



LATE ITEMS BUSINESS PAPER

General Meeting

Wednesday 23 May 2018

Roma Administration Centre

NOTICE OF MEETING

Date: 23 May 2018

Mayor:

Councillor T D Golder

Deputy Mayor:
Councillors:

Councillor J L Chambers
Councillor N H Chandler
Councillor P J Flynn
Councillor G B McMullen
Councillor W M Newman
Councillor C J O'Neil
Councillor D J Schefe
Councillor J M Stanford

Chief Executive Officer:

Ms Julie Reitano

Senior Management:

Mr Cameron Castles (Director Infrastructure Services)
Mr Rob Hayward (Director Development, Facilities &
Environmental Services)
Ms Sharon Frank (Director Corporate, Community & Commercial
Services)

Please find attached agenda for the **General Meeting** to be held at the Roma Administration Centre on **May 23, 2018 at 9.00AM.**

Julie Reitano
Chief Executive Officer

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LC.	Late Confidential Items	
LC.1	Dog Off Leash Park	
	Classification: Closed Access	
	Local Government Regulation 2012 Section 275(c) the local government budget.	
LC.2	Claim for Damages	
	Classification: Closed Access	
	Local Government Regulation 2012 Section 275(h) other business for which a public discussion would be likely to prejudice the interests of the local government or someone else, or enable a person to gain a financial advantage.	
LC.3	Application to purchase road reservation in title within Lot 39 on E5310	
	Classification: Closed Access	
	Local Government Regulation 2012 Section 275(h) other business for which a public discussion would be likely to prejudice the interests of the local government or someone else, or enable a person to gain a financial advantage.	
LC.4	Organisational Structure Review	
	Classification: Closed Access	
	Local Government Regulation 2012 Section 275(a) (c) the appointment, dismissal or discipline of employees; AND the local government budget.	
LC.5	Ombudsman Investigation - Compost Operations Roma Waste Management Facility	
	Classification: Closed Access	
	Local Government Regulation 2012 Section 275(h) other business for which a public discussion would be likely to prejudice the interests of the local government or someone else, or enable a person to gain a financial advantage.	

OFFICER REPORT

Meeting: General 23 May 2018

Date: 21 May 2018

Item Number: L.1

File Number: D18/38249

SUBJECT HEADING: Delegation of Council Powers to the Chief Executive Officer - Planning Act 2016

Classification: Open Access

Officer's Title: Director - Corporate, Community & Commercial Services

Executive Summary:

Council's Delegations are reviewed and updated throughout the year. This reports seeks Council's approval for delegation of Council powers under the *Planning Act 2016* to the position of Chief Executive Officer.

Officer's Recommendation:

That Council:

- a) Under section 257 of the *Local Government Act 2009*, resolve to delegate the exercise of powers contained in Schedule 1 of the Instruments of Delegation included in the officer's report, to the Chief Executive Officer. These powers must be exercised subject to any limitations contained in Schedule 2 of the attached Instruments of Delegation for the *Planning Act 2016*.
- b) All prior resolutions delegating the same powers to the Chief Executive Officer are repealed.

Body of Report:

This report proposes to delegate local government powers to the Chief Executive Officer for the *Planning Act 2016* as per the attached Instrument of Delegation, and are also outlined below.

The delegable powers under this legislation have been reviewed and it is recommended the delegation is updated as per the attached instrument of delegation. The updates relate to powers for making or amending planning schemes and development assessment, offences and enforcement, dispute resolution and transitional provisions.

The updates which specifically relate to making or amending planning schemes as follows:

CHAPTER 2 – PLANNING

Part 3 - Local Planning Instruments

Division 2 – Making or amending planning schemes

18(1)	Power to propose to make or amend a planning scheme.	<i>This delegation of powers will allow planning scheme polices to be made and reviewed.</i>
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Maranoa Regional Council

