

Ordinary Council Meeting - 22 October 2024 Attachments

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Profit and Loss

Glamorgan Spring Bay Council
For the 3 months ended 30 September 2024

| Account | YTD Actual | YTD Budget | Budget Var | Var % | 2024/25 Budget | Notes |
|---|-------------------|-------------------|------------------|-------------|-------------------|-------|
| Trading Income | | | | | | |
| Rate Revenue | 13,884,593 | 13,871,977 | 12,616 | 0% | 13,871,977 | |
| Statutory Charges | 180,113 | 168,249 | 11,864 | 7% | 691,962 | |
| User Charges | 607,417 | 369,380 | 238,037 | 64% | 946,149 | 1 |
| Grants | 629,650 | 68,791 | 560,859 | 815% | 1,467,660 | 2 |
| Interest & Investment Revenue | 212,393 | 158,101 | 54,292 | 34% | 632,404 | 3 |
| Other Revenue | 378,441 | 344,999 | 33,442 | 10% | 646,335 | |
| Total Trading Income | 15,892,607 | 14,981,497 | 911,110 | 6% | 18,256,487 | |
| Gross Profit | 15,892,607 | 14,981,497 | 911,110 | 6% | 18,256,487 | |
| Capital Grants | | | | | | |
| Grants Commonwealth Capital - Other | 101,381 | 1,281,356 | (1,179,975) | -92% | 2,662,443 | 4 |
| Grants Commonwealth Capital - Roads to Recovery | 0 | 0 | 0 | 0% | 497,000 | |
| Grants State Capital - Other | 410,366 | 187,500 | 222,866 | 119% | 2,626,623 | 5 |
| Total Capital Grants | 511,747 | 1,468,856 | (957,109) | -65% | 5,786,066 | |
| Other Income | | | | | | |
| Net Gain (Loss) on Disposal of Assets | 22,726 | 0 | 22,726 | 0% | 201,200 | |
| Contributions | 163,841 | 82,500 | 81,341 | 99% | 330,000 | 6 |
| Total Other Income | 186,566 | 82,500 | 104,066 | 126% | 531,200 | |
| Operating Expenses | | | | | | |
| Employee Costs | 1,183,950 | 1,374,216 | (190,266) | -14% | 5,496,864 | 7 |
| Materials & Services | 2,222,753 | 2,566,091 | (343,338) | -13% | 8,263,316 | 8 |
| Depreciation | 959,401 | 934,602 | 24,799 | 3% | 3,712,957 | |
| Interest | (21,669) | 18,113 | (39,782) | -220% | 170,757 | 9 |
| Other Expenses | 92,528 | 51,465 | 41,063 | 80% | 237,860 | 10 |
| Total Operating Expenses | 4,436,963 | 4,944,487 | (507,524) | -10% | 17,881,754 | |
| Net Profit | 11,455,644 | 10,037,010 | 1,418,634 | 14% | 374,733 | |
| Total Comprehensive Result (incl Capital Income) | 12,153,957 | 11,588,366 | 565,591 | 5% | 6,691,999 | |

NOTES OF BUDGET VARIANCES > \$50k and >10%.

1. Timing, marina berth fees due up front annually following new marina licences arrangements \$240k, Sale of steel up \$17k, Swanwick water charges up \$22k due to new subdivision, down \$45k water/caravan charges.
2. Black summer bushfire grant funds for telstra works rolled over from prior year, not yet spent \$566k. FAGS funds received as budgeted, \$60k
3. Higher than expected interest on investments
4. Black summer bushfire grant funds for helipad received and rolled over from prior year, works not yet started \$101k. Community Development Grant Bicheno Gulch funds budgeted for July-Aug, received in late June \$750k. Community Development Grant Bicheno Triangle \$300k budgeted for Sept, expected to claim Dec 2024. LCRI4 Rehab Dolphin Sands Rd budgeted Sept, expected to claim Dec 2024.
5. Triabunna Tomorrow Streetscape \$211k and Saltworks jetty \$49k received and rolled over from prior year not year spent. Emergency Management Fund for 2022 Storm Damage expected Sept 2024 not yet claimed. Received 1st Instalment of \$150k out of the \$250k Grant from Tasmanian Community Fund Community for Coles Bay Hall Annex.
6. Contribution higher than the estimates for public open space, stormwater and subdivisions by \$81k
7. Staff vacancies creating shortfall in work productivity.
8. Timing of operational activities impacted by adverse weather.
9. Timing, end of year apportionment of loan repayments.

Statement of Financial PositionGlamorgan Spring Bay Council
As at 30 September 2024

| Account | 30 Sept 2024 | 30 June 2024 |
|--|---------------------|---------------------|
| Assets | | |
| Current Assets | | |
| Cash & Cash Equivalents | 12,878,115 | 8,036,845 |
| Trade & Other Receivables | 8,748,953 | 2,515,905 |
| Other Assets | 102,156 | 0 |
| Total Current Assets | 21,729,224 | 10,552,751 |
| Non-current Assets | | |
| Investment in Water Corporation | 33,872,244 | 33,872,244 |
| Property, Infrastructure, Plant & Equipment | 212,174,509 | 213,133,910 |
| Total Non-current Assets | 246,046,753 | 247,006,154 |
| Total Assets | 267,775,977 | 257,558,905 |
| Liabilities | | |
| Current Liabilities | | |
| Trade & Other Payables | 744,360 | 908,886 |
| Trust Funds & Deposits | 401,439 | 394,402 |
| Provisions | 721,295 | 721,295 |
| Contract Liabilities | 0 | 928,735 |
| Interest bearing Loans & Borrowings | 364,961 | 384,912 |
| Trust Funds & Deposits - Retention Monied Held | 19,074 | 30,517 |
| Total Current Liabilities | 2,251,130 | 3,368,747 |
| Non-current Liabilities | | |
| Provisions | 51,738 | 51,738 |
| Interest Bearing Loans & Borrowings | 5,434,693 | 5,434,693 |
| Total Non-current Liabilities | 5,486,431 | 5,486,431 |
| Total Liabilities | 7,737,560 | 8,855,178 |
| Net Assets | 260,038,417 | 248,703,727 |
| Equity | | |
| Current Year Earnings | 11,334,690 | 4,941,530 |
| Retained Earnings | 99,834,435 | 94,892,905 |
| Equity - Asset Revaluation Reserve | 147,403,564 | 147,403,564 |
| Equity - Restricted Reserves | 1,465,727 | 1,465,727 |
| Total Equity | 260,038,417 | 248,703,727 |

Statement of Cash Flows

Glamorgan Spring Bay Council
For the 3 months ended 30 September 2024

| Account | YTD Actual | 2024 |
|---|-------------------|--------------------|
| Operating Activities | | |
| Receipts from Customers | 7,511,277 | 17,574,209 |
| Operating Grants | 629,650 | 1,437,377 |
| Payment to employees and Suppliers | (3,487,197) | (12,068,606) |
| Other Payments | (70,768) | (204,060) |
| Finance Costs Paid | (18,113) | (207,722) |
| Net Cash Flows from Operating Activities | 4,564,849 | 6,531,198 |
| Investing Activities | | |
| Proceeds from sale of property, plant and equipment | 24,998 | 140,351 |
| Payment for property, plant and equipment | (772,233) | (5,607,733) |
| Receipts from capital grants | 1,048,013 | 1,343,076 |
| Net Cash Flows from Investing Activities | 300,778 | (4,124,306) |
| Financing Activities | | |
| Trust funds & deposits | (4,406) | 18,852 |
| Proceeds from/ repayment of long term loans | (19,951) | (1,767,274) |
| Net Cash Flows from Financing Activities | (24,357) | (1,748,421) |
| Net Cash Flows | 4,841,270 | 658,471 |
| Cash and Cash Equivalents | | |
| Cash and cash equivalents at beginning of period | 7,943,937 | 7,285,466 |
| Cash and cash equivalents at end of period | 12,785,207 | 7,943,937 |
| Net change in cash for period | 4,841,270 | 658,471 |

Capital Works DetailGlamorgan Spring Bay Council
Budget 2024-25

| Dept | Capital Item | Cost YTD | % cost spent | Status | Carry Fwd Funds @ 30.6.24 | Renewal Works | New Works | Budget 2024/25 | Council Funded | External Funded | External Funding Source |
|--|--|----------------|--------------|-------------|---------------------------|------------------|----------------|------------------|----------------|------------------|--|
| Roads, Footpaths, Kerbs | | | | | | | | | | | |
| | Road accessibility (Black Summer) | - | 0% | In progress | 30,000 | | | 30,000 | - | 30,000 | Black summer bushfire recovery |
| | Storm Damage Projects 2022 | - | 0% | complete | 160,051 | | | 160,051 | 27,449 | 187,500 | Emergency management fund |
| | Footpath and disability compliance renewal 2024-25 | - | | Not Started | | | | - | | | |
| | Kerb & Channel Renewal 2024-25 | - | | Not Started | | | | - | | | |
| | Resheet Program | 34,801 | 35% | In progress | | 100,000 | | 100,000 | 100,000 | - | |
| | Pavement Renewal Program | - | 0% | In progress | | 400,000 | | 400,000 | 400,000 | | |
| | Reseal Program | 319 | 0% | In progress | | 600,000 | | 600,000 | 103,000 | 497,000 | Roads to recovery |
| | Triabunna Tomorrow Streetscapes | 16,650 | 3% | Design | | 400,000 | 175,000 | 575,000 | - | 575,000 | State Government MOU |
| | Bicheno Urban Design Streetscape | - | 0% | | | | 100,000 | 100,000 | - | 100,000 | State Government MOU |
| | Swanwick Footpath 130 m kerb and road repair stage 2 | - | 0% | Design | | | 60,000 | 60,000 | 20,000 | 40,000 | State Vulnerable road user program Round |
| | Kerb & Channel Bluff Crt | - | 0% | In progress | | | 50,000 | 50,000 | 50,000 | | |
| | Design allocation | - | 0% | In progress | | | 75,000 | 75,000 | 75,000 | | |
| | Contingency | - | 0% | | | 40,000 | | 40,000 | 40,000 | | |
| | Total Roads, Footpaths, Kerbs | 51,770 | 2% | | 190,051 | 1,540,000 | 460,000 | 2,190,051 | 760,551 | 1,429,500 | |
| Bridges, Culverts | | | | | | | | | | | |
| | Bridge - 17 Acre Creek Bridge Wielangta Rd | - | 0% | | | 400,000 | | 400,000 | 80,000 | 320,000 | Subject to Federal grant approval Bridge |
| | Bridge - 24 Ferndale Rd | - | 0% | design | | 150,000 | | 150,000 | 150,000 | | |
| | Unemployed Gully / Brockley Rd Bridge | - | 0% | In progress | | 70,000 | | 70,000 | 70,000 | | |
| | Total Bridges, Culverts | - | 0% | | - | 620,000 | - | 620,000 | 300,000 | 320,000 | |
| Parks, Reserves, Walking Tracks, Cemeteries | | | | | | | | | | | |
| | Bicheno Triangle | 810 | 0% | In progress | 492,300 | | | 492,300 | - | 492,300 | Community Development Grant Cwth |
| | Bicheno Gulch | 340,699 | 49% | In progress | 698,390 | | | 698,390 | - | 698,390 | Community Development Grant Cwth |
| | Coles Bay Foreshore | 119,338 | 244% | In progress | 49,008 | | | 49,008 | - | 49,008 | Community Development Grant Cwth |
| | Walking/Cycling strategy | - | 0% | | 20,000 | | | 20,000 | | 20,000 | Department of Health State |
| | Playground Renewals | - | 0% | | | 20,000 | 80,000 | 100,000 | 100,000 | | |
| | Playground Bicheno Lions Park | - | 0% | | | 100,000 | | 100,000 | 100,000 | | |
| | Orford Foreshore Masterplan | - | 0% | | | 100,000 | 118,400 | 218,400 | 218,400 | | Contribution POS |
| | Orford Transfer Station Fencing | 3,329 | 33% | In progress | | 10,000 | | 10,000 | 10,000 | | |
| | Our Park Precinct Plan | - | 0% | | | | 10,000 | 10,000 | 10,000 | | |
| | Bicheno Skate Park Carpark | - | 0% | | | | 90,000 | 90,000 | 90,000 | | |
| | Total Parks, Reserves, Walking Tracks, Cemeteries | 464,175 | 26% | | 1,259,698 | 230,000 | 298,400 | 1,788,098 | 528,400 | 1,259,698 | |
| Stormwater & Drainage | | | | | | | | | | | |
| | 49 Rheban Rd design to West Shelley Bch Nautilus Detention Basin | - | 0% | In progress | 35,000 | | 165,000 | 200,000 | 200,000 | | |
| | Holkham Court | - | 0% | In progress | 11,558 | | 35,000 | 46,558 | 46,558 | | Contribution Stormwater |
| | Pit and Pipe Renewal Program | - | 0% | In progress | 20,559 | 100,000 | | 120,559 | 120,559 | | |
| | System Upgrade | - | 0% | | | 20,000 | 20,237 | 40,237 | 40,237 | | |
| | Taswater infiltration Program | - | 0% | | | | 50,000 | 50,000 | 50,000 | | |
| | SQID program | - | 0% | | | | 30,000 | 30,000 | 30,000 | | Contribution Stormwater |
| | Total Stormwater & Drainage | - | 0% | | 67,117 | 120,000 | 300,237 | 487,354 | 487,354 | - | |

Capital Works DetailGlamorgan Spring Bay Council
Budget 2024-25

| Dept | Capital Item | Cost YTD | % cost spent | Status | Carry Fwd Funds @ 30.6.24 | Renewal Works | New Works | Budget 2024/25 | Council Funded | External Funded | External Funding Source |
|------------------------------------|--|----------------|--------------|-------------|---------------------------|------------------|------------------|------------------|------------------|------------------|--|
| Building | | | | | | | | | | | |
| | Heli-pad Swansea Emergency Services | - | 0 | In progress | 103,245 | | | 103,245 | 0 | 103,245 | Black summer bushfire recovery |
| | Coles Bay Hall Annexe | 175,767 | 0.296337741 | In progress | 593,132 | | | 593,132 | 163,132 | 430,000 | Community Infrastructure Round 3 & Tas |
| | Public Amenities | - | 0 | design | 100,000 | | 350,000 | 450,000 | 100,000 | 350,000 | State Government MOU |
| | Bicheno Skate Park Toilet | - | 0 | | | | 106,000 | 106,000 | 26,000 | 80,000 | State Government MOU |
| | Toilet Raspins Beach OFMP | - | 0 | | | 300,000 | 115,000 | 415,000 | 15,000 | 400,000 | Contribution POS |
| | Bicheno Surf Club and Toilet upgrade | - | 0 | | | 150,000 | 100,000 | 250,000 | 100,000 | 150,000 | State community Grant |
| | Triabunna Rec Ground | - | 0 | | | | 100,000 | 100,000 | 100,000 | | |
| | Black water Bicheno relocation | - | 0 | | | 10,000 | | 10,000 | 10,000 | | |
| | Total Building | 175,767 | 9% | | 796,377 | 460,000 | 771,000 | 2,027,377 | 514,132 | 1,513,245 | |
| Marine Infrastructure | | | | | | | | | | | |
| | Saltworks Toilet | - | 0 | In progress | 100,000 | | | 100,000 | - | 100,000 | Community Infrastructure Round 3 |
| | Saltworks Boat Ramp Upgrade | - | 0 | In progress | 99,123 | | | 99,123 | - | 99,123 | State Grant MAST |
| | Total Marine Infrastructure | - | 0 | | 199,123 | - | - | 199,123 | - | 199,123 | |
| Sewerage | | | | | | | | | | | |
| | Swanwick Waste System Pump Upgrade | - | 0 | Not started | | 15,000 | - | 15,000 | 15,000 | | |
| | Total Sewerage | - | 0% | | - | 15,000 | - | 15,000 | 15,000 | - | |
| Plant Equipment & Other | | | | | | | | | | | |
| | IT Computer equipment | 12,220 | 41% | In progress | | 30,000 | | 30,000 | 30,000 | | |
| | CRM Software implementation costs | 121 | 1% | | | - | 13,000 | 13,000 | 13,000 | | |
| | Office Equipment | - | 0% | | | 10,000 | | 10,000 | 10,000 | | |
| | Waste Chipper | - | 0% | quotes | | | 250,000 | 250,000 | 125,000 | 125,000 | Emergency Management State subject to |
| | Waste Bulk Skip Bins | - | 0% | quotes | | | 100,000 | 100,000 | 100,000 | | |
| | Emulsion Trailer | - | 0% | | | | 43,000 | 43,000 | 43,000 | | |
| | Grader (low hrs) | - | 0% | In progress | | 420,000 | | 420,000 | 420,000 | - | |
| | Mower replace 2017 Mower JDeere Coles Bay | 27,727 | 92% | complete | | 30,000 | | 30,000 | 30,000 | | |
| | Small plant & Equipment | 5,000 | 33% | | | 15,000 | | 15,000 | 15,000 | | |
| | Truck 16t tipper replace 2008 Hino16t A85NU Swansea | - | 0% | In progress | | 190,000 | | 190,000 | 190,000 | | |
| | Truck 7.5t tipper w crane replace 2010 Hino 7t B79TI Bicheno | - | 0% | In progress | | 105,000 | | 105,000 | 105,000 | | |
| | Ute Dual Cab 4wd replace Ute BT50 H92ME | - | 0% | In progress | | 50,000 | | 50,000 | 50,000 | | |
| | Ute extra Cab 2wd replace Ute Dmax H40SF | - | 0% | In progress | | 45,000 | | 45,000 | 45,000 | | |
| | Wagon replace MUX I42CX Works | - | 0% | In progress | | 45,000 | | 45,000 | 45,000 | | |
| | Wagon replace MUX I62BW Plumbing | 39,796 | 88% | In progress | | 45,000 | | 45,000 | 45,000 | | |
| | Wagon replace Ute Dmax J30LP P&D | 41,198 | 92% | complete | | 45,000 | | 45,000 | 45,000 | | |
| | Total Plant Equipment & Other | 126,063 | 9% | | - | 1,030,000 | 406,000 | 1,436,000 | 1,311,000 | 125,000 | |
| | Total Capital Works | 817,776 | 9% | | 2,512,366 | 4,015,000 | 2,235,637 | 8,763,003 | 3,916,437 | 4,846,566 | |



DELEGATIONS REGISTER

Adopted: 27 February 2024

Minute No. 37/24

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35. MISCELLANEOUS POWERS AND FUNCTIONS TO THE GENERAL MANAGER AND AN OFFICER / EMPLOYEE98

DELEGATION

A Council, in writing, may delegate with or without conditions to the General Manager, any of its functions or powers under any Act.

S.22 Local Government Act 1993 (subject to restrictions).

The General Manager, in writing, may delegate to an employee of the Council

- (a) any functions or powers under any Act, other than this power of delegation; and*
- (b) any functions or powers delegated by the Council which the Council authorised the General Manager to delegate.*

S.64 Local Government Act 1993.

If an Act confers a power on a person to delegate a function or power, the person may, in accordance with the Act, delegate the function or power to

- (a) a person by name; or*
- (b) the holder of a particular office or position by reference to the title of the office or position concerned, whether or not the office or position is vacant at the time of the delegation.*

S.23AA(1) of the Acts Interpretation Act 1931.

If a function or power is delegated to a particular officer or the holder of a particular office or position

- (a) the delegation does not cease to have effect merely because the person who was the particular officer or the holder of the particular office or position when the function or power was delegated ceases to be that officer or the holder of that office or position; and*
- (b) the function or power may be performed or exercised by the person for the time being occupying or acting in the office or position concerned.*

S.23AA(5) of the Acts Interpretation Act 1931.

A function or power that has been delegated may, notwithstanding the delegation, be exercised by the delegator.

S.23AA(6) of the Acts Interpretation Act 1931.

Pursuant to the powers of the *Local Government Act 1993* the Council hereby delegates the exercise and performance of the following functions and powers to the General Manager and/or an Officer/employee of Council on the following conditions:

- I Each delegation is subject to the conditions or restrictions (if any) referred to in the table to this delegation.
- II Each delegation is subject to such policies, policy guidelines and directions as the Council may from time to time approve.
- III Each delegation is subject to Council's By-laws or the provision of any Act.
- IV Each delegation includes any person acting in the delegated positions.

For and on behalf of the Glamorgan Spring Bay Council

The Glamorgan Spring Bay Council pursuant to a resolution of Council Number 37/24 dated 27 February 2024 hereby approved these delegations.

Signed on the 28 February 2024

Clr Cheryl Arnol
MAYOR

Greg Ingham
GENERAL MANAGER

1. ARCHIVES ACT 1983

| No | Statutory Ref | Function or Power | Conditions or Restrictions | Delegation | Original Source of Power |
|----|---------------|--|--------------------------------|--|---|
| 1 | S.10(1) | Preservation of State Records Council is to keep proper records of the business of the local authority for which that relevant authority is responsible. | Nil Conditions or Restrictions | <ul style="list-style-type: none"> General Manager Director of Corporate & Community | <ul style="list-style-type: none"> Council |
| 2 | S.11 | Transfer of State records to Archives Office Council is to transfer state records to archives office. | Nil Conditions or Restrictions | <ul style="list-style-type: none"> General Manager Director of Corporate & Community | <ul style="list-style-type: none"> Council |
| 3 | S.15(3) | Conditions may be imposed on the making of State archives available for public inspection. | Nil Conditions or Restrictions | <ul style="list-style-type: none"> General Manager Director of Corporate & Community | <ul style="list-style-type: none"> Council |

2. BIOSECURITY ACT 2019

| No | Statutory Ref | Function or Power | Conditions or Restrictions | Delegation | Original Source of Power |
|----|---------------|--|--|---|---------------------------------|
| 1 | S.31(1)(b) | Appointment of authorised officer | The Secretary of the Department may appoint an employee of a council to be an authorised officer for the purpose of the Biosecurity Act. | <ul style="list-style-type: none"> To authorised Officer | The Secretary of the Department |

3. BIOSECURITY REGULATIONS 2022

| No | Statutory Ref | Function or Power | Conditions or Restrictions | Delegation | Original Source of Power |
|----|---------------|--|---|---|---|
| 1 | R.25 | <p>Payments to Council of Public Account</p> <p>(1) Any payments made in respect of an infringement notice – (a) are payable to a council, if the notice was served by an authorised officer who is an employee of the council; ...</p> <p>(2) A council may charge a person a fee for – (a) the provision by the council to the person of any information requested by the person from the council under the Act; or (b) the carrying out of any inspection, analysis or other function under the Act in respect of the person by an authorised officer who is an employee of the council.</p> | <p>Reg. 25(3) A fee charged under subregulation (2) is – (a) to be no more than is necessary to cover the reasonable costs and expenses incurred in connection with the provision of information, or the inspection, analysis or other function that was carried out by the authorised officer under the Act in respect of the person; and (b) recoverable in a court of competent jurisdiction as a debt due and owing to the council.</p> | <ul style="list-style-type: none"> • General Manager • Director of Planning & Development • Authorised Officer | <ul style="list-style-type: none"> • Council |

4. BUILDING ACT 2016

| No | Statutory Ref | Functions or Power | Conditions or Restrictions | Delegation | Original Source of Power |
|----|---------------|---|---------------------------------------|---|---|
| 1 | S.24(2) | <p>Who is the Permit Authority</p> <p>The General Manager of a Council must appoint a person as a Permit Authority for the Municipal area of that Council.</p> | <p>Nil Conditions or Restrictions</p> | <ul style="list-style-type: none"> • Director of Planning & Development • Compliance Coordinator • Compliance Officer • Plumbing Surveyor | <ul style="list-style-type: none"> • General Manager |
| 2 | S.27(3) & (4) | <p>Records of Permit Authority</p> <p>Make information retained pursuant to S.27(2) available to the persons specified in S.27(3), and to provide a copy of that information upon payment of a fee</p> | <p>Nil Conditions or Restrictions</p> | <ul style="list-style-type: none"> • General Manager • Director of Planning & Development • Senior Environmental Health Officer • Compliance Coordinator • Compliance Officer • Plumbing Surveyor | <ul style="list-style-type: none"> • Council |

| No | Statutory Ref | Functions or Power | Conditions or Restrictions | Delegation | Original Source of Power |
|----|---------------|---|--|---|---|
| 3 | S.41(1) | <p>Councils Take steps to</p> <p>a) Ensure that the owners of property are informed of their duties under this Act</p> <p>i) In relation to any building work, plumbing work or demolition work; and</p> <p>ii) In maintaining and using a building; and</p> <p>b) Make itself aware of</p> <p>i) Building work, plumbing work or demolition work being performed in the municipal area; and</p> <p>ii) The use and occupation of buildings in its municipal area; and</p> <p>c) If applicable, ensure proceedings are instituted against any person or body failing to comply with this Act; and</p> <p>d) Enforce an order issued by a building surveyor, if appropriate to do so.</p> | The ability to take steps pursuant to this section can be delegated. However the Council itself will retain an obligation to comply with these requirements. | <ul style="list-style-type: none"> • General Manager • Director of Planning & Development • Senior Environmental Health Officer • Plumbing Surveyor • Compliance Coordinator • Compliance Officer | <ul style="list-style-type: none"> • Council |
| 4 | S.41(2) | <p>Councils The General Manager of a Council may, at all reasonable times, enter any premises or land where there is a building, temporary structure, building work, plumbing work or demolition work, if necessary to perform a function or exercise a power under this Act.</p> | Nil Conditions or Restrictions | <ul style="list-style-type: none"> • Director of Planning & Development • Compliance Coordinator • Compliance Officer • Senior Environmental Health Officer • Plumbing Surveyor | <ul style="list-style-type: none"> • General Manager |
| 5 | S.70(1) | <p>Works on contaminated or undrainable premises Be satisfied that land which is contaminated, unhealthy and not suitable for a particular purpose, has been cleaned or remedied.</p> | Nil Conditions or Restrictions | <ul style="list-style-type: none"> • Director of Planning & Development • Compliance Coordinator • Compliance Officer • Senior Environmental Health Officer • Plumbing Surveyor | <ul style="list-style-type: none"> • General Manager |
| 6 | S.70(2) | <p>Works on contaminated or undrainable premises Be satisfied that the surface of land is capable of being drained into an existing stormwater drain or channel or other suitable outlet</p> | Nil Conditions or Restrictions | <ul style="list-style-type: none"> • Director of Planning & Development • Compliance Coordinator • Compliance Officer • Senior Environmental Health Officer • Plumbing Surveyor | <ul style="list-style-type: none"> • General Manager |
| 7 | S.73 | <p>Works involving, or in proximity of, existing drains A person cannot perform any building work over any existing drain without the written consent of the general manager of Council. (2) The general manager may impose any reasonable condition on written consent given under subsection (1) .</p> <p>(3) The general manager may require an owner of a building to give a written undertaking not to hold the council liable for damage or inconvenience arising</p> | Nil Conditions or Restrictions | <ul style="list-style-type: none"> • Director of Planning & Development • Compliance Coordinator • Compliance Officer • Senior Environmental Health Officer • Plumbing Surveyor | <ul style="list-style-type: none"> • General Manager |

| No | Statutory Ref | Functions or Power | Conditions or Restrictions | Delegation | Original Source of Power |
|----|---------------|--|--|--|---|
| | | from the building work performed in accordance with the written consent of the general manager under this section. | | | |
| 8 | Part 6 | Protection Work Take all steps required to be taken in relation to protection work and insurance cover in circumstances where the Council is either the owner of the premises where building work, plumbing work or demolition work will be carried out, or the responsible person for that work. | Excludes the ability to pay or agree to pay compensation pursuant to s.89 | <ul style="list-style-type: none"> • Director of Planning & Development • Compliance Coordinator • Compliance Officer • Senior Environmental Health Officer • Plumbing Surveyor | <ul style="list-style-type: none"> • General Manager |
| 9 | Part 6 | Notice of proposed Protection Work Take all steps required to be taken in relation to protection work and insurance cover in circumstances where the Council is the owner of an adjoining premises to a premises where building work, plumbing work or demolition work will be carried out. | Excludes the ability to pay or agree to pay compensation pursuant to S.89. | <ul style="list-style-type: none"> • Director of Planning & Development • Compliance Coordinator • Compliance Officer • Senior Environmental Health Officer • Plumbing Surveyor | <ul style="list-style-type: none"> • General Manager |
| 10 | S.241 | Dilapidated Building Report Form a belief that a building may be dilapidated, and to inspect that building and prepare a dilapidated building report upon it. To obtain information as to any matter relating to a dilapidated building report from any building services provider or other person | Nil Conditions or Restrictions | <ul style="list-style-type: none"> • Director of Planning & Development • Compliance Coordinator • Compliance Officer • Senior Environmental Health Officer • Plumbing Surveyor | <ul style="list-style-type: none"> • General Manager |
| 11 | S.242 | Dilapidated building notice A general manager may issue a dilapidated building notice to an owner of a building if a dilapidated building report under section 241 states that the building is a dilapidated building. | Nil Conditions or Restrictions | <ul style="list-style-type: none"> • Director of Planning & Development • Compliance Coordinator • Compliance Officer | <ul style="list-style-type: none"> • General Manager |
| 12 | S.244 | Revocation of notices A person who issued a notice under this Division may revoke the notice if satisfied that it is appropriate to do so after. | Nil Conditions or Restrictions | <ul style="list-style-type: none"> • Director of Planning & Development • Compliance Coordinator • Compliance Officer | <ul style="list-style-type: none"> • General Manager |
| 13 | S.245(1) | Emergency Order Make an emergency order if satisfied that a threat to life may arise out of the condition or use of a building, temporary structure, or plumbing installation, and provide a copy to the permit authority. | Nil Conditions or Restrictions | <ul style="list-style-type: none"> • Director of Planning & Development • Senior Environmental Health Officer | <ul style="list-style-type: none"> • General Manager |
| 14 | S.245(6) | Emergency Order Revoke an emergency order if the circumstances giving rise to the making of the order have changed. | Nil Conditions or Restrictions | <ul style="list-style-type: none"> • Director of Planning & Development • Senior Environmental Health Officer | <ul style="list-style-type: none"> • General Manager |

| No | Statutory Ref | Functions or Power | Conditions or Restrictions | Delegation | Original Source of Power |
|----|----------------|--|--------------------------------|---|---|
| 15 | S.245(7) | Emergency Order Provide a copy of an emergency order to the relevant permit authority within 7 business days after making the order. | Nil Conditions or Restrictions | <ul style="list-style-type: none"> • Director of Planning & Development • Senior Environmental Health Officer | <ul style="list-style-type: none"> • General Manager |
| 16 | S.251 | Court Orders Apply to a court for an order in relation to a contravention or likely contravention of the Act or a notice, order or determination under the Act. | Nil Conditions or Restrictions | <ul style="list-style-type: none"> • Director of Planning & Development • Compliance Coordinator • Compliance Officer | <ul style="list-style-type: none"> • General Manager |
| 17 | S.265(3) & (4) | Failure to comply with emergency, building or plumbing order Perform works where there has been failure to comply with an emergency, building or plumbing order, including the power to: a) Enter on the land where the work is to be done with the appropriate equipment; and b) Exclude other persons from the place where the work is being done; and c) If anything is to be altered, determine the form of the alteration so far as it was not previously specified; and d) If anything is to be taken down, demolished or removed, determine in what condition the remainder is to be left; and e) Carry away to some convenient place any materials removed; and f) Sell any materials so carried away and deduct the proceeds from the cost of the work. | Nil Conditions or Restrictions | <ul style="list-style-type: none"> • General Manager • Director of Planning & Development • Compliance Coordinator • Compliance Officer • Senior Environmental Health Officer • Plumbing Surveyor | <ul style="list-style-type: none"> • Council |
| 18 | S.266 | Possession of building Take proceedings to obtain possession of a building or temporary structure if any occupier fails to allow any person to do work pursuant to S.265. | Nil Conditions or Restrictions | <ul style="list-style-type: none"> • General Manager • Director of Planning & Development • Compliance Coordinator • Compliance Officer • Senior Environmental Health Officer | <ul style="list-style-type: none"> • Council |
| 19 | S.267(1) & (2) | Demolition order Serve an order to demolish building work. | Nil Conditions or Restrictions | <ul style="list-style-type: none"> • General Manager • Director of Planning & Development • Compliance Coordinator • Compliance Officer | <ul style="list-style-type: none"> • Council |
| 20 | S.267(3) | Demolition Order Council may enter onto land and demolish any building work in respect of an order to demolish building work. | Nil Conditions or Restrictions | <ul style="list-style-type: none"> • General Manager • Director of Planning & Development • Compliance Coordinator • Compliance Officer | <ul style="list-style-type: none"> • Council |

| No | Statutory Ref | Functions or Power | Conditions or Restrictions | Delegation | Original Source of Power |
|----|---------------|--|--------------------------------|--|--------------------------|
| 21 | S.269 | Recovery of performance costs If a person fails to perform the work required by any order under this Part within a specified time, the council may enter land or a building and perform the required work and may recover its expenses as a charge on the land and recoverable as if it were rates or charges under the <u>Local Government Act 1993</u> | Nil Conditions or Restrictions | <ul style="list-style-type: none"> • General Manager • Director of Planning & Development • Director of Corporate & Community • Compliance Coordinator • Compliance Officer | • Council |
| 22 | S.271(1) | Purchasing buildings and materials Councils may sell a building for removal or after demolishing a building, sell the materials on the premises for removal. | Nil Conditions or Restrictions | <ul style="list-style-type: none"> • General Manager • Director of Planning & Development • Director of Corporate & Community | • Council |
| 23 | S.271(2) | Purchasing buildings and materials Grant the purchaser of a building sold pursuant to S271(1) all of the powers Council has under S.265. | Nil Conditions or Restrictions | <ul style="list-style-type: none"> • General Manager • Director of Planning & Development | • Council |
| 24 | S.271(6) | Purchasing buildings and materials Authority to pay, on behalf of the Council, the owner of the building or materials sold under subsection (1) the balance of any proceeds of the sale after deducting any reasonable expenses incurred by it. | Nil Conditions or Restrictions | <ul style="list-style-type: none"> • General Manager • Director of Planning & Development • Director of Corporate & Community | • Council |
| 25 | S.272 | Police Assistance A General Manager may request the assistance of a police officer – a) In evacuating a building or temporary structure in accordance with an emergency order; or b) In removing any person from a building or temporary structure in respect of which an emergency order, building order or plumbing order is in effect. | Nil Conditions or Restrictions | <ul style="list-style-type: none"> • Director of Planning & Development • Compliance Coordinator • Compliance Officer • Senior Environmental Health Officer • Plumbing Surveyor | • General Manager |
| 26 | S.275(1) | Compliance with Act in certain circumstances Require a building permit to be obtained for works in compliance with an emergency order. | Nil Conditions or Restrictions | <ul style="list-style-type: none"> • Director of Planning & Development • Compliance Coordinator • Compliance Officer • Senior Environmental Health Officer | • General Manager |
| 27 | S.275(2) | Compliance with Act in certain circumstances Waive requirement to obtain a building permit to be obtained for works in compliance with a building order or demolition order. | Nil Conditions or Restrictions | <ul style="list-style-type: none"> • Director of Planning & Development • Compliance Coordinator • Compliance Officer • Senior Environmental Health Officer | • General Manager |

| No | Statutory Ref | Functions or Power | Conditions or Restrictions | Delegation | Original Source of Power |
|----|---------------|--|--------------------------------|---|---|
| 28 | S.308(2) | Habitation of certain buildings Provide consent to inhabit a building that is not built as a dwelling for a cumulative period that exceeds 30 days. | Nil Conditions or Restrictions | <ul style="list-style-type: none"> • Director of Planning & Development • Compliance Coordinator • Compliance Officer • Senior Environmental Health Officer | <ul style="list-style-type: none"> • General Manager |
| 29 | S.309 | Restriction on use of land Provide consent to erect a fence, building or other structure so as to restrict the use, in connection with a building, of any unoccupied area of the land on which it is built. | Nil Conditions or Restrictions | <ul style="list-style-type: none"> • Director of Planning & Development • Compliance Coordinator • Compliance Officer | <ul style="list-style-type: none"> • General Manager |
| 30 | S.310 | Prosecution of offences Proceedings for an offence against this Act or the regulations are to be commenced by an authorised person within the period of 2 years from the date on which evidence of the alleged offence first came to the attention of any authorised person. | Nil Conditions or Restrictions | <ul style="list-style-type: none"> • Director of Planning & Development • Compliance Coordinator • Compliance Officer • Senior Environmental Health Officer | <ul style="list-style-type: none"> • General Manager |
| 31 | S.324 | Infringement notices Issue an infringement notice on a person if satisfied that the person has committed a prescribed offence against this Act or the regulation. | Nil Conditions or Restrictions | <ul style="list-style-type: none"> • Director of Planning & Development • Compliance Coordinator • Compliance Officer • Senior Environmental Health Officer | <ul style="list-style-type: none"> • General Manager |

5. BUILDING REGULATIONS 2016

| No | Statutory Ref | Functions or Power | Conditions or Restrictions | Delegation | Original Source of Power |
|----|---------------|--|--------------------------------|--|---|
| 1 | R.43(1) | Plumbing work involving network utility operator's stormwater drainage systems A person must not perform plumbing work unless written consent to do so has been obtained from the relevant network utility operator. | Nil Conditions or Restrictions | <ul style="list-style-type: none"> • Director of Planning & Development • Director of Works & Infrastructure • Development Engineer • Works Manager • Plumbing Surveyor | <ul style="list-style-type: none"> • Council |

| No | Statutory Ref | Functions or Power | Conditions or Restrictions | Delegation | Original Source of Power |
|----|---------------|--|--------------------------------|---|--------------------------|
| 2 | R.43(3) | Plumbing work involving network utility operator's stormwater drainage systems If not satisfied that a stormwater drainage system is sealed in accordance with the Act, enter the premises and perform any work necessary. | Nil Conditions or Restrictions | <ul style="list-style-type: none"> • Director of Planning & Development • Director of Works & Infrastructure • Works Manager • Senior Environmental Health Officer • Plumbing Surveyor | • Council |
| 3 | R.43(5)(a) | Plumbing work involving network utility operator's stormwater drainage systems Recover costs as a charge under the <i>Local Government Act 1993</i> . | Nil Conditions or Restrictions | <ul style="list-style-type: none"> • Director of Planning & Development • Works Manager • Senior Environmental Health Officer • Plumbing Surveyor | • Council |
| 4 | R.53 | Riverine inundation Assessment of land as having a reasonable probability of flooding. | Nil Conditions or Restrictions | <ul style="list-style-type: none"> • Director of Planning & Development • Development Engineer | • Council |
| 5 | R.61(4) | Significant works in landslip areas Provide written authorisation for work in a landslip hazard area. | Nil Conditions or Restrictions | <ul style="list-style-type: none"> • Director of Planning & Development • Development Engineer | • General Manager |
| 6 | R.78(3) | Permit authorities may perform maintenance work Recover costs as a charge under the <i>Local Government Act 1993</i> . | Nil Conditions or Restrictions | <ul style="list-style-type: none"> • Director of Planning & Development | • Council |
| 7 | R.83 | Building certificates Issue building certificate certifying that Council does not intend to take any action under the Act. | Nil Conditions or Restrictions | <ul style="list-style-type: none"> • Director of Planning & Development | • General Manager |

