	249(2)	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.

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)	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.

Schedule 1

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.
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.

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	Power to approve forms for use under this Act.

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. The delegated powers specified in Schedule 2 are subject to the limitation that the delegate can only exercise:-
 - (a) the powers referred to in sections 110, 111 and 112 of the Acts as they relate to Chapter 5, Part 2 of the Act;
 - (b) the powers referred to in sections 175, 176(2), 178 and 179 as they relate to sections 248(2) and 253(3) of the Act;
 - (c) the powers referred to in sections 246, 248 and 249 of the Act as they relate to sections 103(1), 104(1), 107(1), 108, 109(1) or (2), and 112(2) of the Act;
 - (d) the powers referred to in section 253 of the Act as it relates to section 104 of the Act; and
 - (e) the power referred to in section 270 of the Act as it relates to section 174 of the Act.
3. 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.
4. 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.
5. 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).
6. 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.
7. 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.
8. The delegate will not exercise any power which cannot lawfully be the subject of delegation by Council.

INSTRUMENT OF DELEGATION

South Burnett 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 and conditions contained in Schedule 2.

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

Water Supply (Safety and Reliability) Act 2008 ("WSSRA")**CHAPTER 2 - INFRASTRUCTURE AND SERVICE****Part 3 - Service Providers****Division 2 - General powers of service providers and authorised persons**

Entity Power Given To	Section of WSSRA	Description
Service provider	33(2)	In the specified circumstances, the 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, the power to be satisfied regarding whether an unauthorised connection should be disconnected.
Service provider	34(2)	In the specified circumstances, the power to give an owner a notice to do work within a reasonable time stated in the notice, to: <ul style="list-style-type: none"> (a) rectify the equipment; or (b) remove the vegetation or other thing.
Service provider	35(1)	Power to install, or approve the installation of, a meter in a position, decided by you, on infrastructure supplying water to premises.
Service provider	36(2)(b)	In the specified circumstances, the power to give an occupier at least 14 days notice of the entry of an authorised person in accordance with s.36(1) and the purpose of the entry.

Division 3 - Power to restrict water supply

Entity Power Given To	Section of WSSRA	Description
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Schedule 1

Entity Power Given To	Section of WSSRA	Description
Water service provider <u>outside the SEQ Region</u>	41(1)	If it is considered necessary, the power to restrict: <ul style="list-style-type: none"> (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 subsection (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, the 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, the power to shut off water supply, without notice, if there is: <ul style="list-style-type: none"> (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, the power to give, to anyone likely to be affected by the action: <ul style="list-style-type: none"> (a) notice of the action; and (b) the reasons for the action; and (c) if the action is continuing when the notice is given - notice about how long the action will continue.

Schedule 1

Division 4 - Authorised persons

Entity Power Given To	Section of WSSRA	Description
Service provider	45	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.

Division 6 - Water efficiency management plans

Entity Power Given To	Section of WSSRA	Description
Water service provider	52(1)	Upon written direction of the Chief Executive, the power to give a customer, or type of customer, a written notice: <ul style="list-style-type: none"> (a) to prepare a plan (a <i>water efficiency management plan</i>); 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, the 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 <i>water efficiency management plan</i>); 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, the power to require the customer to give additional information about the plan within a reasonable period.

Schedule 1

Entity Power Given To	Section of WSSRA	Description
Water service provider	54(2)	<p>The power to approve, with or without conditions, or refuse to approve a water efficiency management plan:</p> <p>(1) if additional information is not required – within 60 business days after receiving the plan; or</p> <p>(2) if additional information is required – within 60 business days of when the information is received or should have been given, whichever is earlier.</p>
Water service provider	54(3)	In the specified circumstances, the power to give the customer an information notice.
Water service provider	54(5)	The power to extend the period of 20 business days mentioned in subsection (4).
Water service provider	57(2)	<p>Upon the direction of the chief executive, the power to give a customer, or type of customer, a written notice requiring the customer to:</p> <p>(a) amend an approved water efficiency management plan and give it to the water service provider within the reasonable time stated by the chief executive; or</p> <p>(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.</p>
	58(2)	<p>Subject to being satisfied under subsection (1), the power to give the customer a written notice requiring the customer to:</p> <p>(a) amend the plan and give it to the water service provider within the reasonable time stated by the water service provider; or</p> <p>(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.</p>
	59(2)	The power to approve a request from a customer under subsection (1).
	60(2)	In the specified circumstances, the power to give the customer a notice, requiring the customer to comply with the plan within the reasonable time stated in the notice.