General Meeting - 23 May 2018

20(2)	Power to amend a planning scheme by following the process in the Minister's rules, instead of complying with section 18.	<i>The delegation of powers will allow officers to proceed with the drafting of the Local Government Infrastructure Plan (LGIP) and review the LGIP following its adoption.</i>
21	In certain circumstances, power to follow the process in the Minister's rules for making or amending an LGIP.	<i>The delegation of powers will allow officers to proceed with the drafting of the Local Government Infrastructure Plan (LGIP) and review the LGIP following its adoption.</i>
22(1)	Power to amend a planning scheme policy by following the process in the Minister's rules.	<i>This delegation of powers will allow planning scheme policies to be made and reviewed.</i>
23(1)	Power to make a TLPI if the local government and Minister decide – <ul style="list-style-type: none"> a) there is significant risk of serious adverse cultural, economic, environmental or social conditions happening in the local government area; b) the delay involved in using the process in sections 18 to 22 to make or amend another local planning instrument would increase the risk; and the making of the TLPI would not adversely affect State interests.	<i>This delegation of powers will allow TLPIs to be made and reviewed.</i>
23(2)	Power to amend a TLPI if the Minister decides the amendment of the TLPI would not adversely affect State interests.	<i>This delegation of powers will allow TLPIs to be reviewed.</i>
24(5)	Power to repeal a TLPI by making, or amending, a planning scheme to specifically repeal the TLPI.	<i>This delegation of powers will allow TLPIs to be reviewed and repealed.</i>
25(1)(b)	Power to decide, based on that review, whether to amend or replace the planning scheme.	<i>This delegation of powers will allow planning scheme policies to be made and reviewed.</i>
25(3)	Power to undertake an LGIP review.	<i>This delegation of powers will allow the LGIP to be reviewed.</i>

Background to the Delegation of Powers

Council is vested with the power to make a range of decision and various actions under legislation and other statutory instruments. Council derives those powers from State law, such as the *Local Government Act 2009*, and under its local laws and planning scheme.

Section 257 of the *Local Government Act 2009* allows Council, by resolution, to delegate its powers under State and other laws, to one or more individuals or standing committees, including to the Chief Executive Officer.

The delegation of a Council's power does not involve Council parting with or surrendering those powers. Council continues to retain all powers which are the subject of delegation. A delegation involves the "sharing" of power, so that both Council and the Chief Executive Officer can exercise the same power.

Other important legal principles which apply to the delegation proposal set out in the report are:

- a) Council at all times retains the power to revoke the delegation. Accordingly Council retains ultimate control.
- b) Council, as the delegator, still has responsibility to ensure that the relevant power is properly exercised. Council will therefore continue to supervise and oversee the exercise of its powers.
- c) A delegation of power by Council may be subject to any lawful conditions which Council wishes to impose. The imposition of conditions enables Council to impose checks and balances on its delegations. However, as with any vesting power, the delegated power cannot be unduly fettered.
- d) The delegate must exercise a delegated power fairly and impartially, without being influenced by or being subject to the discretion of other individuals.

A local government must not delegate a power that an Act states must be exercised by resolution.

Consultation (internal/external):

MacDonnells Law

Director – Corporate, Community & Commercial Services

Manager – Building and Planning Development

Risk Assessment (Legal, Financial, Political etc.):

The delegation of Local Government powers is important and necessary for the effective operation of Council.

Policy Implications:

This report has been provided in compliance with section 257(1) of the *Local Government Act 2009*, which allows for the Local Government, by resolution, to delegate power under the *Local Government Act 2009* or another act to the Chief Executive Officer.

Financial Resource Implications:

N/A – delegation update service is funded in the current financial year's budget.

Link to Corporate Plan:

Corporate Plan 2014-2019

Strategic Priority 10: Organisational Management

10.4 Building Capability and Performance

10.4.1 Defining expectations and boundaries

Supporting Documentation:

[1](#) Planning Act 2016 - Instrument of Delegation 23 May
2018 CEO

D18/38769

Report authorised by:

Chief Executive Officer

INSTRUMENT OF DELEGATION

Maranoa Regional Council *Planning Act 2016*

Under section 257 of the *Local Government Act 2009*, **Maranoa 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.