6. BURIAL AND CREMATION ACT 2019

| No | Statutory Ref | Function or Power | Conditions or Restrictions | Delegation | Original Source of Power |
|-------------------|---------------|--|---|--|--------------------------|
| CEMETERIES | | | | | |
| 1 | | COUNCIL AS CEMETERY MANAGER The Council delegates the following functions and powers of the Council in its capacity as cemetery manager pursuant to the <i>Burial and Cremation Act 2019</i> (except the setting of fees), to the General Manager and authorises the General Manager to delegate those functions and powers. | The ultimate responsibility for the cemetery will remain with the Council, as cemetery manager. | <ul style="list-style-type: none"> • General Manager • Director of Works & Infrastructure | • Council |
| 2 | S.29(1)(c) | Interment otherwise than in cemetery The General Manager's written permission (and the landholder's and Director of Public Health) is required to inter human remains otherwise than in a | Nil Conditions or Restrictions | <ul style="list-style-type: none"> • Director of Works & Infrastructure • Works Manager • Senior Environmental Health Officer | • General Manager |

| No | Statutory Ref | Function or Power | Conditions or Restrictions | Delegation | Original Source of Power |
|----|---------------|--|--------------------------------|--|---|
| | | cemetery. | | | |
| 3 | S.29(4) | Interment otherwise than in cemetery The General Manager must ensure Council keep a record of the proposed interment and ensure it is included on any S.337 LGA certificate issued by Council. | Nil Conditions or Restrictions | <ul style="list-style-type: none"> • Director of Works & Infrastructure • Works Manager • Senior Environmental Health Officer | <ul style="list-style-type: none"> • General Manager |
| 4 | S.29(5) | Interment otherwise than in cemetery Permission given by the General Manager under S.29(1)(c) may be subject to any conditions necessary to ensure that the proposed interment will not be prejudicial to public health or public safety. | Nil Conditions or Restrictions | <ul style="list-style-type: none"> • Director of Works & Infrastructure • Works Manager • Senior Environmental Health Officer | <ul style="list-style-type: none"> • General Manager |
| 5 | S.32 (1) | Approval of persons as cemetery manager A person must not manage a cemetery unless – (a) the person has been approved under this section to be the cemetery manager for the cemetery; or (b) the person is deemed under this Act to be the cemetery manager for the cemetery. | Nil Conditions or Restrictions | <ul style="list-style-type: none"> • Director of Works & Infrastructure • Works Manager • Senior Environmental Health Officer | <ul style="list-style-type: none"> • General Manager |
| 6 | S.34(1) | Duties and powers of cemetery managers Keep a cemetery in accordance with the Act so as not to be prejudicial to public health or public safety. | Nil Conditions or Restrictions | <ul style="list-style-type: none"> • Director of Works & Infrastructure • Works Manager • Senior Environmental Health Officer | <ul style="list-style-type: none"> • General Manager |
| 7 | S.34(2) | Duties and powers of cemetery managers Ensure that as far as reasonably practicable the cemetery is maintained to prevent it from falling into disrepair, or from being defaced or damaged. Rectify and disrepair or defacement as soon as possible. | Nil Conditions or Restrictions | <ul style="list-style-type: none"> • Director of Works & Infrastructure • Works Manager | <ul style="list-style-type: none"> • General Manager |
| 8 | S.34(4) | Duties and powers of cemetery managers Keep all prescribed records (as per 2002 Act – see Schedule 1 Part 2). | Nil Conditions or Restrictions | <ul style="list-style-type: none"> • Director of Works & Infrastructure • Works Manager • Records Officer | <ul style="list-style-type: none"> • General Manager |
| 9 | S.34(5) | Duties and powers of cemetery managers Permit any person access free of charge at any reasonable time. | Nil Conditions or Restrictions | <ul style="list-style-type: none"> • Director of Works & Infrastructure • Works Manager | <ul style="list-style-type: none"> • General Manager |
| 10 | S.34(7) | Duties and powers of cemetery managers A cemetery manager may a) Improve, embellish and enlarge a cemetery under the management of that manager; and b) Restrict interments in any portion of the cemetery, except as may be required by an exclusive right of burial; and c) Take any other action as may be required for the reasonable management and maintenance of the cemetery. | Nil Conditions or Restrictions | <ul style="list-style-type: none"> • Director of Works & Infrastructure • Works Manager | <ul style="list-style-type: none"> • General Manager |

| No | Statutory Ref | Function or Power | Conditions or Restrictions | Delegation | Original Source of Power |
|----|---------------|--|--------------------------------|--|---|
| 11 | S.36 (1) | Cemetery managers to ensure application of revenue of cemeteries A cemetery manager must make adequate provision, out of any revenue received in respect of each cemetery for which he or she is the cemetery manager, for the purposes of – (a) defraying the cost of its establishment or acquisition, including interest and such amount as the manager thinks proper for administrative expenses; and (b) the maintenance, management and improvement of the cemetery. | Nil Conditions or Restrictions | <ul style="list-style-type: none"> • Director of Works & Infrastructure • Director of Corporate & Community • Works Manager | <ul style="list-style-type: none"> • General Manager |
| 12 | S.39(1) | Monuments, &c. The cemetery manager may permit any vault or grave to be made or dug, and any monument to be erected or placed, in any portion of the cemetery on payment of the fee which has been fixed for doing so. | Nil Conditions or Restrictions | <ul style="list-style-type: none"> • Director of Works & Infrastructure • Director of Corporate & Community • Works Manager | <ul style="list-style-type: none"> • General Manager |
| 13 | S.39(2) | Monuments, &c. The cemetery manager may determine the position of any monument to be erected or placed according to its description, size and character and having regard to the general plan for ornamenting the cemetery in an appropriate manner. | Nil Conditions or Restrictions | <ul style="list-style-type: none"> • Director of Works & Infrastructure • Works Manager | <ul style="list-style-type: none"> • General Manager |
| 14 | S.39(3) | Monuments, &c. The cemetery manager may enter into an agreement for the maintenance of a vault, grave or monument. | Nil Conditions or Restrictions | <ul style="list-style-type: none"> • Director of Works & Infrastructure • Works Manager | <ul style="list-style-type: none"> • General Manager |
| 15 | S.40(1) | Requirement to remove monuments The cemetery manager may provide notice to require a person to take down or remove a monument or to render it safe, if a monument has been erected or placed contrary to the terms and conditions on which the permission to erect or place it was granted or, in the opinion of the cemetery manager, it is unsafe. | Nil Conditions or Restrictions | <ul style="list-style-type: none"> • Director of Works & Infrastructure • Works Manager | <ul style="list-style-type: none"> • General Manager |
| 16 | S.40(3)(c) | Removal of certain monuments in cemeteries To make enquiries to find a person who erected or placed a monument. | Nil Conditions or Restrictions | <ul style="list-style-type: none"> • Director of Works & Infrastructure • Works Manager | <ul style="list-style-type: none"> • General Manager |
| 17 | S.40(3)(d) | Removal of certain monuments in cemeteries Render the monument safe or take the monument down and remove. | Nil Conditions or Restrictions | <ul style="list-style-type: none"> • Director of Works & Infrastructure • Works Manager | <ul style="list-style-type: none"> • General Manager |
| 18 | S.40(3)(e) | Removal of certain monuments in cemeteries Recover in a court the reasonable cost of rendering the monument safe or taking a monument down and removing it. | Nil Conditions or Restrictions | <ul style="list-style-type: none"> • Director of Works & Infrastructure • Works Manager | <ul style="list-style-type: none"> • General Manager |
| 19 | S.40(6) | Removal of certain monuments in cemeteries Provide notice of the removal of a monument and arrange for it to be re-erected if there is an agreement pursuant to S.40(4) which meets the requirements of the Act. | Nil Conditions or Restrictions | <ul style="list-style-type: none"> • Director of Works & Infrastructure • Works Manager | <ul style="list-style-type: none"> • General Manager |

| No | Statutory Ref | Function or Power | Conditions or Restrictions | Delegation | Original Source of Power |
|----|---------------|--|--------------------------------|--|---|
| 20 | S.41(2) | Exclusive right of burial Grant an exclusive right of burial. Note: The cemetery manager must issue a certificate of exclusive right under the <i>Burial and Cremation Regulations 2015</i> R.37. | Nil Conditions or Restrictions | <ul style="list-style-type: none"> Director of Works & Infrastructure Works Manager Records Officer | <ul style="list-style-type: none"> General Manager |
| 21 | S.42(2) | Notification of possible cemeteries The General Manager of a Council is to notify the regulator as soon as practicable after becoming aware land within municipal area is a cemetery or contains more than one monument and is not covered by an entry in the register (S.14). | Nil Conditions or Restrictions | <ul style="list-style-type: none"> Director of Works & Infrastructure Works Manager | <ul style="list-style-type: none"> General Manager |
| 22 | S.52(1)(a) | Sale of Cemetery – Notice Cemetery manager must publish notice of intention (in prescribed form see S.52(2)) to sell cemetery. | Nil Conditions or Restrictions | <ul style="list-style-type: none"> Director of Works & Infrastructure Works Manager | <ul style="list-style-type: none"> General Manager |
| 22 | S.52(1)(b) | Sale of Cemetery – Notice to Exclusive right holders Cemetery manager must notify in writing each person who holds exclusive right of burial or other exclusive write of intention to sell cemetery. | Nil Conditions or Restrictions | <ul style="list-style-type: none"> Director of Works & Infrastructure Works Manager | <ul style="list-style-type: none"> General Manager |
| 24 | S.52(1)(c) | Sale of Cemetery – Certificate of Compliance Cemetery manager must apply for certificate of compliance in respect of proposed sale. | Nil Conditions or Restrictions | <ul style="list-style-type: none"> Director of Works & Infrastructure Works Manager | <ul style="list-style-type: none"> General Manager |
| 25 | S.53 | Sale of Cemetery – Audit Cemetery manager must ensure audit undertaken within 6 months of issue of notice of intention to sell. | Nil Conditions or Restrictions | <ul style="list-style-type: none"> Director of Works & Infrastructure Works Manager | <ul style="list-style-type: none"> General Manager |
| 26 | S.57 | Notification of decision to not sell cemetery If cemetery manager, having given notice, decides not to sell cemetery they must notify regulator. | Nil Conditions or Restrictions | <ul style="list-style-type: none"> Director of Works & Infrastructure Works Manager | <ul style="list-style-type: none"> General Manager |
| 27 | S.58(1) | Cemetery disclosure document Cemetery manager must provide disclosure document to proposed purchaser. | Nil Conditions or Restrictions | <ul style="list-style-type: none"> Director of Works & Infrastructure Works Manager | <ul style="list-style-type: none"> General Manager |
| 28 | S.61 | Notification to purchase cemetery If Council purchases a cemetery it must give notice to the regulator of the transfer within 30 days of it occurring. | Nil Conditions or Restrictions | <ul style="list-style-type: none"> Director of Works & Infrastructure Works Manager | <ul style="list-style-type: none"> General Manager |
| 29 | S.63 | Closure of cemeteries for reasons of public health or public safety The general manager may give notice to cemetery manager that the whole or portion of cemetery is to be closed. | Nil Conditions or Restrictions | <ul style="list-style-type: none"> Director of Works & Infrastructure Works Manager Senior Environmental Health Officer | <ul style="list-style-type: none"> General Manager |

| No | Statutory Ref | Function or Power | Conditions or Restrictions | Delegation | Original Source of Power |
|----|---------------|--|--|--|---|
| 30 | S.64 | Intention to close (no interments for 50 years +) – notice/apply The cemetery manager must give notice of intention to close and apply to regulator for approval. | Nil Conditions or Restrictions | <ul style="list-style-type: none"> Director of Works & Infrastructure Works Manager | <ul style="list-style-type: none"> General Manager |
| 31 | S.65(1)(a) | Intention to close cemetery (no interments for 50 years +) If the regulator approves the closure the cemetery manager must notify the holder of exclusive rights. | Nil Conditions or Restrictions | <ul style="list-style-type: none"> Director of Works & Infrastructure Works Manager | <ul style="list-style-type: none"> General Manager |
| 32 | S.65(1)(b) | Close cemetery (no interments for 50 years+) On receipt of notification from the regulator of approval to close the cemetery, the cemetery manager may close the cemetery. | Nil Conditions or Restrictions | <ul style="list-style-type: none"> Director of Works & Infrastructure Works Manager | <ul style="list-style-type: none"> General Manager |
| 32 | S.66 | Effect of closure of cemetery Cemetery manager must forward all records to the State archivist and may take steps in relation to altering or moving tombstones in accordance with this section. | Nil Conditions or Restrictions | <ul style="list-style-type: none"> Director of Works & Infrastructure Works Manager Records Officer | <ul style="list-style-type: none"> General Manager |
| 33 | S.67 | Exclusive rights of burial in closed cemetery Cemetery manager must enter into an agreement with a person who holds an exclusive right of burial in a closed cemetery, and take action as agreed and prescribed in this section. | Nil Conditions or Restrictions | <ul style="list-style-type: none"> Director of Works & Infrastructure Works Manager | <ul style="list-style-type: none"> General Manager |
| 34 | S.68 | Actions by cemetery manager in closed cemeteries The cemetery manager may apply to the regulator for approval to lay out a closed cemetery as a park or garden, and take related steps. | Nil Conditions or Restrictions | <ul style="list-style-type: none"> Director of Works & Infrastructure Works Manager | <ul style="list-style-type: none"> General Manager |
| 35 | S.70 | Removal of grave etc or human remains in closed cemeteries A cemetery manager must not remove a grave etc or human remains from a closed cemetery without giving public notice and preparing a statement prescribed in this section. | Nil Conditions or Restrictions | <ul style="list-style-type: none"> Director of Works & Infrastructure Works Manager | <ul style="list-style-type: none"> General Manager |
| 36 | S.71 | Application to reduce time to take action in closed cemetery A cemetery manager may apply to take action under S.66 or S.68 even though 100 years has not passed. | Nil Conditions or Restrictions | <ul style="list-style-type: none"> Director of Works & Infrastructure Works Manager | <ul style="list-style-type: none"> General Manager |
| 37 | S.72 | When land ceases to be cemetery Council can sell land that has ceased to be a cemetery but must comply with this section in relation to persons who hold an exclusive right of burial | No authority for the General Manager to sub-delegate | <ul style="list-style-type: none"> General Manager Director of Works & Infrastructure Works Manager | <ul style="list-style-type: none"> Council |
| 38 | S.72(6) | When land ceases to be cemetery A cemetery manager must notify regulator after dealing with land under this section. | Nil Conditions or Restrictions | <ul style="list-style-type: none"> Director of Works & Infrastructure Works Manager | <ul style="list-style-type: none"> General Manager |

| No | Statutory Ref | Function or Power | Conditions or Restrictions | Delegation | Original Source of Power |
|-------------------|---------------|---|--|--|---|
| 39 | S.73 | Declaration land is not a cemetery If Council intends to sell land subject to a declaration under this section it must notify the prospective purchaser of matters specified in this section. | No authority for the General Manager to sub-delegate | <ul style="list-style-type: none"> • General Manager • Director of Works & Infrastructure • Works Manager | <ul style="list-style-type: none"> • Council |
| CREMATORIA | | | | | |
| 40 | S.82 | Closure of crematorium – public health or public safety The general manager may give notice that a crematorium is to be closed on a particular date if prejudicial to public health or safety. | Nil Conditions or Restrictions | <ul style="list-style-type: none"> • Director of Works & Infrastructure • Works Manager • Senior Environmental Health Officer | <ul style="list-style-type: none"> • General Manager |
| 41 | S.84 | Monuments containing cremated remains The person in charge of the monument must give notice of intention to remove and comply with other obligations under this section. | Nil Conditions or Restrictions | <ul style="list-style-type: none"> • Director of Works & Infrastructure • Works Manager | <ul style="list-style-type: none"> • General Manager |
| 42 | S.85 | Granting of exclusive rights in relation to monuments The person in charge of a monument may grant exclusive rights to place cremated remains in that monument in accordance with this section. | Nil Conditions or Restrictions | <ul style="list-style-type: none"> • Director of Works & Infrastructure • Works Manager | <ul style="list-style-type: none"> • General Manager |
| 43 | S.86 | Closure of monument The person in charge of a monument to be closed must grant a holder of exclusive rights in the monument exclusive rights in another monument. | Nil Conditions or Restrictions | <ul style="list-style-type: none"> • Director of Works & Infrastructure • Works Manager | <ul style="list-style-type: none"> • General Manager |

7. BURIAL AND CREMATION REGULATIONS 2015

| No | Statutory Ref | Function or Power | Conditions or Restrictions | Delegation | Original Source of Power |
|-------------------|---------------|--|---|--|---|
| CEMETERIES | | | | | |
| 1 | | COUNCIL AS CEMETERY MANAGER The Council delegates the following functions and powers of the Council in its capacity as cemetery manager pursuant to the <i>Burial and Cremation Act 2019</i> (except the setting of fees), to the General Manager and authorises the General Manager to delegate those functions and powers. | The ultimate responsibility for the cemetery will remain with the Council, as cemetery manager. | <ul style="list-style-type: none"> • General Manager | <ul style="list-style-type: none"> • Council |
| 2 | R.27 | Issue of certificate of exclusive right of burial The cemetery manager must issue a certificate of exclusive right of burial. | Nil Conditions or Restrictions | <ul style="list-style-type: none"> • Director of Works & Infrastructure • Works Manager • Records Officer | <ul style="list-style-type: none"> • General Manager |
| 3 | R.28 | Amendment of certificate of exclusive right of burial The cemetery manager may amend a certificate of exclusive right of burial. | Nil Conditions or Restrictions | <ul style="list-style-type: none"> • Director of Works & Infrastructure • Works Manager • Records Officer | <ul style="list-style-type: none"> • General Manager |

| No | Statutory Ref | Function or Power | Conditions or Restrictions | Delegation | Original Source of Power |
|----|---------------|---|--------------------------------|--|---|
| 4 | R.29 | Cancellation or transfer of certificate of exclusive right of burial The cemetery manager may cancel or transfer a certificate of exclusive right of burial. | Nil Conditions or Restrictions | <ul style="list-style-type: none"> Director of Works & Infrastructure Works Manager Records Officer | <ul style="list-style-type: none"> General Manager |
| 5 | R.30(3) | Permission to inter human remains A cemetery manager may grant or refuse permission to inter human remains in a cemetery. The permission may be subject to conditions. Notice of the grant or refusal of permission is to be given. | Nil Conditions or Restrictions | <ul style="list-style-type: none"> Director of Works & Infrastructure Works Manager Records Officer | <ul style="list-style-type: none"> General Manager |
| 6 | R.39 | Plan of cemetery A cemetery manager must keep a plan of the cemetery showing the graves and plots set aside in respect of an exclusive right of burial. | Nil Conditions or Restrictions | <ul style="list-style-type: none"> Director of Works & Infrastructure | <ul style="list-style-type: none"> General Manager |
| 7 | R.40 | Register of instruments A cemetery manager must keep a register of instruments as set out in this section. | Nil Conditions or Restrictions | <ul style="list-style-type: none"> Director of Works & Infrastructure Works Manager Records Officer | <ul style="list-style-type: none"> General Manager |
| 8 | R.42 | Driving in cemeteries A cemetery manager can give reasonable directions to a driver which it is an offence not to obey. | Nil Conditions or Restrictions | <ul style="list-style-type: none"> Director of Works & Infrastructure Works Manager | <ul style="list-style-type: none"> General Manager |
| 9 | R.44 | Power of cemetery manager in relation to graves and plots A cemetery manager may take certain action in cemeteries in relation to the appearance of the cemetery and public health and safety. | Nil Conditions or Restrictions | <ul style="list-style-type: none"> Director of Works & Infrastructure Works Manager | <ul style="list-style-type: none"> General Manager |
| 10 | R.45 | Power of cemetery manager to approve permanent items A cemetery manager may approve certain items or classes of items that may be permanently affixed to or next to a grave or plot. | Nil Conditions or Restrictions | <ul style="list-style-type: none"> Director of Works & Infrastructure Works Manager | <ul style="list-style-type: none"> General Manager |
| 11 | R.46(1) | Power of cemetery manager to remove persons A cemetery manager may require a person to leave and not re-enter a cemetery as set out in this section. | Nil Conditions or Restrictions | <ul style="list-style-type: none"> Director of Works & Infrastructure Works Manager | <ul style="list-style-type: none"> General Manager |
| 12 | R.46(3) | Power of cemetery manager to remove persons A cemetery manager may use reasonable force to remove from a cemetery or prevent the entry of a person into a cemetery in contravention of a requirement under S.46(1). | Nil Conditions or Restrictions | <ul style="list-style-type: none"> Director of Works & Infrastructure Works Manager | <ul style="list-style-type: none"> General Manager |
| 13 | R.47 | Duty of cemetery manager on removal of monument A cemetery manager must take photos as prescribed if removing a monument and provide the photos to the Heritage Council. | Nil Conditions or Restrictions | <ul style="list-style-type: none"> Director of Works & Infrastructure Works Manager | <ul style="list-style-type: none"> General Manager |

8. CAT MANAGEMENT ACT 2009

| No | Statutory Ref | Function or Power | Conditions or Restrictions | Delegation | Original Source of Power |
|----|---------------|---|--|---|--------------------------|
| 1 | 8A | Collection and analysis of sample from a cat (2) The general manager may approve a person to collect a non-intimate sample from a cat, and a person to conduct the analysis of the sample collected. (4) If the general manager receives a request under sub-section (3), they may authorise an approved person to collect a non-intimate sample from the cat, or a veterinary surgeon to collect an intimate or non-intimate sample from the cat. (7) The general manager may authorise a qualified person to conduct analysis of a sample collected in accordance with section 8A(5)(b). | | <ul style="list-style-type: none"> Director Planning & Development Compliance Coordinator | General Manager |
| 2 | 16B | Application to keep more than 4 cats (3) (b) If a general manager, to whom an application is made under subsection (1) so requires, an applicant must publish a notice, in a prescribed manner, (4) (b) In considering an application that is made under subsection (1) to a general manager, the general manager must consult with the Secretary. | | <ul style="list-style-type: none"> Director Planning & Development Compliance Coordinator | General Manager |
| 3 | 16C | Determination of application to keep more than 4 cats (1) A general manager may grant or refuse an application made under s.16B(1), subject to conditions. (2) If an application is approved, the general manager is to issue a permit in writing. (5) A general manager may vary permit conditions by notice to the permit holder. (6) Where an application is refused, the general manager must provide notice of the refusal with written reasons. | Permits may not be issued in contravention of a council by-law: s.16C(3) | <ul style="list-style-type: none"> Director Planning & Development Compliance Coordinator | General Manager |
| | 16D | Cancellation of multiple cat permits (1) A general manager may cancel a multiple cat permit by notice in writing served on the permit holder if satisfied of the matters in subsection (2). (3) Before cancelling a multiple cat permit, the general manager must give the permit holder one month's notice to make written submissions and must consider those submissions (if any). | | <ul style="list-style-type: none"> Director Planning & Development Compliance Coordinator | General Manager |
| 5 | 19 | Declaration of prohibited area A council may declare an area of land within the authority of the council to be an area where cats are prohibited. | | <ul style="list-style-type: none"> Director Planning & Development Compliance Coordinator | Council |
| 6 | 20 | Declaration of cat management area (1) A council may declare an area of land within the municipal area of the council to be an area within which measures may be taken in respect of cats. (2) Without limiting the generality of subsection (1) , a measure in respect of a cat may include a cat management action as defined in section 18(1) . | | <ul style="list-style-type: none"> Director Planning & Development Compliance Coordinator | Council |

| No | Statutory Ref | Function or Power | Conditions or Restrictions | Delegation | Original Source of Power |
|----|---------------|--|----------------------------|---|--------------------------|
| 7 | 21 | <p>Proposal for council declaration</p> <p>(1) A council that proposes to make a declaration under section 19 or 20 in relation to an area of land is to publish a notice specifying –</p> <p>(a) the area of land; and</p> <p>(b) the proposed restrictions or activities relating to the use of the area of land; and</p> <p>(c) the reasons for the proposed declaration; and</p> <p>(d) that submissions as to the proposed declaration may be made to the council within 15 working days after the notice is published.</p> <p>(2) A notice under subsection (1) may be published in one or more of the following ways:</p> <p>(a) in a newspaper circulating generally in the municipal area of the council;</p> <p>(b) in a document delivered to persons whom the council considers likely to be affected by the declaration if made;</p> <p>(c) on a website maintained by or on behalf of the council;</p> <p>(d) in a prescribed manner.</p> <p>(3) A person may, within 15 working days after a notice is published under subsection (1) , make a submission in writing to the council.</p> <p>(4) The council is to consider submissions made under subsection (3) , if any, before making a declaration under section 19 or 20 .</p> | | <ul style="list-style-type: none"> • Director Planning & Development • Compliance Coordinator | Council |
| 8 | 21A | <p>Council declaration</p> <p>(3) A council may propose to amend or revoke a declaration made under section 19 or 20 by notice published in accordance with subsection (1)(a) and (b) .</p> <p>(5) The council is to consider submissions made under subsection (3) , if any, before amending or revoking a declaration.</p> | | <ul style="list-style-type: none"> • Director Planning & Development • Compliance Coordinator | Council |
| 9 | 31 | <p>Permit to breed cats</p> <p>(3) A general manager may grant an application for a cat breeding permit, subject to conditions, or may refuse a permit.</p> <p>(5) If a general manager grants an application for a cat breeding permit, they are to issue a permit in writing to the applicant.</p> <p>(7) A general manager may vary a cat breeding permit, including the conditions of the permit, if satisfied there are reasonable grounds to do so.</p> <p>(8) If a general manager refuses an applicaiton, they are to provide the applicant with written notice of the refusal, with reasons.</p> | | <ul style="list-style-type: none"> • Director Planning & Development • Compliance Coordinator | General Manager |

9. CHILD AND YOUTH SAFE ORGANISATIONS ACT 2023

| No | Statutory Ref | Function or Power | Conditions or Restrictions | Delegation | Original Source of Power |
|----|---------------|---|--|------------|--------------------------|
| 1 | S.10(3) | Delegations A General Manager may delegate, to a worker of the entity, any of the functions or powers of the General Manager under this Act other than this power of delegation. | "Worker" is defined in section 8. | | General Manager |
| 2 | Section 34 | Head of relevant entity to notify Regulator of reportable allegation or reportable conviction (1) If a General Manager becomes aware of a reportable allegation or a reportable conviction against a worker of the relevant entity, the head must notify the Regulator, in writing, within 3 business days after becoming aware of the reportable allegation or reportable conviction in accordance with this section. – (2) The General Manager must not fail, without reasonable excuse, to comply with subsection (1) . Penalty: Fine not exceeding 120 penalty units. | "Reportable allegation" is defined in section 3. "Reportable conviction" is defined in section 7. | | General Manager |
| 3 | Section 35 | Investigation by head of relevant entity (1) As soon as practicable after the General Manager becomes aware of a reportable allegation or reportable conviction against a worker, the General Manager: (a) must – (i) investigate the reportable allegation or reportable conviction; or (ii) engage an independent investigator to investigate the reportable allegation or reportable conviction on behalf of the head; and (b) must inform the Regulator of the identity of the body or person who will conduct the investigation. (2) If the General Manager is unable, or does not intend, to comply with subsection (1) , the General Manager is to – (a) notify the Regulator as soon as practicable; and (b) provide reasons for the non-compliance. (3) An investigation conducted under this section must be completed despite the person who is the subject of the investigation ceasing to be a worker of the relevant entity during the period in which the investigation is being conducted. (4) As soon as practicable after an investigation has been completed, the General Manager must give to the Regulator – (a) a copy of the findings of the investigation and the reasons for those findings; and (b) details of any disciplinary or other action that the relevant entity has taken, or proposes to take, in relation to the worker, and the reasons for that action; and (c) if the relevant entity does not propose to take any disciplinary or other action in relation to the worker, the reasons why no action is to be taken. | | | General Manager |

10. DOG CONTROL ACT 2000

| No | Statutory Ref | Function or Power | Conditions or Restrictions | Delegation | Original Source of Power |
|----|---------------|--|--------------------------------|--|--------------------------|
| 1 | S.9(1) | Application for registration | Nil Conditions or Restrictions | <ul style="list-style-type: none"> • Director of Planning & Development • Compliance Officer • Compliance Coordinator | • General Manager |
| 2 | S.10(1) | <p>Registration disc On the registration of a dog, the general manager is to –</p> <p>a) Allocate a registration number to the dog; and</p> <p>b) Issue to the owner a disc or tag clearly and durably marked with –</p> <p>i) The name of the Council; and</p> <p>ii) The registration number of the dog; and</p> <p>iii) The expiry date of registration.</p> | Nil Conditions or Restrictions | <ul style="list-style-type: none"> • Director of Planning & Development • Compliance Officer • Compliance Coordinator | • General Manager |
| 3 | S.12(2) | Cancellation of registration | Nil Conditions or Restrictions | <ul style="list-style-type: none"> • Director of Planning & Development • Compliance Officer • Compliance Coordinator | • General Manager |
| 4 | S.15(1) | <p>Register A general manager is to keep a register in respect of registered dogs.</p> | Nil Conditions or Restrictions | <ul style="list-style-type: none"> • Director of Planning & Development • Compliance Officer • Compliance Coordinator | • General Manager |
| 5 | S.15(4) | <p>Register A general manager may amend or cancel any item in the register in order to maintain the register.</p> | Nil Conditions or Restrictions | <ul style="list-style-type: none"> • Director of Planning & Development • Compliance Officer • Compliance Coordinator | • General Manager |
| 6 | S.15A(3) | Implanting of microchips | Nil Conditions or Restrictions | <ul style="list-style-type: none"> • Director of Planning & Development • Compliance Officer • Compliance Coordinator | • General Manager |
| 7 | S.19AA(2) | <p>Collection and analysis of a sample from a dog A general manager who receives a request under subsection 19(1) in relation to a dog may authorize –</p> <p>a) An approved person to collect a non-intimate sample from the dog; or</p> <p>b) A veterinary surgeon to collect an intimate or non-intimate sample from the dog.</p> | Nil Conditions or Restrictions | <ul style="list-style-type: none"> • Director of Planning & Development • Compliance Officer • Compliance Coordinator | • General Manager |
| 8 | S.19AA(5) | <p>Collection and analysis of a sample from a dog A general manager may authorize a qualified person to conduct analysis of a sample that has been collected in accordance with subsection (2).</p> | Nil Conditions or Restrictions | <ul style="list-style-type: none"> • Director of Planning & Development • Compliance Officer • Compliance Coordinator | • General Manager |

| No | Statutory Ref | Function or Power | Conditions or Restrictions | Delegation | Original Source of Power |
|----|---------------|--|--------------------------------|--|--------------------------|
| 9 | S.19A(2) | Subsequent attack by dangerous dog The general manager may destroy a dog seized and detained under subsection (1). | Nil Conditions or Restrictions | <ul style="list-style-type: none"> • Director of Planning & Development • Compliance Officer • Compliance Coordinator | • General Manager |
| 10 | S.19A(3) | Subsequent attack by dangerous dog The general manager, by notice in writing served on the owner of the dog, is to notify the owner of the general manager's decision to destroy the dog. | Nil Conditions or Restrictions | <ul style="list-style-type: none"> • Director of Planning & Development • Compliance Officer • Compliance Coordinator | • General Manager |
| 11 | S.19AC(3) | Collection and analysis of a sample from a dog A general manager who receives a request under subsection 19AC(2) in relation to a dog may authorize a veterinary surgeon to collect an intimate or non-intimate sample from the dog. | Nil Conditions or Restrictions | <ul style="list-style-type: none"> • Director of Planning & Development • Compliance Officer • Compliance Coordinator | • General Manager |
| 12 | S.20 | Exercise areas A Council may declare an area to be an area where dogs may be exercised subject to any conditions specified in the declaration. | Nil Conditions or Restrictions | <ul style="list-style-type: none"> • General Manager | • Council |
| 13 | S.21 | Training areas A Council may declare an area to be an area where dogs may be trained subject to any conditions specified in the declaration. | Nil Conditions or Restrictions | <ul style="list-style-type: none"> • General Manager | • Council |
| 14 | S.22 | Prohibited areas A Council may declare an area containing sensitive habitat for native wildlife to be an area where dogs are prohibited from entering. | Nil Conditions or Restrictions | <ul style="list-style-type: none"> • General Manager | • Council |
| 15 | S.23 | Restricted areas A Council may declare an area to be an area where dogs are restricted from entering a) During specified hours, days or seasons; or b) During specified hours, days or seasons unless they are on a lead; or c) At all times. | Nil Conditions or Restrictions | <ul style="list-style-type: none"> • General Manager | • Council |
| 16 | S.24 | Public notice of intention to declare areas | Nil Conditions or Restrictions | <ul style="list-style-type: none"> • General Manager | • Council |
| 17 | S.25 | Date and period of declaration | Nil Conditions or Restrictions | <ul style="list-style-type: none"> • General Manager | • Council |
| 18 | S.26 | Review of declaration | Nil Conditions or Restrictions | <ul style="list-style-type: none"> • General Manager | • Council |

| No | Statutory Ref | Function or Power | Conditions or Restrictions | Delegation | Original Source of Power |
|----|---------------|---|--------------------------------|--|---|
| 19 | S.27 | Signs A Council is to erect and maintain signs sufficient to identify any exercise area, training area, prohibited area or restricted area. | Nil Conditions or Restrictions | <ul style="list-style-type: none"> • General Manager • Director of Planning & Development • Works Manager • Compliance Officer • Compliance Coordinator | <ul style="list-style-type: none"> • Council |
| 20 | S.29 | Declaration of particular dangerous dog | Nil Conditions or Restrictions | <ul style="list-style-type: none"> • Director of Planning & Development • Compliance Officer • Compliance Coordinator | <ul style="list-style-type: none"> • General Manager |
| 21 | S.30 | Guard dogs The owner of a dog used to guard premises that are not residential must notify the general manager, by notice in writing, that the dog is a guard dog. | Nil Conditions or Restrictions | <ul style="list-style-type: none"> • Director of Planning & Development • Compliance Officer • Compliance Coordinator | <ul style="list-style-type: none"> • General Manager |
| 22 | S.30 | Guard dogs On receipt of notification under S.30(1) the general manager is to declare the dog to be a dangerous dog. | Nil Conditions or Restrictions | <ul style="list-style-type: none"> • Director of Planning & Development • Compliance Officer • Compliance Coordinator | <ul style="list-style-type: none"> • General Manager |
| 23 | S.30 | Guard dogs The general manager may revoke a dangerous dog declaration if a dog is no longer a guard dog and is not a dangerous dog. | Nil Conditions or Restrictions | <ul style="list-style-type: none"> • Director of Planning & Development • Compliance Officer • Compliance Coordinator | <ul style="list-style-type: none"> • General Manager |
| 24 | S.32A(3) | Dangerous dogs and restricted breed dogs to be de-sexed and microchipped. | Nil Conditions or Restrictions | <ul style="list-style-type: none"> • Director of Planning & Development • Compliance Officer • Compliance Coordinator | <ul style="list-style-type: none"> • General Manager |
| 25 | S.34 | Dangerous dog or restricted breed dog missing, dying, &c. If a dangerous dog or a restricted breed dog goes missing, strays or dies, or is lost, sold or given away to another owner, the owner or a person on behalf of the owner of that dog must notify the general manager. | Nil Conditions or Restrictions | <ul style="list-style-type: none"> • Director of Planning & Development • Compliance Officer • Compliance Coordinator | <ul style="list-style-type: none"> • General Manager |
| 26 | S.34A | Application for approval to transfer ownership of dangerous dog or restricted breed dog. | Nil Conditions or Restrictions | <ul style="list-style-type: none"> • Director of Planning & Development • Compliance Officer • Compliance Coordinator | <ul style="list-style-type: none"> • General Manager |
| 27 | S.34B | Offence to transfer ownership of dangerous dog or restricted breed dog without approval. | Nil Conditions or Restrictions | <ul style="list-style-type: none"> • Director of Planning & Development • Compliance Officer • Compliance Coordinator | <ul style="list-style-type: none"> • General Manager |
| 28 | S.35(2) | Seizure and detention of dogs at large If a dog is seized and its owner is identifiable, the general manager is to notify in writing the owner of the dog that – a) The dog has been seized and detained; and | Nil Conditions or Restrictions | <ul style="list-style-type: none"> • Director of Planning & Development • Compliance Officer • Compliance Coordinator | <ul style="list-style-type: none"> • General Manager |

| No | Statutory Ref | Function or Power | Conditions or Restrictions | Delegation | Original Source of Power |
|----|---------------|--|--------------------------------|--|--------------------------|
| | | b) The owner may reclaim the dog. | | | |
| 29 | S.35(3) | Seizure and detention of dogs at large If, after 5 working days after the notice has been given to the owner, the owner does not reclaim the dog, the general manager may sell, destroy or otherwise dispose of the dog. | Nil Conditions or Restrictions | <ul style="list-style-type: none"> • Director of Planning & Development • Compliance Officer • Compliance Coordinator | • General Manager |
| 30 | S.35(4) | Seizure and detention of dogs at large If a dog is seized and its owner is not identifiable, the general manager, not less than 3 working days after its seizure, may – a) Sell, destroy or otherwise dispose of the dog if it is not a dangerous dog or a restricted breed dog; or b) Destroy the dog if it is a dangerous dog or a restricted breed dog. | Nil Conditions or Restrictions | <ul style="list-style-type: none"> • Director of Planning & Development • Compliance Officer • Compliance Coordinator | • General Manager |
| 31 | S.35(5) | Seizure and detention of dogs at large The general manager is to take reasonable steps and make reasonable inquiries to identify the owner of a dog. | Nil Conditions or Restrictions | <ul style="list-style-type: none"> • Director of Planning & Development • Compliance Officer • Compliance Coordinator | • General Manager |
| 32 | S.35(6) | Seizure and detention of dogs at large The general manager may cause a dog that is seized under this section to be implanted in an approved manner with an approved microchip. | Nil Conditions or Restrictions | <ul style="list-style-type: none"> • Director of Planning & Development • Compliance Officer • Compliance Coordinator | • General Manager |
| 33 | S.39A(1) | Destruction of dangerous dog if enclosure not suitable The general manager is not to release a dangerous dog to its owner unless the general manager is of the opinion that the owner has a suitable enclosure or satisfactory alternative arrangements have been made. | Nil Conditions or Restrictions | <ul style="list-style-type: none"> • Director of Planning & Development • Compliance Officer • Compliance Coordinator | • General Manager |
| 34 | S.39A(2) | Destruction of dangerous dog if enclosure not suitable If the owner of a dangerous dog does not have an enclosure referred to in subsection (1), the general manager may, by notice in writing served on the owner, require the owner to build, or have built, such an enclosure within 28 days after service of the notice. | Nil Conditions or Restrictions | <ul style="list-style-type: none"> • Director of Planning & Development • Compliance Officer • Compliance Coordinator | • General Manager |
| 35 | S.39A(3) | Destruction of dangerous dog if enclosure not suitable The general manager may extend the 28 day period to build the enclosure if of the opinion that sufficient progress towards the completion of the enclosure has been made. | Nil Conditions or Restrictions | <ul style="list-style-type: none"> • Director of Planning & Development • Compliance Officer • Compliance Coordinator | • General Manager |