Schedule 1

Entity Power Given To	Section of WSSRA	Description
	61(1)	The 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 2 - System leakage management plans

Subdivision 3 - Exemption from preparing plan

Entity Power Given To	Section of WSSRA	Description
Water service provider	83(1)	Power to apply to the regulator for an exemption from complying with subdivision 2.

Subdivision 5 - Miscellaneous

Entity Power Given To	Section of WSSRA	Description
Water service provider	90(1)	With the regulator's agreement, power to change a system leakage management plan after it is approved.

Division 3 - Drinking water quality management

Subdivision 2 - Drinking water quality management plans

Entity Power Given To	Section of WSSRA	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	100(2)	Power to apply to the regulator for approval of a proposed amended drinking water quality management plan.
Drinking water service provider	102(5)	Power to give the regulator notice of relevant information referred to in subsection (2) in the approved form.
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.

Schedule 1

Entity Power Given To	Section of WSSRA	Description
Service provider	107(7)(b)	Within 30 business days after a review of the strategic asset management plan referred to in s.106, power to apply to the regulator for approval of an amended plan.

Division 6 - Drought management plan

Entity Power Given To	Section of WSSRA	Description
Water service provider	126(1)	Power to apply to the regulator for an exemption from complying with the requirement to prepare a drought management plan in accordance with Division 6 for an area in which the provider supplies a water service.

Division 8 - Other service provider obligations

[This subdivision applies if a water service provider provides a retail water service to residential premises and the supply of water to the premises is measured and charged by the water service provider only in relation to the premises and the premises are not common property under the Body Corporate & Community Management Act, 1997 or the Building Units & Group Titles Act, 1980]

Entity Power Given To	Section of WSSRA	Description
Water service provider	139(2)	Power to give a notice (or water advice) in the approved form, to an occupier of residential premises stating the volume of water supplied to the premises during each billing period for the premises.

Division 10 - Water for fire fighting

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

Part 5 - Service Areas

Division 3 - Access to services in service areas

Entity Power Given To	Section of WSSRA	Description
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Schedule 1

Entity Power Given To	Section of WSSRA	Description
Service provider	166	In the specified circumstances, the power to impose conditions on the installation of water storage tanks and pumps.

Division 4 - Connecting to registered services

Entity Power Given To	Section of WSSRA	Description
Service provider	167(2)	In the specified circumstances, the 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	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, the 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 WSSRA	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 reduce the water supply to the premises to the minimum level necessary for the health and sanitation purposes of the owner or occupier.

Part 6 - Trade Waste

Entity Power Given To	Section of WSSRA	Description
Local government (sewerage service provider)	180	In the specified circumstances, the power to give a person an approval to discharge trade waste (a trade waste approval) into Council's sewerage infrastructure if satisfied that criteria of s.180(3) are met.

Schedule 1

Entity Power Given To	Section of WSSRA	Description
Sewerage Service Provider	180(2)	In the specified circumstances and before giving a trade waste approval, the power to consider the effect of the proposed discharge on an existing or potential re-use of waste water or sludge.
Local Government	181(1)	Power to give a trade waste approval on conditions.
Local Government	182	Power to suspend or cancel a trade waste approval (the proposed action) if satisfied any of the specified circumstances applies.
Local Government	183(1)	Before action is taken under s.182, the power to give an approval holder a show cause notice about the proposed action.
Local Government	183(2)	Power to consider submissions made in response to a Show Cause Notice or if satisfied the proposed action should be taken, the power to: <ul style="list-style-type: none"> (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.
Local Government	183(3)	Within 30 business days after making a decision under section 183(2), the power to give the approval holder an information notice about the decision.
Local Government	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.
Local Government	184(1)	In the specified circumstances, the power to suspend or cancel an approval without giving a show cause notice, if further action is considered necessary: <ul style="list-style-type: none"> (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.