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

Entity power given to	Section of PA	Description
Local Government	18(1)	Power to propose to make or amend a planning scheme.
Local Government	18(2)	Power to give notice of the proposed planning scheme or proposed amendment to the Chief Executive.
Local Government	18(3)	Power to consult with the Chief Executive about the process for making or amending the planning scheme.
Local Government	18(6)	Power to make or amend the planning scheme by following the process in the notice or amended notice.
Local Government	20(2)	Power to amend a planning scheme by following the process in the Minister's rules, instead of complying with section 18.
Local Government	21	In certain circumstances, power to follow the process in the Minister's rules for making or amending an LGIP.
Local Government	22(1)	Power to amend a planning scheme policy by following the process in the Minister's rules.
Local Government	23(1)	Power to make a TLPI if the local government and Minister decide – a) there is significant risk of serious adverse cultural, economic, environmental or social conditions happening in the local government area; b) the delay involved in using the process in sections 18 to 22 to make or amend another local planning instrument would increase the risk; and c) the making of the TLPI would not adversely affect State interests.
Local Government	23(2)	Power to amend a TLPI if the Minister decides the amendment of the TLPI would not adversely affect State interests.
Local Government	24(5)	Power to repeal a TLPI by making, or amending, a planning scheme to specifically repeal the TLPI.
Local Government	25(1)(a)	Power to review planning scheme.
Local Government	25(2)	Power to: a) give written reasons for the decision to the Chief Executive; b) publish a public notice in the approved form about the decision; and c) keep a copy of the public notice in a conspicuous place in the local government's public office for a period of at least 40 business days after the notice is published.
Local Government	25(3)	Power to undertake an LGIP review.

Division 3 – State Powers for local planning instruments

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

Part 4 - Superseded Planning Schemes**Division 1 – Applying superseded planning schemes**

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

Division 2 - Compensation

Entity power given to	Section of PA	Description
Local Government	30(5)	Power to prepare a report assessing feasible alternatives for reducing the risk stated in subsection (4)(e), including imposing development conditions on development approvals.
Local Government	32(1)(c)	Power to give a notice of intention to resume the affected owner's interest in premises under the Acquisition Act, section 7.
Local Government	32(2)	Power to decide to amend the planning scheme to allow premises to be used for the purposes that the premises could be used for under the superseded planning scheme.
Chief Executive Officer	32(3)	Power to give the affected owner: <ul style="list-style-type: none"> a) notice of intention to resume; b) a notice that states the local government's decision, any amount of compensation to be paid and the affected owner's appeal rights.

Part 5 - Designation of premises for development of infrastructure

Entity power given to	Section of PA	Description
Local Government	36(7)(e)	Power to make submission to a Designator in relation to making or amending a designation.
Designator	41(5)	Power to give a decision notice.
Local	42(2)	Power to include a note about the making, amendment, extension or appeal

Government		of a designation in the planning scheme.
Local Government	42(4)	Power to include a note in the planning scheme in a way that ensures the other provisions of the scheme that apply to the designated premises remain effective.

CHAPTER 3 – DEVELOPMENT ASSESSMENT

Part 1 - Types of development and assessment

Entity power given to	Section of PA	Description
Local Government	45(5)(b)	Power to consider and assess against assessment benchmarks and prescribed matters under a regulation and other relevant matters.
Local Government	45(7)	Power to consider amendment or replacement of a statutory instrument or other document before deciding a properly made application.
Local Government	46(2)(a)	Power to give an exemption certificate for a development.
Local Government	46(3)(a)	Power to seek agreement in writing from referral agencies about the giving of an exemption certificate.

Part 2 - Development applications

Division 2 – Making or changing applications

Entity power given to	Section of PA	Description
Owner	51(2)	Power to give owner's consent.
Assessment Manager	51(4)(a)	Power to be satisfied an application complies with subsections (1) to (3).
Assessment Manager	51(4)(b)	Power to be satisfied an application complies with subsection (2) and (3).
Assessment Manager	51(4)(c)	Power to accept an application that does not comply with subsection (1)(a) or (b)(i).
Assessment Manager	51(4)(d)	Power to accept an application that does not comply with subsection (1)(b)(ii) to the extent the required fee has been waived under section 109(b).
Assessment Manager	51(5)	Power to accept a properly made application.
Assessment Manager	52(3)	Power to assess and decide if a change is a minor change.
Assessment Manager	53(3)	Power to assess and decide a development application even if some of the requirements of the development assessment rules about the notice have not been complied with, if the assessment manager considers any noncompliance has not— <ul style="list-style-type: none"> (a) adversely affected the public's awareness of the existence and nature of the application; or (b) restricted the public's opportunity to make properly made submissions about the application.
Assessment Manager	53(4)(a)	Power to consider submissions about a development application.
Assessment	53(10)	Power to give notice on behalf of an applicant to a referral agency for a fee.