| No | Statutory Ref | Function or Power | Conditions or Restrictions | Delegation | Original Source of Power |
|----|---------------|---|--------------------------------|--|--------------------------|
| 36 | S.39A(4) | Destruction of dangerous dog if enclosure not suitable If the owner does not build, or have built, a suitable enclosure within the period specified in the notice or such other period as the general manager allows or does not make satisfactory alternative arrangements for housing the dog, the general manager may destroy the dog. | Nil Conditions or Restrictions | <ul style="list-style-type: none"> • Director of Planning & Development • Compliance Officer • Compliance Coordinator | • General Manager |
| 37 | S.39A(5) | Destruction of dangerous dog if enclosure not suitable Before destroying the dog under section 39A, the general manager must, by notice in writing served on the owner, notify the owner of the general manager's intention to destroy the dog. | Nil Conditions or Restrictions | <ul style="list-style-type: none"> • Director of Planning & Development • Compliance Officer • Compliance Coordinator | • General Manager |
| 38 | S.41(2) | Attacking dogs A person who restrains a dog under subsection (1) is to notify the general manager as soon as possible. | Nil Conditions or Restrictions | <ul style="list-style-type: none"> • Director of Planning & Development • Compliance Officer • Compliance Coordinator | • General Manager |
| 39 | S.42(3) | Destruction of dog If a dog destroyed under subsection 42(1) was wearing a registration disc or any other means of identification, the general manager is to notify the dog's owner in writing of – a) The destruction of the dog; and b) The reasons for the destruction. | Nil Conditions or Restrictions | <ul style="list-style-type: none"> • Director of Planning & Development • Compliance Officer • Compliance Coordinator | • General Manager |
| 40 | S.47(1) | Complaints relating to nuisance | Nil Conditions or Restrictions | <ul style="list-style-type: none"> • Director of Planning & Development • Compliance Officer • Compliance Coordinator | • General Manager |
| 41 | S.48(1) | Investigation of complaint On receipt of a complaint, the general manager is to investigate the subject matter of the complaint. | Nil Conditions or Restrictions | <ul style="list-style-type: none"> • Director of Planning & Development • Compliance Officer • Compliance Coordinator | • General Manager |
| 42 | S.48(2)(a) | Investigation of complaint If the general manager considers that the complaint has substance, the general manager may institute proceedings for an offence under section 46. | Nil Conditions or Restrictions | <ul style="list-style-type: none"> • Director of Planning & Development • Compliance Officer • Compliance Coordinator | • General Manager |
| 43 | S.48(2)(b) | Investigation of complaint If the general manager considers that the complaint has substance, the general manager is to refund the fee that accompanied the complaint to the complainant. | Nil Conditions or Restrictions | <ul style="list-style-type: none"> • Director of Planning & Development • Compliance Officer • Compliance Coordinator | • General Manager |

| No | Statutory Ref | Function or Power | Conditions or Restrictions | Delegation | Original Source of Power |
|----|---------------|---|--------------------------------|--|--------------------------|
| 44 | S.49A | Abatement notices | Nil Conditions or Restrictions | <ul style="list-style-type: none"> • Director of Planning & Development • Compliance Officer • Compliance Coordinator | • General Manager |
| 45 | S.51(1) | Application for licences A person can apply to the general manager for a licence to keep more than 2 dogs or more than 4 working dogs. | Nil Conditions or Restrictions | <ul style="list-style-type: none"> • Director of Planning & Development • Compliance Officer • Compliance Coordinator | • General Manager |
| 46 | S.51(3) | Application for licences The general manager can require a licence applicant to give public notice of application for licence to keep several dogs. | Nil Conditions or Restrictions | <ul style="list-style-type: none"> • Director of Planning & Development • Compliance Officer • Compliance Coordinator | • General Manager |
| 47 | S.52 | Objections to licence. | Nil Conditions or Restrictions | <ul style="list-style-type: none"> • Director of Planning & Development • Compliance Officer • Compliance Coordinator | • General Manager |
| 48 | S.54 | Refusing application. | Nil Conditions or Restrictions | <ul style="list-style-type: none"> • Director of Planning & Development • Compliance Officer • Compliance Coordinator | • General Manager |
| 49 | S.55(1) | Granting application The general manager may grant an application for a licence to keep several dogs in certain circumstances. | Nil Conditions or Restrictions | <ul style="list-style-type: none"> • Director of Planning & Development • Compliance Officer • Compliance Coordinator | • General Manager |
| 50 | S.55(2) | Granting application The general manager may issue a licence that has been granted specifying certain matters. | Nil Conditions or Restrictions | <ul style="list-style-type: none"> • Director of Planning & Development • Compliance Officer • Compliance Coordinator | • General Manager |
| 51 | S.57(2) | Renewal of licence | Nil Conditions or Restrictions | <ul style="list-style-type: none"> • Director of Planning & Development • Compliance Officer • Compliance Coordinator | • General Manager |
| 52 | S.58(1) | Cancellation of licence The general manager may cancel a licence in certain circumstances. | Nil Conditions or Restrictions | <ul style="list-style-type: none"> • Director of Planning & Development • Compliance Officer • Compliance Coordinator | • General Manager |
| 53 | S.58(2) | Cancellation of licence The general manager must give notice and consider representations prior to cancelling a licence. | Nil Conditions or Restrictions | <ul style="list-style-type: none"> • Director of Planning & Development • Compliance Officer • Compliance Coordinator | • General Manager |
| 54 | S.73(6) | Entering land. | Nil Conditions or Restrictions | <ul style="list-style-type: none"> • Director of Planning & Development • Compliance Officer • Compliance Coordinator | • General Manager |

| No | Statutory Ref | Function or Power | Conditions or Restrictions | Delegation | Original Source of Power |
|----|----------------|---|--------------------------------|---|---|
| 55 | S.75 | Use of tranquiliser devices. | Nil Conditions or Restrictions | <ul style="list-style-type: none"> • Director of Planning & Development • Compliance Officer • Compliance Coordinator | <ul style="list-style-type: none"> • General Manager |
| 56 | S.80(2)(a)-(c) | Fees A general manager may a) Waive a fee; b) Refund part or all of a fee; or c) Discount a fee. | Nil Conditions or Restrictions | <ul style="list-style-type: none"> • Director of Planning & Development • Director of Corporate & Community • Compliance Officer • Compliance Coordinator | <ul style="list-style-type: none"> • General Manager |
| 57 | S.81 | Payment by instalments. | Nil Conditions or Restrictions | <ul style="list-style-type: none"> • Director of Planning & Development • Director of Corporate & Community • Compliance Officer • Compliance Coordinator | <ul style="list-style-type: none"> • General Manager |

11. ENVIRONMENTAL MANAGEMENT AND POLLUTION CONTROL ACT 1994

| No | Statutory Ref | Functions or Power | Conditions or Restrictions | Delegation | Original Source of Power |
|----|---------------|---|--------------------------------|---|--|
| 1 | S.17A(10) | Provide notice to the Director, EPA of an intention to prepare a draft emergency plan, and the approval of an emergency plan. | Nil Conditions or Restrictions | <ul style="list-style-type: none"> • General Manager • Director of Planning & Development • Senior Environmental Health Officer | <ul style="list-style-type: none"> • Council • General Manager |
| 2 | S.20A | Duty of Council to prevent or control pollution. | Nil Conditions or Restrictions | <ul style="list-style-type: none"> • General Manager • Director of Planning & Development • Works Manager • Senior Environmental Health Officer | <ul style="list-style-type: none"> • Council • General Manager |
| 3 | S.20B | Council may ask Board to exercise powers. | Nil Conditions or Restrictions | <ul style="list-style-type: none"> • General Manager • Director of Planning & Development • Senior Environmental Health Officer | <ul style="list-style-type: none"> • Council • General Manager |
| 4 | S.21 | Council Officers A Council may appoint an employee of the Council to be a Council Officer. | Nil Conditions or Restrictions | <ul style="list-style-type: none"> • General Manager • Director of Planning & Development • Senior Environmental Health Officer | <ul style="list-style-type: none"> • Council • General Manager |
| 5 | S.22(1A) | Registers of environmental management and enforcement instruments. | Nil Conditions or Restrictions | <ul style="list-style-type: none"> • General Manager • Director of Planning & Development • Senior Environmental Health Officer • Records Officer | <ul style="list-style-type: none"> • Council • General Manager |
| 6 | S.23(1)(2) | Trade secrets If it appears to the Board or a Council that – a) Any information that could be kept as a trade secret would be available to the public; and b) The release of that information would be likely to cause financial loss to any person – The Board or Council must consult with that person before including the information on any register kept under this Act. | Nil Conditions or Restrictions | <ul style="list-style-type: none"> • General Manager • Director of Planning & Development • Senior Environmental Health Officer | <ul style="list-style-type: none"> • Council • General Manager |
| 7 | S.24(1) | Assessment of permissible level 1 activities Council must refer application to the Board if directed to do so. | Nil Conditions or Restrictions | <ul style="list-style-type: none"> • General Manager • Director of Planning & Development • Senior Environmental Health Officer | <ul style="list-style-type: none"> • Council |
| 8 | S.25(1)(b) | Assessment of permissible level 2 activities Planning Authority to refer the application to the Board as soon as practicable, but any case within 21 days, after the date of lodgement of the application. | Nil Conditions or Restrictions | <ul style="list-style-type: none"> • General Manager • Director of Planning & Development • Senior Environmental Health Officer | <ul style="list-style-type: none"> • Council |

| No | Statutory Ref | Functions or Power | Conditions or Restrictions | Delegation | Original Source of Power |
|----|---------------|---|--------------------------------|--|--|
| 9 | S.25A(1D)(a) | Assessment of applications for permits that are combined with applications for planning scheme amendments. | Nil Conditions or Restrictions | <ul style="list-style-type: none"> • General Manager • Director of Planning & Development • Senior Environmental Health Officer | <ul style="list-style-type: none"> • Council |
| 10 | S.27AC(5) | Directions in relation to permits in respect of EL activities Notify the Board of the grant of the permit and provide to the Board a copy of the permit. | Nil Conditions or Restrictions | <ul style="list-style-type: none"> • General Manager • Director of Planning & Development • Senior Environmental Health Officer | <ul style="list-style-type: none"> • Council |
| 11 | S.27AD | Minor variations of planning permit in relation to EL activities Application to the Board for approval to amend a planning permit. | Nil Conditions or Restrictions | <ul style="list-style-type: none"> • General Manager • Director of Planning & Development • Senior Environmental Health Officer | <ul style="list-style-type: none"> • Council |
| 12 | S.43 | Power to require information Notify the Director, EPA of the issue of an emergency order and provide a copy of the order. | Nil Conditions or Restrictions | <ul style="list-style-type: none"> • General Manager • Director of Planning & Development • Senior Environmental Health Officer | <ul style="list-style-type: none"> • Council |
| 13 | S.44(4) | Environment protection notices Where an environment protection notice is issued by a council officer, the council must, as soon as practicable and in any event within 7 days, advise the Director in writing of that fact and of any amendment or revocation of the notice. | Nil Conditions or Restrictions | <ul style="list-style-type: none"> • General Manager • Director of Planning & Development • Senior Environmental Health Officer | <ul style="list-style-type: none"> • Council • General Manager |
| 14 | S.46(4) | Registration of environment protection notices. | Nil Conditions or Restrictions | <ul style="list-style-type: none"> • General Manager • Director of Planning & Development • Senior Environmental Health Officer | <ul style="list-style-type: none"> • Council • General Manager |
| 15 | S.47(3)(4) | Action on non-compliance with environment protection notice. | Nil Conditions or Restrictions | <ul style="list-style-type: none"> • General Manager • Director of Planning & Development • Senior Environmental Health Officer | <ul style="list-style-type: none"> • Council • General Manager |
| 16 | S.48(1) | Civil enforcement proceedings Where – a) A person has engaged, is engaging or is proposing to engage in conduct in contravention of this Act; or b) A person has refused or failed, is refusing or failing or is proposing to refuse or fail to take any action required by this Act; or c) A person has caused environmental harm by contravention of this Act, any other Act or the repealed Act – The Director, a council or a person who has, in the opinion of the Tasmanian Civil and Administrative Tribunal, a proper interest in the subject matter may apply to the Tasmanian Civil and Administrative Tribunal for an order. | Nil Conditions or Restrictions | <ul style="list-style-type: none"> • General Manager • Director of Planning & Development | <ul style="list-style-type: none"> • Council |

| No | Statutory Ref | Functions or Power | Conditions or Restrictions | Delegation | Original Source of Power |
|----|---------------|--|--------------------------------|--|--|
| 17 | S.74 | Environmental Impact Assessment Principles An environmental impact assessment may be required when an environmentally relevant activity is proposed to be undertaken by the public or the private sector. | Nil Conditions or Restrictions | <ul style="list-style-type: none"> • General Manager • Director of Planning & Development • Senior Environmental Health Officer | <ul style="list-style-type: none"> • Council • General Manager |
| 18 | S.94 (3) | Provisions relating to seizure Where a thing has been seized or made subject to a seizure order under this Division, the thing must, if it has been seized, be held pending proceedings for an offence against this Act related to the thing seized unless the Director, Commissioner or the council, as the case may require, on application, authorizes its release to the person from whom it was seized, or to any person who had legal title to it at the time of its seizure. | Nil Conditions or Restrictions | <ul style="list-style-type: none"> • General Manager • Director of Planning & Development • Senior Environmental Health Officer | <ul style="list-style-type: none"> • Council • General Manager |

12. FOOD ACT 2003

| No | Statutory Ref | Function or Power | Conditions or Restrictions | Delegation | Original Source of Power |
|----|---------------|--|--------------------------------|--|--|
| 1 | S.33 | Making an order An order may be made by a relevant authority to prevent or reduce the possibility of a serious danger to public health or to mitigate the adverse consequences of a serious danger to public health. | Nil Conditions or Restrictions | <ul style="list-style-type: none"> • General Manager • Director of Planning & Development • Senior Environmental Health Officer | <ul style="list-style-type: none"> • Council • General Manager |
| 2 | S.34(2) | Nature of order An order may be varied or revoked by the relevant authority who made the order. | Nil Conditions or Restrictions | <ul style="list-style-type: none"> • General Manager • Director of Planning & Development • Senior Environmental Health Officer | <ul style="list-style-type: none"> • Council • General Manager |
| 3 | S.37 | Power to make a determination in relation to an application for compensation where there were insufficient grounds for making an order | Nil Conditions or Restrictions | <ul style="list-style-type: none"> • General Manager • Director of Planning & Development • Senior Environmental Health Officer | <ul style="list-style-type: none"> • Council • General Manager |
| 4 | S.50(2) | Forfeiture of item Items forfeited under this section may be destroyed, sold or otherwise disposed of. | Nil Conditions or Restrictions | <ul style="list-style-type: none"> • General Manager • Director of Planning & Development • Senior Environmental Health Officer | <ul style="list-style-type: none"> • Council • General Manager |
| 5 | S.52(1) | Return of forfeited item. | Nil Conditions or Restrictions | <ul style="list-style-type: none"> • General Manager • Director of Planning & Development • Senior Environmental Health Officer | <ul style="list-style-type: none"> • Council • General Manager |

| No | Statutory Ref | Function or Power | Conditions or Restrictions | Delegation | Original Source of Power |
|----|-------------------|---|--------------------------------|--|--|
| 6 | S.53(4)(2)(3) | Compensation to be paid in certain circumstances The enforcement agency is to pay such compensation as is just and reasonable in relation to any item seized under this Part by an authorized officer appointed by it. | Nil Conditions or Restrictions | <ul style="list-style-type: none"> General Manager Director of Planning & Development Senior Environmental Health Officer | <ul style="list-style-type: none"> Council General Manager |
| 7 | S.55 | Enforcement agency entitled to answer application The enforcement agency is entitled to appear as respondent at the hearing of an application made under Section 54. | Nil Conditions or Restrictions | <ul style="list-style-type: none"> General Manager Director of Planning & Development Senior Environmental Health Officer | <ul style="list-style-type: none"> Council General Manager |
| 8 | S.65 | Power to make an order for an authorised office to inspect a vehicle or equipment. | Nil Conditions or Restrictions | <ul style="list-style-type: none"> General Manager Director of Planning & Development Senior Environmental Health Officer | <ul style="list-style-type: none"> Council General Manager |
| 9 | S.68(2)(3) | Compensation If there were no grounds for the issuing of an order, the enforcement agency that issued the order is to pay such compensation as is just and reasonable. | Nil Conditions or Restrictions | <ul style="list-style-type: none"> General Manager | <ul style="list-style-type: none"> Council |
| 10 | S.83H | Priority classification system and frequency of auditing. | Nil Conditions or Restrictions | <ul style="list-style-type: none"> General Manager Director of Planning & Development Senior Environmental Health Officer | <ul style="list-style-type: none"> Council General Manager |
| 11 | S.87(1)(5)(6) (7) | Power to register food businesses. | Nil Conditions or Restrictions | <ul style="list-style-type: none"> General Manager Director of Planning & Development Senior Environmental Health Officer | <ul style="list-style-type: none"> Council General Manager |
| 12 | S.89(3)(5) | Power to grant or refuse applications for renewal of registration for food businesses. | Nil Conditions or Restrictions | <ul style="list-style-type: none"> General Manager Director of Planning & Development Senior Environmental Health Officer | <ul style="list-style-type: none"> Council General Manager |
| 13 | S.91 | Power to vary the conditions of, or suspend or cancel the registration of a food business. | Nil Conditions or Restrictions | <ul style="list-style-type: none"> General Manager Director of Planning & Development Senior Environmental Health Officer | <ul style="list-style-type: none"> Council General Manager |
| 14 | S.94 | Duty to prepare and maintain a register of food businesses. | Nil Conditions or Restrictions | <ul style="list-style-type: none"> General Manager Director of Planning & Development Senior Environmental Health Officer | <ul style="list-style-type: none"> Council General Manager |
| 15 | S.97 | Functions of council A council is to – a) Take adequate measures to ensure that the provisions of this Act are complied with; and b) Carry out any other function the Minister or Director of Public Health determines. | Nil Conditions or Restrictions | <ul style="list-style-type: none"> General Manager Director of Planning & Development Senior Environmental Health Officer | <ul style="list-style-type: none"> Council General Manager |

| No | Statutory Ref | Function or Power | Conditions or Restrictions | Delegation | Original Source of Power |
|----|---------------|--|--|--|--|
| 16 | S.98(4) | Power of Director of Public Health to order council to perform functions A council may request the Director of Public Health to exercise any of its powers or perform any of its functions at the council's expense. | Nil Conditions or Restrictions | <ul style="list-style-type: none"> General Manager Director of Planning & Development Senior Environmental Health Officer | <ul style="list-style-type: none"> Council General Manager |
| 17 | S.100(1)(2) | Reports by councils The council is to report to the Director of Public Health on the performance of functions under this Act. In addition, the council is to forward to the Director of Public Health details of any proceedings for an offence under this Act taken by an officer, employee or agent of the council. | Nil Conditions or Restrictions | <ul style="list-style-type: none"> General Manager Director of Planning & Development Senior Environmental Health Officer | <ul style="list-style-type: none"> Council General Manager |
| 18 | S.101 | Power to appoint Authorised Officers under the Food Act | Nil Conditions or Restrictions | <ul style="list-style-type: none"> General Manager | <ul style="list-style-type: none"> Council |
| 19 | S.102 | Power to provide an Authorised Officer with a Certificate of Authority | Nil Conditions or Restrictions | <ul style="list-style-type: none"> General Manager | <ul style="list-style-type: none"> Council |
| 20 | S.104(1) | Institution of proceedings Proceedings for an offence under this Act may only be instituted by the Minister, an authorized officer, council, or Director of Public Health. They may only be instituted within 3 years after the date on which the offence is alleged to have been committed or within 120 days after the date on which a sample is obtained. | Nil Conditions or Restrictions | <ul style="list-style-type: none"> General Manager | <ul style="list-style-type: none"> Council |
| 21 | S.118(1) | Infringement notices An authorized officer or council may serve an infringement notice on a person, other than a person under the age of 16 years, if of the opinion that the person has committed a prescribed offence. | <p>An infringement notice is not to relate to 4 or more offences.</p> <p>An infringement notice is to be in accordance with Section 14 of the <i>Monetary Penalties Enforcement Act 2005</i></p> | <ul style="list-style-type: none"> General Manager Director of Planning & Development Senior Environmental Health Officer | <ul style="list-style-type: none"> Council General Manager |

13. HEAVY VEHICLE NATIONAL LAW (TASMANIA) ACT 2013

| No | Statutory Ref | Function or Power | Conditions or Restrictions | Delegation | Original Source of Power |
|----|---------------|---|--------------------------------|---|--|
| 1 | S.118(1)(b) | Granting consent for exemption on mass or dimension restriction. | Nil Conditions or Restrictions | <ul style="list-style-type: none"> General Manager Director of Works & Infrastructure | <ul style="list-style-type: none"> Council General Manager |
| 2 | S.124(1)(b) | Granting consent for exemption (permit) on mass or dimension restriction. | Nil Conditions or Restrictions | <ul style="list-style-type: none"> General Manager Director of Works & Infrastructure | <ul style="list-style-type: none"> Council General Manager |
| 3 | S.145(1)(b) | Granting consent for a class 2 heavy vehicle authorization. | Nil Conditions or Restrictions | <ul style="list-style-type: none"> General Manager Director of Works & Infrastructure | <ul style="list-style-type: none"> Council General Manager |
| 4 | S.156(2) | Asking the Regulator for a longer period to decide whether to grant consent for a mass or dimension authority. | Nil Conditions or Restrictions | <ul style="list-style-type: none"> General Manager Director of Works & Infrastructure | <ul style="list-style-type: none"> Council General Manager |
| 6 | S.156A | Decide whether to grant consent, after considering the specific matters in S.156A and provide written reasons to the Regulator for the decision in relation to consent. | Nil Conditions or Restrictions | <ul style="list-style-type: none"> General Manager Director of Works & Infrastructure | <ul style="list-style-type: none"> Council General Manager |
| 7 | S.158 | Deal with a request for consent and decide to give or not give consent for a mass or dimension authority. | Nil Conditions or Restrictions | <ul style="list-style-type: none"> General Manager Director of Works & Infrastructure | <ul style="list-style-type: none"> Council General Manager |
| 8 | S.159(2) | Notifying the Regulator that route assessment is required by the road manager in deciding whether to give consent and the fee payable. | Nil Conditions or Restrictions | <ul style="list-style-type: none"> General Manager Director of Works & Infrastructure | <ul style="list-style-type: none"> Council General Manager |
| 9 | S.160(1) | Specifying road condition(s) to which the granting of consent is subject. | Nil Conditions or Restrictions | <ul style="list-style-type: none"> General Manager Director of Works & Infrastructure | <ul style="list-style-type: none"> Council General Manager |
| 10 | S.160(2) | Providing the Regulator with a written statement explaining the road manager's decision to grant consent subject to road conditions. | Nil Conditions or Restrictions | <ul style="list-style-type: none"> General Manager Director of Works & Infrastructure | <ul style="list-style-type: none"> Council General Manager |
| 11 | S.161(1) | Specifying travel condition(s) to which the granting of consent is subject. | Nil Conditions or Restrictions | <ul style="list-style-type: none"> General Manager Director of Works & Infrastructure | <ul style="list-style-type: none"> Council General Manager |
| 12 | S.161(2) | Providing the Regulator with a written statement explaining the road manager's decision to grant consent subject to road conditions. | Nil Conditions or Restrictions | <ul style="list-style-type: none"> General Manager Director of Works & Infrastructure | <ul style="list-style-type: none"> Council General Manager |
| 13 | S.162(2) | Requesting specified vehicle condition(s) be imposed on the mass or dimension authority. | Nil Conditions or Restrictions | <ul style="list-style-type: none"> General Manager Director of Works & Infrastructure | <ul style="list-style-type: none"> Council General Manager |

| No | Statutory Ref | Function or Power | Conditions or Restrictions | Delegation | Original Source of Power |
|----|---------------|---|--------------------------------|---|--|
| 14 | S.167(2)(b) | Giving notice to the Regulator of objection to the application of this section [which provides for expedited process for renewal of mass or dimension authority]. | Nil Conditions or Restrictions | <ul style="list-style-type: none"> General Manager Director of Works & Infrastructure | <ul style="list-style-type: none"> Council General Manager |
| 15 | S.169 | Giving consent to the grant of a mass or dimension authority for a trial period or no more than 3 months. | Nil Conditions or Restrictions | <ul style="list-style-type: none"> General Manager Director of Works & Infrastructure | <ul style="list-style-type: none"> Council General Manager |
| 16 | S.170 | Provide the Regulator with a written objection to a renewal of a mass or dimension authority. | Nil Conditions or Restrictions | <ul style="list-style-type: none"> General Manager Director of Works & Infrastructure | <ul style="list-style-type: none"> Council General Manager |
| 17 | S.174(2) | Asking the Regulator to amend or cancel the mass or dimension authority granted by Commonwealth Gazette notice due to adverse effect of heavy vehicles. | Nil Conditions or Restrictions | <ul style="list-style-type: none"> General Manager Director of Works & Infrastructure | <ul style="list-style-type: none"> Council General Manager |
| 18 | S.176(4)(c) | Provide consent to an amendment of a permit for a mass or dimension authority. | Nil Conditions or Restrictions | <ul style="list-style-type: none"> General Manager Director of Works & Infrastructure | <ul style="list-style-type: none"> Council General Manager |
| 19 | S.178(2) | Asking the Regulator amend or cancel the mass or dimension authority granted by Commonwealth Gazette notice due to adverse effect of heavy vehicles. | Nil Conditions or Restrictions | <ul style="list-style-type: none"> General Manager Director of Works & Infrastructure | <ul style="list-style-type: none"> Council General Manager |
| 20 | S.645 | Decide a review of a reviewable decision under the Act. | Nil Conditions or Restrictions | <ul style="list-style-type: none"> General Manager Director of Works & Infrastructure | <ul style="list-style-type: none"> Council General Manager |

14. HISTORIC CULTURAL HERITAGE ACT 1995

| No | Statutory Ref | Function or Power | Conditions or Restrictions | Delegation | Original Source of Power |
|----|---------------|---|--------------------------------|---|--|
| 1 | S.36(2) | Permit application to be sent to and considered by Heritage Council The relevant planning authority must give a copy of the permit application to the heritage council as soon as practicable after the application day. | Nil Conditions or Restrictions | <ul style="list-style-type: none"> General Manager Director of Planning & Development Senior Planner | <ul style="list-style-type: none"> Council General Manager |
| 2 | S.37 | Procedure if Heritage Council requires additional information to consider permit application Planning authority must as soon as practicable require the applicant for a permit application to provide additional information required by the Heritage Council and provide it to the Heritage Council. | Nil Conditions or Restrictions | <ul style="list-style-type: none"> General Manager Director of Planning & Development Senior Planner | <ul style="list-style-type: none"> Council General Manager |

| No | Statutory Ref | Function or Power | Conditions or Restrictions | Delegation | Original Source of Power |
|----|---------------|---|--------------------------------|---|--|
| 3 | S.38 | Procedure if Heritage Council has no interest in permit application Planning authority determination of permits applications. Notifying the Heritage Council and applicants of determinations and representations. | Nil Conditions or Restrictions | <ul style="list-style-type: none"> • General Manager • Director of Planning & Development • Senior Planner | <ul style="list-style-type: none"> • Council • General Manager |
| 4 | S.39 | Procedure if the Heritage Council wishes to be involved in determining discretionary permit application Determining discretionary permit applications. Notifying the Heritage Council and Applicants of determinations and representations. | Nil Conditions or Restrictions | <ul style="list-style-type: none"> • General Manager • Director of Planning & Development • Senior Planner | <ul style="list-style-type: none"> • Council • General Manager |
| 5 | S.39A | Procedure if Heritage Council wishes to be involved in determining combined permit application Determining combined permit applications. Notifying the Heritage Council and Applicants of determinations and representations. | Nil Conditions or Restrictions | <ul style="list-style-type: none"> • General Manager • Director of Planning & Development • Senior Planner | <ul style="list-style-type: none"> • Council • General Manager |
| 6 | S.39B | Provision of further information to Heritage Council Provide any further information received from permit applicant to Heritage Council. | Nil Conditions or Restrictions | <ul style="list-style-type: none"> • General Manager • Director of Planning & Development • Senior Planner | <ul style="list-style-type: none"> • Council • General Manager |
| 7 | S.50 | Notification of Recorder of Titles Planning authority must lodge for registration with the Recorder of Titles notice of heritage agreements that come into effect or the variation or termination of a heritage agreement. | Nil Conditions or Restrictions | <ul style="list-style-type: none"> • General Manager • Director of Planning & Development • Senior Planner | <ul style="list-style-type: none"> • Council • General Manager |
| 8 | S.89 | Assistance to Heritage Council A planning authority is to give all reasonable assistance to the Heritage Council to enable it to perform its functions and exercise its powers. | Nil Conditions or Restrictions | <ul style="list-style-type: none"> • General Manager • Director of Planning & Development • Senior Planner | <ul style="list-style-type: none"> • Council |

15. LAND USE PLANNING AND APPROVALS ACT 1993

| No | Statutory Ref | Function or Power | Conditions or Restrictions | Delegation | Original Source of Power |
|----|---------------------|---|---|---|---|
| | PART 2A | TASMANIAN PLANNING POLICIES | | | |
| 1 | S.12C | Consult with the Minister regarding a draft of the Tasmanian Planning Policies, on behalf of the Planning Authority. | No authority to sub-delegate in respect of the delegation | <ul style="list-style-type: none"> General Manager | <ul style="list-style-type: none"> Planning Authority |
| | PART 3 | PLANNING SCHEMES | | | |
| 2 | Part 3 – Generally | <p>As a consequence of any decision by the Council to initiate preparation of a planning scheme or a planning scheme amendment or to provide its views and opinions on any representation received on a draft planning scheme or draft amendment:</p> <p>i) Authority to give such advice, consultation, referral or notification as required under this Part;</p> <p>ii) Authority to initiate public notification of a draft scheme or draft amendment;</p> <p>iii) Authority to submit a draft scheme or a draft amendment for approval if no representations are received during the exhibition period;</p> <p>iv) Authority to modify a draft planning scheme or draft amendment if only to correct any error, remove an anomaly, clarify or simplify a provision, remove any inconsistency with other regulation, make procedural changes or to bring the planning scheme into conformity with a mandatory planning instruction;</p> <p>v) Represent the Council and to give evidence and make submissions before any hearing conducted by the Tasmanian Planning Commission.</p> | Nil | <ul style="list-style-type: none"> General Manager Director of Planning & Development Senior Planner | <ul style="list-style-type: none"> Planning Authority General Manager |
| | PART 3A | LOCAL PROVISIONS SCHEDULE (LPS) | | | |
| 3 | Part 3A – Generally | <p>In accordance with a decision of the Planning Authority (or a requirement of the Minister) to –</p> <p>a) Prepare a draft LPS under S.35;</p> <p>b) Indicate its views and opinions in relation to each representation received on a draft LPS;</p> <p>c) Indicate its satisfaction that a draft LPS meets the criteria in S.34;</p> <p>d) Make recommendations in relation to how a draft LPS should be determined in accordance with S.35F; and</p> <p>e) Conduct and respond on a review of the LPS</p> <p>The following functions and powers of the Planning Authority are</p> | Nil | <ul style="list-style-type: none"> General Manager Director of Planning & Development Senior Planner | <ul style="list-style-type: none"> Planning Authority General Manager |

| | | | | | |
|---|--------------------------|--|-----|---|---|
| | | <p>delegated –</p> <p>a) Prepare the required documentation for a draft LPS;</p> <p>b) Submit the draft LPS to the Tasmanian Planning Commission (TPC) under S.35(1);</p> <p>c) Make any modifications to the draft LPS which may be instructed by the TPC under S.35(5)(b);</p> <p>d) Give notice under S.35C of the exhibition of a draft LPS, including for any instruction issued by the TPC under S.35B;</p> <p>e) Undertake exhibition of the draft LPS in accordance with S.35D;</p> <p>f) Provide a report to the TPC pursuant to S.35F;</p> <p>g) Prepare and submit any modifications required by the TPC to a draft LPS in accordance with S.35K;</p> <p>h) Give notice in accordance with S.35M(2) of the approval of the LPS;</p> <p>i) Provide a report to the TPC on the outcomes of a review of the LPS conducted by the Planning Authority in accordance with S.35O, including provide notice of the review and receive comments from the public pursuant to S.35P.</p> | Nil | <ul style="list-style-type: none"> • General Manager • Director of Planning & Development • Senior Planner | <ul style="list-style-type: none"> • Planning Authority • General Manager |
| | <u>DIVISION 7</u> | <u>SPECIAL LOCAL PROVISIONS SCHEDULES</u> | | | |
| | <u>PART 3B</u> | <u>AMENDMENT OF THE LPS</u> | | | |
| 4 | General | <p>In accordance with a decision of the Planning Authority in relation to –</p> <p>a) Preparation of a draft amendment to the LPS under S.38 or S.40D;</p> <p>b) Preparation of a draft amendment under S.38 and a draft permit under S.40Y; and</p> <p>c) Its views and opinions in relation to each representation received on a draft LPS and on any draft permit;</p> <p>d) Its satisfaction that the draft LPS meets the criteria in S.34; and</p> <p>e) Recommendations in relation to how the draft LPS should be determined in accordance with S.35F.</p> | Nil | <ul style="list-style-type: none"> • General Manager • Director of Planning & Development • Senior Planner | <ul style="list-style-type: none"> • Planning Authority • General Manager |
| | | <p>The following functions and powers of the Planning Authority are delegated –</p> <p>a) Give notice in accordance with S.38(3) of a decision in relation to a request to initiate a draft amendment to the LPS;</p> <p>b) Give notice in accordance with S.40W of a decision under S.40Y in relation to a request to consider a permit in combination with</p> | | | |

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| | | <p>a request to initiate a draft amendment to the LPS;</p> <p>c) Request additional information under S.40 and S.40U;</p> <p>d) Provide any material requested by the TPC in accordance with S.40A, S.40B or S.40V;</p> <p>e) Prepare the draft LPS amendment documents;</p> <p>f) Certify a draft amendment to the LPS in accordance with S.40F;</p> <p>g) Give notice in accordance with S.40G of exhibition of a draft amendment to the LPS, and including any exhibition of a permit application under S.40Z;</p> | | | |
| | General <i>Continued</i> | <p>h) Undertake exhibition of the draft amendment to the LPS in accordance with S40H, and including any permit application approved under S.40Y;</p> <p>i) Provide a report to the TPC in accordance with S.40K and S.42 if there are no representations making objection on the draft amendment to the LPS and to any permit application requested under S.40T;</p> <p>j) Provide a report to the TPC in accordance with S.40K and S.42 in relation to the Planning Authority's –</p> <ol style="list-style-type: none"> i. Views and opinions on each representation received during the exhibition period; ii. Compliance to S.34; and iii. Its recommendations on how the draft LPS or the permit application under S.40T should be determined <p>k) Make modifications to a draft LPS amendment if instructed by the TPC in accordance with S.40O or S.40P;</p> <p>l) Re-exhibit a modified draft amendment to the LPS under S.40G and S.40H if instructed by TPC in accordance with S.40P;</p> <p>m) Give notice of an approved amendment to the LPS in accordance with S.40S;</p> <p>n) Grant an extension of time under S.42C for a permit granted under S.42B;</p> <p>o) Correct a mistake under S.42D in a permit granted under S.42B; and</p> <p>p) Make minor amendments in accordance with S.43 to a permit granted under S.42B.</p> | Nil | <ul style="list-style-type: none"> • General Manager • Director of Planning & Development • Senior Planner | <ul style="list-style-type: none"> • Planning Authority • General Manager |
| | PART 4 | ENFORCEMENT OF PLANNING CONTROL | | | |
| 5 | Part 4 - Generally | Authority to require the making of a permit application and to undertake actions and proceedings in pursuance of the Council's | No authority to sub-delegate in respect of the delegation | <ul style="list-style-type: none"> • General Manager • Director of Planning & Development | <ul style="list-style-type: none"> • Planning Authority |

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| | | obligations as a planning authority to observe and enforce compliance of a planning scheme; including – i) To give such advice, consultation, referral or notification as required under this Part; ii) To represent the Council and to give evidence before the Tasmanian Civil and Administrative Tribunal in respect of any appeal against a decision on a planning permit; iii) To initiate legal proceedings for any use of land, development or act if:- - Contrary to a State Policy, planning scheme or special planning scheme; - An obstruction of a planning scheme or special planning scheme; or - A breach of a condition or restriction of a planning permit. | | <ul style="list-style-type: none"> • Senior Planner | |
| 6 | S.35C | Notice of exhibition of draft LPS. | No authority to sub-delegate in respect of the delegation | <ul style="list-style-type: none"> • General Manager • Director of Planning & Development • Senior Planner | <ul style="list-style-type: none"> • Planning Authority |
| 7 | S.35F | Report by Planning Authority to Commission about exhibition. | No authority to sub-delegate in respect of the delegation | <ul style="list-style-type: none"> • General Manager • Director of Planning & Development • Senior Planner | <ul style="list-style-type: none"> • Planning Authority |
| 8 | S.35G | Planning Authority may notify Minister as to whether amendment of SPPs is required. | No authority to sub-delegate in respect of the delegation | <ul style="list-style-type: none"> • General Manager • Director of Planning & Development • Senior Planner | <ul style="list-style-type: none"> • Planning Authority |
| 9 | S.35I | Withdrawal of draft LPS. | No authority to sub-delegate in respect of the delegation | <ul style="list-style-type: none"> • General Manager • Director of Planning & Development • Senior Planner | <ul style="list-style-type: none"> • Planning Authority |
| 10 | S.35M | Notice of approval of Local Provisions Schedules. | No authority to sub-delegate in respect of the delegation | <ul style="list-style-type: none"> • General Manager • Director of Planning & Development • Senior Planner | <ul style="list-style-type: none"> • Planning Authority |
| 11 | S.35P | Conduct of Review (of an LPS or a part of an LPS). | No authority to sub-delegate in respect of the delegation | <ul style="list-style-type: none"> • General Manager • Director of Planning & Development • Senior Planner | <ul style="list-style-type: none"> • Planning Authority |
| 12 | S. 40T | Permit application that requires amendment to the LPS (6) An application for a permit under subsection (1) by a person to a planning authority to amend the zoning or use or development of one or more parcels of land specified in an LPS must, if the person is not the owner, or the sole owner, of the land and the relevant planning scheme does not provide otherwise – | (7) Subsection (6) does not apply to an application for a permit to carry out mining operations, within the meaning of the Mineral Resources Development Act 1995 , if a mining | <ul style="list-style-type: none"> • General Manager • Director of Planning & Development • Senior Planner | <ul style="list-style-type: none"> • Planning Authority |