Schedule 1

Entity Power Given To	Section of WSSRA	Description
Local Government	184(3)	If action is taken under subsection (1) or (2), the power to give the approval holder an information notice about the action.
Local Government	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 s.185(1)(a).

Part 7 - Offences

Entity Power Given To	Section of WSSRA	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, the power to give written approval to a person taking water from a supply pipe on premises for use off the premises.

Schedule 1

CHAPTER 3 - RECYCLED WATER MANAGEMENT**Part 2 - Recycled Water Management Planning**

Entity Power Given To	Section of WSSRA	Description
Recycled water provider	202(1)	Power to apply to the regulator for approval of a recycled water management plan.
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(3)	In the specified circumstances, power to stop the supply of water to an entity.
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	208(6)	In the specified circumstances, power to stop the supply of water to an entity.
Recycled water provider	209(1)	In the specified circumstances and with the agreement of the regulator, power to amend the recycled water management plan for the scheme.
Recycled water provider	210(4)	Power to amend the recycled water management plan after a notice from the regulator.
Recycled water provider	211(4)	Power to amend the recycled water management plan after a notice from the regulator.
Recycled water provider	212(2)	Power to apply to the regulator for approval of the proposed amended recycled water management plan.
Recycled water provider	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.

Part 3 - Notice About Permanently Stopping Supply of Recycled Water

Entity Power Given To	Section of WSSRA	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.

Schedule 1

Entity Power Given To	Section of WSSRA	Description
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.
Recycled water provider	230(9)	Power to give the regulator notice of a stoppage of recycled water under recycled water scheme within 5 days after the supply stops.

Part 4 - Validation Programs

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

Entity Power Given To	Section of WSSRA	Description
Recycled water provider	237(1)	Power to apply to the regulator for approval of a validation program.
Relevant entity	242(2)	Power to apply to the regulator for approval of the proposed amended validation program.

Part 5 - Exemptions

Entity Power Given To	Section of WSSRA	Description
Recycled water provider	250(1)	If the recycled water scheme is not a critical recycled water scheme, power to apply to the regulator for an exemption from having an approved recycled water management plan for the scheme.

CHAPTER 4 – Referrable Dams and Flood and Drought Mitigation

[This chapter applies to local governments that own or operate dams]

Part 1

Division 2A – Emergency Action Planning and Reporting

Subdivision 6 – Reviewing Emergency Action Plans

Entity Power Given To	Section of WSSRA	Description

Schedule 1

Subdivision 6 – Reviewing Emergency Action Plans

Entity Power Given To	Section of WSSRA	Description
Dam Owner	352P	The power to give the Chief Executive a notice stating whether or not the owner proposes an amendment of an approved emergency action plan for a dam and a copy of the plan including the proposed amendment.

Part 2 – Flood Mitigation Manuals and Reporting

This part only applies to local governments that are the owners of a dam that is prescribed as a referable dam under a regulation for the purpose of section 371A of the act under division 8 authorising alternative operational procedures.

Entity Power Given To	Section of WSSRA	Description
Dam Owner	379	Power to give to the Chief Executive, as soon as practicable, an authorisation request information.
Dam Owner	379(2)	Power to give the authorisation request information orally to the Chief Executive.
Dam Owner	379(3)	Power to give the authorisation request information in writing.
Dam Owner	381(3)	As soon as practicable after failing to contact the Chief Executive, power to give the authorisation request information to the Chief Executive.

Division 9 – Flood Event Reporting

Entity Power Given To	Section of WSSRA	Description
Dam Owner	383(2)	Power to agree with the Chief Executive a further period of time for giving a flood event report.