Manager		
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Part 3 -**Assessing and deciding development applications****Division 1 – Referral agency's assessment**

Entity power given to	Section of PA	Description
Assessment Manager	54(5)	Power to give a copy of a development application on behalf of an applicant to a referral agency for a fee.
Assessment Manager/ Referral Agency	55(1)	Power to assess the application as required under section 45, as if the agency were the assessment manager.
Referral Agency	55(2)(a)	Power to assess a development application against matters prescribed by the regulation.
Referral Agency	55(2)(b)	Power to have regard to matters prescribed by the regulation for the assessment.
Referral Agency	55(4)	Power to give weight, considered appropriate in the circumstances to any amendment or replacement of the instrument or other document that came into effect after the application was properly made.
Referral Agency	56(1)(a)	Power to decide to tell the assessment manager that the agency has no requirements for the application.
Referral Agency	56(1)(b)	Power to decide to direct the assessment manager to do any or all of the following: <ul style="list-style-type: none"> i. to give any development approval subject to stated development conditions; ii. to give any development approval for only a stated part of the application; iii. to give any development approval only as a preliminary approval; iv. to improve a stated currency period for a development approval given.
Referral Agency	56(1)(c)	Power to decide to direct the assessment manager to refuse the application for stated reasons.
Referral Agency	56(2)(a)	Power to decide to tell the assessment manager that the agency has no requirements for the variation request.
Referral Agency	56(2)(b)	Power to decide to direct the assessment manager to do any or all of the following: <ul style="list-style-type: none"> i. to approve only some of the variations sought; ii. subject to section 61(3) to approve different variations from those sought.
Referral Agency	56(2)(c)	Power to decide to direct the assessment manager to refuse the variation request.
Referral Agency	56(3)	Power to give advice about the application to the assessment manager.

Division 2 – Assessment manager's decision

Entity power given to	Section of PA	Description
Assessment Manager	60(2)(a)	Power to assess and decide the extent to which the application complies with all of the assessment benchmarks for the development.
Assessment	60(2)(b)	Power to decide to approve the application even if the development does

Manager		not comply with some of the assessment benchmarks.
Assessment Manager	60(2)(c)	Power to impose development conditions on an approval.
Assessment Manager	60(2)(d)	To the extent the development does not comply with some or all the assessment benchmarks, power to decide to refuse the application where compliance cannot be achieved by imposing development conditions.
Assessment Manager	60(3)(a)	Power to decide to approve all or part of the application.
Assessment Manager	60(3)(b)	Power to decide to approve all or part of the application, but impose development conditions on the approval.
Assessment Manager	60(3)(c)	Power to decide to refuse the application.
Assessment Manager	60(5)	Power to give a preliminary approval for all or part of the development application, even though the development application sought a development permit.
Assessment Manager	61(3)(a)(i)	Power to decide to approve all or some of the variations sought.
Assessment Manager	61(3)(a)(ii)	Power to decide to approve different variations from those sought.
Assessment Manager	61(3)(b)	Power to decide to refuse the variations sought.
Assessment Manager	63(1)	Power to give a decision notice.
Assessment Manager	63(4)	Power to publish a notice about the decision on the assessment managers website.
Assessment Manager	64(6)(a)	Power to give an applicant a decision notice which approves the application.
Assessment Manager	64(6)(b)	Power to give an applicant a decision notice which approves the application subject to development conditions.