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| | | (a) be signed by each owner of the land; or (b) be accompanied by the written permission of each owner of the land to the making of the request. | lease or a production licence which authorises those operations has been issued under that Act. | | |
| 13 | S.40G | Notice of exhibition A planning authority, as soon as practicable after providing to the Commission under section 40F(4) a copy of a draft amendment of an LPS or receiving under section 35KB(4)(b)(i) a notice in relation to a draft amendment of an LPS, must ensure an exhibition notice in relation to the draft amendment of an LPS is published in accordance with this section, unless the planning authority receives a notice under section 40I(1) in relation to the draft amendment. | No authority to sub-delegate in respect of the delegation | <ul style="list-style-type: none"> • General Manager • Director of Planning & Development • Senior Planner | <ul style="list-style-type: none"> • Planning Authority |
| 14 | S.40U | Additional Information A Planning Authority, within 28 days from the day on which it receives from a person an application for a permit, may, by notice in writing, require the person to provide to the Planning Authority additional information before it considers the application. | No authority to sub-delegate in respect of the delegation | <ul style="list-style-type: none"> • General Manager • Director of Planning & Development • Senior Planner | <ul style="list-style-type: none"> • Planning Authority |
| 15 | S.40W | Determination of amendment where concurrent permit application sought. | No authority to sub-delegate in respect of the delegation | <ul style="list-style-type: none"> • General Manager • Director of Planning & Development • Senior Planner | <ul style="list-style-type: none"> • Planning Authority |
| 16 | S.43(2) | Minor amendment of permit The Planning Authority may amend or refuse to amend the permit. | No authority to sub-delegate in respect of the delegation | <ul style="list-style-type: none"> • General Manager • Director of Planning & Development • Senior Planner | <ul style="list-style-type: none"> • Planning Authority |
| 17 | S.43(6) | Minor amendment of permit If the Planning Authority amends a permit, it must, by notice in writing served on the following persons, notify them of the amendment: a) The applicant for the amendment; b) The owner of the land; c) Any person or body who or that made a representation; d) The owner or occupier of any property which adjoins the land to which the permit relates. | No authority to sub-delegate in respect of the delegation | <ul style="list-style-type: none"> • General Manager • Director of Planning & Development • Senior Planner | <ul style="list-style-type: none"> • Planning Authority |
| 18 | S.43(7) | Minor amendment of permit If the Planning Authority amends a permit that contains a condition or restriction that the Board of the Environment Protection Authority has required under Section 25(5) of the Environmental Management and Pollution Control Act 1994, the Planning Authority must, by notice in writing served on the Board, notify it of the amendment. | No authority to sub-delegate in respect of the delegation | <ul style="list-style-type: none"> • General Manager • Director of Planning & Development • Senior Planner | <ul style="list-style-type: none"> • Planning Authority |

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| 19 | S.43(9) | Minor amendment of permit If the Planning Authority amends a permit in respect of which the Commission has modified, deleted or added conditions or restrictions, the Planning Authority must, by notice in writing served on the Commission, notify it of the amendments made to the permit. | No authority to sub-delegate in respect of the delegation | <ul style="list-style-type: none"> • General Manager • Director of Planning & Development • Senior Planner | <ul style="list-style-type: none"> • Planning Authority |
| 20 | S.43(10) | Minor amendment of permit If the Planning Authority amends a permit containing a condition or restriction which the Heritage Council has specified, the Planning Authority must, by notice in writing served on the Heritage Council, notify the Council of the amendment. | No authority to sub-delegate in respect of the delegation | <ul style="list-style-type: none"> • General Manager • Director of Planning & Development • Senior Planner | <ul style="list-style-type: none"> • Planning Authority |
| 21 | S.48AA | Enforcement of major project permits A planning authority must, within the ambit of its power, enforce the observance of any condition or restriction to which a major project permit is subject. | No authority to sub-delegate in respect of the delegation | <ul style="list-style-type: none"> • General Manager • Director of Planning & Development • Senior Planner | <ul style="list-style-type: none"> • Planning Authority |
| 22 | S.48A | Notice to remove signs. | No authority to sub-delegate in respect of the delegation | <ul style="list-style-type: none"> • General Manager • Director of Planning & Development • Senior Planner • Compliance Officer • Compliance Coordinator • Works Officer | <ul style="list-style-type: none"> • Planning Authority |
| 23 | S.51 | Permits A person must not commence any use or development which requires a permit unless the Planning Authority which administers the scheme, the Commission, or the Tribunal, has granted a permit in respect of that use or development and the permit is in effect or a major project permit has been granted in respect of that use or the development and the permit is in effect. | No authority to sub-delegate in respect of the delegation | <ul style="list-style-type: none"> • General Manager • Director of Planning & Development • Senior Planner | <ul style="list-style-type: none"> • Planning Authority |
| 24 | s 51A | Fees payable for application ... (2) Despite section 86 , a planning authority is not entitled – (a) to refuse to take an action in relation to determining whether or not an application for a permit is valid; or (b) to refuse to accept a valid application for a permit – on the ground that a fee, under a relevant legislative instrument, for an application for a permit has not been paid, unless – (c) the planning authority has, before, or within 4 business days after, the day on which a person lodges, or attempts to lodge, with the planning authority, the application for the permit, demanded the payment of the fee; and (d) the fee has not been paid within the 21-day period after the day | | <ul style="list-style-type: none"> • General Manager • Director of Planning & Development • Senior Planner | <ul style="list-style-type: none"> • Planning Authority |

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| | | <p>on which the demand is made.</p> <p>(3) If –</p> <p>(a) the planning authority has demanded payment of a fee, under a relevant legislative instrument, for an application for a permit before, or within 4 business days after, the day on which a person lodges, or attempts to lodge, with the planning authority, the application for the permit; and</p> <p>(b) the fee has been paid within the 21-day period after the day on which the demand is made –</p> <p>the application, if it is a valid application, is taken for the purposes of this Act to have been received on the day on which the fee is paid.</p> | | | |
| 25 | S.52(1B) | <p>What if applicant is not the owner?</p> <p>If land in respect of which an application for a permit is required is Crown land, is owned by a Council or is administered or owned by the Crown or a Council and a planning scheme does not provide otherwise, the application must –</p> <p>a) Be signed by the Minister of the Crown responsible for the administration of the land or by the General Manager of the Council; and</p> <p>b) Be accompanied by the written permission of that Minister of General Manager to the making of the application.</p> | No authority to sub-delegate in respect of the delegation | <ul style="list-style-type: none"> • General Manager • Director of Planning & Development • Senior Planner | <ul style="list-style-type: none"> • Planning Authority |
| 26 | S.53(5A) | <p>When does a permit take effect?</p> <p>Where a Planning Authority grants a permit, the permit takes effect on the day on which it is granted by the authority or, where there is a right of appeal against the granting of the permit, at the expiration of 14 days from the day on which the notice of the granting of the permit was served on the person who has the right of appeal.</p> | No authority to sub-delegate in respect of the delegation | <ul style="list-style-type: none"> • General Manager • Director of Planning & Development • Senior Planner | <ul style="list-style-type: none"> • Planning Authority |
| 27 | S.54 | <p>Additional Information</p> <p>A Planning Authority that receives an application for a permit (other than a permit referred to in section 40T) may require the applicant to provide it with additional information before it considers the application.</p> | No authority to sub-delegate in respect of the delegation | <ul style="list-style-type: none"> • General Manager • Director of Planning & Development • Senior Planner | <ul style="list-style-type: none"> • Planning Authority |
| 28 | S.55 | <p>Correction of mistakes</p> <p>A Planning Authority may correct a permit granted by it if the permit contains –</p> <p>a) A clerical mistake or an error arising from any accidental slip or omission; or</p> <p>b) An evident material miscalculation of figures or an evident material mistake in the description of any person, thing or</p> | No authority to sub-delegate in respect of the delegation | <ul style="list-style-type: none"> • General Manager • Director of Planning & Development • Senior Planner | <ul style="list-style-type: none"> • Planning Authority |

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| | | property referred to in the approval. | | | |
| 29 | S.56 | Minor amendments of permits issued by a Planning Authority – S.56(1A): Planning Authority that receives a request under subsection (1) for amendment to permits – a) Within 28 days after the request was received, amend, or refuse to amend the permit and; b) must within 7 days i. after amending the permit or ii. after refusing to amend the permit, give notice of the refusal to the person who made the request. | No authority to sub-delegate in respect of the delegation | <ul style="list-style-type: none"> • General Manager • Director of Planning & Development • Senior Planner | <ul style="list-style-type: none"> • Planning Authority |
| 30 | S 56AA | Fees for amendment of permits under section 56 ... (2) Despite section 86 , a planning authority is not entitled – (a) to refuse to take an action in relation to determining whether or not an application under section 56 for an amendment of a permit is valid; or (b) to refuse to accept a valid application under section 56 for an amendment of the permit – on the ground that a fee, under a relevant legislative instrument, for an application for an amendment of a permit under section 56 has not been paid, unless – (c) the planning authority has, before, or within 4 business days after, the day on which a person lodges, or attempts to lodge, with the planning authority, the application for an amendment of the permit, demanded the payment of the fee; and (d) the fee has not been paid within the 21-day period after the day on which the demand is made. | | <ul style="list-style-type: none"> • General Manager • Director of Planning & Development • Senior Planner | <ul style="list-style-type: none"> • Planning Authority |
| 31 | S.57(2) | Applications for discretionary permits The Planning Authority may, on receipt of an application for a permit to which this section applies, refuse to grant the permit. | <ol style="list-style-type: none"> 1. No authority to sub-delegate in respect of the delegation 2. If the proposed use or development is prohibited by the scheme | <ul style="list-style-type: none"> • General Manager • Director of Planning & Development • Senior Planner | <ul style="list-style-type: none"> • Planning Authority |
| 32 | S.57(3) | Applications for discretionary permits Unless the Planning Authority requires the applicant to give notice, the authority must give notice, as prescribed, of an application for a permit. | No authority to sub-delegate in respect of the delegation | <ul style="list-style-type: none"> • General Manager • Director of Planning & Development • Senior Planner | <ul style="list-style-type: none"> • Planning Authority |
| 33 | S.57(5) | Applications for discretionary permits Any person may make representations relating to the application during the period of 14 days commencing on the date on which | No authority to sub-delegate in respect of the delegation | <ul style="list-style-type: none"> • General Manager • Director of Planning & Development • Senior Planner | <ul style="list-style-type: none"> • Planning Authority |

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| | | notice of the application is given or such further period not exceeding 14 days as the Planning Authority may allow. | | | |
| 34 | S.57(6) | <p>Applications for discretionary permits Grant a discretionary permit with or without conditions.</p> | <ol style="list-style-type: none"> 1. No authority to sub-delegate in respect of the delegation 2. Delegates are only to exercise this power where the decision is to: <ul style="list-style-type: none"> • Grant the permit and does not have the power to refuse a permit 3. The power to grant the permit can only be exercised when either of the following applies: <ul style="list-style-type: none"> • No more than two representations objecting to the use or development have been received in respect of the application. 4. The power to refuse the permit can only be exercised when the following applies: <ul style="list-style-type: none"> • Where Council is not able to determine the application within the time period specified in Section 57(6)(b) of the <i>Land Use Planning & Approvals Act 1993</i>; and • Where an applicant does not agree to an extension of time. | <ul style="list-style-type: none"> • General Manager • Director of Planning & Development • Senior Planner | <ul style="list-style-type: none"> • Planning Authority |
| 35 | S.57(6A) | <p>Applications for discretionary permits A further period agreed to by a Planning Authority and an applicant may be extended or further extended by agreement, in writing, between the Planning Authority and applicant at any time before the expiration of the period to be extended and, when so extended, is taken to be the further period referred to in that subsection.</p> | No authority to sub-delegate in respect of the delegation | <ul style="list-style-type: none"> • General Manager • Director of Planning & Development • Senior Planner | <ul style="list-style-type: none"> • Planning Authority |

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| 36 | S.57A | Mediation Power to enter into mediation on behalf of the Planning Authority regarding an application for a permit | <ol style="list-style-type: none"> 1. No authority to sub-delegate in respect of the delegation 2. Authority to undertake mediation on any appeal arising out of a decision on a planning permit and to bind Council to agreements within the mediation on any matter that the Council has a proper power relevant to the permit application under LUPAA | <ul style="list-style-type: none"> • General Manager • Director of Planning & Development • Senior Planner | <ul style="list-style-type: none"> • Planning Authority |
| 37 | S.58 | Application for other permits This section applies to an application for a permit in respect of a use or development for which, under the provisions of a planning scheme, a Planning Authority is bound to grant a permit either unconditionally or subject to conditions or restrictions. | <ol style="list-style-type: none"> 1. No authority to sub-delegate in respect of the delegation 2. Grant of a permit if the use or development complies to all applicable regulatory requirements 3. The power to grant or refuse the permit can only be exercised when an applicant does not agree to an extension of time. | <ul style="list-style-type: none"> • General Manager • Director of Planning & Development • Senior Planner | <ul style="list-style-type: none"> • Planning Authority |
| 38 | S.59(7) | Failure to determine an application for a permit Notwithstanding the provisions of this Division, a Planning Authority may make a decision on an application for a permit to which section 57 or 58 applies at any time before the lodging of an application. | <ol style="list-style-type: none"> 1. No authority to sub-delegate in respect of the delegation 2. Subject to the same qualifications as applied to a S.57 decision | <ul style="list-style-type: none"> • General Manager • Director of Planning & Development • Senior Planner | <ul style="list-style-type: none"> • Planning Authority |
| 39 | S.60 | Council responding and issuing notices relating to compliance with certain permit conditions. | No authority to sub-delegate in respect of the delegation | <ul style="list-style-type: none"> • General Manager • Director of Planning & Development • Senior Planner | <ul style="list-style-type: none"> • Planning Authority |
| 40 | S.60H(3) | Minister may request information from Council or relevant state entity. | No authority to sub-delegate in respect of the delegation | <ul style="list-style-type: none"> • General Manager • Director of Planning & Development • Senior Planner | <ul style="list-style-type: none"> • Planning Authority |
| 41 | S.60I(3) | Council to give notice in relation to eligibility of major project proposals. | No authority to sub-delegate in respect of the delegation | <ul style="list-style-type: none"> • General Manager • Director of Planning & Development • Senior Planner | <ul style="list-style-type: none"> • Planning Authority |
| 42 | S.60S(4)(b) | Refund of ordinary permit where declaration of major project is made. | No authority to sub-delegate in respect of the delegation | <ul style="list-style-type: none"> • General Manager • Director of Planning & Development • Senior Planner | <ul style="list-style-type: none"> • Planning Authority |

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| 43 | S. 60S(5) | Refund of ordinary permit where declaration of major project is amended under s. 60TG(2) so that the declaration also relates to an additional area of land the planning authority to which the application was made must, as soon as practicable, refund the applicant half of any fees that the applicant has paid in respect of the application. | Nil | <ul style="list-style-type: none"> • General Manager • Director of Planning & Development | <ul style="list-style-type: none"> • Planning Authority |
| 44 | S. 60SA(6) | Service of certificate of development completion If the Commission issues a certificate of development completion under s.60SA, the Commission must give a copy of the certificate of development completion, issued in relation to all, or part, of the area to which a major project permit relates to the planning authority in relation to the area of land. | Nil | <ul style="list-style-type: none"> • General Manager • Director of Planning & Development | <ul style="list-style-type: none"> • Planning Authority |
| 45 | S.60TD(1) | Notice of request under s.60TC(1) On receiving a request in relation to an additional area of land in relation to a major project under s.60TC(1), a relevant advice body must, within 7 days, give a notice in relation to the request to: ... (c) the council that is the relevant planning authority in relation to the major project; (d) each council that is not a relevant planning authority in relation to the major project but that is the council for a municipal area that is in the regional area, or regional areas, in which the project is to be situated. | Nil | <ul style="list-style-type: none"> • General Manager • Director of Planning & Development | <ul style="list-style-type: none"> • Planning Authority |
| 46 | S.60TH | Notice of amendment of declaration of a major project to be given Within 7 days after amending a declaration of a major project under s.60TG, the Minister is to notify, in writing: ... (d) the council that is a relevant planning authority in relation to the project; and (e) each council that is not a relevant planning authority in relation to the project but that is the council for a municipal area that is in the regional area, or regional areas in which the major project is, or is to be, situated. | Nil | <ul style="list-style-type: none"> • General Manager • Director of Planning & Development | <ul style="list-style-type: none"> • Planning Authority |
| 47 | S.60ZX(1) | Provision to Panel of further information A person to whom a request is made under section 60ZW(1) is to take all reasonable steps to provide to the Panel, as soon as practicable the information specified in the request. | No authority to sub-delegate in respect of the delegation | <ul style="list-style-type: none"> • General Manager • Director of Planning & Development • Senior Planner | <ul style="list-style-type: none"> • Planning Authority |
| 48 | S 60ZZP(10) | Major project permit may be granted subject to conditions or restrictions | Nil | <ul style="list-style-type: none"> • General Manager • Director of Planning & Development | <ul style="list-style-type: none"> • Planning Authority |

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| | | Without limiting the conditions or restrictions that may be imposed under subsection (1), such a condition or restriction may specify that: (a) plans, information, designs, or other documents, are required, under the condition or restriction, to be prepared and provided to the Panel or a planning authority ; and (b) particular actions or works are to be carried out to the satisfaction of the Panel or a planning authority. | | | |
| 49 | S.60ZZAA(5) | Determination as to whether, and the manner in which, proposed significant amendment may be assessed After making a determination under s.60ZZAA(2), the relevant decision-maker must, within 7 days after making that determination, give notice to the council that is a relevant planning authority in relation to the project to which the major project permit relates. | Nil | <ul style="list-style-type: none"> • General Manager • Director of Planning & Development | <ul style="list-style-type: none"> • Planning Authority |
| 50 | S.60ZZAB | Enforcement certificates (3) If the Commission issues an enforcement certificate in relation to all or part of the land to which a major project permit relates, the Commission must give a copy of the enforcement certificate to the planning authority in relation to the land to which the major project relates. (4) An enforcement certificate is to specify the planning authority's responsibility for the enforcement of the Act. | Nil | <ul style="list-style-type: none"> • General Manager • Director of Planning & Development | <ul style="list-style-type: none"> • Planning Authority |
| 51 | S.61 | Appeals against planning decisions. | <ol style="list-style-type: none"> 1. No authority to sub-delegate in respect of the delegation 2. Not if the decision of the Council is contrary to the written recommendation | <ul style="list-style-type: none"> • General Manager • Director of Planning & Development • Senior Planner | <ul style="list-style-type: none"> • Planning Authority |
| 52 | S.63 | Obstruction of sealed schemes Initiate legal proceedings for obstruction of a planning scheme. | No authority to sub-delegate in respect of the delegation | <ul style="list-style-type: none"> • General Manager | <ul style="list-style-type: none"> • Planning Authority |
| 53 | S.63A | Enforcing compliance with planning schemes. | No authority to sub-delegate in respect of the delegation | <ul style="list-style-type: none"> • General Manager | <ul style="list-style-type: none"> • Planning Authority |
| 54 | S.63B(3) | Notice of suspected contravention, &c., may be given | <ol style="list-style-type: none"> 1. No authority to sub-delegate in respect of the delegation 2. Delegation/provision will commence when <i>Land Use Planning & Approvals Act 2013</i> is enacted | <ul style="list-style-type: none"> • General Manager | <ul style="list-style-type: none"> • Planning Authority |
| 55 | S.64 | Civil enforcement proceedings Where a person contravenes or fails or is likely to contravene or fail to comply with a provision of this Part, a person, other than the | <ol style="list-style-type: none"> 1. No authority to sub-delegate in respect of the delegation 2. The General Manager may only | <ul style="list-style-type: none"> • General Manager | <ul style="list-style-type: none"> • Planning Authority |

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| | | Commission or a Planning Authority, who has, in the opinion of the Tasmanian Civil and Administrative Tribunal, a proper interest in the subject matter may apply to the Tasmanian Civil and Administrative Tribunal for an order. | apply to the Tasmanian Civil and Administrative Tribunal for an order upon the advice from the Manager Development Services that the application is in compliance with the relevant legislation | | |
| 56 | S.65B(5) | Notice of intention to issue enforcement notice The planning authority must notify in writing an owner of land, in relation to which a notice of intention to issue an enforcement notice is served under subsection (1) , if the person on whom the notice is served is not the owner of the land. | 1. No authority to sub-delegate in respect of the delegation 2. The General Manager may only apply to the Tasmanian Civil and Administrative Tribunal for an order upon the advice from the Manager Development Services that the application is in compliance with the relevant legislation | • | • Planning Authority |
| 57 | S.65G | Cancellation of permits | 1. No authority to sub-delegate in respect of the delegation 2. Delegation/provision will commence when <i>Land Use Planning & Approvals Act 2013</i> is enacted | • General Manager | • Planning Authority |
| 58 | S.65I(2) | Authorised officers A general manager of a council may authorise a person to be, for the purposes of this Act, an authorised officer in respect of the municipal area of the council. | Nil | • General Manager • Director of Planning & Development • Senior Planner • | • Planning Authority |
| 59 | Part 4 - Generally | Enforcement of planning control Authority to represent the planning authority or to appoint a person to represent the planning authority and to give evidence, on a planning appeal or other action, including any mediation, before the Resource Management and Planning Appeals Tribunal or any other body of competent jurisdiction. | 1. No authority to sub-delegate in respect of the delegation. 2. Except where the Council makes such decision contrary to the written advice or recommendation of the Director Land and Environmental Services. | • General Manager • Director of Planning & Development • Senior Planner | • Planning Authority |
| | PART 5 | AGREEMENTS | | | |
| 60 | S.71 | Planning Authority may enter into agreements. | 1. No authority to sub-delegate in respect of the delegation 2. The General Manager may only | • General Manager | • Planning Authority |

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| | | | <p>enter into an agreement upon the advice from the Director of Planning & Development or the Senior Planner that the application to which the agreement relates to is in compliance with the relevant legislation</p> <p>3. Except where the Council makes such decision contrary to the written advice or recommendation of the Director Land and Environmental Services</p> | | |
| 61 | S.74(3) | <p>Duration of Agreement An agreement may be ended by the Planning Authority with the approval of the Commission or by agreement between the authority and all persons who are bound by any covenant in the agreement.</p> | <p>1. No authority to sub-delegate in respect of the delegation</p> <p>2. The General Manager may only end an agreement upon the advice from the Director of Planning & Development or the Senior Planner that the application to which the agreement relates to is in compliance with the relevant legislation</p> | <ul style="list-style-type: none"> • General Manager | <ul style="list-style-type: none"> • Planning Authority |
| 62 | S.75 | Amendment of agreements. | No authority to sub-delegate in respect of the delegation | <ul style="list-style-type: none"> • General Manager • Director of Planning & Development • Senior Planner | <ul style="list-style-type: none"> • Planning Authority |
| 63 | S.76 | Agreement to be lodged with Commission. | No authority to sub-delegate in respect of the delegation | <ul style="list-style-type: none"> • General Manager • Director of Planning & Development • Senior Planner | <ul style="list-style-type: none"> • Planning Authority |
| 64 | S.78 | Registration of agreements, &c. | No authority to sub-delegate in respect of the delegation | <ul style="list-style-type: none"> • General Manager • Director of Planning & Development • Senior Planner | <ul style="list-style-type: none"> • Planning Authority |
| 65 | S.80 | <p>Application to Tasmanian Civil and Administrative Tribunal An owner of land may apply to the Tasmanian Civil and Administrative Tribunal for an amendment to a proposed agreement if –</p> <p>a) Under a planning scheme, use or development for specified</p> | No authority to sub-delegate in respect of the delegation | <ul style="list-style-type: none"> • General Manager | <ul style="list-style-type: none"> • Planning Authority |

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| | | purposes is conditional upon an agreement being entered into; and b) The owner objects to any provision of the agreement. | | | |
| 66 | S.84 | Serve notices or other documents A notice or other document is effectively served under this Act if it is – i. Given to the person; or ii. Left at, or sent by post to, the person’s postal or residential address or place or address of business or employment last known to the server of the notice or other document; or iii. Sent by way of facsimile to the person’s facsimile number. | No authority to sub-delegate in respect of the delegation | • General Manager | • Planning Authority |
| | SCHEDULE 6 | Savings and Transitional Provisions – Land Use Planning and Approvals Amendment (Tasmanian Planning Scheme) Act 2015 | <p>NOTE 1: The transitional provisions in Schedule 6 provide for the transition from the current process under LUPAA and the current schemes to the Tasmanian Planning Scheme and the processes in the <i>new</i> LUPAA.</p> <p>NOTE 2: Planning Schemes remain in operation until the Local Provision Schedules come into effect.</p> <p>NOTE 3: Where an application to amend a Scheme has been made prior the amended LUPAA coming into effect 17 December 2015 then the previous legislation continues to operate for the purposes of that legislation until the Local Provision Schedules come into effect. The provisions of the previous legislation are set after these notes and the Schedule 6 provisions and are shaded.</p> <p>NOTE 4: Where an application to amend a Scheme has been made prior the amended LUPAA coming into effect 17 December 2015 but has not been approved prior to the Local Provision Schedules come into effect the situation is different. In that case the provisions of the amended LUPAA apply. Council's have additional powers to alter a draft amendment in that situation as set out below under Sch 6(4) and (5).</p> | | |
| AMENDMENT OF SCHEMES AND INTERIM SCHEMES | | | | | |
| Provisions of the LUPAA (pre-Tasmanian Planning Scheme amendments) which apply under Schedule 6 of the amended LUPAA (see Note 3 above) | | | | | |
| 67 | 34(1) | Initiate amendment of planning scheme. | No authority to sub-delegate in respect of the delegation | • General Manager | • Planning Authority |
| 68 | 34(3) | Withdrawal of amendment of planning scheme. | No authority to sub-delegate in respect of the delegation | • General Manager | • Planning Authority |
| 69 | 34(4) | Notice of Withdrawal of amendment of planning scheme. | No authority to sub-delegate in respect of the delegation | • General Manager | • Planning Authority |
| 70 | 38(1) | Public exhibition of draft amendment. | No authority to sub-delegate in respect of the delegation | • General Manager | • Planning Authority |

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| 71 | 39(2) | Representations to be provided to Commission in respect of draft amendments. | No authority to sub-delegate in respect of the delegation | <ul style="list-style-type: none"> General Manager | <ul style="list-style-type: none"> Planning Authority |
| 72 | 43J | Correction or mistake in permits referred to in S.43H. | No authority to sub-delegate in respect of the delegation | <ul style="list-style-type: none"> General Manager | <ul style="list-style-type: none"> Planning Authority |
| 73 | 43K | Minor amendment of permits referred to in S43.H. | No authority to sub-delegate in respect of the delegation | <ul style="list-style-type: none"> General Manager | <ul style="list-style-type: none"> Planning Authority |

16. LAND USE PLANNING AND APPROVALS REGULATIONS 2004

| No | Statutory Ref | Function or Power | Conditions or Restrictions | Delegation | Original Source of Power |
|----|---------------|--|---|---|--|
| 1 | R.5 | Notification of approval of Local Provisions Schedule. | No authority to sub-delegate in respect of delegation | <ul style="list-style-type: none"> General Manager | <ul style="list-style-type: none"> Planning Authority |
| 2 | R.7 | Advertisement of exhibition of draft amendment, &c (to a planning scheme). | No authority to sub-delegate in respect of delegation | <ul style="list-style-type: none"> General Manager Director of Planning & Development Senior Planner | <ul style="list-style-type: none"> Planning Authority |
| 3 | R.8 | Notification of approval of draft amendment. | No authority to sub-delegate in respect of delegation | <ul style="list-style-type: none"> General Manager Director of Planning & Development Senior Planner | <ul style="list-style-type: none"> Planning Authority |
| 4 | R.8A | Notice of approval of Local Provisions Schedule. | No authority to sub-delegate in respect of delegation | <ul style="list-style-type: none"> General Manager | <ul style="list-style-type: none"> Planning Authority |
| 5 | R.9 | Notice of application for permit. | No authority to sub-delegate in respect of delegation | <ul style="list-style-type: none"> General Manager Director of Planning & Development Senior Planner | <ul style="list-style-type: none"> Planning Authority |

17. LITTER ACT 2007

| No | Statutory Ref | Function or Power | Conditions or Restrictions | Delegation | Original Source of Power |
|----|---------------|---|----------------------------|---|---|
| 1 | S.8 | Power of councils to appoint employees as authorized officers The general manager of a council may appoint an employee of the council to be an authorized officer for the purposes of this Act. | Nil | <ul style="list-style-type: none"> Senior Environmental Health Officer Director of Planning & Development Director of Works & Infrastructure Compliance Coordinator Compliance Officer | <ul style="list-style-type: none"> General Manager |
| 2 | S.38 | Recovery of costs arising from litter abatement notices. | Nil | <ul style="list-style-type: none"> Senior Environmental Health Officer Director of Planning & Development Director of Works & Infrastructure | <ul style="list-style-type: none"> Council |

| No | Statutory Ref | Function or Power | Conditions or Restrictions | Delegation | Original Source of Power |
|----|---------------|-------------------|----------------------------|---|--------------------------|
| | | | | <ul style="list-style-type: none"> • Director of Corporate & Community • Compliance Coordinator • Compliance Officer | |

18. LOCAL GOVERNMENT ACT 1993

| No | Statutory Ref | Function or Power | Conditions or Restrictions | Delegation | Original Source of Power |
|----|---------------|---|--|---|---|
| 1 | S.20A | In order that a Council may perform its functions or exercise its powers under this or any other Act, the General Manager authorises a person to enter land for a specific purpose or in general | <ol style="list-style-type: none"> 1. The General Manager must give notice to the owner or occupier of the land before entry is made unless: <ul style="list-style-type: none"> • An emergency exists; or • The entry is in relation to an application by the owner or occupier for a licence, permit or other approval given by the Council; or • Notice would defeat the purpose of entry. 2. A person entering land under this section is to produce the identity card issued to that person. | <ul style="list-style-type: none"> • Director of Planning & Development • Director of Works & Infrastructure • Works Manager • Works Supervisor • Plumbing Surveyor • Compliance Coordinator • Compliance Officer • Senior Environmental Health Officer • Senior Planner | <ul style="list-style-type: none"> • General Manager |
| 2 | S.22 | Delegation (of functions and powers) by Council. | Subject to the rates and charges policies and procedures, not to be sub-delegated (see S.22) | <ul style="list-style-type: none"> • General Manager | <ul style="list-style-type: none"> • Council |
| 3 | S.28D | Documents relating to agendas. | Nil Conditions or Restrictions | <ul style="list-style-type: none"> • General Manager | <ul style="list-style-type: none"> • Council |
| 4 | S.28T(6) | <p>Code of conduct</p> <p>The general manager is to make a copy of the council's code of conduct available –</p> <ol style="list-style-type: none"> a) For public inspection, free of charge, at the public office of the council during ordinary office hours and on its website; and b) For purchase at a reasonable charge. | Nil Conditions or Restrictions | <ul style="list-style-type: none"> • General Manager | <ul style="list-style-type: none"> • Council |
| 5 | S.28T(7) | Code of conduct | Nil Conditions or Restrictions | <ul style="list-style-type: none"> • General Manager | <ul style="list-style-type: none"> • Council |

| No | Statutory Ref | Function or Power | Conditions or Restrictions | Delegation | Original Source of Power |
|----|---------------|---|---|--|--|
| | | A council is to review its code of conduct within 3 months after each ordinary election. | | | |
| 6 | S.28Y | Initial assessment of complaint by general manager. | Nil Conditions or Restrictions | <ul style="list-style-type: none"> General Manager | <ul style="list-style-type: none"> Council |
| 7 | S.28ZK | Notification of determination of code of conduct complaint. | Nil Conditions or Restrictions | <ul style="list-style-type: none"> General Manager | <ul style="list-style-type: none"> Council |
| 8 | S.55D | Register of pecuniary interests of members of audit panel. | Nil Conditions or Restrictions | <ul style="list-style-type: none"> General Manager Director of Corporate & Community | <ul style="list-style-type: none"> Council |
| 9 | S.56B | Gifts and donations register. | Nil Conditions or Restrictions | <ul style="list-style-type: none"> General Manager Director of Corporate & Community Executive Officer | <ul style="list-style-type: none"> Council |
| 10 | S.65 | Duty to ensure that advice, recommendations or information given is by a qualified person and certify the same to Council. | Nil Conditions or Restrictions | <ul style="list-style-type: none"> General Manager | <ul style="list-style-type: none"> Council |
| 11 | S.74 | <p>Expenditure</p> <p>A Council may expend its funds for the purpose of exercising its powers or carrying out its functions under this or any other Act within the estimates adopted under Section 82.</p> | Nil Conditions or Restrictions | <ul style="list-style-type: none"> General Manager Director of Corporate & Community Director of Planning & Development Director of Works & Infrastructure Works Operations Manager | <ul style="list-style-type: none"> Council General Manager |
| 12 | S.75 | <p>Investments</p> <p>A Council may invest any money –</p> <p>(a) In any manner in which a trustee is authorised by law to invest trust funds; and</p> <p>(b) In any investment the Treasurer approves.</p> | In accordance with Council's investment policies as reviewed from time to time | <ul style="list-style-type: none"> General Manager Director of Corporate & Community | <ul style="list-style-type: none"> Council General Manager |
| 13 | S.72 | Providing Annual Report. | Nil Conditions or Restrictions | <ul style="list-style-type: none"> General Manager | <ul style="list-style-type: none"> Council |
| 14 | S.72B | Notice of AGM. | Nil Conditions or Restrictions | <ul style="list-style-type: none"> General Manager | <ul style="list-style-type: none"> Council |
| 15 | S.76 | <p>Writing off bad debts</p> <p>A council may write off any debts owed to the council if there are no reasonable prospects of recovering the debt; or if the costs of recovery are likely to equal or exceed the amount to be recovered.</p> | <ol style="list-style-type: none"> No authority for the General Manager to Sub-delegate The General Manager may only write off debts that do not exceed the amount of \$500 | <ul style="list-style-type: none"> General Manager | <ul style="list-style-type: none"> Council |
| 16 | S.77 | <p>Grants and benefits</p> <p>A council may make a grant or provide a pecuniary benefit or a non-pecuniary benefit that is not a legal entitlement to any person, other than a councillor, for</p> | <ol style="list-style-type: none"> No authority for the General Manager to Sub-delegate The General Manager may only | <ul style="list-style-type: none"> General Manager | <ul style="list-style-type: none"> Council |

| No | Statutory Ref | Function or Power | Conditions or Restrictions | Delegation | Original Source of Power |
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| | | any purpose it considers appropriate. | <p>approve any such grant or benefit upon receiving setting out the nature, date and location of the sporting event for which the grant is sought or details of academic assistance sought.</p> <p>3. That only one (1) grant of up to \$200 per applicant per calendar year can be approved by the General Manager</p> <p>4. That the total expenditure for a financial year under this delegation must be reported under the "Grants and Benefits" section of the Annual Report</p> | | |
| 17 | S.81 | <p>Authorised deposit-taking institution accounts</p> <p>A Council may establish and maintain in its corporate name such authorized deposit-taking institution accounts as it considers necessary.</p> | This applies to all account signatories. | <ul style="list-style-type: none"> • General Manager • Director of Corporate & Community | <ul style="list-style-type: none"> • Council |
| 18 | S.84(1)(3)(4) | <p>Financial Statements</p> <p>The general manager is to prepare and forward to the Auditor General a copy of the council's financial statements for each financial year in accordance with the Audit Act 2008.</p> | This section will be affected by Part 4 of the <i>Local Government (Miscellaneous Amendment) Act 2013</i> which is yet to commence. | <ul style="list-style-type: none"> • General Manager | <ul style="list-style-type: none"> • Council |
| 19 | S92(2)(3) | <p>Adjustment of amount payable</p> <p>The General Manager is to issue a supplementary notice in accordance with section 122 in respect of any amount payable as a result of an adjustment under this section.</p> <p>The General Manager may refund or give credit for any amount paid in respect of a rate in excess of the amount payable as a result of an adjustment under this section.</p> | In accordance with Rates and Charges Policy. | <ul style="list-style-type: none"> • Director of Corporate & Community | <ul style="list-style-type: none"> • General Manager |
| 20 | S.110 | Record of Rates | Nil Conditions or Restrictions | <ul style="list-style-type: none"> • General Manager • Director of Corporate & Community | <ul style="list-style-type: none"> • Council |
| 21 | S.111 | <p>Ownership</p> <p>If the general manager is of the opinion that a person may or may not be the owner of land, the general manager may require that person to make a statutory</p> | Nil Conditions or Restrictions | <ul style="list-style-type: none"> • General Manager • Director of Corporate & Community | <ul style="list-style-type: none"> • Council |

| No | Statutory Ref | Function or Power | Conditions or Restrictions | Delegation | Original Source of Power |
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| | | declaration in respect of his or her interest in that land. | | | |
| 22 | S.124 | Instalment payments A Council may permit a ratepayer to pay in instalments. The Council may decide that any rates are payable by instalments. | Nil Conditions or Restrictions | <ul style="list-style-type: none"> General Manager Director of Corporate & Community | <ul style="list-style-type: none"> Council |
| 23 | S.126 | Conditions of postponement A council may grant a postponement of the payment of rates for a specified period if satisfied that such payment would cause hardship. | Request for postponement of the payment of rates must be received in writing addressed to the General Manager | <ul style="list-style-type: none"> General Manager | <ul style="list-style-type: none"> Council |
| 24 | S.127 | Postponement ceases to operate A council may, at any time, revoke a postponement of payment of rates by giving 60 days notice in writing to the ratepayer of the date on which the postponement ceases to operate. | No authority for the General Manager to sub-delegate | <ul style="list-style-type: none"> General Manager | <ul style="list-style-type: none"> Council |
| 25 | S.129 | Remission of rates The general manager is to keep a record of the details of any remission granted under this section. | No authority for the General Manager to sub-delegate | <ul style="list-style-type: none"> General Manager | <ul style="list-style-type: none"> Council |
| 26 | S.132(4) | Certificate of liabilities On receipt of an application, the general manager is to issue a certificate containing the details referred to in subsection (1). | Nil Conditions or Restrictions | <ul style="list-style-type: none"> Director of Corporate & Community | <ul style="list-style-type: none"> General Manager |
| 27 | Div 10 S.133-135 | Recovery A Council can recover debts due to unpaid rates. | No authority for the General Manager to sub-delegate | <ul style="list-style-type: none"> General Manager | <ul style="list-style-type: none"> Council |
| 28 | S.139A | Register of Money (relevant to sale of land) | Nil Conditions or Restrictions | <ul style="list-style-type: none"> General Manager Director of Corporate & Community | <ul style="list-style-type: none"> Council General Manager |
| 29 | S.175 | Purchase or lease of land A council may purchase or lease land for any purpose which it considers to be of benefit to the council or the community. | <ul style="list-style-type: none"> Restricted to leasing of land to Council and for a maximum of three (3) years; and does not include purchase or land. Relates to land leased to Council not land leased by Council. | <ul style="list-style-type: none"> General Manager | <ul style="list-style-type: none"> Council |
| 30 | S.176 | Acquisition of land A council may acquire land for prescribed purposes in accordance with the Land Acquisition Act 1993. | Restricted to the delegated provisions of S.37(d)(e)(ea) of the Local Government (General) Regulations 2005. | <ul style="list-style-type: none"> General Manager | <ul style="list-style-type: none"> Council |