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

Entity Power Given To	Section of WSSRA	Description
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Schedule 1

Entity Power Given To	Section of WSSRA	Description
Water service provider	573	Power to make guidelines to provide guidance to persons about preparing a water efficiency management plan.

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.

Resolution:

Moved Cr KM Campbell, seconded Cr DJ Palmer.

That the Officer's Recommendation be adopted.

*Carried 6/0
FOR VOTE - Councillors voted unanimously*

9.2.2 G - 1194045 - The Hon Jarrod Bleijie MP - Requesting Council advise by Friday 30 August 2013 the date for an appointment of a Special Holiday for 2013

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 2014 Royal National Exhibition, Brisbane as the 2014 Show Holiday for the South Burnett Regional Council area.

Resolution:

Moved Cr DP Tessmann, seconded Cr KM Campbell.

That the Officer's Recommendation be adopted.

*Carried 6/0
FOR VOTE - Councillors voted unanimously*

(b) Portfolio Report

Governance Portfolio Report

No Report.

10. Information Section (IS)

10.1 IS - 1204906 - Reports for the Information of Council

Summary

Listing of correspondence pending completion of assessment report
Delegated Authority Report
Workplace Health & Safety Report
Roads Expenditure, Maintenance and Flood Restoration Report

Officer's Recommendation

That the reports be received.

Resolution:

Moved Cr KM Campbell, seconded Cr DJ Palmer.

That the reports be received.

*Carried 6/0
FOR VOTE - Councillors voted unanimously*

7.3 Water & Wastewater (W&W)

(a) Officer's Reports

No Report.

(b) Portfolio Report

Water & Wastewater Portfolio Report

Resolution:

Moved Cr BL Green, seconded Cr DJ Palmer.

That the verbal report be received.

*Carried 6/0
FOR VOTE - Councillors voted unanimously*

11. General Section

No Report.

ADJOURNMENT:

Motion:

Moved Cr DP Tessmann, seconded Cr BL Green.

That the meeting adjourn for lunch.

*Carried 6/0
FOR VOTE - Councillors voted unanimously*

RESUMPTION:

Motion:

Moved Cr BL Green, seconded Cr DP Tessmann.

That the meeting resume at 1:01pm with attendance as previous to the adjournment.

*Carried 6/0
FOR VOTE - Councillors voted unanimously*

CLOSED SESSION:

Motion:

Moved Cr KA Duff, seconded Cr KM Campbell.

That the meeting be closed to the public for Council discussions in accordance with Section 275(1)(e) contracts proposed to be made by it, of the Local Government Regulation 2012.

*Carried 6/0
FOR VOTE - Councillors voted unanimously*

OPEN COUNCIL:

Motion:

Moved Cr DP Tessmann, seconded Cr BL Green.

That the meeting resume in Open Council.

*Carried 6/0
FOR VOTE - Councillors voted unanimously*

Report:

The Mayor reported that whilst in Closed Session, in accordance with Section 275(1)(e) *contracts proposed to be made by it*, of the Local Government Regulation 2012, Council considered matters concerning South Burnett Private Hospital Lease, Kingaroy Rising Mains Associated Fittings Tender, Yallakool Caravan and Recreation Park Amenities Block Tender, Disposal of Council Land by Tender and Contract SBRC 13/14-01 Bitumen Reseal Program.

Motion:

Moved Cr DW Kratzmann, seconded Cr KA Duff.

That the Mayor's report be received

*Carried 6/0
FOR VOTE - Councillors voted unanimously*

12. Confidential Section

12.1 CONF - 1204075 - South Burnett Private Hospital Lease

Reason for Confidentiality

This report is **CONFIDENTIAL** in accordance with Section 275(1)(e) of the Local Government Regulation 2012, which permits the meeting to be closed to the public for business relating to the following:

- (e) contracts proposed to be made by it

Recommendation

That Council authorise the Chief Executive Officer to:

1. Negotiate a sub lease with Pulse Health to manage the private hospital operations and;
2. Negotiate a Memorandum of Understanding between South Burnett Regional Council, Pulse Health and the South Burnett Private Hospital Board that outlines their respective responsibilities.
3. Accept the recommendation by South Burnett Private Hospital Board for Pulse Health to sub lease the South Burnett Private Hospital.