Division 3 – Development conditions

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

Part 5 - Development Approvals

Division 2 – Changing development approvals

Subdivision 1 – Changes during appeal period

Entity power given to	Section of PA	Description
Assessment Manager	75(4)(b)(ii)	Power to provide an applicant with a notice that they do not agree with the change representations.
Assessment Manager	75(4)(b)(iii)	Power to agree with an applicant to a longer period to make change representations.
Assessment Manager	76(1)	Power to assess change representations against and having regard to the matters that must be considered when assessing a development application

		to the extent those matters are relevant.
Assessment Manager	76(2)	Power to give a negotiated decision notice.
Local Government	76(6)	Power to give a replacement infrastructure charges notice to an applicant.

Subdivision 2 – Changes after appeal period

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

Subdivision 3 – Notice of Decision

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

Division 3 – Cancelling development approvals

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

Division 4 – Lapsing of and extending development approvals

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

Division 5 – Noting development approvals on planning schemes

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

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

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

Subdivision 3 – Levying charges

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

Government		
Local Government	119(6)	Power to give an applicant an amended infrastructure charges notice.

Subdivision 4 – Payment

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

Subdivision 5 – Changing charges during relevant appeal period

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

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

Entity power given to	Section of PA	Description
Local Government	130(1)	In certain circumstances, the power to require the payment of extra trunk infrastructure costs.
Local Government	130(1)(a)	Power to decide if the development: <ul style="list-style-type: none"> (i) will generate infrastructure demand of more than that required to service the type or scale of future development that the LGIP assumes; or (ii) will require new trunk infrastructure earlier than when identified in the LGIP; or (iii) is for premises completely or partly outside of the PIA.
Local Government	130(1)(b)	Power to decide whether the development would impose extra trunk infrastructure costs on the local government and to take into account either or both of the following to decide: <ul style="list-style-type: none"> (i) levied charges for the development; (ii) trunk infrastructure provided, or to be provided, by the applicant under this part.
Local Government	131(2)	Power to agree to an alternative payment time.

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

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

Part 4 - Infrastructure agreements

Entity power given to	Section of PA	Description
Public Sector Entity	151(2)	Power to tell the entity making the proposal if the recipient agrees to enter into negotiations for an infrastructure agreement.

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

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

Enforcement Authority	169(5)	Power to carry out consultation in the way the enforcement authority considers appropriate.
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Part 4 - Offence proceedings in Magistrates Court

Entity power given to	Section of PA	Description
Enforcement Authority	176(10)(a)	Power to take action required under an order.
Enforcement Authority	176(10)(b)	Power to recover the reasonable cost of taking the action as a debt owing to the authority from the defendant.
Enforcement Authority	178(1)(b)	Power to apply to a Magistrate for an order for the payment of expenses.

Part 5 - Enforcement orders in P&E Court

Entity power given to	Section of PA	Description
Enforcement Authority	180(13)(a)	Power to take action required under an order.
Enforcement Authority	180(13)(b)	Power to recover the reasonable cost of taking the action as a debt owing to the authority from the respondent.

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

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

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

Entity power given to	Section of PA	Description
Assessment Manager	240(1)	Power to start proceedings for a declaration about whether a development application is properly made.

Part 3 - Public access to documents

Entity power given to	Section of PA	Description
Local Government	264(1)(a)	Power to keep or keep publically available documents including registers relating to local government functions as prescribed in the Reg.
Local Government	264(2)	Power to keep a copy of each exemption certificate given pursuant to section 46 (2) of the Act and power to keep a register of exemption certificates.
Local Government	264(5)	Power to allow a person to inspect or obtain a copy of a document prescribed in the Reg

Local Government	264(6)	Power to decide if a document or information in a document prescribed under the Reg is not disclosable.
Local Government	265(3)	Power to give a limited, standard or full planning and development certificate for premises.

CHAPTER 8 – TRANSITIONAL PROVISIONS AND REPEAL

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

Division 3 – Planning

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

Division 5 – Infrastructure

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

Division 7 – Miscellaneous

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

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

Entity power given to	Section of PA	Description
Responsible Entity	326 (5)	Power to apply section 79(2), as in force on the commencement, to make a decision about accepting the existing change application.
Assessment Manager	327(5)	Power to apply section 86(3), as in force on the commencement, to make a decision about accepting the existing extension application.

Limitations to the Exercise of Power

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

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