| No | Statutory Ref | Function or Power | Conditions or Restrictions | Delegation | Original Source of Power |
|----|---------------|---|---|---|--|
| 31 | S.182 | Fencing land The general manager, by notice in writing served on the owner or occupier of land, may require the owner or occupier to fence the land. | Nil Conditions or Restrictions. | <ul style="list-style-type: none"> • Director of Planning & Development • Director of Works & Infrastructure | <ul style="list-style-type: none"> • General Manager |
| 32 | S.183 | Land reinstated The general manager, by notice in writing, may require the owner or occupier to rehabilitate land from which soil, rock, sand or material has been extracted at any time after the commencement of this Act. | Nil Conditions or Restrictions. | <ul style="list-style-type: none"> • Senior Environmental Health Officer • Director of Planning & Development • Senior Planner | <ul style="list-style-type: none"> • General Manager |
| 33 | S.185 | Compliance with notice A person served with a notice under this Division must undertake any work required to be done under the notice in accordance with the terms of the notice and within the period specified in the notice. | Nil Conditions or Restrictions. | <ul style="list-style-type: none"> • General Manager • Senior Environmental Health Officer • Director of Planning & Development | <ul style="list-style-type: none"> • Council • General Manager |
| 34 | S.189 | Closure of local highways (markets) Power to allow a person to conduct a market and to close a local highway or part of a local highway for the purpose of any such market. | <ul style="list-style-type: none"> • Under Section 189(2) the General Manager has a duty to publish a notice of intention in a public newspaper if it is intended that a local highway or any part of a local highway is to be closed. • Delegated to the General Manager only. | <ul style="list-style-type: none"> • General Manager | <ul style="list-style-type: none"> • Council |
| 35 | S.190(3) | Objections A council is to consider any objection before closing a local highway or part of a local highway. | Nil | <ul style="list-style-type: none"> • General Manager • Director Works & Infrastructure | <ul style="list-style-type: none"> • Council |
| 36 | S.193 | Establishment of pounds A council may establish pounds for the detention of stray animals. | Nil | <ul style="list-style-type: none"> • General Manager • Director Planning & Development | <ul style="list-style-type: none"> • Council |
| 37 | S.194 | Impounding of animals Power to impound any animal found straying or at large. | Nil | <ul style="list-style-type: none"> • Director of Planning & Development • Works Manager • Compliance Coordinator • Compliance Officer | <ul style="list-style-type: none"> • General Manager |

| No | Statutory Ref | Function or Power | Conditions or Restrictions | Delegation | Original Source of Power |
|----|---------------|---|--|--|--|
| 38 | S.195 | Notice of impounding Power to issue a notice to the owner if the animal is unclaimed. | Nil | <ul style="list-style-type: none"> Director of Planning & Development Compliance Coordinator Compliance Officer | <ul style="list-style-type: none"> General Manager |
| 39 | S.196 | Fees, costs and charges Power to require an owner to make payment of costs and charges incurred from the impounding of their animal by notice and to detain any such animal until payment is received. | Nil | <ul style="list-style-type: none"> Director of Planning & Development Compliance Coordinator Compliance Officer | <ul style="list-style-type: none"> General Manager |
| 40 | S.197 | Sale or destruction of unclaimed animals Power to sell, give away, or destroy an impounded animal. | Nil Conditions or Restrictions | <ul style="list-style-type: none"> General Manager Director of Planning & Development Compliance Coordinator Compliance Officer | <ul style="list-style-type: none"> Council General Manager |
| 41 | S.198 | Destruction of animals Power to arrange for an impounded animal to be destroyed. | Nil | <ul style="list-style-type: none"> Director of Planning & Development Compliance Coordinator Compliance Officer | <ul style="list-style-type: none"> General Manager |
| 42 | S.200 | Abatement notices If a council is satisfied that a nuisance exists, the general manager must serve a notice on – a) Any person whose act or default contributes to or causes the nuisance whether or not that act or default occurs wholly or only partly in the municipal area; or b) If the person cannot be ascertained or found, on the owner or occupier of the land on, or from which, the nuisance arises. | Nil Conditions or Restrictions | <ul style="list-style-type: none"> General Manager Senior Environmental Health Officer Director of Planning & Development Compliance Coordinator Compliance Officer | <ul style="list-style-type: none"> Council General Manager |
| 43 | S.201 | General manager may take necessary action Power to take necessary action to abate a nuisance if – a) There is an immediate danger to any person or property; or b) The person causing the nuisance cannot be ascertained or found; or c) An abatement notice has not been complied with. | Nil | <ul style="list-style-type: none"> Senior Environmental Health Officer Director of Planning & Development Compliance Coordinator Compliance Officer | <ul style="list-style-type: none"> General Manager |
| 44 | S.207 | Remission of fees and charges A council may remit all or part of any fee or charge paid or payable under this Division. | <ol style="list-style-type: none"> No authority for the General Manager to Sub-delegate. Powers must be exercised in | <ul style="list-style-type: none"> General Manager | <ul style="list-style-type: none"> Council |

| No | Statutory Ref | Function or Power | Conditions or Restrictions | Delegation | Original Source of Power |
|----|---------------|--|--|--|--|
| | | | accordance with the relevant Council policies. | | |
| 45 | S.261(1) | List of electors The general manager is to – a) Prepare and keep a list of electors from the electoral roll kept under S.258(1) as at the time of closure referred to in S.260; and b) Certify that the list is correct. | Nil | <ul style="list-style-type: none"> • General Manager • Executive Officer | <ul style="list-style-type: none"> • Council • General Manager |
| 46 | S.333A | Tender A council must invite tenders for any contract it intends to enter into for the supply or provision of goods or services valued at or above the prescribed amount. | Nil | <ul style="list-style-type: none"> • General Manager • Director Works & Infrastructure | <ul style="list-style-type: none"> • Council |
| 47 | S.336 | Power to use the Council arms in any manner they think fit. | Nil | <ul style="list-style-type: none"> • General Manager | <ul style="list-style-type: none"> • Council |
| 48 | S.337 | Council land information certificate A person may apply in writing to the general manager for a certificate in respect of information relating to land specified and clearly identified in the application. | Subclause (8) in accordance with Council's Schedule of Fees and Charges. | <ul style="list-style-type: none"> • Director of Planning & Development • Compliance Coordinator | <ul style="list-style-type: none"> • General Manager |
| 49 | S.344 | Rounding of rates, &c. | Nil | <ul style="list-style-type: none"> • General Manager | <ul style="list-style-type: none"> • Council |

19. LOCAL GOVERNMENT (BUILDING AND MISCELLANEOUS PROVISIONS) ACT 1993

| No | Statutory Ref | Function or Power | Conditions or Restrictions | Delegation | Original Source of Power |
|----|---------------|---|---|---|---|
| 1 | S.83 | Power for approval of plan of subdivision | No authority for the General Manager to sub-delegate. | <ul style="list-style-type: none"> • General Manager | <ul style="list-style-type: none"> • Council |
| 2 | S.84 | Power not to approve a subdivision If – a) Any proposed lot has not the qualities of a minimum lot; or b) It includes any lot or other block of land smaller than is required or permitted by a finally approved planning scheme; or c) The subdivision includes any road or other works whereby drainage will be concentrated and discharged into any drain or culvert on or under any State highway. | No authority for the General Manager to sub-delegate. | <ul style="list-style-type: none"> • General Manager | <ul style="list-style-type: none"> • Council |
| 3 | S.85 | Power for refusal of application for subdivision | No authority for the General Manager to sub-delegate. | <ul style="list-style-type: none"> • General Manager | <ul style="list-style-type: none"> • Council |
| 4 | S.86 | Security for payment Before approving a plan of subdivision, the council may | No authority for the General Manager to sub-delegate. | <ul style="list-style-type: none"> • General Manager | <ul style="list-style-type: none"> • Council |

| No | Statutory Ref | Function or Power | Conditions or Restrictions | Delegation | Original Source of Power |
|----|---------------|---|--|---|---|
| | | a) Require security for payments and the execution of works; and b) Refuse to approve the application until such security is given. | | | |
| 5 | S.89 | Power to approve and seal final plans. | <ol style="list-style-type: none"> 1. No authority for the General Manager to sub-delegate. 2. The General Manager may only approve and seal a final plan where it is in accordance with a planning permit. 3. The General Manager is not to approve a final plan unless he has received advice from the Senior Planner or the Director of Planning & Development that the application is compliant with all of the relevant legislation. | <ul style="list-style-type: none"> • General Manager | <ul style="list-style-type: none"> • Council |
| 6 | S.91(3) | Power to object to the making of a correction to a final plan by the Recorder of Titles. | <ol style="list-style-type: none"> 1. No authority for the General Manager to sub-delegate. 2. The General Manager may only object to the making of a correction to a final plan upon advice from the Senior Planner or the Director of Planning & Development that the application is compliant with all of the relevant legislation. | <ul style="list-style-type: none"> • General Manager | <ul style="list-style-type: none"> • Council |
| 7 | S.92 | Power for amendments to final plans. | No authority for the General Manager to sub-delegate. | <ul style="list-style-type: none"> • General Manager | <ul style="list-style-type: none"> • Council |
| 8 | S.93 | Power for cancellation of final plans. | No authority for the General Manager to sub-delegate. | <ul style="list-style-type: none"> • General Manager | <ul style="list-style-type: none"> • Council |
| 9 | S.96 | Dedication as highway If a sealed plan shows provision for widening or deviating a way on, or adjoining, land comprised in the plan, an obligation runs with that land to dedicate it as a highway if required to do so by the highway authority. | No authority for the General Manager to sub-delegate. | <ul style="list-style-type: none"> • General Manager | <ul style="list-style-type: none"> • Council |
| 10 | S.103 | Power to amend sealed plans. | <ol style="list-style-type: none"> 1. No authority for the General Manager to sub-delegate. 2. The General Manager may only amend sealed plans upon advice from the Senior Planner or the Director of Planning & Development that the amendment complies with the relevant | <ul style="list-style-type: none"> • General Manager | <ul style="list-style-type: none"> • Council |

| No | Statutory Ref | Function or Power | Conditions or Restrictions | Delegation | Original Source of Power |
|----|---------------|---|--|-------------------|--------------------------|
| | | | legislation. | | |
| 11 | S.104(1) | Power for hearing in respect of amendment of plans. | No authority for the General Manager to sub-delegate. | • General Manager | • Council |
| 12 | S.105(2) | Power for compensation in respect of amendments. | No authority for the General Manager to sub-delegate. | • General Manager | • Council |
| 13 | S.107 | Access orders The council considers that work of a substantial nature is needed to provide access for vehicles from a highway onto the block, it may refuse to seal the final plan under which the block is created until the owner has carried out the work specified in the order within the specified period or given the council security for carrying out that work if called upon by it to do so. | 1. No authority for the General Manager to sub-delegate. 2. The General Manager may only make an order upon advice from the Senior Planner or the Director of Planning & Development that the amendment complies with the relevant legislation | • General Manager | • Council |
| 14 | S.109(6) | Minimum lots If land may be used only as a place of business the restriction on its use – a) Is to be set out above the council's seal on the final plan of the subdivision; and b) Is enforceable by the Council. | No authority for the General Manager to sub-delegate | • General Manager | • Council |
| 15 | S.110 | Adhesion orders The council may make an adhesion order if a block a) Has the qualities of a minimum lot; and b) Comprises 2 parcels or more that may, without the approval of any plan by the council, lawfully be sold separately so as to create a block which i) Would not have the qualities of a minimum lot; and ii) Is or in the opinion of the council is likely to be, built on or bought for building. | 1. No authority for the General Manager to sub-delegate. 2. The General Manager may only make adhesion order upon advice from the Senior Planner or the Director of Planning & Development that the amendment complies with the relevant legislation. | • General Manager | • Council |
| 16 | S.112 | Purposes for which plan approved The council is to state on the plan one of the following purposes for which the plan is approved: i) For the purpose of enabling the approved lot to form a single parcel; ii) For the purpose of enabling a purchaser to acquire all the sub-minimum lots which together form the minimum lot shown on the plan; iii) For the purpose of enabling the portions of the approved lot to form a single parcel or for enabling a purchaser to acquire all the sub-minimum lots which together are to form the minimum lot, as well as for the purpose of giving effect to the subdivision. | No authority for the General Manager to sub-delegate. | • General Manager | • Council |
| 17 | S113(4) | Bringing land under Land Titles Act 1980 | No authority for the General Manager to | • General Manager | • Council |

| No | Statutory Ref | Function or Power | Conditions or Restrictions | Delegation | Original Source of Power |
|----|---------------|---|---|-------------------|--------------------------|
| | | If a plan of subdivision approved by the council and lodged in the office of the Recorder of Titles includes any adjoining land to be added that is not under the provisions of the Land Titles Act 1980, the Recorder is not to take any further action upon the plan until applications to bring the land under those provisions have been made under Section 11 of that Act. | sub-delegate. | | |
| 18 | S.115 | Exemption Power to exempt a subdivision from the provisions of Part 3. | 1. No authority for the General Manager to sub-delegate. 2. The General Manager may only exempt a subdivision from the provisions upon advice from the Senior Planner or the Director of Planning & Development that the amendment complies with the relevant legislation. | • General Manager | • Council |
| 19 | S.116 | Power for limitation on requirement for public open space. | No authority for the General Manager to sub-delegate. | • General Manager | • Council |
| 20 | S.117 | Payment instead of increasing public open space Instead of requiring an owner to increase the area for public open space, the council, before approving a plan of subdivision may require security for the payment of an amount. | No authority for the General Manager to sub-delegate. | • General Manager | • Council |
| 21 | S.118 | Council schemes Before the council disposes of lands in circumstances in which, if the disposition were that of a private person the plan would require approval under this Part, it is to prepare a plan of subdivision that it would approve if it were a private person's plan. | No authority for the General Manager to sub-delegate. | • General Manager | • Council |
| 22 | Part 7 | Long Service Leave and Employees Assurance Scheme. | No authority for the General Manager to sub-delegate. | • General Manager | • Council |
| 23 | S.241(1) | Preservation orders A council, on the recommendation of the National Trust of Australia (Tasmania) may by order – a) Prohibit the demolition of a building that is by itself or with others of historical or architectural interest or of special beauty; and b) Prohibit the alteration of or adding to the building except as the council may approve; and c) Require the owner to keep the building in good and tenable repair. | No authority for the General Manager to sub-delegate. | • General Manager | • Council |
| 24 | S.243 | Preservation order is enforceable A preservation order – | No authority for the General Manager to sub-delegate. | • General Manager | • Council |

| No | Statutory Ref | Function or Power | Conditions or Restrictions | Delegation | Original Source of Power |
|----|---------------|---|---|--|--|
| | | <p>a) Operates as a covenant between the owner and the owner and the council that the owner, executors, administrators and assigns will comply with the order; and</p> <p>b) Runs with the land in equity; and</p> <p>c) Is enforceable by the council as if it were owner of all other lands in the municipal area and the tenants were natural persons holding of the council for life.</p> | | | |
| 25 | S.244 | <p>Registering preservation order On receipt of a sealed copy and certificate under subsection (1) the Recorder of Titles is to –</p> <p>(a) register the preservation order by entering a memorial on the folio of the Register identified by the certificate; and</p> <p>(b) endorse the memorial on the folio of the Register, under the Land Titles Act 1980 , for the land.</p> | No authority for the General Manager to sub-delegate. | <ul style="list-style-type: none"> • General Manager | <ul style="list-style-type: none"> • Council |
| 26 | S.246 | <p>Advertising hoardings A person must not, within a municipal area, erect, put up, place or use or permit to be erected, put up, placed or used, any hoarding or similar structure for advertising purposes without a licence from the council.</p> | Nil | <ul style="list-style-type: none"> • General Manager • Director of Planning & Development • Senior Environmental Health Officer | <ul style="list-style-type: none"> • Council • General Manager |
| 27 | S.247 | Power to require the removal of an advertising hoarding. | Nil | <ul style="list-style-type: none"> • General Manager • Director of Planning & Development • Senior Environmental Health Officer | <ul style="list-style-type: none"> • Council |
| 28 | S.248 | Power to demolish, remove or remedy any building erected or constructed over or under a Council drain or a drain connected to a Council drain. | No authority to sub-delegate in respect of this delegation. | <ul style="list-style-type: none"> • General Manager • Director of Planning & Development | <ul style="list-style-type: none"> • Council |

20. LOCAL GOVERNMENT (GENERAL) REGULATIONS 2015

| No | Statutory Ref | Function or Power | Conditions or Restrictions | Delegation | Original Source of Power |
|----|----------------------|---|--------------------------------|---|---|
| 1 | R.23(2)(3) (4)(5) | Public tenders A council, through a public tender process, may establish a standing contract in which a single tenderer or multiple tenderers may be contracted for a specified period to provide specified goods or services during that period without the need for a further tender process. | Nil Conditions or Restrictions | <ul style="list-style-type: none"> • General Manager • Director of Planning & Development • Director of Works & Infrastructure • Director of Corporate & Community • Works Manager | <ul style="list-style-type: none"> • Council |
| 2 | R.24 | Open tenders The general manager is to ensure that prospective tenderers are provided with the following in order to make a tender: a) Details of the goods or services required; b) Details of the duration of the contract, including any extensions that are specified in the contract; c) The criteria for evaluating tenders; d) The method of evaluating tenders against the evaluation criteria; e) Any mandatory tender specifications and contract conditions; f) A reference to the council's code relating to tenders and contracts. | Nil Conditions or Restrictions | <ul style="list-style-type: none"> • Director of Planning & Development • Director of Works & Infrastructure • Director of Corporate & Community • Works Manager | <ul style="list-style-type: none"> • General Manager |
| 3 | R.25 | Multiple use register A council may establish a multiple-use register of suppliers who meet criteria established by the council in respect of the supply of particular categories of goods or services. | Nil Conditions or Restrictions | <ul style="list-style-type: none"> • General Manager • Director of Planning & Development • Director of Works & Infrastructure • Director of Corporate & Community • Works Manager | <ul style="list-style-type: none"> • Council |
| 4 | R.26(1) | Multi stage tender A multiple-stage tender process is a process by which suppliers are evaluated through stages against criteria determined by the council. | Nil Conditions or Restrictions | <ul style="list-style-type: none"> • General Manager • Director of Planning & Development • Director of Works & Infrastructure • Director of Corporate & Community • Works Manager | <ul style="list-style-type: none"> • Council |

21. LOCAL GOVERNMENT (HIGHWAYS) ACT 1982

| No | Statutory Ref | Function or Power | Conditions or Restrictions | Delegation | Original Source of Power |
|----|---------------|--|--|--|---|
| 1 | S.6 | Power to make, widening &c., of highways by corporations | Nil Conditions or Restrictions | <ul style="list-style-type: none"> • General Manager • Director of Works & Infrastructure | <ul style="list-style-type: none"> • Council |
| 2 | S.7 | Limitation on opening of highways in cities and towns by private persons. | Nil Conditions or Restrictions | <ul style="list-style-type: none"> • General Manager • Director of Works & Infrastructure | <ul style="list-style-type: none"> • Council |
| 3 | S.8 | Maintenance of highways opened outside cities or towns by private persons. | Nil Conditions or Restrictions | <ul style="list-style-type: none"> • General Manager • Director of Works & Infrastructure | <ul style="list-style-type: none"> • Council |
| 4 | S.10 | Obligations on landowners opening highways. | Nil Conditions or Restrictions | <ul style="list-style-type: none"> • General Manager • Director of Works & Infrastructure • Works Manager | <ul style="list-style-type: none"> • Council |
| 5 | S.11 | Enforcement of obligations of landowners opening highways. | Nil Conditions or Restrictions | <ul style="list-style-type: none"> • General Manager • Director of Works & Infrastructure | <ul style="list-style-type: none"> • Council |
| 6 | S.14 | Closure and diversion of highways. | Nil Conditions or Restrictions | <ul style="list-style-type: none"> • General Manager • Director of Works & Infrastructure • Works Manager | <ul style="list-style-type: none"> • Council |
| 7 | S.15 | Dealing with sites of closed highways. | Nil Conditions or Restrictions | <ul style="list-style-type: none"> • General Manager • Director of Works & Infrastructure • Works Manager | <ul style="list-style-type: none"> • Council |
| 8 | S.17 | Definition of boundaries of highway | Nil Conditions or Restrictions | <ul style="list-style-type: none"> • General Manager • Director of Works & Infrastructure • Works Manager | <ul style="list-style-type: none"> • Council |
| 9 | S.19 | Power to close a local highway, forbid the use of a local highway or grant licences for the use of a closed local highway | In consultation with Commissioner of Police. Delegation excludes Section 19(1)(c). | <ul style="list-style-type: none"> • General Manager • Director of Works & Infrastructure • Works Manager | <ul style="list-style-type: none"> • Council |
| 10 | S.20 | Power to close part of a local highway for the purpose of the sale of goods or entertainment on a Saturday, Sunday or statutory holiday | In consultation with Commissioner of Police and Transport Commission. | <ul style="list-style-type: none"> • General Manager • Director of Works & Infrastructure • Works Manager | <ul style="list-style-type: none"> • Council |
| 11 | S.21 | <p>General responsibility of corporations</p> <p>The Corporation of a municipality is charged with the duty of maintaining the local highways in the municipality that are maintainable by the corporation as shown on its municipal map, and, in any particular case, it shall discharge that duty in such</p> | Nil Conditions or Restrictions. | <ul style="list-style-type: none"> • General Manager • Director of Works & Infrastructure • Works Manager | <ul style="list-style-type: none"> • Council |

| No | Statutory Ref | Function or Power | Conditions or Restrictions | Delegation | Original Source of Power |
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| | | manner as, having regard to all the circumstances of the case, it considers practicable and appropriate. | | | |
| 12 | S.24 | Highways on boundaries of municipalities Where 2 corporations would, apart from this subsection, each be liable to repair one side of a local highway that forms or follows the common boundary of the municipal districts of those corporations, they are jointly liable to repair the whole width of that highway. | Nil Conditions or Restrictions. | <ul style="list-style-type: none"> • General Manager • Director of Works & Infrastructure • Works Manager | • Council |
| 13 | S.25 | General supplementary provisions as to carrying out of highway works. | Nil Conditions or Restrictions. | <ul style="list-style-type: none"> • General Manager • Director of Works & Infrastructure • Works Manager | • Council |
| 14 | S.26(4) | Obtaining of materials for highway works. | Nil Conditions or Restrictions. | <ul style="list-style-type: none"> • General Manager • Director of Works & Infrastructure • Works Manager | • Council |
| 15 | S.27 | Use of adjoining lands in carrying out highway works. | Nil Conditions or Restrictions. | <ul style="list-style-type: none"> • General Manager • Director of Works & Infrastructure • Works Manager | • Council |
| 16 | S.28 | Shifting of apparatus, &c., in roads. | Nil Conditions or Restrictions. | <ul style="list-style-type: none"> • General Manager • Director of Works & Infrastructure • Works Manager | • Council |
| 17 | S.30 | Improvements, &c., of highways. | Nil Conditions or Restrictions. | <ul style="list-style-type: none"> • General Manager • Director of Works & Infrastructure • Works Manager | • Council |
| 18 | S.31 | Obstructions for prohibition or restriction of vehicular traffic. | Nil Conditions or Restrictions. | <ul style="list-style-type: none"> • General Manager • Director of Works & Infrastructure • Works Manager | • Council |
| 19 | S.32 | Power to light and arrange for lighting of local highway. | Nil Conditions or Restrictions. | <ul style="list-style-type: none"> • General Manager • Director of Works & Infrastructure • Works Manager | • Council |
| 20 | S.33 | Lighting or private ways and courts. | Nil Conditions or Restrictions. | <ul style="list-style-type: none"> • General Manager • Director of Works & Infrastructure • Works Manager | • Council |
| 21 | S.34 | Power to make, cleanse and keep open Council drains and watercourses in and through land adjoining or near a local highway. | Nil Conditions or Restrictions. | <ul style="list-style-type: none"> • General Manager • Director of Works & Infrastructure • Works Manager | • Council |

| No | Statutory Ref | Function or Power | Conditions or Restrictions | Delegation | Original Source of Power |
|----|---------------|---|---------------------------------|--|---|
| 22 | S.35 | Crossings over footpaths, table-drains, and gutters Where the corporation is of the opinion that works are necessary to be carried out in a highway under local management for the construction or repair of a vehicular crossing over a table-drain, gutter, or footpath at or opposite the entrance to land adjoining the highway, it may serve a written notice on the owner of the land requiring him to carry out those works within the time specified. | Nil Conditions or Restrictions. | <ul style="list-style-type: none"> • General Manager • Director of Works & Infrastructure • Works Manager | <ul style="list-style-type: none"> • Council |
| 23 | S.36 | Fencing of streets in towns. | Nil Conditions or Restrictions. | <ul style="list-style-type: none"> • General Manager • Director of Works & Infrastructure • Works Manager | <ul style="list-style-type: none"> • Council |
| 24 | S.37 | Alterations, &c., of entrances to highways. | Nil Conditions or Restrictions. | <ul style="list-style-type: none"> • General Manager • Director of Works & Infrastructure • Works Manager | <ul style="list-style-type: none"> • Council |
| 25 | S.38 | Power to remove trees as required for the facilitation and good management of local highways | Nil Conditions or Restrictions. | <ul style="list-style-type: none"> • General Manager • Director of Works & Infrastructure • Works Manager | <ul style="list-style-type: none"> • Council |
| 26 | S.39 | Power to require an occupier of land to cut, trim or reduce the height of vegetation to reduce or remove danger from the obstruction of their view | Nil Conditions or Restrictions. | <ul style="list-style-type: none"> • General Manager • Director of Works & Infrastructure • Works Manager | <ul style="list-style-type: none"> • Council |
| 27 | S.40 | Animal barriers on highways | Nil Conditions or Restrictions. | <ul style="list-style-type: none"> • General Manager • Director of Works & Infrastructure • Works Manager | <ul style="list-style-type: none"> • Council |
| 28 | S.41 | Prohibition of traffic likely to cause damage to highways. | Nil Conditions or Restrictions. | <ul style="list-style-type: none"> • General Manager • Director of Works & Infrastructure • Works Manager | <ul style="list-style-type: none"> • Council |
| 29 | S.42 | Power to close a dangerous highway. | Nil Conditions or Restrictions. | <ul style="list-style-type: none"> • General Manager • Director of Works & Infrastructure • Works Manager | <ul style="list-style-type: none"> • Council |
| 30 | S.44 | Protection of bridges from excessive loading. | Nil Conditions or Restrictions. | <ul style="list-style-type: none"> • General Manager • Director of Works & Infrastructure • Works Manager | <ul style="list-style-type: none"> • Council |

| No | Statutory Ref | Function or Power | Conditions or Restrictions | Delegation | Original Source of Power |
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| 31 | S.45(4) | Removal and disposal of abandoned articles Where it appears to the corporation that an article has, without lawful authority, been abandoned on a highway under local management, it may remove the article from the highway. | Nil Conditions or Restrictions. | <ul style="list-style-type: none"> • General Manager • Director of Works & Infrastructure • Director of Planning & Development • Compliance Officer • Works Manager | <ul style="list-style-type: none"> • Council |
| 32 | S.45(5)(6)(7)(8)(9)(10)(12) | Removal and disposal of abandoned articles where an article has been removed from a highway under this section, the corporation may, subject to this section, dispose of it in such manner as it thinks fit. | Nil Conditions or Restrictions. | <ul style="list-style-type: none"> • General Manager • Director of Works & Infrastructure • Director of Planning & Development • Compliance Officer • Works Manager | <ul style="list-style-type: none"> • Council |
| 33 | S.46(2) | Permission to carry out various works in relation to highways Subject to any directions given by the corporation, its powers to grant a permission may be exercised on its behalf by its mayor or by some other person authorized by it for that purpose. | Nil Conditions or Restrictions. | <ul style="list-style-type: none"> • General Manager • Director of Works & Infrastructure • Works Manager | <ul style="list-style-type: none"> • Council |
| 34 | S.46 | Permission to carry out various works in relation to highways A corporation may, in accordance with its by-laws, grant a person written permission to do any one or more of the following things: a) Open or break up the soil or pavement of a local highway; b) Make a drain leading to a local highway; c) Put or place a pipe or make a drain leading into a sewer or drain or other work of the corporation in or under a local highway; d) Make an excavation, vault or cellar in or under a local highway; e) Install, under a local highway, pipelines, pipe systems or other infrastructure required for the transmission, distribution or supply of natural gas or other gaseous fuels; f) Erect a hoarding or scaffolding for building or any other purpose in or on a local highway. | Nil Conditions or Restrictions. | <ul style="list-style-type: none"> • General Manager • Director of Works & Infrastructure • Works Manager | <ul style="list-style-type: none"> • Council |
| 35 | S.50 | Management of local highways not maintainable by the corporation. | Nil Conditions or Restrictions. | <ul style="list-style-type: none"> • General Manager • Director of Works & Infrastructure • Works Manager | <ul style="list-style-type: none"> • Council |
| 36 | S.51 | Making good of back roads, lanes, &c., at frontagers' expense. | Nil Conditions or Restrictions. | <ul style="list-style-type: none"> • General Manager • Director of Works & Infrastructure • Works Manager | <ul style="list-style-type: none"> • Council |

| No | Statutory Ref | Function or Power | Conditions or Restrictions | Delegation | Original Source of Power |
|----|---------------|---|---------------------------------|--|---|
| 37 | S.52 | Projections on to highways, &c. At such time as is agreed with the occupier of a building, or after giving at least 30 days' notice of its intention to do so, the corporation may remove or alter an obstruction to which this section applies that has been erected or placed against or in front of the building. | Nil Conditions or Restrictions. | <ul style="list-style-type: none"> • General Manager • Director of Works & Infrastructure • Works Manager | <ul style="list-style-type: none"> • Council |
| 38 | S.53 | Low-lying land near highways. | Nil Conditions or Restrictions. | <ul style="list-style-type: none"> • General Manager • Director of Works & Infrastructure • Works Manager | <ul style="list-style-type: none"> • Council |
| 39 | S.54 | Names of highways, &c. | Nil Conditions or Restrictions. | <ul style="list-style-type: none"> • General Manager • Director of Works & Infrastructure • Director of Planning & Development • Compliance Coordinator • Works Manager | <ul style="list-style-type: none"> • Council |
| 40 | S.55 | Numbering of buildings, &c. | Nil Conditions or Restrictions. | <ul style="list-style-type: none"> • General Manager • Director of Works & Infrastructure • Director of Planning & Development • Compliance Coordinator • Works Manager | <ul style="list-style-type: none"> • Council |
| 41 | S.59 | Development of land in connection with highway improvements. | Nil Conditions or Restrictions. | <ul style="list-style-type: none"> • General Manager • Director of Works & Infrastructure | <ul style="list-style-type: none"> • Council |
| 42 | S.60(3) | Restrictive covenants for benefit of highway A corporation may, at any time, by agreement with the person against whom there is enforceable a covenant, discharge the covenant or may agree to a variation of the covenant. | Nil Conditions or Restrictions. | <ul style="list-style-type: none"> • General Manager • Director of Works & Infrastructure | <ul style="list-style-type: none"> • Council |
| 43 | S.62 | Special provisions as to acquisition for widening or other alteration A corporation may take land for the widening or other alteration of a highway. Land shall not be taken under this section, unless a) Every part of it is within 3 metres of the boundary of an existing highway and b) No building is situated wholly or partly on the land or within 3 metres of its boundary. | Nil Conditions or Restrictions. | <ul style="list-style-type: none"> • General Manager • Director of Works & Infrastructure | <ul style="list-style-type: none"> • Council |
| 44 | S.63 | Letting of highways not presently used Where the corporation has acquired highway rights over any land, it may, if the land is not presently required to be opened as a highway, let that land to the owner of | Nil Conditions or Restrictions. | <ul style="list-style-type: none"> • General Manager • Director of Works & Infrastructure | <ul style="list-style-type: none"> • Council |

| No | Statutory Ref | Function or Power | Conditions or Restrictions | Delegation | Original Source of Power |
|----|---------------|---|---------------------------------|--|--|
| | | any adjoining land. | | | |
| 45 | S.66 | Proof that Street is subject to Part V The carriage-way of a street shall be deemed to have been well and sufficiently made only if it was made well enough to be an all-weather road for light or heavy traffic or both according to the standards accepted at the time of its making. | Nil Conditions or Restrictions. | <ul style="list-style-type: none"> • General Manager • Director of Works & Infrastructure • Works Manager | <ul style="list-style-type: none"> • Council |
| 46 | S.67(2) | Street works in streets not previously made up Where a street has not at any time been well and sufficiently made, the corporation may, in accordance with a scheme under this Part, carry out such street works as it considers necessary to put that street in a proper condition in substantial conformity with the standard requirements, recovering the cost of the works in the manner provided in this Part. | Nil Conditions or Restrictions. | <ul style="list-style-type: none"> • General Manager • Director of Works & Infrastructure • Works Manager | <ul style="list-style-type: none"> • Council |
| 47 | S.68 | Scheme of street construction Where the corporation intends to carry out street works in a street, it shall cause to be prepared a scheme for the carrying out of those works. | Nil Conditions or Restrictions. | <ul style="list-style-type: none"> • General Manager • Director of Works & Infrastructure • Works Manager | <ul style="list-style-type: none"> • Council |
| 48 | S.71 | Notice of preparation of scheme. | Nil Conditions or Restrictions. | <ul style="list-style-type: none"> • General Manager • Director of Works & Infrastructure • Works Manager | <ul style="list-style-type: none"> • Council |
| 49 | S.72 | Objection by owners (to the scheme) | Nil Conditions or Restrictions. | <ul style="list-style-type: none"> • General Manager • Director of Works & Infrastructure • Works Manager | <ul style="list-style-type: none"> • Council |
| 50 | S.74 | Execution of scheme. | Nil Conditions or Restrictions. | <ul style="list-style-type: none"> • General Manager • Director of Works & Infrastructure • Works Manager | <ul style="list-style-type: none"> • Council • General Manager |
| 51 | S.76 | Payment by frontagers (under the scheme). | Nil Conditions or Restrictions. | <ul style="list-style-type: none"> • General Manager • Director of Works & Infrastructure • Works Manager | <ul style="list-style-type: none"> • Council |
| 52 | S.77 | State contribution Where a corporation has prepared a scheme for the carrying out of street works that comprise or include the construction of a carriage-way, the Minister for State Highways may, on the application of the corporation, undertake to make a contribution to the corporation of an amount equal to one-third of the cost of the construction of the carriage-way. | Nil Conditions or Restrictions. | <ul style="list-style-type: none"> • General Manager • Director of Works & Infrastructure • Works Manager | <ul style="list-style-type: none"> • Council |
| 53 | S.79 | Urgent works If it considers it urgently necessary to do so, a corporation may, without a scheme, carry out in a street any part of the works referred to in section 67, and the cost of carrying out those works may be included in a scheme subsequently made by the | Nil Conditions or Restrictions. | <ul style="list-style-type: none"> • General Manager • Director of Works & Infrastructure • Works Manager | <ul style="list-style-type: none"> • Council |

| No | Statutory Ref | Function or Power | Conditions or Restrictions | Delegation | Original Source of Power |
|----|---------------|---|--|--|---|
| | | corporation in respect of the remainder of those works carried out in that street, and, with any necessary modifications, this Part applies to the scheme as if the part of the works previously carried out were part of the works to be authorized by the scheme. | | | |
| 54 | S.81 | Record of charges. | Nil Conditions or Restrictions. | <ul style="list-style-type: none"> • General Manager • Director of Works & Infrastructure • Director of Planning & Development • Compliance Coordinator • Compliance Officer • Works Manager | <ul style="list-style-type: none"> • Council |
| 55 | S.95 | Establishment of controlled parking (a parking meter or voucher machine). | Nil Conditions or Restrictions. | <ul style="list-style-type: none"> • General Manager • Director of Works & Infrastructure • Director of Planning & Development • Compliance Coordinator • Compliance Officer • Works Manager | <ul style="list-style-type: none"> • Council |
| 56 | S.96 | Hours of operation of controlled parking. | Nil Conditions or Restrictions. | <ul style="list-style-type: none"> • General Manager • Director of Works & Infrastructure • Director of Planning & Development • Compliance Coordinator • Compliance Officer • Works Manager | <ul style="list-style-type: none"> • Council |
| 57 | S.99 | Closure of parking spaces in certain cases. | S.99(7) allows the General Manager to issue authorisations; Council delegation also covers this. | <ul style="list-style-type: none"> • General Manager • Director of Works & Infrastructure • Director of Planning & Development • Compliance Coordinator • Compliance Officer • Works Manager | <ul style="list-style-type: none"> • Council |

| No | Statutory Ref | Function or Power | Conditions or Restrictions | Delegation | Original Source of Power |
|----|---------------|---|---------------------------------|--|--|
| 58 | S.100(1A) | Infringement notices (in respect of an offence relating to a vehicle). | Nil Conditions or Restrictions. | <ul style="list-style-type: none"> • General Manager • Director of Planning & Development • Works Manager • Director of Planning & Development • Compliance Coordinator • Compliance Officer | <ul style="list-style-type: none"> • Council • General Manager |
| 59 | S.102 | Removal of vehicles in certain cases from parking spaces. | Nil Conditions or Restrictions. | <ul style="list-style-type: none"> • General Manager • Director of Works & Infrastructure • Works Manager | <ul style="list-style-type: none"> • Council |
| 60 | S.104 | Permits for use of parking spaces without operation of meters or use of parking vouchers. | Nil Conditions or Restrictions. | <ul style="list-style-type: none"> • General Manager • Director of Works & Infrastructure • Works Manager | <ul style="list-style-type: none"> • Council |
| 61 | S.109 | Lighting of certain State highways: Contributions by corporations to lighting of certain State highways. | Nil Conditions or Restrictions. | <ul style="list-style-type: none"> • General Manager • Director of Works & Infrastructure • Works Manager | <ul style="list-style-type: none"> • Council |
| 62 | S.110 | Powers and duties of corporations in relation to State highways A corporation may exercise the powers conferred by section 30 in respect of a State highway in the municipality and, in relation to the exercise of those powers in respect of that highway, this Act has effect as if it were a local highway maintainable by the corporation. | Nil Conditions or Restrictions. | <ul style="list-style-type: none"> • General Manager • Director of Works & Infrastructure • Works Manager | <ul style="list-style-type: none"> • Council |
| 63 | S.112 | Liability of corporation to maintain road works carried out by the Crown | Nil Conditions or Restrictions. | <ul style="list-style-type: none"> • General Manager • Director of Works & Infrastructure • Works Manager | <ul style="list-style-type: none"> • Council |
| 64 | S.114 | Right of private persons opening new streets to obtain contributions. | Delegation excludes S.114(8). | <ul style="list-style-type: none"> • General Manager • Director of Works & Infrastructure • Works Manager | <ul style="list-style-type: none"> • Council |
| 65 | S.115 | Retention of petrol-pumps in highways. | Nil Conditions or Restrictions. | <ul style="list-style-type: none"> • General Manager • Director of Works & Infrastructure • Works Manager | <ul style="list-style-type: none"> • Council |
| 66 | S.116 | Tramways along or across highways The Governor may authorize the laying down, construction, and maintenance of a tramway or railway along or across a local highway, subject to such terms and conditions as may be recommended by the corporation. | Nil Conditions or Restrictions. | <ul style="list-style-type: none"> • General Manager • Director of Works & Infrastructure • Works Manager | <ul style="list-style-type: none"> • Council |

| No | Statutory Ref | Function or Power | Conditions or Restrictions | Delegation | Original Source of Power |
|----|---------------|--|---------------------------------|--|---|
| 67 | S.119 | Determination of compensation Where a corporation or other person is entitled to be paid compensation under this Act, that compensation shall, unless provision is otherwise made for its determination, be determined by agreement between the parties or, in default of agreement, by action in a court of competent jurisdiction. | Nil Conditions or Restrictions. | <ul style="list-style-type: none"> • General Manager • Director of Works & Infrastructure • Director of Corporate & Community | <ul style="list-style-type: none"> • Council |