Resolution:

Moved Cr DP Tessmann, seconded Cr KM Campbell.

That the Officer's Recommendation be adopted.

*Carried 6/0
FOR VOTE - Councillors voted unanimously*

12.2 CONF - 1204102 - Disposal of Council Land by Tender

Reason for Confidentiality

This report is **CONFIDENTIAL** in accordance with Section 275(1)(e) of the Local Government Regulation 2012, which permits the meeting to be closed to the public for business relating to the following:

- (e) contracts proposed to be made by it

Recommendation

That Council:

1. Not accept the Tender offer to purchase the land located at 24 Stolzenberg Street Kingaroy, and;
2. Authorise the Chief Executive Officer to enter into negotiations to sell the land at a value above the land valuation received on 31 July 2013.

Resolution:

Moved Cr KA Duff, seconded Cr BL Green.

That Council:

1. Not accept the Tender offer to purchase the land located at 24 Stolzenberg Street Kingaroy, and;
2. Authorise the Chief Executive Officer to enter into negotiations with the highest tenderer with the purpose to sell the land.

*Carried 6/0
FOR VOTE - Councillors voted unanimously*

12.3 CONF - 1202733 - Amenities Block Yallakool Caravan and Recreation Park

Reason for Confidentiality

This report is **CONFIDENTIAL** in accordance with Section 275(1)(e) of the Local Government Regulation 2012, which permits the meeting to be closed to the public for business relating to the following:

- (e) contracts proposed to be made by it

Recommendation

That Council accept the tender submitted by Northern Construction (Aust) Pty Ltd to construct the new Amenities Block and to remove the existing Block located at Yallakool Caravan and Recreation Park on Bjelke Petersen Dam.

Resolution:

Moved Cr KA Duff, seconded Cr KM Campbell.

That the Officer's Recommendation be adopted.

*Carried 6/0
FOR VOTE - Councillors voted unanimously*

12.4 CONF - 1204130 - Contract SBRC - 13/14-01 - Bitumen Reseal Program 2013/14

Reason for Confidentiality

This report is **CONFIDENTIAL** in accordance with Section 275(1)(e) of the Local Government Regulation 2012, which permits the meeting to be closed to the public for business relating to the following:

- (e) contracts proposed to be made by it

Recommendation

That Council accept the conforming tender from SRS Roads Pty Ltd for the sum of \$1,884,023.72 (excl GST) for the 2013/14 bitumen resealing program across the region.

Resolution:

Moved Cr DP Tessmann, seconded Cr KM Campbell.

That the Officer's Recommendation be adopted.

*Carried 6/0
FOR VOTE - Councillors voted unanimously*

12.5 CONF - 1202702 - Kingaroy Rising Mains Associated Fittings Tender

Reason for Confidentiality

This report is **CONFIDENTIAL** in accordance with Section 275(1)(e) of the Local Government Regulation 2012, which permits the meeting to be closed to the public for business relating to the following:

- (e) contracts proposed to be made by it

Recommendation

That Council award Tender 12/13 – 034 for the supply of associated fittings for the replacement of a 7200 metres section of the Kingaroy water supply rising main to Pentair Water Solutions for a total price of \$260,835.00 ex GST delivered on ground.

Resolution:

Moved Cr BL Green, seconded Cr DJ Palmer.

That the Officer's Recommendation be adopted.

*Carried 6/0
FOR VOTE - Councillors voted unanimously*

Mayor Kratzmann advised that John Kersnovski, Project Manager, had finished with Council. He thanked John for his outstanding service of over 30 years to both Kingaroy & South Burnett Regional Council and wished John and his family all the best in the future.

There being no further business the meeting was declared closed at 1:28pm.

Confirmed before me this day of2013

..... **MAYOR**