22. LOCAL GOVERNMENT (MEETING PROCEDURES) REGULATIONS 2015

| No | Statutory Ref | Function or Power | Conditions or Restrictions | Delegation | Original Source of Power |
|----|---------------|--|--------------------------------|---|---|
| 1 | R.7(1)(2) | Notice of Meetings | Nil Conditions or Restrictions | <ul style="list-style-type: none"> • General Manager | <ul style="list-style-type: none"> • Council |
| 2 | R.8(1)(3) | Agenda The general manager is to – a) Prepare an agenda for each council meeting and council committee meeting; and b) In the case of a council meeting, provide each councillor with the agenda and any associated reports and documents; and c) In the case of a council committee meeting, provide each member of the committee with the agenda and associated reports and documents at least 4 days before the council committee meeting. | Nil Conditions or Restrictions | <ul style="list-style-type: none"> • General Manager | <ul style="list-style-type: none"> • Council |
| 3 | R.9(1) | Public access to documents As far as practicable, the general manager is to make available for inspection by members of the public a copy of the agenda of a meeting and any associated reports and documents. | Nil Conditions or Restrictions | <ul style="list-style-type: none"> • General Manager | <ul style="list-style-type: none"> • Council |

23. MONETARY PENALTIES ENFORCEMENT ACT 2005

| No | Statutory Ref | Function or Power | Conditions or Restrictions | Delegation | Original Source of Power |
|----|---------------|--|---------------------------------|---|---|
| 1 | S.17(2) | Options for dealing with infringement notice – approve or refuse an application for the withdrawal of an infringement notice or a variation of an infringement notice, and notify the applicant of the approval or refusal. | Nil Conditions or Restrictions. | <ul style="list-style-type: none"> • General Manager | <ul style="list-style-type: none"> • Council |

| No | Statutory Ref | Function or Power | Conditions or Restrictions | Delegation | Original Source of Power |
|----|---------------|---|---------------------------------|---|---|
| 2 | S.18(1) | Referral to Director of infringement notice issued by fee-paying public sector body. | Nil Conditions or Restrictions. | <ul style="list-style-type: none"> • General Manager • Director of Corporate & Community • Director Planning & Development • Rates Officer • Accounts Payable Officer • Customer Services Officer • Technical Officer Development Services | <ul style="list-style-type: none"> • Council |
| 3 | S.23 | Withdrawal of infringement notice. | Nil Conditions or Restrictions. | <ul style="list-style-type: none"> • General Manager | <ul style="list-style-type: none"> • Council |
| 4 | S.28(3)-(4-) | Application to fee-paying public sector body for variation of payment conditions. | Nil Conditions or Restrictions. | <ul style="list-style-type: none"> • General Manager | <ul style="list-style-type: none"> • Council |
| 5 | S.39(1) | Hearing of offence by court – commencement of proceedings. | Nil Conditions or Restrictions. | <ul style="list-style-type: none"> • General Manager | <ul style="list-style-type: none"> • Council |
| 6 | S.40(3) | Application to court to set aside conviction. | Nil Conditions or Restrictions. | <ul style="list-style-type: none"> • General Manager | <ul style="list-style-type: none"> • Council |

24. NEIGHBOURHOOD DISPUTES ABOUT PLANTS ACT 2017

| No | Statutory Ref | Function or Power | Conditions or Restrictions | Delegation | Original Source of Power |
|----|---------------|--|---------------------------------|---|---|
| 1 | s.27 | Appear on behalf of the Council in relation to applications to TASCAT under Part 4 | Nil Conditions or Restrictions. | <ul style="list-style-type: none"> • General Manager • Director Planning and Development • Senior Planner • Natural Resource Management Officer | <ul style="list-style-type: none"> • Council |

25. PLACE NAMES ACT 2020

| No | Statutory Ref | Function or Power | Conditions or Restrictions | Delegation | Original Source of Power |
|----|---------------|---|----------------------------|-----------------|---|
| 1 | S.11 (2) | Naming of roads, streets, &c. As a responsible authority the council has a responsibility to name, alter or revoke a name of a place. | Nil | General Manager | <ul style="list-style-type: none"> • Council |

| No | Statutory Ref | Function or Power | Conditions or Restrictions | Delegation | Original Source of Power |
|----|---------------|--|----------------------------|-----------------|---|
| 2 | S. 11(3) | Naming of roads, streets, &c. The responsible authority for a place referred to in section 4(1)(c) must ensure that any naming action, performed in respect of the place, complies with – (a) the relevant provisions of the guidelines; and (b) this Act and any other applicable Act; and (c) the relevant procedures of the responsible authority. | Nil | General Manager | <ul style="list-style-type: none"> • Council |
| 3 | S.11 (4) | Naming of roads, streets, &c. As soon as practicable after performing a naming action in respect of a place, the responsible authority for the place is to submit details of the action to the Registrar for recording in the register. | Nil | General Manager | <ul style="list-style-type: none"> • Council |

26. PUBLIC HEALTH ACT 1997

| No | Statutory Ref | Function or Power | Conditions or Restrictions | Delegation | Original Source of Power |
|----|---------------|---|--------------------------------|--|--|
| 1 | S.11(1)(2) | Appointment of officers | Nil Conditions or Restrictions | <ul style="list-style-type: none"> • General Manager | <ul style="list-style-type: none"> • Council |
| 2 | S.32(1)(2) | Production of Records | Nil Conditions or Restrictions | <ul style="list-style-type: none"> • General Manager • Director of Planning & Development • Senior Environmental Health Officer | <ul style="list-style-type: none"> • Council • General Manager |
| 3 | S.33(a)(b) | Production of things A council or an authorized officer may require a person to produce for inspection anything in the person's possession if – a) The council or the officer reasonably believes that it may disclose evidence of the commission of an offence under this Act; or b) It is otherwise necessary for the purposes of this Act. | Nil Conditions or Restrictions | <ul style="list-style-type: none"> • General Manager • Director of Planning & Development | <ul style="list-style-type: none"> • Council • General Manager |
| 4 | S.34(a)(b) | Production of licence A council or an authorized officer may – a) Require a person to produce for inspection any licence the person holds or should hold; and b) Examine, remove and take photographs or copies of, or extracts or notes from, any licence. | Nil Conditions or Restrictions | <ul style="list-style-type: none"> • General Manager • Director of Planning & Development | <ul style="list-style-type: none"> • Council • General Manager |

| No | Statutory Ref | Function or Power | Conditions or Restrictions | Delegation | Original Source of Power |
|----|---------------|--|--------------------------------|--|--|
| 5 | S.35 | Photographs, sketches, measurements and recordings For the purposes of this Act, a council or an authorized office may: a) Take any photograph, film or video recording; and b) Take any measurements; and c) Make any sketches or drawing; and d) Make any other recording by any other means. | Nil Conditions or Restrictions | <ul style="list-style-type: none"> • General Manager • Director of Planning & Development • Senior Environmental Health Officer • Compliance Coordinator • Compliance Officer | <ul style="list-style-type: none"> • Council • General Manager |
| 6 | S.36(1)(2) | Information requirements A council or an authorized officer may require a person to – a) Give his or her full name and residential address; b) Give details of any licence, permit or exemption under this Act; c) Provide any information relating to public health reasonably required for the purposes of this Act. A council or an authorized officer may require any person to give information about that person’s or another person’s activities in respect of any matter under this Act. | Nil Conditions or Restrictions | <ul style="list-style-type: none"> • General Manager | <ul style="list-style-type: none"> • Council • General Manager |
| 7 | S.57 | Council immunization programs. | Nil Conditions or Restrictions | <ul style="list-style-type: none"> • General Manager • Director of Planning & Development • Senior Environmental Health Officer | <ul style="list-style-type: none"> • Council • General Manager |
| 8 | S.77(1)(3) | Grant or refusal of licence for Place of Assembly. | Nil Conditions or Restrictions | <ul style="list-style-type: none"> • General Manager • Director of Planning & Development • Senior Environmental Health Officer | <ul style="list-style-type: none"> • Council • General Manager |
| 9 | S.78 | Issue of licence for Place of Assembly. | Nil Conditions or Restrictions | <ul style="list-style-type: none"> • General Manager • Director of Planning & Development • Senior Environmental Health Officer | <ul style="list-style-type: none"> • Council • General Manager |
| 10 | S.81 | Renewal of licence of Place of Assembly. | Nil Conditions or Restrictions | <ul style="list-style-type: none"> • General Manager • Director of Planning & Development • Senior Environmental Health Officer | <ul style="list-style-type: none"> • Council • General Manager |
| 11 | S.82 | Variation of licence of Place of Assembly. | Nil Conditions or Restrictions | <ul style="list-style-type: none"> • General Manager • Director of Planning & Development • Senior Environmental Health Officer | <ul style="list-style-type: none"> • Council • General Manager |
| 12 | S.83 | Cancellation of licence of Place of Assembly. | Nil Conditions or Restrictions | <ul style="list-style-type: none"> • General Manager • Director of Planning & Development • Senior Environmental Health Officer | <ul style="list-style-type: none"> • Council • General Manager |
| 13 | S.84(2) | Overcrowding A council, an authorized officer, a person authorized by the Commissioner for Licensing or a person authorized by the State Fire Commissioner may – | Nil Conditions or Restrictions | <ul style="list-style-type: none"> • General Manager • Director of Planning & Development • Senior Environmental Health Officer | <ul style="list-style-type: none"> • Council • General Manager |

| No | Statutory Ref | Function or Power | Conditions or Restrictions | Delegation | Original Source of Power |
|----|---------------|---|--------------------------------|--|--|
| | | a) Cause the doors of a place of assembly to be closed; b) Evacuate the place of assembly; or c) Cause any event occurring at that place of assembly to be cancelled in circumstances referred to in paragraph (b). | | | |
| 14 | S.87 | Closure order of Unhealthy premises. | Nil Conditions or Restrictions | <ul style="list-style-type: none"> • General Manager • Director of Planning & Development • Senior Environmental Health Officer | <ul style="list-style-type: none"> • Council • General Manager |
| 15 | S.88 | Service of closure order of Unhealthy premises. | Nil Conditions or Restrictions | <ul style="list-style-type: none"> • General Manager • Director of Planning & Development • Senior Environmental Health Officer | <ul style="list-style-type: none"> • Council • General Manager |
| 16 | S.89 | Revocation of closure order of Unhealthy premises. | Nil Conditions or Restrictions | <ul style="list-style-type: none"> • General Manager • Director of Planning & Development • Senior Environmental Health Officer | <ul style="list-style-type: none"> • Council • General Manager |
| 17 | S.92(1)(4)(6) | Rectification notice A council, on the advice of an Senior Environmental Health Officer or building surveyor, is to serve a rectification notice in an approved form. If a person fails to comply with a notice, the council may cause any necessary work to be carried out at that person's expense. A council, upon the certificate of an Senior Environmental Health Officer or building surveyor that the condition of the premises is no longer, or is not likely to become, offensive, injurious or prejudicial to health, is to revoke a rectification notice. | Nil Conditions or Restrictions | <ul style="list-style-type: none"> • General Manager • Director of Planning & Development • Senior Environmental Health Officer | <ul style="list-style-type: none"> • Council • General Manager |
| 18 | S.97 | Grant or refusal of registration of premises. | Nil Conditions or Restrictions | <ul style="list-style-type: none"> • General Manager • Director of Planning & Development • Senior Environmental Health Officer | <ul style="list-style-type: none"> • Council • General Manager |
| 19 | S.98 | Issue of certificate of registration of premises. | Nil Conditions or Restrictions | <ul style="list-style-type: none"> • General Manager • Director of Planning & Development • Senior Environmental Health Officer | <ul style="list-style-type: none"> • Council • General Manager |
| 20 | S.101 | Renewal of registration of premises. | Nil Conditions or Restrictions | <ul style="list-style-type: none"> • General Manager • Director of Planning & Development • Senior Environmental Health Officer | <ul style="list-style-type: none"> • Council • General Manager |
| 21 | S.102 | Variation of registration of premises. | Nil Conditions or Restrictions | <ul style="list-style-type: none"> • General Manager • Director of Planning & Development • Senior Environmental Health Officer | <ul style="list-style-type: none"> • Council • General Manager |

| No | Statutory Ref | Function or Power | Conditions or Restrictions | Delegation | Original Source of Power |
|----|---------------|--|--------------------------------|--|--|
| 22 | S.103 | Cancellation of registration of premises. | Nil Conditions or Restrictions | <ul style="list-style-type: none"> • General Manager • Director of Planning & Development • Senior Environmental Health Officer | <ul style="list-style-type: none"> • Council • General Manager |
| 23 | S.106 | Grant or refusal of licence (to carry out any Public health risk activity). | Nil Conditions or Restrictions | <ul style="list-style-type: none"> • General Manager • Director of Planning & Development • Senior Environmental Health Officer | <ul style="list-style-type: none"> • Council • General Manager |
| 24 | S.107 | Issue of licence (to carry out any Public health risk activity). | Nil Conditions or Restrictions | <ul style="list-style-type: none"> • General Manager • Director of Planning & Development • Senior Environmental Health Officer | <ul style="list-style-type: none"> • Council • General Manager |
| 25 | S.110 | Renewal of licence (to carry out any Public health risk activity). | Nil Conditions or Restrictions | <ul style="list-style-type: none"> • General Manager • Director of Planning & Development • Senior Environmental Health Officer | <ul style="list-style-type: none"> • Council • General Manager |
| 26 | S.111 | Variation of licence (to carry out any Public health risk activity). | Nil Conditions or Restrictions | <ul style="list-style-type: none"> • General Manager • Director of Planning & Development • Senior Environmental Health Officer | <ul style="list-style-type: none"> • Council • General Manager |
| 27 | S.112 | Cancellation of licence (to carry out any Public health risk activity). | Nil Conditions or Restrictions | <ul style="list-style-type: none"> • General Manager • Director of Planning & Development • Senior Environmental Health Officer | <ul style="list-style-type: none"> • Council • General Manager |
| 28 | S.115 | Grant or refusal of registration of regulated system. | Nil Conditions or Restrictions | <ul style="list-style-type: none"> • General Manager • Director of Planning & Development • Senior Environmental Health Officer | <ul style="list-style-type: none"> • Council • General Manager |
| 29 | S.116 | Issue of certificate of registration (of a regulated system). | Nil Conditions or Restrictions | <ul style="list-style-type: none"> • General Manager • Director of Planning & Development • Senior Environmental Health Officer | <ul style="list-style-type: none"> • Council • General Manager |
| 30 | S.119(1)(3) | Notice to comply with direction. | Nil Conditions or Restrictions | <ul style="list-style-type: none"> • General Manager • Director of Planning & Development • Senior Environmental Health Officer | <ul style="list-style-type: none"> • Council • General Manager |
| 31 | S.121 | Renewal of registration (of any regulated system). | Nil Conditions or Restrictions | <ul style="list-style-type: none"> • General Manager • Director of Planning & Development • Senior Environmental Health Officer | <ul style="list-style-type: none"> • Council • General Manager |
| 32 | S.122 | Variation of registration (of any regulated system). | Nil Conditions or Restrictions | <ul style="list-style-type: none"> • General Manager • Director of Planning & Development • Senior Environmental Health Officer | <ul style="list-style-type: none"> • Council • General Manager |

| No | Statutory Ref | Function or Power | Conditions or Restrictions | Delegation | Original Source of Power |
|----|---------------|--|--------------------------------|--|--|
| 33 | S.123 | Cancellation of registration (of any regulated system). | Nil Conditions or Restrictions | <ul style="list-style-type: none"> • General Manager • Director of Planning & Development • Senior Environmental Health Officer | <ul style="list-style-type: none"> • Council • General Manager |
| 34 | S.128 | Notification of quality of water. | Nil Conditions or Restrictions | <ul style="list-style-type: none"> • General Manager • Director of Planning & Development • Senior Environmental Health Officer | <ul style="list-style-type: none"> • Council • General Manager |
| 35 | S.129(1) | Orders relating to water quality. | Nil Conditions or Restrictions | <ul style="list-style-type: none"> • General Manager • Director of Planning & Development • Senior Environmental Health Officer | <ul style="list-style-type: none"> • Council • General Manager |
| 36 | S.130(1)(3) | Monitoring and review (of the quality of water within the municipal area). | Nil Conditions or Restrictions | <ul style="list-style-type: none"> • General Manager • Director of Planning & Development • Senior Environmental Health Officer | <ul style="list-style-type: none"> • Council • General Manager |
| 37 | S.131 | Samples An authorized officer or a council may take a sample from any water. Any sample taken under this section is to be analysed and tested in accordance with the requirements of the Director. | Nil Conditions or Restrictions | <ul style="list-style-type: none"> • General Manager • Director of Planning & Development • Senior Environmental Health Officer | <ul style="list-style-type: none"> • Council • General Manager |
| 38 | S.135 | Grant or refusal of registration (as a supplier of water). | Nil Conditions or Restrictions | <ul style="list-style-type: none"> • General Manager • Director of Planning & Development • Senior Environmental Health Officer | <ul style="list-style-type: none"> • Council • General Manager |
| 39 | S.136 | Issue of certificate of registration (as a supplier of water). | Nil Conditions or Restrictions | <ul style="list-style-type: none"> • General Manager • Director of Planning & Development • Senior Environmental Health Officer | <ul style="list-style-type: none"> • Council • General Manager |
| 40 | S.136AA | Renewal of registration (as a supplier of water). | Nil Conditions or Restrictions | <ul style="list-style-type: none"> • General Manager • Director of Planning & Development • Senior Environmental Health Officer | <ul style="list-style-type: none"> • Council • General Manager |
| 41 | S.136B | Variation of registration (as a supplier of water). | Nil Conditions or Restrictions | <ul style="list-style-type: none"> • General Manager • Director of Planning & Development • Senior Environmental Health Officer | <ul style="list-style-type: none"> • Council • General Manager |
| 42 | S.136C | Cancellation of registration (as a supplier of water). | Nil Conditions or Restrictions | <ul style="list-style-type: none"> • General Manager • Director of Planning & Development • Senior Environmental Health Officer | <ul style="list-style-type: none"> • Council • General Manager |
| 43 | S.136H | Issue of certificate of registration (as a water carrier). | Nil Conditions or Restrictions | <ul style="list-style-type: none"> • General Manager • Director of Planning & Development • Senior Environmental Health Officer | <ul style="list-style-type: none"> • Council • General Manager |

| No | Statutory Ref | Function or Power | Conditions or Restrictions | Delegation | Original Source of Power |
|----|---------------|---|--------------------------------|--|--|
| 44 | S.136I | Renewal of registration (as a water carrier). | Nil Conditions or Restrictions | <ul style="list-style-type: none"> • General Manager • Director of Planning & Development • Senior Environmental Health Officer | <ul style="list-style-type: none"> • Council • General Manager |
| 45 | S.136K | Variation of registration (as a water carrier). | Nil Conditions or Restrictions | <ul style="list-style-type: none"> • General Manager • Director of Planning & Development • Senior Environmental Health Officer | <ul style="list-style-type: none"> • Council • General Manager |
| 46 | S.136L | Cancellation of registration (as a water carrier). | Nil Conditions or Restrictions | <ul style="list-style-type: none"> • General Manager • Director of Planning & Development • Senior Environmental Health Officer | <ul style="list-style-type: none"> • Council • General Manager |
| 47 | S.144 | Registers kept by Councils A council is to keep – <ul style="list-style-type: none"> a) A register of registered regulated systems; and b) A register of registered users and suppliers of water from private water sources; and c) A register of registered premises used for public health risk activities. | Nil Conditions or Restrictions | <ul style="list-style-type: none"> • General Manager • Director of Planning & Development • Senior Environmental Health Officer | <ul style="list-style-type: none"> • Council • General Manager |
| 48 | S.148(1) | Requirement for information The Director, any council or an authorized officer may require a person to provide information relating to public health which is reasonably needed for the purposes of this Act. | Nil Conditions or Restrictions | <ul style="list-style-type: none"> • General Manager • Director of Planning & Development • Senior Environmental Health Officer | <ul style="list-style-type: none"> • Council • General Manager |
| 49 | S.152(1) | Costs incurred in exercising power. | Nil Conditions or Restrictions | <ul style="list-style-type: none"> • General Manager | <ul style="list-style-type: none"> • Council |
| 50 | S.158(1) | Proceedings Proceedings for an offence under this Act may only be instituted by – <ul style="list-style-type: none"> a) The Minister or a person authorized by the Minister; or b) An authorized officer; or c) A nominated officer in relation to proceedings for an offence under Part 4; or d) A police officer; or e) A council. | Nil Conditions or Restrictions | <ul style="list-style-type: none"> • General Manager | <ul style="list-style-type: none"> • Council |
| 51 | S.169(1) | Infringement notices An authorized officer or a council may serve an infringement notice on a person if of the opinion that the person has committed a prescribed offence. | Nil Conditions or Restrictions | <ul style="list-style-type: none"> • General Manager • Director of Planning & Development • Senior Environmental Health Officer | <ul style="list-style-type: none"> • Council • General Manager |

| No | Statutory Ref | Function or Power | Conditions or Restrictions | Delegation | Original Source of Power |
|----|--------------------|---|--------------------------------|---|--|
| 52 | S.190(1),(3) & (4) | Sale or disposal of forfeited things. | Nil Conditions or Restrictions | <ul style="list-style-type: none"> • General Manager • Director of Corporate & Community • Director of Planning & Development • Senior Environmental Health Officer | <ul style="list-style-type: none"> • Council • General Manager |
| 53 | S.191(3) | Return of and access to seized things. | Nil Conditions or Restrictions | <ul style="list-style-type: none"> • General Manager • Director of Planning & Development • Senior Environmental Health Officer | <ul style="list-style-type: none"> • Council • General Manager |
| 54 | S.192(1) | Sale or disposal of seized things. | Nil Conditions or Restrictions | <ul style="list-style-type: none"> • General Manager • Director of Corporate & Community • Director of Planning & Development • Senior Environmental Health Officer | <ul style="list-style-type: none"> • Council • General Manager |

27. PUBLIC INTEREST DISCLOSURE ACT 2002

| No | Statutory Ref | Functions or Power | Conditions or Restrictions | Delegation | Original Source of Power |
|----|---------------|--|--------------------------------|---|--|
| 1 | S.29B | Referral of disclosure to Integrity Commission Where a public body believes a disclosure relates to misconduct defined in the Integrity Commission Act 2009, the public body may refer the disclosure to the Integrity Commission. | Nil Conditions or Restrictions | <ul style="list-style-type: none"> • General Manager • Executive Officer • Director of Corporate & Community | <ul style="list-style-type: none"> • Council • General Manager |
| 2 | S.29D(1) | Notice of referral If public body refers a disclosure to the Integrity Commission, they must notify the person who made that disclosure of the referral. | Nil Conditions or Restrictions | <ul style="list-style-type: none"> • General Manager • Executive Officer • Director of Corporate & Community | <ul style="list-style-type: none"> • Council • General Manager |
| 3 | S.33(1) | Determination by public body of disclosure as to public interest disclosure Public body to determine whether disclosure is a public interest disclosure within 45 days. | Nil Conditions or Restrictions | <ul style="list-style-type: none"> • General Manager • Executive Officer • Director of Corporate & Community | <ul style="list-style-type: none"> • Council • General Manager |
| 4 | S.34(1) | Procedure where public body determines disclosure to be public interest disclosure Notifications where disclosure is determined a public interest disclosure. | Nil Conditions or Restrictions | <ul style="list-style-type: none"> • General Manager • Executive Officer • Director of Corporate & Community | <ul style="list-style-type: none"> • Council • General Manager |
| 5 | S.35(1) | Procedure where public body determines disclosure not to be public interest disclosure Notifications where disclosure is deemed not to be public interest disclosure. | Nil Conditions or Restrictions | <ul style="list-style-type: none"> • General Manager • Executive Officer • Director of Corporate & Community | <ul style="list-style-type: none"> • Council • General Manager |

| No | Statutory Ref | Functions or Power | Conditions or Restrictions | Delegation | Original Source of Power |
|----|---------------|---|--------------------------------|---|--|
| 6 | S.62B | Delegation by Principal officer The principal officer may by instrument in writing delegate to a public interest disclosure officer specified in the instrument the performance or exercise of such of his or her functions or powers under this Act (other than this power of delegation) as are specified in the instrument, and may, by instrument in writing, revoke wholly or in part any such delegation. | Nil Conditions or Restrictions | <ul style="list-style-type: none"> • General Manager • Executive Officer • Director of Corporate & Community | <ul style="list-style-type: none"> • Council • General Manager |
| 7 | S.64 | Matter that do not have to be investigated A public body may decide not to investigate a disclosure. | Nil Conditions or Restrictions | <ul style="list-style-type: none"> • General Manager • Executive Officer • Director of Corporate & Community | <ul style="list-style-type: none"> • Council • General Manager |
| 8 | S.65(1) | Decisions by public body not to investigate Notification of decision not to investigate. | Nil Conditions or Restrictions | <ul style="list-style-type: none"> • General Manager • Executive Officer • Director of Corporate & Community | <ul style="list-style-type: none"> • Council • General Manager |
| 9 | S.68 | Referral to Ombudsman by public body A public body may refer the investigation of a disclosed matter to the Ombudsman if the public body considers that its own investigation is being obstructed or that it is otherwise not within the capacity of the public body to complete the investigation. | Nil Conditions or Restrictions | <ul style="list-style-type: none"> • General Manager • Executive Officer • Director of Corporate & Community | <ul style="list-style-type: none"> • Council • General Manager |
| 10 | S.70 | Provision of information to Ombudsman Public body must give the Ombudsman in writing any information it has in respect to a disclosed matter. | Nil Conditions or Restrictions | <ul style="list-style-type: none"> • General Manager • Executive Officer • Director of Corporate & Community | <ul style="list-style-type: none"> • Council • General Manager |
| 11 | S.72(1) | Notice of referral Notice to be given where public body refers an investigation to the Ombudsman. | Nil Conditions or Restrictions | <ul style="list-style-type: none"> • General Manager • Executive Officer • Director of Corporate & Community | <ul style="list-style-type: none"> • Council • General Manager |
| 12 | S.74 | Information about progress of investigation Public body must at the request of the person who made the disclosure or the Ombudsman, give all reasonable information about the investigation with 28 days. | Nil Conditions or Restrictions | <ul style="list-style-type: none"> • General Manager • Executive Officer • Director of Corporate & Community | <ul style="list-style-type: none"> • Council • General Manager |
| 13 | S.76(1) | Report on investigation Public body must notify the Ombudsman and the relevant person on completing an investigation of a disclosed matter. | Nil Conditions or Restrictions | <ul style="list-style-type: none"> • General Manager • Executive Officer • Director of Corporate & Community | <ul style="list-style-type: none"> • Council • General Manager |
| 14 | S.77(1) | Report to person making disclosure Public body must inform the person who made the disclosure of the findings. | Nil Conditions or Restrictions | <ul style="list-style-type: none"> • General Manager • Executive Officer • Director of Corporate & Community | <ul style="list-style-type: none"> • Council • General Manager |
| 15 | S.77A(2) | Investigations to be completed within 6 months A public body may apply to the Ombudsman for an extension of up to 6 months in which to complete the investigation. | Nil Conditions or Restrictions | <ul style="list-style-type: none"> • General Manager • Executive Officer • Director of Corporate & Community | <ul style="list-style-type: none"> • Council • General Manager |

| No | Statutory Ref | Functions or Power | Conditions or Restrictions | Delegation | Original Source of Power |
|----|---------------|--|--------------------------------|---|--|
| 16 | S.77A(4) | Investigations to be completed within 6 months If investigation is not complete within time specified in 77A(1), public body must refer the disclosure to the Ombudsman. | Nil Conditions or Restrictions | <ul style="list-style-type: none"> • General Manager • Executive Officer • Director of Corporate & Community | <ul style="list-style-type: none"> • Council • General Manager |

28. RIGHT TO INFORMATION ACT 2009

| No | Statutory Ref | Function or Power | Conditions or Restrictions | Delegation | Original Source of Power |
|----|------------------|--|---|---|--|
| 1 | S.10 | Electronic information If information is stored in an electronic form, a Minister or public authority may refuse an application if – a) The information cannot be produced using the normal computer hardware and software and technical expertise of the public authority; and b) Producing it would substantially and unreasonably divert the resources of the public authority from its usual operations. | A delegation may be for a period not exceeding 3 years. | <ul style="list-style-type: none"> • General Manager | <ul style="list-style-type: none"> • Council |
| 2 | S.12 | Information to be provided apart from Act This Act does not prevent and is not intended to discourage a public authority or a Minister from publishing or providing information, otherwise than as required by this Act. | A delegation may be for a period not exceeding 3 years. | <ul style="list-style-type: none"> • General Manager • Director of Corporate & Community • Executive Officer | <ul style="list-style-type: none"> • Council • General Manager |
| 3 | S.13(5)(6)(7)(8) | Application for assessed disclosure of information. | A delegation may be for a period not exceeding 3 years. | <ul style="list-style-type: none"> • General Manager | <ul style="list-style-type: none"> • Council |
| 4 | S.14(1) | Transfer of applications (for assessed disclosure of information). | A delegation may be for a period not exceeding 3 years. | <ul style="list-style-type: none"> • General Manager | <ul style="list-style-type: none"> • Council |
| 5 | S.15 | Time within which applications for assessed disclosure of information are to be decided. | A delegation may be for a period not exceeding 3 years. | <ul style="list-style-type: none"> • General Manager | <ul style="list-style-type: none"> • Council |
| 6 | S.16 | Charges for information All applications for assessed disclosure of information must be accompanied by an application fee of 25 fee units. The application fee may be waived if – a) The applicant is impecunious; or b) The applicant is a Member of Parliament acting in connection with his or her official duty; or ba) The applicant is a journalist acting in connection with their professional | A delegation may be for a period not exceeding 3 years. | <ul style="list-style-type: none"> • General Manager • Director of Corporate & Community | <ul style="list-style-type: none"> • Council |

| No | Statutory Ref | Function or Power | Conditions or Restrictions | Delegation | Original Source of Power |
|----|---------------|---|---|---|--|
| | | duties; or c) The applicant is able to show that he or she intends to use the information for a purpose that is of general public interest or benefit. | | | |
| 7 | S.17 | Deferment of provision of information. | A delegation may be for a period not exceeding 3 years. | <ul style="list-style-type: none"> General Manager | <ul style="list-style-type: none"> Council |
| 8 | S.18 | Provision of information. | A delegation may be for a period not exceeding 3 years. | <ul style="list-style-type: none"> General Manager | <ul style="list-style-type: none"> Council |
| 9 | S.19 | Requests may be refused if resources unreasonably diverted. | A delegation may be for a period not exceeding 3 years. | <ul style="list-style-type: none"> General Manager | <ul style="list-style-type: none"> Council |
| 10 | S.20 | Repeat or vexatious applications may be refused. | A delegation may be for a period not exceeding 3 years. | <ul style="list-style-type: none"> General Manager | <ul style="list-style-type: none"> Council |
| 11 | S.21(1) | Decision to be made on behalf of public authority by authorised person A decision in respect of an application for information made to a public authority is to be made by – a) The responsible Minister; or b) The principal officer of the public authority or c) A delegated officer. | A delegation may be for a period not exceeding 3 years. | <ul style="list-style-type: none"> General Manager | <ul style="list-style-type: none"> Council |
| 12 | S.21(2) | Decision to be made on behalf of public authority by authorised person A person who makes a decision in accordance with this Act is to act impartially in making that decision. | A delegation may be for a period not exceeding 3 years. | <ul style="list-style-type: none"> General Manager Director of Corporate & Community Executive Officer | <ul style="list-style-type: none"> Council |
| 13 | S.22 | Reasons to be given (when a decision in relation to an application for information is made). | A delegation may be for a period not exceeding 3 years. | <ul style="list-style-type: none"> General Manager | <ul style="list-style-type: none"> Council |
| 14 | S.23 | Other responsibilities of principal officer. | A delegation may be for a period not exceeding 3 years. | <ul style="list-style-type: none"> General Manager Director of Corporate & Community Executive Officer | <ul style="list-style-type: none"> Council General Manager |
| 15 | S.33 | Public Interest Test In this Division, information is exempt information if the principal officer of the public authority or Minister considers, after taking into account all relevant matters, that it is contrary to the public interest to disclose the information. | A delegation may be for a period not exceeding 3 years. | <ul style="list-style-type: none"> General Manager Director of Corporate & Community Executive Officer | <ul style="list-style-type: none"> Council General Manager |

| No | Statutory Ref | Function or Power | Conditions or Restrictions | Delegation | Original Source of Power |
|----|---------------|---|---|---|--|
| 16 | S.36(2) | <p>Personal information of person</p> <p>If</p> <p>a) An application is made for information under this Act; and</p> <p>b) The information was provided to a public authority or Minister by a third party; and</p> <p>c) The principal officer or Minister decides that disclosure of the information concerned may be reasonably expected to be of concern to the third party – the principal officer or Minister is to, by notice in writing to the third party –</p> <p>d) Notify that person that the public authority or Minister has received an application for the information; and</p> <p>e) State the nature of the information that has been applied for; and</p> <p>f) Request that, within 15 working days from the date of the notice, the person provide his or her view as to whether the information should be provided.</p> | A delegation may be for a period not exceeding 3 years. | <ul style="list-style-type: none"> • General Manager • Director of Corporate & Community • Executive Officer | <ul style="list-style-type: none"> • Council • General Manager |
| 17 | S.36(3)(5) | <p>Personal information of person</p> <p>If a public authority or Minister, after receipt of a person’s view, decides to provide the information, the public authority or Minister must, by notice in writing given to that person, notify that person of the decision. See subsection 5 for caveats.</p> | A delegation may be for a period not exceeding 3 years. | <ul style="list-style-type: none"> • General Manager • Director of Corporate & Community • Executive Officer | <ul style="list-style-type: none"> • Council • General Manager |
| 18 | S.37(2) | <p>Information relating to business affairs of a third party</p> <p>If –</p> <p>a) An application is made for information under this Act; and</p> <p>b) The information was provided to a public authority or Minister by a third party; and</p> <p>c) The principal officer or Minister decides that disclosure of the information concerned may be reasonably expected to be of substantial concern to the third party – the principal officer or Minister must, before deciding whether the disclosure of the information under this Act would be likely to expose the third party that provided the information to substantial harm to the third party’s competitive position, by notice in writing given to the third party –</p> <p>d) Notify the third party that the public authority or Minister has received an application for the information; and</p> <p>e) State the nature of the information applied for; and</p> <p>f) Request that, within 15 working days from the date of the notice, the third party provide the third party’s view as to whether the</p> | A delegation may be for a period not exceeding 3 years. | <ul style="list-style-type: none"> • General Manager • Director of Corporate & Community • Executive Officer | <ul style="list-style-type: none"> • Council • General Manager |

| No | Statutory Ref | Function or Power | Conditions or Restrictions | Delegation | Original Source of Power |
|----|---------------|--|---|---|--|
| | | information should be provided. | | | |
| 19 | S.37(3)(5) | Information relating to business affairs of a third party If a public authority or Minister, after receipt of a third party's view, decides to disclose the information, the public authority or Minister must, by notice in writing given to the third party, notify the third party of the decision. See subsection 5 for caveats. | A delegation may be for a period not exceeding 3 years. | <ul style="list-style-type: none"> General Manager Director of Corporate & Community Executive Officer | <ul style="list-style-type: none"> Council General Manager |
| 20 | S.43(4)(5) | Internal review (of a decision in respect of an application). | A delegation may be for a period not exceeding 3 years. | <ul style="list-style-type: none"> General Manager | <ul style="list-style-type: none"> Council |

29. ROADS AND JETTIES ACT 1935

| No | Statutory Ref | Functions or Power | Conditions or Restrictions | Delegation | Original Source of Power |
|----|---------------|---|--------------------------------|--|--|
| 1 | S.22LGA | To agree with the Minister for the maintenance or reconstruction of a State highway or a subsidiary road otherwise than in accordance with S.11(1). | Nil Conditions or Restrictions | <ul style="list-style-type: none"> General Manager | <ul style="list-style-type: none"> Council |
| 2 | S.22LGA | To carry out the Council's power to move, keep or impound any vehicle causing an obstruction or danger etc and related action pursuant to S.48B. | Nil Conditions or Restrictions | <ul style="list-style-type: none"> General Manager Director of Planning & Development Director of Works & Infrastructure Works Manager Compliance Coordinator Compliance Officer | <ul style="list-style-type: none"> Council |
| 3 | S.11 | Maintenance of State highways, &c. in cities, &c. | Nil Conditions or Restrictions | <ul style="list-style-type: none"> General Manager Director of Works & Infrastructure Works Manager | <ul style="list-style-type: none"> Council General Manager |
| 4 | S.11(2) | To agree with the Minister for the maintenance or reconstruction of a State highway or a subsidiary road otherwise than in accordance with S.11(1). | Nil Conditions or Restrictions | <ul style="list-style-type: none"> General Manager Director of Works & Infrastructure Works Manager | <ul style="list-style-type: none"> Council General Manager |
| 5 | S.28 | Acquisition of land for quarry, &c. | Nil Conditions or Restrictions | <ul style="list-style-type: none"> General Manager Director of Works & Infrastructure Works Manager | <ul style="list-style-type: none"> Council General Manager |
| 6 | S.29 | Intention to acquire land may be abandoned if compensation excessive. | Nil Conditions or Restrictions | <ul style="list-style-type: none"> General Manager Director of Works & Infrastructure Works Manager | <ul style="list-style-type: none"> Council General Manager |

| No | Statutory Ref | Functions or Power | Conditions or Restrictions | Delegation | Original Source of Power |
|----|---------------|---|--------------------------------|--|--|
| 7 | S.32 | Entry by Council upon land and staking out of same. | Nil Conditions or Restrictions | <ul style="list-style-type: none"> • General Manager • Director of Works & Infrastructure • Works Manager | <ul style="list-style-type: none"> • Council • General Manager |
| 8 | S.33 | Rental of land (for the purpose of obtaining materials therefrom for the construction or maintenance of any road or street). | Nil Conditions or Restrictions | <ul style="list-style-type: none"> • General Manager • Director of Works & Infrastructure • Works Manager | <ul style="list-style-type: none"> • Council • General Manager |
| 9 | S.34 | Use of uncultivated land for temporary road. | Nil Conditions or Restrictions | <ul style="list-style-type: none"> • General Manager • Director of Works & Infrastructure • Works Manager | <ul style="list-style-type: none"> • Council • General Manager |
| 10 | S.35 | Taking of timber, &c., from land (for making, repairing, or fencing any road, or for any other purposes of this Act). | Nil Conditions or Restrictions | <ul style="list-style-type: none"> • General Manager • Director of Works & Infrastructure • Works Manager | <ul style="list-style-type: none"> • Council • General Manager |
| 11 | S.36 | Quarries, &c., to be fenced and filled up or otherwise secured. | Nil Conditions or Restrictions | <ul style="list-style-type: none"> • General Manager • Director of Works & Infrastructure • Works Manager | <ul style="list-style-type: none"> • Council • General Manager |
| 12 | S.37 | Fences to be restored. | Nil Conditions or Restrictions | <ul style="list-style-type: none"> • General Manager • Director of Works & Infrastructure • Works Manager | <ul style="list-style-type: none"> • Council • General Manager |
| 13 | S.38 | Deviations to be fenced Where any road has been diverted, the road authority shall, if required by the owner or occupier of any land through which such road passes, cause such road to be well and sufficiently fenced where it so passes. | Nil Conditions or Restrictions | <ul style="list-style-type: none"> • General Manager • Director of Works & Infrastructure • Works Manager | <ul style="list-style-type: none"> • Council • General Manager |
| 14 | S.40 | Power to make, cleanse and keep open drains or watercourses in and through land adjoining or near any road | Nil Conditions or Restrictions | <ul style="list-style-type: none"> • General Manager • Director of Works & Infrastructure • Works Manager | <ul style="list-style-type: none"> • Council • General Manager |
| 15 | S.41 | Timber growing near roads may be cut down: Consent of owner required in certain cases. | Nil Conditions or Restrictions | <ul style="list-style-type: none"> • General Manager • Director of Works & Infrastructure • Works Manager | <ul style="list-style-type: none"> • Council • General Manager |
| 16 | S.42 | Hedges, &c., obstructing view of traffic to be cut or trimmed. | Nil Conditions or Restrictions | <ul style="list-style-type: none"> • General Manager • Director of Works & Infrastructure • Works Manager | <ul style="list-style-type: none"> • Council • General Manager |
| 17 | S.44 | Culverts to be constructed by owners at entrances to lands adjoining roads. | Nil Conditions or Restrictions | <ul style="list-style-type: none"> • General Manager • Director of Works & Infrastructure • Works Manager • Development Engineer | <ul style="list-style-type: none"> • Council • General Manager |

| No | Statutory Ref | Functions or Power | Conditions or Restrictions | Delegation | Original Source of Power |
|----|---------------|---|--------------------------------|---|--|
| 18 | S.45 | Power of Minister in certain cases to erect gates across roads. | Nil Conditions or Restrictions | <ul style="list-style-type: none"> • General Manager • Director of Works & Infrastructure • Works Manager | <ul style="list-style-type: none"> • Council • General Manager |
| 19 | S.46 | Damage caused by overweight vehicles. | Nil Conditions or Restrictions | <ul style="list-style-type: none"> • General Manager • Director of Works & Infrastructure • Works Manager | <ul style="list-style-type: none"> • Council |
| 20 | S.47 | Road metal, &c., may be placed on side of road. | Nil Conditions or Restrictions | <ul style="list-style-type: none"> • General Manager • Director of Works & Infrastructure • Works Manager | <ul style="list-style-type: none"> • Council • General Manager |
| 21 | S.47A | Warning gantries for bridges with overhead members. | Nil Conditions or Restrictions | <ul style="list-style-type: none"> • General Manager • Director of Planning & Development • Works Operations Manager | <ul style="list-style-type: none"> • Council • General Manager |
| 22 | S.48 | Power of road authority, with the consent of the Governor, to permit tramway or railway along or across road. | Nil Conditions or Restrictions | <ul style="list-style-type: none"> • General Manager • Director of Planning & Development • Works Operations Manager | <ul style="list-style-type: none"> • Council • General Manager |
| 23 | S.48A | Removal and disposal of abandoned articles. | Nil Conditions or Restrictions | <ul style="list-style-type: none"> • General Manager • Director of Works & Infrastructure • Works Manager • Director Planning & Development • Compliance Coordinator • Compliance Officer | <ul style="list-style-type: none"> • Council • General Manager |
| 24 | S.48B | Power to remove vehicles causing obstruction or danger. | Nil Conditions or Restrictions | <ul style="list-style-type: none"> • General Manager • Director of Works & Infrastructure • Director of Planning & Development • Compliance Officer • Works Manager | <ul style="list-style-type: none"> • Council • General Manager |
| 24 | S.49 | Obstructing roads: Notice to remove obstructions. | Nil Conditions or Restrictions | <ul style="list-style-type: none"> • General Manager • Director of Works & Infrastructure • Director of Planning & Development • Works Manager • Compliance Officer | <ul style="list-style-type: none"> • Council • General Manager |
| 26 | S.50B | Excavations A person must not make any excavation, vault or cellar beneath a street in a town without the consent of the appropriate council. | Nil Conditions or Restrictions | <ul style="list-style-type: none"> • General Manager • Director of Works & Infrastructure • Works Manager | <ul style="list-style-type: none"> • Council • General Manager |

| No | Statutory Ref | Functions or Power | Conditions or Restrictions | Delegation | Original Source of Power |
|----|---------------|------------------------------------|--------------------------------|--|--|
| 27 | S.51 | Laying down timber, &c., on roads. | Nil Conditions or Restrictions | <ul style="list-style-type: none"> • General Manager • Director of Works & Infrastructure • Works Manager | <ul style="list-style-type: none"> • Council • General Manager |

30. STRATA TITLES ACT 1998

| No | Statutory Ref | Functions or Power | Conditions or Restrictions | Delegation | Original Source of Power |
|----|---------------|---|--|---|---|
| 1 | S.31AA | <p>Requirement for staged development scheme</p> <p>Where an application for a certificate of approval is made wholly or partly in respect of vacant land, the council may refuse the application on the ground that an application for a staged development scheme under section 38 should be made.</p> | <p>No authority to sub-delegate in respect of the delegation</p> <p>Any action taken may only be done so upon advice from the Senior Planner or the Director of Planning & Development . that the application complies with the relevant legislation</p> | <ul style="list-style-type: none"> • General Manager • Director of Planning & Development • Senior Planner | <ul style="list-style-type: none"> • Council |
| 2 | S.31(2A) | <p>Application for, and grant of, certificate of approval</p> <p>The Council must within 30 days of receiving an application issue or refuse to issue a certificate of approval.</p> | <p>No authority to sub-delegate in respect of the delegation</p> <p>Any action taken may only be done so upon advice from the Senior Planner or the Director of Planning & Development . that the application complies with the relevant legislation</p> | <ul style="list-style-type: none"> • General Manager • Director of Planning & Development • Senior Planner | <ul style="list-style-type: none"> • Council |
| 3 | S.31(2B) | <p>Application for, and grant of, certificate of approval</p> <p>The Council may give the applicant notice requiring further information in order to determine the application.</p> | <p>No authority to sub-delegate in respect of the delegation</p> <p>Any action taken may only be done so upon advice from the Senior Planner or the Director of Planning & Development . that the application complies with the relevant legislation</p> | <ul style="list-style-type: none"> • General Manager • Director of Planning & Development • Senior Planner | <ul style="list-style-type: none"> • Council |
| 4 | S.31(3) | <p>Application for, and grant of, certificate of approval</p> <p>The Council may issue a certificate of approval for a strata plan after satisfying itself of certain matters.</p> | <p>No authority to sub-delegate in respect of the delegation</p> <p>Any action taken may only be done so upon advice from the Senior Planner or the Director of Planning & Development . that the application complies with the relevant legislation</p> | <ul style="list-style-type: none"> • General Manager • Director of Planning & Development • Senior Planner | <ul style="list-style-type: none"> • Council |

| No | Statutory Ref | Functions or Power | Conditions or Restrictions | Delegation | Original Source of Power |
|----|---------------|--|--|---|---|
| 5 | S.31(4) | Application for, and grant of, certificate of approval The Council must return sketches, plans and models if it refuses to issue a certificate of approval. | No authority to sub-delegate in respect of the delegation Any action taken may only be done so upon advice from the Senior Planner or the Director of Planning & Development . that the application complies with the relevant legislation | <ul style="list-style-type: none"> • General Manager • Director of Planning & Development • Senior Planner | <ul style="list-style-type: none"> • Council |
| 6 | S.31(6) | Application for, and grant of, certificate of approval The Council must refuse to issue a certificate of approval if it considers the proposal is actually a subdivision. | No authority to sub-delegate in respect of the delegation Any action taken may only be done so upon advice from the Senior Planner or 7the Director of Planning & Development . that the application complies with the relevant legislation | <ul style="list-style-type: none"> • General Manager • Director of Planning & Development • Senior Planner | <ul style="list-style-type: none"> • Council |
| 7 | S.36(1) | Application for council approval (in relation to a staged development scheme). | No authority to sub-delegate in respect of the delegation Any action taken may only be done so upon advice from the Senior Planner or the Director of Planning & Development . that the application complies with the relevant legislation | <ul style="list-style-type: none"> • General Manager • Director of Planning & Development • Senior Planner | <ul style="list-style-type: none"> • Council |
| 8 | S.37(1)(a) | Approval of scheme in principle Before giving in principle approval for a staged development scheme council can require specified changes to the scheme. | No authority to sub-delegate in respect of the delegation Any action taken may only be done so upon advice from the Senior Planner or the Director of Planning & Development . that the application complies with the relevant legislation | <ul style="list-style-type: none"> • General Manager • Director of Planning & Development • Senior Planner | <ul style="list-style-type: none"> • Council |
| 9 | S.37(1)(b) | Approval of scheme in principle Before giving in principle approval for a staged development scheme council can require the demolition or alteration of buildings on the site. | No authority to sub-delegate in respect of the delegation Any action taken may only be done so upon advice from the Senior Planner or the Director of Planning & Development . that the application complies with the relevant legislation | <ul style="list-style-type: none"> • General Manager • Director of Planning & Development • Senior Planner | <ul style="list-style-type: none"> • Council |

| No | Statutory Ref | Functions or Power | Conditions or Restrictions | Delegation | Original Source of Power |
|----|---------------|--|---|---|---|
| 10 | S.37(2)(a) | Approval of scheme in principle Council can approve a staged development scheme unconditionally. | No authority to sub-delegate in respect of the delegation Any action taken may only be done so upon advice from the Senior Planner or the Director of Planning & Development . that the application complies with the relevant legislation | <ul style="list-style-type: none"> • General Manager • Director of Planning & Development • Senior Planner | <ul style="list-style-type: none"> • Council |
| 11 | S.37(2)(b) | Approval of scheme in principle Council can approve the staged development scheme subject to specified conditions. | No authority to sub-delegate in respect of the delegation Any action taken may only be done so upon advice from the Senior Planner or the Director of Planning & Development . that the application complies with the relevant legislation | <ul style="list-style-type: none"> • General Manager • Director of Planning & Development • Senior Planner | <ul style="list-style-type: none"> • Council |
| 12 | S.37(2)(c) | Approval of scheme in principle Council can refuse to approve the staged development scheme. | No authority to sub-delegate in respect of the delegation Any action taken may only be done so upon advice from the Senior Planner or the Director of Planning & Development . that the application complies with the relevant legislation | <ul style="list-style-type: none"> • General Manager • Director of Planning & Development • Senior Planner | <ul style="list-style-type: none"> • Council |
| 13 | S.37(4) | Approval of scheme in principle If council approves the proposed staged development scheme it must issue a certificate of approval. | No authority to sub-delegate in respect of the delegation Any action taken may only be done so upon advice from the Senior Planner or the Director of Planning & Development . that the application complies with the relevant legislation | <ul style="list-style-type: none"> • General Manager • Director of Planning & Development • Senior Planner | <ul style="list-style-type: none"> • Council |
| 14 | S.41(2) | Progressive development The council may refuse to approve a particular stage in a staged development scheme if an earlier stage of the scheme has not been completed as required under the terms of the registered scheme. | No authority to sub-delegate in respect of the delegation Any action taken may only be done so upon advice from the Senior Planner or the Director of Planning & Development . that the application complies with the relevant legislation | <ul style="list-style-type: none"> • General Manager • Director of Planning & Development • Senior Planner | <ul style="list-style-type: none"> • Council |

| No | Statutory Ref | Functions or Power | Conditions or Restrictions | Delegation | Original Source of Power |
|----|---------------|--|---|---|---|
| 15 | S.42(2) | Application for variation of scheme The application is to be made in the first instance to the council for the area in which the site is situated. | No authority to sub-delegate in respect of the delegation Any action taken may only be done so upon advice from the Senior Planner or the Director of Planning & Development 16. that the application complies with the relevant legislation | <ul style="list-style-type: none"> • General Manager • Director of Planning & Development • Senior Planner | <ul style="list-style-type: none"> • Council |
| 16 | S.42(5) | Application for variation of scheme The council may dispense with the consent of a present or prospective owners of lots in the staged development scheme in relation to a proposed variation if satisfied of certain matters. | No authority to sub-delegate in respect of the delegation Any action taken may only be done so upon advice from the Senior Planner or the Director of Planning & Development . that the application complies with the relevant legislation | <ul style="list-style-type: none"> • General Manager • Director of Planning & Development • Senior Planner | <ul style="list-style-type: none"> • Council |
| 17 | S.42(6) | Application for variation of scheme The council may approve the variation unconditionally, or approve the variation subject to specified conditions or refuse to approve the variation. | No authority to sub-delegate in respect of the delegation Any action taken may only be done so upon advice from the Senior Planner or the Director of Planning & Development . that the application complies with the relevant legislation | <ul style="list-style-type: none"> • General Manager • Director of Planning & Development • Senior Planner | <ul style="list-style-type: none"> • Council |
| 18 | S.45 | Injunction Council (as an “interested person” under the Act) can apply for a mandatory injunction requiring the developer of a staged development scheme to complete the scheme. | No authority to sub-delegate in respect of the delegation Any action taken may only be done so upon advice from the Senior Planner or the Director of Planning & Development . that the application complies with the relevant legislation | <ul style="list-style-type: none"> • General Manager • Director of Planning & Development • Senior Planner | <ul style="list-style-type: none"> • Council |
| 19 | S.54(1)(a) | Approval of scheme Before giving in principle approval for a community development scheme council can require specified changes to the scheme. | No authority to sub-delegate in respect of the delegation Any action taken may only be done so upon advice from the Senior Planner or the Director of Planning & Development . that the application complies with the relevant legislation | <ul style="list-style-type: none"> • General Manager • Director of Planning & Development • Senior Planner | <ul style="list-style-type: none"> • Council |

| No | Statutory Ref | Functions or Power | Conditions or Restrictions | Delegation | Original Source of Power |
|----|---------------|--|---|---|---|
| 20 | S.54(1)(b) | Approval of scheme Before giving in principle approval for a community development scheme council can require the demolition or alteration of buildings on the site. | No authority to sub-delegate in respect of the delegation Any action taken may only be done so upon advice from the Senior Planner or the Director of Planning & Development . that the application complies with the relevant legislation | <ul style="list-style-type: none"> • General Manager • Director of Planning & Development • Senior Planner | <ul style="list-style-type: none"> • Council |
| 21 | S.54(2)(a) | Approval of scheme Council can approve a proposed community development scheme unconditionally. | No authority to sub-delegate in respect of the delegation Any action taken may only be done so upon advice from the Senior Planner or the Director of Planning & Development . that the application complies with the relevant legislation | <ul style="list-style-type: none"> • General Manager • Director of Planning & Development • Senior Planner | <ul style="list-style-type: none"> • Council |
| 22 | S.54(2)(b) | Approval of scheme Council can approve the proposed community development scheme subject to specified conditions. | No authority to sub-delegate in respect of the delegation Any action taken may only be done so upon advice from the Senior Planner or the Director of Planning & Development . that the application complies with the relevant legislation | <ul style="list-style-type: none"> • General Manager • Director of Planning & Development • Senior Planner | <ul style="list-style-type: none"> • Council |
| 23 | S.54(2)(c) | Approval of scheme Council can refuse to approve the proposed community development scheme. | No authority to sub-delegate in respect of the delegation Any action taken may only be done so upon advice from the Senior Planner or the Director of Planning & Development . that the application complies with the relevant legislation | <ul style="list-style-type: none"> • General Manager • Director of Planning & Development • Senior Planner | <ul style="list-style-type: none"> • Council |
| 24 | S.54(4) | Approval of scheme If council approves the proposed community development scheme it must issue a certificate of approval. | No authority to sub-delegate in respect of the delegation Any action taken may only be done so upon advice from the Senior Planner or the Director of Planning & Development . that the application complies with the relevant legislation | <ul style="list-style-type: none"> • General Manager • Director of Planning & Development • Senior Planner | <ul style="list-style-type: none"> • Council |

| No | Statutory Ref | Functions or Power | Conditions or Restrictions | Delegation | Original Source of Power |
|----|---------------|---|---|---|---|
| 25 | S.57(2) | Progressive development The council may refuse to approve a particular stage of a community development scheme in certain circumstances. | No authority to sub-delegate in respect of the delegation Any action taken may only be done so upon advice from the Senior Planner or the Director of Planning & Development . that the application complies with the relevant legislation | <ul style="list-style-type: none"> • General Manager • Director of Planning & Development • Senior Planner | <ul style="list-style-type: none"> • Council |
| 26 | S.58(2) | Application for variation of scheme The application is to be made in the first instance to the council for the area in which the site is situated. | No authority to sub-delegate in respect of the delegation Any action taken may only be done so upon advice from the Senior Planner or the Director of Planning & Development . that the application complies with the relevant legislation | <ul style="list-style-type: none"> • General Manager • Director of Planning & Development • Senior Planner | <ul style="list-style-type: none"> • Council |
| 27 | S.58(5) | Application for variation of scheme The council may dispense with the consent of a present or prospective owners of lots in the community development scheme in relation to a proposed variation if satisfied of certain matters. | No authority to sub-delegate in respect of the delegation Any action taken may only be done so upon advice from the Senior Planner or the Director of Planning & Development . that the application complies with the relevant legislation | <ul style="list-style-type: none"> • General Manager • Director of Planning & Development • Senior Planner | <ul style="list-style-type: none"> • Council |
| 28 | S.58(6) | Application for variation of scheme The council may approve the variation unconditionally, or approve the variation subject to specified conditions or refuse to approve the variation. | No authority to sub-delegate in respect of the delegation Any action taken may only be done so upon advice from the Senior Planner or the Director of Planning & Development . that the application complies with the relevant legislation | <ul style="list-style-type: none"> • General Manager • Director of Planning & Development • Senior Planner | <ul style="list-style-type: none"> • Council |
| 29 | S.61 | Injunction Council (as an “interested person” under the Act) can apply for a mandatory injunction requiring the developer of a community development scheme to complete the scheme. | No authority to sub-delegate in respect of the delegation Any action taken may only be done so upon advice from the Senior Planner or the Director of Planning & Development . that the application complies with the relevant legislation | <ul style="list-style-type: none"> • General Manager • Director of Planning & Development • Senior Planner | <ul style="list-style-type: none"> • Council |

| No | Statutory Ref | Functions or Power | Conditions or Restrictions | Delegation | Original Source of Power |
|----|---------------|---|---|---|---|
| 30 | S.65(a) | Assignment of interest in land subject to scheme If the owner of land subject to a registered community development scheme proposes to sell or dispose of land subject to the scheme the owner must give written notice of the proposed transaction to the Council for the area in which the site is situated. | No authority to sub-delegate in respect of the delegation Any action taken may only be done so upon advice from the Senior Planner or the Director of Planning & Development . that the application complies with the relevant legislation | <ul style="list-style-type: none"> • General Manager • Director of Planning & Development • Senior Planner | <ul style="list-style-type: none"> • Council |
| 31 | S.65(b)(i) | Assignment of interest in land subject to scheme If the owner of land subject to a registered community development scheme proposes to sell or dispose of land subject to the scheme the person who is to acquire title to the land in consequence of the transaction must give to the council a written undertaking to develop the land in accordance with the registered scheme. | No authority to sub-delegate in respect of the delegation Any action taken may only be done so upon advice from the Senior Planner or the Director of Planning & Development . that the application complies with the relevant legislation | <ul style="list-style-type: none"> • General Manager • Director of Planning & Development • Senior Planner | <ul style="list-style-type: none"> • Council |
| 32 | S.65(b)(ii) | Assignment of interest in land subject to scheme If the owner of land subject to a registered community development scheme proposes to sell or dispose of land subject to the scheme the person who is to acquire title to the land in consequence of the transaction must give the council any security required by the council, within 28 days after notice of the transaction was given to the council, for the development of the land in accordance with the scheme. | No authority to sub-delegate in respect of the delegation Any action taken may only be done so upon advice from the Senior Planner or the Director of Planning & Development . that the application complies with the relevant legislation | <ul style="list-style-type: none"> • General Manager • Director of Planning & Development • Senior Planner | <ul style="list-style-type: none"> • Council |
| 33 | S.142(2)(b) | Recording of certain orders. | No authority to sub-delegate in respect of the delegation Any action taken may only be done so upon advice from the Senior Planner or the Director of Planning & Development . that the application complies with the relevant legislation | <ul style="list-style-type: none"> • General Manager • Director of Planning & Development • Senior Planner | <ul style="list-style-type: none"> • Council |

31. SURVEY CO-ORDINATION ACT 1944

| No | Statutory Ref | Function or Power | Conditions or Restrictions | Delegation | Original Source of Power |
|----|---------------|---|--------------------------------|---|---|
| 1 | S.4(2) | Public authorities to compile and forward to Surveyor-General lists of existing plans Every public authority shall, upon being so required by the Surveyor-General, appoint a fit and proper person as the proper officer of that authority for the purposes of this Act. | Nil Conditions or Restrictions | <ul style="list-style-type: none"> General Manager | <ul style="list-style-type: none"> Council |
| 2 | S.5 | Public authorities to give notice of intention to commence new surveys. | Nil Conditions or Restrictions | <ul style="list-style-type: none"> General Manager | <ul style="list-style-type: none"> Council |

32. TRAFFIC ACT 1925

Notes on Legislation S.3(2):

This Act is to be read together with the Vehicle and Traffic Act 1999 as a single Act and accordingly –

- (a) Words and expressions used in this Act that are defined under the Vehicle and Traffic Act 1999 (and not in this Act) have, unless the contrary intention appears, the same respective meanings; and
- (b) A reference to “this Act” extends, unless the contrary intention appears, to both Acts.

| No | Statutory Ref | Function or Power | Conditions or Restrictions | Delegation | Original Source of Power |
|----|---------------|---|--------------------------------|--|---|
| 1 | S.43(2) | Removal of things obstructing public streets An authorized person may remove, take and detain articles placed or left in public streets to the obstruction, annoyance or danger of other persons. | Nil Conditions or Restrictions | <ul style="list-style-type: none"> General Manager Director of Works & Infrastructure Director of Planning & Development Compliance Officer Works Manager | <ul style="list-style-type: none"> Council |
| 2 | S.43(3)(4)(5) | Removal of things obstructing public streets A relevant authority must notify articles owner of removal and/or dispose of articles not removed. | Nil Conditions or Restrictions | <ul style="list-style-type: none"> General Manager Director of Works & Infrastructure Director of Planning & Development Compliance Officer Works Manager | <ul style="list-style-type: none"> Council |

33. URBAN DRAINAGE ACT 2013

| No | Statutory Ref | Function or Power | Conditions or Restrictions | Delegation | Original Source of Power |
|----|---------------|--|--------------------------------|--|--|
| 1 | S.5(4) | Council to provide adequate public stormwater system A council may appeal to the Tasmanian Civil and Administrative Tribunal against an order under subsection 5(3) within the period specified in the order.) | Nil Conditions or Restrictions | <ul style="list-style-type: none"> • General Manager • Director of Works & Infrastructure • Works Manager | <ul style="list-style-type: none"> • Council |
| 2 | S.5(6) | Council to provide adequate public stormwater system Council to provide public stormwater system. If found not too, they must comply with the orders in notice of default. | Nil Conditions or Restrictions | <ul style="list-style-type: none"> • General Manager • Director of Works & Infrastructure • Works Manager | <ul style="list-style-type: none"> • Council |
| 3 | S.7 | Service of notice relating to negotiations for provisions of stormwater services. | Nil Conditions or Restrictions | <ul style="list-style-type: none"> • General Manager • Director of Works & Infrastructure • Works Manager | <ul style="list-style-type: none"> • Council |
| 4 | S.11(1) | Power of council to adopt stormwater systems General manager may agree with a person who has a private stormwater system or is proposing to construct stormwater system that if it is constructed in accordance with the terms of the agreement that the council will declare the works to be vested in the council. | Nil Conditions or Restrictions | <ul style="list-style-type: none"> • General Manager • Director of Works & Infrastructure • Works Manager | <ul style="list-style-type: none"> • Council • General Manager |
| 5 | S.11(4) | Power of council to adopt stormwater systems General manager may require person constructing a drain to construct it in a different way. | Nil Conditions or Restrictions | <ul style="list-style-type: none"> • General Manager • Director of Works & Infrastructure • Works Manager | <ul style="list-style-type: none"> • Council • General Manager |
| 6 | S.11(8) | Power of council to adopt stormwater systems Where a council imposes a requirement under S.11(4) they must pay extra costs incurred by person constructing the drain. | Nil Conditions or Restrictions | <ul style="list-style-type: none"> • General Manager • Director of Works & Infrastructure • Works Manager | <ul style="list-style-type: none"> • Council |
| 7 | S.12 | Council to maintain maps. | Nil Conditions or Restrictions | <ul style="list-style-type: none"> • General Manager • Director of Works & Infrastructure • Works Manager | <ul style="list-style-type: none"> • Council |
| 8 | S.13 | Protection of stormwater assets General manager granting consent as to protection of stormwater assets. Issuing of notices requiring removal where consent has not been granted. | Nil Conditions or Restrictions | <ul style="list-style-type: none"> • General Manager • Director of Works & Infrastructure • Works Manager | <ul style="list-style-type: none"> • Council • General Manager |
| 9 | S.13(4) | Protection of stormwater assets If a person fails to carry out the works required in the notice within the specified period, the council may demolish, remove or remedy the building or construction and carry out any works necessary for restoring or reinstating the public stormwater system. | Nil Conditions or Restrictions | <ul style="list-style-type: none"> • General Manager • Director of Works & Infrastructure • Works Manager | <ul style="list-style-type: none"> • Council |
| 10 | S.13(5)(b) | Protection of stormwater assets If the council carries out works under S.13(4) expenses are recoverable in a court of a competent jurisdiction. | Nil Conditions or Restrictions | <ul style="list-style-type: none"> • General Manager • Director of Works & Infrastructure • Works Manager | <ul style="list-style-type: none"> • Council |

| No | Statutory Ref | Function or Power | Conditions or Restrictions | Delegation | Original Source of Power |
|----|---------------|---|--------------------------------|---|--|
| 11 | S.14 | Interference with public stormwater systems General manager granting consent as to interference with stormwater systems. Issuing of notices requiring removal where consent has not been granted. | Nil Conditions or Restrictions | <ul style="list-style-type: none"> • General Manager • Director of Works & Infrastructure • Works Manager | <ul style="list-style-type: none"> • Council • General Manager |
| 12 | S.14(4) | Interference with public stormwater systems If a person fails to comply with the notice issued under 14(2) within the specified period, the council may demolish, remove or remedy the works and carry out any works necessary for restoring or reinstating the infrastructure. | Nil Conditions or Restrictions | <ul style="list-style-type: none"> • General Manager • Director of Works & Infrastructure • Works Manager | <ul style="list-style-type: none"> • Council |
| 13 | S.14(5)(b) | Interference with public stormwater systems If the council carries out works under S.14(4) expenses are recoverable in a court of a competent jurisdiction. | Nil Conditions or Restrictions | <ul style="list-style-type: none"> • General Manager • Director of Works & Infrastructure • Works Manager | <ul style="list-style-type: none"> • Council |
| 14 | S.15(13) | Power of authorised officers to carry out work on or adjacent to public land A council must make good, to the satisfaction of the authority responsible for the land, any damage caused by the exercise of powers under this section as soon as practicable. | Nil Conditions or Restrictions | <ul style="list-style-type: none"> • General Manager • Director of Works & Infrastructure • Works Manager | <ul style="list-style-type: none"> • Council |
| 15 | S.16(9) | Power of authorized officers to enter private land The council must make good any damage caused by the exercise of powers under this section as soon as practicable or pay reasonable compensation for the damage. | Nil Conditions or Restrictions | <ul style="list-style-type: none"> • General Manager • Director of Works & Infrastructure • Works Manager • Works Supervisor • Team Leader – Bicheno • Team Leader – Swansea • Team Leader – Triabunna | <ul style="list-style-type: none"> • Council |
| 16 | S.17 | Power to undertake construction of public stormwater systems Without the permission of the relevant general manager, a person must not discharge, or cause or permit to be discharged, stormwater into any system other than the public stormwater system. | Nil Conditions or Restrictions | <ul style="list-style-type: none"> • General Manager • Director of Works & Infrastructure • Works Manager | <ul style="list-style-type: none"> • Council |
| 17 | S.18(3) | Discharge of matter into public stormwater system General Manager must give permission to discharge matter into public stormwater systems. | Nil Conditions or Restrictions | <ul style="list-style-type: none"> • General Manager • Director of Works & Infrastructure • Works Manager | <ul style="list-style-type: none"> • Council • General Manager |
| 18 | S.20 | Limits on connection point General manager to provide approval in relation to limits on connection points for public and private stormwater systems. | Nil Conditions or Restrictions | <ul style="list-style-type: none"> • General Manager • Director of Works & Infrastructure • Works Manager | <ul style="list-style-type: none"> • Council • General Manager |
| 19 | S.21(1) | Requirement to connect General Manager may service notice requiring connection to public stormwater systems. | Nil Conditions or Restrictions | <ul style="list-style-type: none"> • General Manager • Director of Works & Infrastructure • Works Manager | <ul style="list-style-type: none"> • Council • General Manager |

| No | Statutory Ref | Function or Power | Conditions or Restrictions | Delegation | Original Source of Power |
|----|---------------|--|--------------------------------|--|--|
| 20 | S.21(3) | Requirement to connect Where notice has been served, council may recover costs if it is not complied with. | Nil Conditions or Restrictions | <ul style="list-style-type: none"> General Manager Director of Works & Infrastructure Works Manager | <ul style="list-style-type: none"> Council |
| 21 | S.22(1) | Requirement to disconnect General manager may service notice to property owner requiring the removal of existing connections between the property and public stormwater systems and recover costs where notice is not complied with. | Nil Conditions or Restrictions | <ul style="list-style-type: none"> General Manager Director of Works & Infrastructure Works Manager | <ul style="list-style-type: none"> Council General Manager |
| 22 | S.22(3) | Requirement to disconnect Where notice has been served, council may recover costs if it is not complied with. | Nil Conditions or Restrictions | <ul style="list-style-type: none"> General Manager Director of Works & Infrastructure Works Manager | <ul style="list-style-type: none"> Council |
| 23 | S.23(2)(a) | Property owners not to direct stormwater onto neighbouring properties General manager to issue notice giving property owner creating nuisance 28 days to stop. | Nil Conditions or Restrictions | <ul style="list-style-type: none"> General Manager Director of Works & Infrastructure Works Manager | <ul style="list-style-type: none"> Council General Manager |
| 24 | S.23(2)(b) | Property owners not to direct stormwater onto neighbouring properties If a property owner does not comply with a notice under S.23(2)(a) the council can carry out such works that are necessary to rectify the nuisance. | Nil Conditions or Restrictions | <ul style="list-style-type: none"> General Manager Director of Works & Infrastructure Works Manager | <ul style="list-style-type: none"> Council |
| 25 | S.23(3) | Property owners not to direct stormwater onto neighbouring properties Any costs incurred under S.23(2)(b) are recoverable in a court of competent jurisdiction. | Nil Conditions or Restrictions | <ul style="list-style-type: none"> General Manager Director of Works & Infrastructure Works Manager | <ul style="list-style-type: none"> Council |

34. VEHICLE AND TRAFFIC ACT 1999

| No | Statutory Ref | Function or Power | Conditions or Restrictions | Delegation | Original Source of Power |
|----|-------------------|---|--------------------------------|--|--|
| 1 | S.56C(2)(3)(4)(5) | Certain activities prohibited on public streets (ie selling goods, or a business, calling, or employment) in accordance with the provisions of Section 56C(2)(3)(4)(5) of the Vehicle and Traffic Act 1999 | Nil Conditions or Restrictions | <ul style="list-style-type: none"> General Manager Director of Works & Infrastructure Works Manager | <ul style="list-style-type: none"> Council General Manager |

35. MISCELLANEOUS POWERS AND FUNCTIONS TO THE GENERAL MANAGER AND AN OFFICER / EMPLOYEE

| No | Function or Power | Delegation | Original Source of Power |
|----|--|---|--|
| 1 | To call for and accept quotations, tenders or auction the disposal of surplus or redundant plant, equipment or materials. | <ul style="list-style-type: none"> • General Manager • Director of Works & Infrastructure • Director of Corporate & Community • Works Manager | <ul style="list-style-type: none"> • Council • General Manager |
| 2 | To approve the taking over by the Council of engineering works involved in the development of a subdivision subject to certification by the Engineering Technical Officer or Consultant Engineer that all the items, including maintenance, have been satisfactorily completed and “as constructed” drawings have been received. | <ul style="list-style-type: none"> • General Manager • Director of Works & Infrastructure • Development Engineer | <ul style="list-style-type: none"> • Council • General Manager |
| 3 | To institute, defend, abandon, settle or compromise any proceedings before any tribunal for the recovery of debts due to the Council or for breaches of any By-laws or statutes affecting the Council, or to protect, recover or secure recompense for damage to or loss of any property of the Council. | <ul style="list-style-type: none"> • General Manager • Director of Corporate & Community • Director of Planning & Development • Director of Works & Infrastructure | <ul style="list-style-type: none"> • Council • General Manager |
| 4 | To authorise and to institute proceedings for non-compliance with any order or notice lawfully made or given by or on behalf of the Council, and where such order or notice is not complied with, to authorise the carrying out of the necessary work where the Council has the power to do so. | <ul style="list-style-type: none"> • General Manager • Senior Environmental Health Officer • Director of Planning & Development • Director of Corporate & Community • Director of Works & Infrastructure | <ul style="list-style-type: none"> • Council • General Manager |
| 5 | To issue or publish or cause to be issued or published statements of fact relating to Council’s activities or policies. | <ul style="list-style-type: none"> • General Manager • Director of Works & Infrastructure • Director of Planning & Development • Director of Corporate & Community • Works Manager • Community & Communications Officer | <ul style="list-style-type: none"> • Council |
| 6 | To seek legal advice and to complete affidavits on behalf of Council in accordance with Council policies. | <ul style="list-style-type: none"> • General Manager | <ul style="list-style-type: none"> • Council |
| 7 | To sign all contracts, leases and agreements on behalf of Council in accordance with Council policies. | <ul style="list-style-type: none"> • General Manager | <ul style="list-style-type: none"> • Council |
| 8 | To control and supervise all contracts and to approve expenditure authorised thereunder in the relevant budget, including contingency provisions. | <ul style="list-style-type: none"> • General Manager • Director of Corporate & Community • Director of Works & Infrastructure • Director of Planning & Development | <ul style="list-style-type: none"> • Council • General Manager |
| 9 | To authorise the carrying out by Council of private works for other parties. | <ul style="list-style-type: none"> • General Manager • Director of Planning & Development • Director of Works & Infrastructure • Works Manager | <ul style="list-style-type: none"> • Council • General Manager |

| No | Function or Power | Delegation | Original Source of Power |
|----|--|---|--|
| 10 | To authorise the joining in or the contribution by the Council, to the erection or repair of any fence between land of the Council and adjoining land in accordance with the Boundary Fences Act 1908 and in keeping with the Council budget estimates. | <ul style="list-style-type: none"> • General Manager • Director of Works & Infrastructure | <ul style="list-style-type: none"> • Council • General Manager |
| 11 | To determine the use of public roads for walk-a-thons, charitable collections or other like events. | <ul style="list-style-type: none"> • General Manager • Director of Corporate & Community • Director of Works & Infrastructure | <ul style="list-style-type: none"> • Council • General Manager |
| 12 | To authorise the closure of roads or parts thereof temporarily for repairs or construction. | <ul style="list-style-type: none"> • General Manager • Director of Works & Infrastructure | <ul style="list-style-type: none"> • Council • General Manager |
| 13 | To authorise the total or partial release of bonds, guarantees and security deposits where the relevant Manager has certified that the work or thing which the bond, guarantee or security deposit relates has been satisfied in whole or in part and to call on any bonds, guarantees or security deposits where the work secured has not been carried out in accordance with Council requirements. | <ul style="list-style-type: none"> • General Manager • Director of Corporate & Community • Director of Planning & Development | <ul style="list-style-type: none"> • Council • General Manager |
| 14 | To authorise the use of Council's plant and equipment in emergencies at the request of the State Emergency Services, Tasmania Police or the State Fire Authority. | <ul style="list-style-type: none"> • General Manager • Director of Works & Infrastructure • Works Manager | <ul style="list-style-type: none"> • Council • General Manager |
| 15 | To make payments and donations in keeping with Council policy. | <ul style="list-style-type: none"> • General Manager • Director of Corporate & Community | <ul style="list-style-type: none"> • Council • General Manager |
| 16 | To approve or disapprove, upon written application, requests to consume intoxicating liquor on Council reserves or premises. | <ul style="list-style-type: none"> • General Manager | <ul style="list-style-type: none"> • Council |
| 17 | To lend materials from Council stores stock in emergency circumstances as determined by the General Manager subject to the provision of a written acknowledgement of receipt of an undertaking to replace within a set time. | <ul style="list-style-type: none"> • General Manager • Director of Works & Infrastructure • Works Manager | <ul style="list-style-type: none"> • Council • General Manager |
| 18 | Power to approve demolition of buildings not classified by the National Trust or Heritage listed. | <ul style="list-style-type: none"> • General Manager • Director of Planning & Development • Director of Works & Infrastructure | <ul style="list-style-type: none"> • Council • General Manager |
| 19 | To approve conditionally or otherwise all temporary signs and hoardings. | <ul style="list-style-type: none"> • General Manager • Director of Planning & Development • Senior Planner | <ul style="list-style-type: none"> • Council • General Manager |
| 20 | Authority to appoint "Authorised Officers" or "Council Officers" where such are required to be appointed under the Local Government Act 1993 or any other Act and to issue "Certificates of Authority" to those officers where required. | <ul style="list-style-type: none"> • General Manager | <ul style="list-style-type: none"> • Council |
| 21 | The Affixing of the Common Seal in accordance with Council's <i>Use of Council's Common Seal Policy</i> | <ul style="list-style-type: none"> • General Manager | <ul style="list-style-type: none"> • Council |
| 22 | To act in the role of Permit Authority to facilitate the powers and functions in administration, enforcement and | <ul style="list-style-type: none"> • Director Planning & Development | <ul style="list-style-type: none"> • General |

| No | Function or Power | Delegation | Original Source of Power |
|----|--|--|---|
| | responsibilities in accordance with the provisions of the Building Act 2016. **NOTE CONDITION: 1. This authority does not grant the Officers the power to delegate this function to any other persons. | <ul style="list-style-type: none"> • Compliance Coordinator • Compliance Officer • Plumbing Surveyor | Manager |
| 23 | Environmental Health By-Law No.1 of 2019 Section 3(1) Authorised Officer Appointed as an authorised officer for the purposes of the by-law | <ul style="list-style-type: none"> • General Manager • Director Planning & Development • Director Infrastructure & Works • Senior Environmental Health Officer • Compliance Officer • Compliance Coordinator • Works Manager • Waste Transfer Station operator | <ul style="list-style-type: none"> • Council |



Glamorgan Spring Bay Council

Related Party Disclosures Policy

Version [1.0]

Adopted: xxx
Minute No. xxx

Document Control

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|---|--|
| Related Party Disclosures Policy | |
| First issued/approved | January 2021 |
| Source of approval/authority | Council |
| Last reviewed | September 2024 |
| Next review date | September 2028 or as required by legislation |
| Version number | 01 |
| Responsible Officer | General Manager |
| Department responsible for policy development | Corporate Services |
| Related policies | <ul style="list-style-type: none"> • <i>Local Government (Code of Conduct) Order 2024</i> • Employee Code of Conduct • Risk Management Policy |
| Publication of policy | Website |

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1 Introduction

Councils must disclose related party relationships, transactions and outstanding balances, including commitments, in their annual financial statements.

This Policy has been developed through a working group comprising representatives from the Tasmanian Audit Office, the Local Government Division of the Department of Premier and Cabinet, Clarence City Council and the Local Government Association of Tasmania.

1.1 Purpose

Specifically, the policy outlines the disclosure requirements under AASB 124 of Key Management Personnel (KMP), which includes elected members. It also outlines the procedures Council will follow to collect, store, manage and report on related party relationships, transactions and commitments.

Under the *Local Government Act 1993* and the *Audit Act 2008* all local governments in Tasmania must produce annual financial statements that comply with Australian Accounting Standards.

1.2 Scope

This policy outlines what is expected of elected members and staff of Council in relation to Australian Accounting Standard AASB 124 *Related Party Disclosures* (AASB 124).

1.3 Summary of the Standard

From 1 July 2016, local governments (councils) must disclose related party relationships, transactions and outstanding balances, including commitments, in their annual financial statements.

The objective of the Standard is to ensure that an entity's financial statements contain the disclosures necessary to draw attention to the possibility that its financial position and profit or loss may have been affected by the existence of related parties and by transactions and outstanding balances, including commitments, with such parties.

Council's related parties are likely to include the Mayor, councillors, General Manager, senior executives, their close family members and any entities that they control or jointly control. Any transactions between Council and these parties, whether monetary or not, may need to be identified and disclosed.

1.4 Terms

| Term | Meaning |
|---------------------------------------|--|
| Arm's length terms | Terms between the parties that are reasonable in the circumstances of the transaction that would result from: <ul style="list-style-type: none"> • neither party bearing the other any special duty or obligation, and • the parties being unrelated and uninfluenced by the other, and • each party having acted in its own interest. |
| Close Family Member | Family members of Key Management Personnel (KMP) who may be expected to influence, or be influenced by, that person in their dealings with the entity. This includes, but is not limited to, that person's spouse or domestic partner; and the children and dependents of that person or that person's spouse or domestic partner. |
| Control of an entity | You control an entity if you have: <ol style="list-style-type: none"> a) power over the entity; b) exposure, or rights, to variable returns from involvement with the entity; and c) the ability to use your power over the entity to affect the amount of your returns. |
| Declaration by KMP | An annual declaration of close family members and entities that the KMP or their close family members control or jointly control, as per Appendix 1, updated during the year as necessary. |
| Entities controlled by KMPs | Entities include companies, trusts, joint ventures, partnerships and non-profit associations such as sporting clubs. You control an entity if you have: <ul style="list-style-type: none"> • power over the entity; • exposure, or rights, to variable returns from involvement with the entity; and • the ability to use your power over the entity to affect the amount of your returns. |
| Entities related to Council | Entities controlled by Council, jointly controlled by Council or over which Council has significant influence are related parties of Council. |
| Joint control of an entity | To jointly control an entity there must be contractually agreed sharing of control of the entity, which exists only when decisions about the relevant activities require the unanimous consent of the parties sharing control. |
| Key Management Personnel (KMP) | Persons having authority and responsibility for planning, directing and controlling the activities of the entity, directly or indirectly. In the council context this includes the Mayor, Councillors, the General Manager and senior council officers as outlined in the policy. |

| Term | Meaning |
|---|---|
| KMP Compensation | <p>All employee benefits. Employee benefits are all forms of consideration paid, payable or provided by the entity, or on behalf of the entity, in exchange for services rendered to the entity. It also includes such consideration paid on behalf of a parent of the entity in respect of the entity. Compensation includes:</p> <ul style="list-style-type: none"> a) short-term employee benefits, such as wages, salaries and social security contributions, paid annual leave and paid sick leave, profit-sharing and bonuses (if payable within twelve months of the end of the period) and non-monetary benefits (such as medical care, housing, cars and free or subsidised goods or services) for current employees; b) post-employment benefits such as pensions, other retirement benefits, post-employment life insurance and post-employment medical care; c) other long-term employee benefits, including long-service leave or sabbatical leave, jubilee or other long-service benefits, long-term disability benefits and, if they are not payable wholly within twelve months after the end of the period, profit-sharing, bonuses and deferred compensation; d) termination benefits; and e) share-based payment. |
| Materiality | <p>Information is material when, if omitted or misstated, it could influence decisions that users make on the basis of financial information about a specific reporting entity.</p> <p>Omissions or misstatements of items are material if they could, individually or collectively, influence the economic decisions that users make on the basis of the financial statements. Materiality depends on the size and nature of the omission or misstatement judged in the surrounding circumstances. The size or nature of the item, or a combination of both, could be the determining factor.</p> |
| Ordinary Citizen Transactions (OCTs) | <p>Transactions that an ordinary citizen would undertake with Council are usually not material to related party disclosure requirements. OCTs do not apply if the terms and conditions are different to those offered to the general public.</p> |
| Related Party of Council | <p>People and entities, such as companies, trusts and associations, can be related parties of Council. Most commonly these will be entities related to Council, KMP of Council (including elected members), close family members of KMP and entities that are controlled or jointly controlled by KMP or their close family members.</p> |
| Related Party Transaction | <p>A transfer of resources, services or obligations between a reporting entity and a related party, regardless of whether a price is charged.</p> |

1.5 Legislation and Australian Accounting Standards

There is overlap between the requirements of AASB 124 and the interest provisions in the *Local Government Act 1993* (LGA). Beyond the provisions of AASB 124 the LGA requires certain disclosures. Council will make these disclosures separately where not adequately covered by AASB 124 disclosures.

Other legislation referred to in this policy include the *Audit Act 2008*, *Archives Act 1983*, *Privacy Act 1988*, *Personal Information Protection Act 2004* (PIP Act) and *Right to Information Act 2009*.

Other Australian Accounting Standards referred to in this policy include AASB 10 *Consolidated Financial Statements*; AASB 11 *Joint Arrangements*; AASB 128 *Investments in Associates and Joint Ventures*.

1.6 Related Council Policies

This policy relates to and depends on other Council policies, as well as legislation, including:

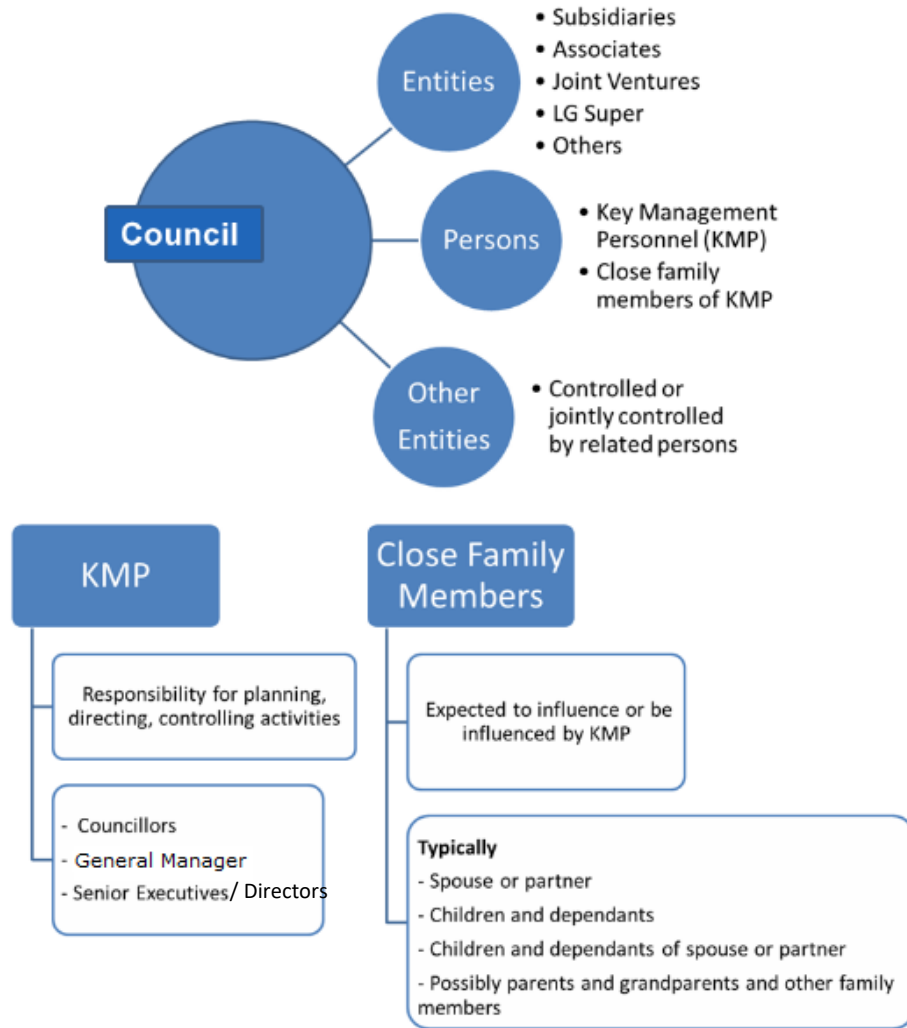
- *Local Government (Code of Conduct) Order 2024*
- Employee Code of Conduct
- Risk Management Policy

1.7 Policy Review and Update Cycle

This policy is to be reviewed every four years or as required.

2. Identifying Related Parties

The following diagram gives an overview of common related parties that a council will have:



2.1 The General Manager will establish, review and maintain a list of Key Management Personnel for Council.

Key Management Personnel (KMP) for council are:

- The Mayor
- The Deputy Mayor
- All Councillors
- The General Manager
- Senior Executives / Directors

- 2.2 Those persons identified as KMP will complete an annual declaration which outlines the entities, if any, that are controlled or jointly controlled by that KMP or their close family members and which are likely to have transactions with Council (Appendix 1).
- 2.3 For the purpose of this Policy, Close Family Members includes:
- that person's children and spouse or domestic partner;
 - children of that person's spouse or domestic partner; and
 - dependents of that person or of that person's spouse or domestic partner.

Council may determine other family members, such as a parent, grandparent, sibling, cousin, etc, who may be expected to influence, or be influenced by, that person in their dealings with Council or a Council entity.

Example for Guidance (Son of CFO employed by Council)

Sunny Shire Council has recently employed Paul's son (George) in the Council's parks and garden's area. Paul is Council's Chief Financial Officer but was not involved in hiring George. This process was managed by the Director of Parks and Gardens and included an independent assessment process. Paul did not have any influence in George securing the job.

Paul has been identified as a KMP of Council, which makes him a related party.

George will also be a related party of Council because he is a close family member of Paul. The recruitment process that was undertaken for George's position is irrelevant when assessing whether George is a related party.

Example for Guidance (Cousin of Mayor)

The Mayor of Happy Shire Council (Shelley) has lived in the Shire her whole life. In fact her family has been in the area for over five generations.

Shelley's cousin Mavis, owns and operates the local newsagent through a company Happy News Pty Ltd, in which she owns 100% of the shares. Shelley and Mavis have always been close and regularly socialise together.

Shelley has been identified as a KMP of Council. From these facts it would appear that Mavis is a close family member of Shelley because she would be expected to influence, or be influenced by, that person in her dealings with Council

Both Mavis and the company she controls, Happy News Pty Ltd would therefore be related parties of Council. Any transactions that the Council makes with the newsagent would need to be separately identified and may need to be disclosed.

- 2.4 It is the responsibility of General Manager to seek a declaration upon a change of KMP.
- 2.5 All KMPs will be asked to provide their declarations by 1 July each year covering the forthcoming financial year. In addition, an updated declaration for the previous financial year will also be provided.

- 2.6 It is the responsibility of all identified KMP to update their declaration should they become aware of a change, error or omission.

3. Register of Related Party Transactions

3.1 Maintain a Register

The General Manager or Responsible Accounting Officer is responsible for maintaining and keeping up to date a register of related party transactions that captures and records the information for each existing or potential related party transaction (including ordinary citizen transactions assessed as being material in nature) during a financial year.

3.2 Contents of Register

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

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

The General Manager or Responsible Accounting Officer is responsible for ensuring that the information is disclosed in Council's Financial Statements to the extent, and in the manner stipulated by AASB 124.

- 3.3 Council will use the declarations of KMP to establish a list of related parties for the purposes of identifying transactions and reporting under AASB 124.
- 3.4 Updates will be provided to KMP and Council staff periodically on changes arising from amendments to Australian Accounting Standards, applicable legislation or policy and procedural requirements.

4. Council Entities and Subsidiaries

For the purpose of this policy, entities controlled by Council, jointly controlled by Council or over which Council has significant influence are related parties of Council. Council will need to identify transactions with these entities and may need to make extra disclosure about them in Council's financial statements.

When assessing whether Council has control or joint control over an entity, Council will need to consider AASB 10 *Consolidated Financial Statements* and AASB 11 *Joint Arrangements*. AASB 128 *Investments in Associates and Joint Ventures* details the criteria for determining whether Council has significant influence over an entity.

Example for Guidance (Company that is a related party of Council)

Sunny Regional Council (SRC) owns 90% of the shares in Sunny Regional Development Pty Ltd (the company).

SRC has assessed that it has control over the company. The company is therefore a related party of SRC because SRC controls it.

SRC produces consolidated financial statements which include both a parent entity column and consolidated entity column. In these statements all individually significant transactions between SRC and the company will need to be disclosed. For other transactions that are collectively, but not individually, significant SRC will need to disclose a qualitative and quantitative indication of their extent.

SRC must also disclose the nature of its relationship with the company.

5. Entities Controlled (or jointly controlled) by KMP or their close family members

- 5.1 KMP will exercise their best judgement in identifying related parties.
- 5.2 KMP, including elected members, will carefully assess the information and examples following before declaring, or not declaring, an entity over which they, or a close member of the family, have control or joint control.
- 5.3 Entities include companies, trusts, joint ventures, partnerships and non-profit associations such as sporting clubs.
- 5.4 When assessing whether or not a KMP or close member of their family controls, or jointly controls, an entity, Council will need to refer to AASB 10 *Consolidated Financial Statements* and AASB 11 *Investments in Associates and Joint Ventures*.

Example for Guidance

Mayor is the President of a local football club.

The Mayor of Sunny Shire Council is the President of League Heroes Inc, the local football club. This club is overseen by a committee which comprises the President and four other committee members. Each member has a single vote when making decisions at meetings. The committee members are not related and do not have agreements to vote with one another. The club has over 100 members that each have a vote in electing the committee members at the club's annual general meeting.

From these facts it would appear that the Mayor does not control or jointly control the football club so it will not be a related party of Council just because the Mayor is the president of the club.

Example for Guidance (Joint control)

Fred is the Mayor of Sunny Shire Council and owns 50 per cent of the ordinary shares in Sunny Development Company Pty Ltd (the company). Fred's brother Stan owns the other 50 per cent of ordinary shares. Fred and Stan are the only Directors of the company and have equal voting rights on the board.

Fred and Stan have joint control of the company because any decisions require the unanimous consent of them both.

Fred will need to include the company on his related party declaration.

6. Related party disclosures by Council

- 6.1 Each year Council will declare the following related party transactions:
- 6.1.1 Transactions with Council subsidiaries, by transaction type.
- 6.1.2 KMP compensation, including:
- short-term employee benefits;
 - post-employment benefits;
 - long-term benefits; and
 - termination benefits.
- 6.1.3 Transactions with other related parties, including:
- purchases or sales of goods (finished or unfinished);
 - purchases or sales of property and other assets;
 - rendering or receiving of services;
 - leases;
 - transfers of research and development;
 - transfers under licence agreements;
 - transfers under finance arrangements (including loans and equity contributions in cash or in kind);
 - provision of guarantees or collateral;
 - commitments to do something if a particular event occurs or does not occur in the future, including executory contracts (recognised and unrecognised); and
 - settlement of liabilities on behalf of the entity, or by the entity on behalf of that related party.
- 6.1.4 Transactions of a similar nature will be disclosed in aggregate except when separate disclosure is necessary for an understanding of the effects of a related party transaction on the financial statements of council, having regard to the following criteria:
- the nature of the related party transaction

- the significance of the transaction (individually or collectively) in terms of size or value (including where the materiality arises due to the fact that no consideration for the transaction is given or received by Council)
 - whether the transaction is carried out on non-arm's length terms
 - whether the nature of the transaction is outside normal day-to-day business operations.
- 6.1.5 Outstanding balances in relation to transactions with related parties, including:
 - Entities controlled by KMPs; and
 - Bad or doubtful debts in respect of amounts owed by related parties.
- 6.1.6 Non-monetary transactions such as use of facilities, peppercorn rents.
- 6.2 If a KMP or close associate is named individually in disclosure reports, the KMP will be given a copy of the intended disclosure for review and information purposes. Feedback must be provided within 7 days.
- 6.3 Council will not capture Ordinary Citizen Transactions (OCTs) with related parties. Nor will Council disclose non-material transactions.
- 6.4 For the purpose of this Policy, example of OCTs are:

Paying rates and charges;
Dog registrations;
Attending Council functions which are open to the public;
Attending Council events after paying the normal fee.
- 6.5 Examples of transactions that are not OCTs are:

Purchases or sales of property;
Leases;
Purchase of goods and services, regardless of conditions;
Employee expenses of close family member of KMP.

The list of OCTs will be reviewed periodically with updates provided to KMP.
- 6.6 The General Manager will assess the materiality of the related party transactions that have been captured prior to disclosure.

Council does not have to disclose transactions that are not material. In determining materiality, the size and nature of the transaction individually and collectively will be considered and assessment will be made in consultation with Council's Audit Panel.

- 6.7 In making disclosures in the annual financial statements Council will include:
 - 6.7.1 Relationships between a parent and its subsidiaries, irrespective of whether there have been transactions between them.
 - 6.7.2 KMP compensation in total and for each of the following categories:
 - short-term employee benefits;

- post-employment benefits;
- other long-term benefits; and
- termination benefits.

6.7.3 Where related party transactions have occurred:

- the nature of the related party relationship; and
- information about the transactions, outstanding balances and commitments, including terms and conditions.

6.7.4 Separate disclosure in aggregate for each category of related party transactions.

Note: Transactions that are individually significant, either because of their amount or nature, are included in the aggregate disclosure but also need to be disclosed separately.

6.7.5 The types of transactions disclosed such as:

- purchases or sales of goods;
- purchases or sales of property and other assets or rendering or receiving property and other assets or rendering or receiving goods;
- rendering or receiving of services;
- leases;
- guarantees given or received;
- commitments;
- loans and settlements of liabilities;
- expense recognised during the period in respect of bad debts; and
- provision for doubtful debts relating to outstanding balances.

7. Privacy and right to information

Council must comply with the requirements of the *Archives Act 1983* (Tasmania), *Privacy Act 1988* (Commonwealth), *Personal Information Protection Act 2004* (Tasmania) and *Right to Information 2009* (Tasmania) in the collection, storage, management, disclosure and reporting of information.

A declaration statement from KMP is incorporated into the *Declaration of Related Party Transactions Form* (Appendix 1) to enable the disclosure and reporting of information in accordance with AASB 124. A Related Party Information Collection Notice will be provided to KMP and included in their Declarations (Appendix 2).

8. Dispute resolution

Disputes will be managed in accordance with the appropriate dispute resolution policy.

9. Implementation

Implementation of this Policy rests with the General Manager.

Appendix 1 - Declaration of Related Party Transactions and Consent Form

Private and Confidential

Related Party Declaration by Key Management Personnel

Name of Key Management Person: *(insert name)*

Position of Key Management Person: *(insert name)*

| Close Family Member Name | Relationship with KMP | Entities over which the close family member has sole or joint control | Nature of likely transactions with Council or Council entities |
|--------------------------|-----------------------|---|--|
| | | | |
| | | | |
| | | | |
| | | | |
| | | | |

| Name of Entity over which the KMP has control | Relationship with KMP | Nature of likely transactions with Council or Council entities |
|---|-----------------------|--|
| | | |
| | | |
| | | |
| | | |
| | | |
| | | |

I *(insert full name)*, *(insert position)* declare that the above list includes all my close family members and the entities controlled, or jointly controlled, by myself or my close family members having had, or likely to have, transactions with Council. I make this declaration after reading Council’s policy which details the meaning of the words “close family members” and “entities controlled, or jointly controlled, by myself or my close family members”.

I permit the General Manager to access the register of interests of me and persons related to me and to use the information for the purposes specified in Council’s Related Party Disclosures Policy.

Declared at *(insert place)* on the *(insert date)*

Signature of KMP:

Name of KMP:

In accordance with Council’s Personal Private Information Policy No. 6.3, your information, and the information of others, is protected by law, including the *Privacy Act 1988* and the *Personal Information Protection Act 2004*.

Appendix 2 –Related Party Information Collection Notice



Collection Notice

Related party transactions disclosure by Key Management Personnel

Council must disclose related party relationships, transactions and outstanding balances, including commitments, in its annual financial statements, in order to comply with *Australian Accounting Standard AASB 124 Related Party Disclosures*.

Purpose of collection, use and disclosure of related party information

The reason for disclosure of related party transactions is to ensure that Council's financial statements contain the information necessary to draw attention to the possibility that its financial position and profit or loss may have been affected by the existence of related parties and by transactions and outstanding balances, including commitments, with such parties.

Council's related parties are likely to include the Mayor, councillors, General Manager, senior executives, their close family members and any entities that they control or jointly control. Any transactions between Council and these parties, whether monetary or not, may need to be identified and disclosed.

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

A related party transaction must be disclosed in Council's financial statements if the transaction is material. Information is material when, if omitted or misstated, it could influence decisions that users make on the basis of financial information about a specific reporting entity.

Prior to disclosure, the General Manager will assess the materiality of related party transactions that have been captured, and, if deemed material, will disclose in its financial statements the nature of the related party relationship and information about the transaction. Disclosure in the financial statements may be in aggregate form and/or may be made separately, depending on the nature and materiality of the transaction.

Related Party Transactions Declaration by Key Management Personnel

Key management personnel (KMP) are the persons who have authority and responsibility for planning, directing and controlling the activities of Council, directly or indirectly and include the Mayor, councillors, General Manager and senior executives. In order to comply with AASB 124, Council has adopted a policy that requires all KMP to declare any existing or potential related party transactions between Council and any of their related parties during a financial year.

Each KMP must provide an annual *Related Party Declaration* in the approved form, by 1 July each year, and update the Declaration should they become aware of any change, error or omission. KMPs

must exercise their best judgement in identifying related parties when declaring, or not declaring, entities over which they, or a close member of their family, have control or joint control.

How will the information captured in the Declaration be used?

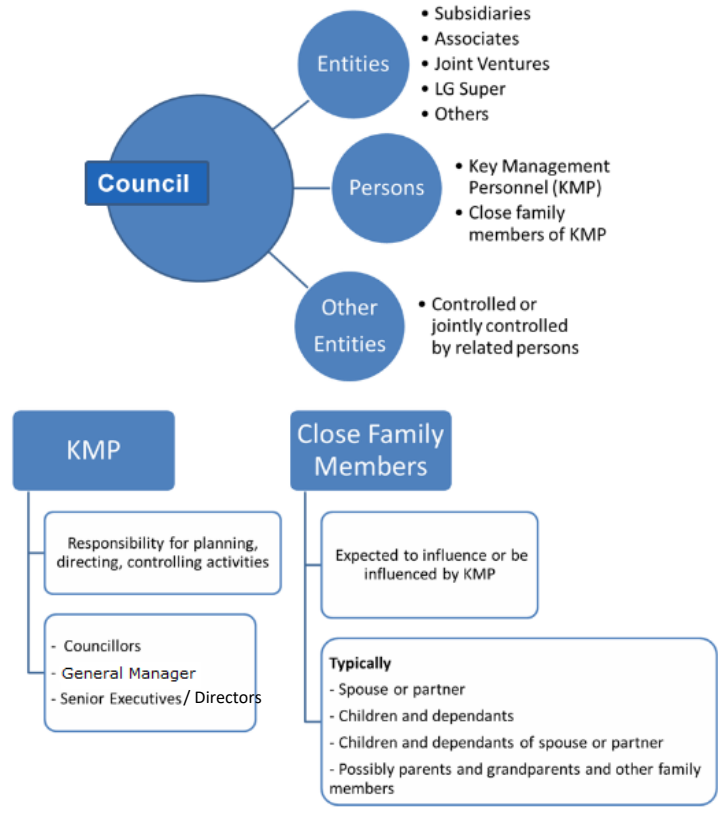
Council will use the declarations of KMPs to establish a list of related parties of Council for the purposes of identifying transactions and reporting under AASB 124. If a KMP or close family member is named individually in disclosure reports, the KMP will be given a copy of the intended disclosure for review and information purposes.

Who are related parties?

People and entities, such as companies, trusts and associations, can be related parties of Council.

The following diagram gives an overview of common related parties that a council will have.

The following diagram gives an overview of common related parties that a council will have:



For related party transaction disclosures under AASB 124, the related party relationship must be disclosed for both the KMP and their close family members, even if the same related party entity is held jointly or in common by them. This is separate and in addition to Council’s register of interests which is required under the *Local Government Act 1993*.

Under AASB 124, those persons who are prescribed as definitely being close family members of a KMP include:

- that person’s children and spouse or domestic partner;

- children of that person's spouse or domestic partner; and
- dependents of that person or that person's spouse or domestic partner.

Council may determine other family members, such as a parent, grandparent, sibling, cousin, etc, who may be expected to influence, or be influenced by, that person in their dealings with Council or a Council entity.

What is an entity that I, or my close family members, control or jointly control?

Entities include companies, trusts, joint ventures, partnerships and non-profit associations such as sporting clubs.

You control an entity if you have:

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

You jointly control an entity if there is a contractually agreed sharing of control of the entity. Joint control exists only when decisions about the relevant activities require the unanimous consent of the parties sharing control.

In some instances, it may not be easy to determine whether or not you, or your close family members, control or jointly control an entity. If you are unsure and require further clarification, you should contact the General Manager for a confidential discussion.

For more information about Council's disclosure requirements under AASB 124 Related Party Transactions, please refer to the Council's Related Party Disclosures Policy, which can be found at <https://gsbc.tas.gov.au/council/council-policies/>

All information collected by Council is in accordance with Council's Personal Private Information Policy and is protected by law, including the Privacy Act 1988 and the Personal Information Act 2004. Council's privacy policy can be found at <https://gsbc.tas.gov.au/council/council-policies/>



Glamorgan Spring Bay Council

Fee Exemption and Reduction Policy

Version [1.0]

Adopted:
Minute No.:

Document Control

| | |
|--|------------------------|
| Fee Exemption and Reduction Policy | |
| First issued/approved | October 2024 |
| Source of approval/authority | Council |
| Last reviewed | - |
| Next review date | October 2028 |
| Version number | 1 |
| Responsible Officer | Alex Woodward |
| Department responsible for policy development | Planning & Development |
| Related policies | • |
| Publication of policy | Website |

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1 Introduction

1.1 Purpose

The purpose of this policy is to:

- a) To ensure a consistent and equitable approach to the management of the refund, exemption or reduction for Council's adopted fees and charges; and
- b) To support community-based organisations, providing services and activities for the community, by reducing the cost of local government fees and charges.

1.2 Scope

This policy applies to fees and charges set by Council in accordance with Section 205 of the Local Government Act 1993. It does not apply to the remission of rates or cancellation of fines associated with infringement notices.

1.3 Definitions

| | |
|-------------------------|--|
| Council | is Glamorgan Spring Bay Council |
| Fees and Charges | Council fees and charges contained within the schedules adopted annually in accordance with the Local Government Act 1993. |

1.4 Objective

- a) Council's fees and charges are set annually by Council in accordance with the provisions of the Local Government Act 1993. Section 207 of this Act states that "A council may remit all or part of any fee or charge paid or payable under this Division". This policy will aim to define the conditions under which Council may consider refunding, exempting or reducing fees and charges on a case-by-case basis.

1.5 Related Policies and Legislation

This policy relates to and depends on other Council policies, as well as legislation, including:

- *Local Government Act 1993*
- *Building Act 2016*
- *Dog Control Act 2000*
- *Environmental Management and Pollution Control Act 1994*
- *Food Act 2003*
- *Land Use Planning and Approvals Act 1993*
- *Urban Drainage Act 2013*
- *Local Government (Highways) Act 1982*
- *Public Health Act 1997*

1.6 Policy Review and Update Cycle

This policy is to be reviewed every four years.

2 Policy

2.1 Policy Detail

- 2.1.1 Applications for fee exemptions, reductions or refunds shall be made in writing setting out the basis upon which the request is made.
- 2.1.2 The assessment of requests for the waiver or reduction of fees shall be undertaken in accordance with the following principles:
- Compliance with relevant legislation;
 - Fairness, consistency and equity; and
 - Transparency
- 2.1.3 All requests will be referred to the General Manager for determination.
- 2.1.4 A response to the application will be provided in writing, detailing the basis upon which the request is approved or denied and shall be recorded within Council's record management system.
- 2.1.5 A report will be prepared for the consideration by the Council in relation to any appeals of the decision of the General Manager, or for requests over the value or \$2,500.00.
- 2.1.6 A register will be maintained of all fees and charges either waived or reduced throughout the year and a table with these details will be included within Council's Annual Report.

2.2 Policy Guidance

- 2.2.1 Council may consider refunding, exempting or reducing fees and charges on a case by case basis, in the following instances:
- The fee or charge has been incorrectly applied by Council;
 - The fee has been overpaid by a customer;
 - Legislative or administrative processes have changed that make the fee no longer relevant;
 - The fee has been paid to Council to perform a specific action that has not subsequently been carried out; or
 - The fee relates to the activities of an organisation based within the Glamorgan Spring Bay Municipal Area that can demonstrate a community benefit associated with the request to waive or reduce fees.
- 2.2.2 Council will not waive, reduce or refund fees that relate to the following:
- Levies collected by Council on behalf of the State Government (e.g. Fire and building levies);
 - Charges incurred directly by Council associated with the provision of a service (e.g. advertising fees for development applications); or
 - Fees relating to the provision of a service for which Council has already incurred a direct or indirect cost.

3 Implementation

Implementation of this Policy rests with the General Manager.

4 Attachments

Nil.



Glamorgan Spring Bay Council

Planning & Building Fees Policy

Version 2

Adopted: 27 August 2019
Minute No.: 141/19

Document Control

| | |
|--|------------------------|
| Planning & Building Fees Policy | |
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| Department responsible for policy development | Planning & Development |
| Publication of policy | Website |

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1 Introduction

1.1 Objective

- 1) To support community based organisations, providing services and activities for the community, by reducing the cost of local government regulatory permits: and
- 2) To incentivize and support new businesses, where the development increases the property rates by 20 times the minimum vacant land residential rate charge, by reducing the cost of local government regulatory permits.

1.2 Scope

The policy scope includes the waiving, reduction or refund of fees payable for applications under the Land Use Planning and Approvals Act 1993 or for permits under the Building Act 2016.

1.3 Background

Planning and building permits are issued under the Land Use Planning and Approvals Act 1993 and the Building Act 2016.

Objective 1.

In some instances, particularly on small scale projects, fees and charges associated with planning and building applications can form a significant component of project costs. The Council reply on community based non-for-profit organisations to provide services and activities to the community and particularly important to the under privileged in the community.

As an incentive to promote these developments and as a tangible sign to support these organisations, the Council consider it appropriate to abandon or reduce the payment of Council permit fees.

Objective 2.

In the establishment of a major new business in the municipal area, it is frequent that the new business seeks consensus from the Council to incentivize these business decisions. In reality the cost of permit fees is an insignificant component to the overall cost but a reduction in fees is a sign of good will on behalf of the Council to welcome the establishment of the business in the area. The establishment of the business results in an ongoing increase in the annual rates charged against the property – hence any reduction in fees should be quickly offset by the increase in rates base. Accordingly this incentive basis should be only used in very large developments where the increase in the rates base is equivalent to 20 times the minimum vacant land residential charge (generally \$725 FY2019/20).

The purpose of this Policy is to establish a consistent, equitable and transparent approach for the consideration of requests for the waiving, reducing or refunding of planning applications or building permit fees and charges:

- From community based non-for-profit organisations for their projects;
- From new businesses to the Glamorgan Spring Bay Council area which increase the rate based equivalent to 20 times the minimum residential charge.

1.4 Definitions

In this Policy:

“Community based organisation” means a recognised not-for-profit group or organisation that carries out one or more of the following activities:

- Provides services to the community such as positive ageing, child care or health services, charity services or services of a similar type;
- Reinvests or applies revenue it receives predominately for public interest services or activities;
- Principally provides social or junior sporting or recreational activities;
- Supports public events or information of an historical, cultural or community arts focus.

A community based organisation does not include:

- Any religious or political organisation;
- A profit making organisation;
- Schools and tertiary institutions;
- State or Federal government agencies and departments;
- Any organisation where more than 50% of its income is derived from any State or Federal government programs or from other sources of funding.

1.5 Related Policies and Legislation

This policy relates to and depends on other Council policies, as well as legislation, including:

- Part 8 of the Local Government Act 1993 provides for the reduction of fees and charges.
- The Land Use Planning and Approvals Act 1993 and the Building Act 2016 require that all prescribed fees are paid prior to any application being deemed valid.

1.6 Policy Review and Update Cycle

This policy is to be reviewed initially in August 2023.

1.7 Reporting

All successful and unsuccessful applications under the policy shall be reported to an open Council meeting as soon as practical at the end of each financial quarter.

The report shall include:

- Names of organisations
- Category justifying application of the policy
- The fees/charge that would apply before application of the policy
- The scale of any reduction (if any)
- Other relevant comments

2 Policy

The General Manager and Mayor jointly and in agreement may waive, reduce or refund fees and charges applicable to planning permit applications and building permit fees/charges, excluding statutory fees and charges collected by Council on behalf of the State Government, in the following circumstances.

- A. For Community based non-for-profit organisations where it is demonstrated that:
- A community benefit of the project or activity will arise that is consistent with Council's policies, strategies or activities; and
 - There is a capacity to carry out the proposed project or activity; and
 - The total cost of the project or activity is less than \$250,00
- Then
- A 50% reduction where it is proposed at least 75% of services/activities resulting from the development are provided at no charge to the community (except for nominal subscriptions or membership charges) OR
 - A 25% reduction where it is proposed at least 75% of services/activities resulting from the development are provided at cost recovery rate OR
 - A 100% reduction where all services are entirely benevolent services to those in the community in need. Such services shall be at no or nominal cost.
- B. For Businesses where it can be demonstrated that:
- The business is a new entity to the Glamorgan Spring Bay Council area; and
 - The rate base, following completion of the development, increases the rate base by an equivalent 20 times the minimum vacant land residential charge for that particularly locality; and
 - Reasonable proof proved that should the development be approved then the development shall substantial commence within 24 months of the issue of the building permit or 36 months of the issue of the planning permit – whichever is sooner. The Mayor and General Manager have discretion to refund fees (linked to a specific outcome) rather than waive fees if reasonable proof is not satisfactory.
- Then
- A 25% reduction.

Where the General Manager and/or Mayor and/or applicant seek to vary conditions or advocate for a greater reduction or concessions as listed within this policy, then it is required that the matter be reported to the Council for decision.

3 Exclusions

This policy does not apply to organisations or applicable due to:

- Circumstances of personal or financial hardship.
- Fees and charges collected by the Council on behalf of the state/federal government or related instrumentality or legislated obligation.
- Any organisations being a state or federal government department, GBE or owned by state or federal government.
- Over 75% of funds for the development are grants or subsidies provided by any form of government (including the Council).
- Planning Scheme amendments.
- Direct cost of advertising in newspapers (where applicable).

4 Implementation

Implementation of this Policy rests with the General Manager.



NRM Services Glamorgan Spring Bay

Annual Report 2023-2024

Natural Resource Management and Climate Resilience

In 2023-2024 Glamorgan Spring Bay Council has continued to work with the Landscape Recovery Foundation to deliver Natural Resource Management (NRM) services in Glamorgan Spring Bay. The Landscape Recovery Foundation is a not-for-profit organisation set up with the aim of protecting and restoring Tasmanian biodiversity and ecological processes on a landscape scale.

In September the Natural Resource Management and Climate Resilience Strategy for Glamorgan Spring Bay was endorsed by council. The strategy and summary document are available on council's website. The strategy provides a summary of Glamorgan Spring Bay's natural assets and a framework for working together to manage them. As a living document different stakeholders and community groups will be consulted and their feedback and priorities incorporated to refine and improve the document as key actions are implemented. This approach uses the principles of action planning, allowing the document to be able to adapt as new information about climate change and resource condition becomes available, and to ensure that the actions in the strategy are achieving the desired outcomes.

In February a stakeholder workshop was held in Triabunna to discuss a collaborative approach to implementing the NRM strategy, identify priorities and resourcing opportunities. 28 stakeholders attended, with cross tenure collaborative weed control and the sustainable use of water resources emerging as key priorities. LRF has commenced discussions with the Department of Natural Resources and Environment regarding water monitoring and management and in partnership with GSBC is developing a weed action plan for Glamorgan Spring Bay. The plan will guide the collaboration of on-ground weed management effort to ensure efficient and effective use of available resources across stakeholder groups.



NRM & Climate Resilience Strategy Stakeholder Workshop

Landscape Recovery Foundation | 16 Collins Street, Hobart | info@landscaperecovery.org



The East Coast Catchments Steering Committee continued to provide community leadership, local expertise, advice and strategic direction in NRM. The committee is made up of community members with a range of expertise and knowledge. The group has provided input into the NRM strategy, working with community and stakeholders across land tenures to maintain and improve our biodiversity, land, water and coast. With the strategy complete the committee is currently reviewing how it can continue to support the LRF deliver NRM Services in GSB. The group meets quarterly and will be calling for Expressions of Interest for new members in the coming months.

In October a celebration was held for community groups who stepped up to join the Great East Coast Clean Up in May 2023. Held at Jubilee Beach at Swansea the day was an opportunity to share a drink, a bite and a few stories.





Great East Coast Clean Up Celebration BBQ

A review of the Bicheno Flora and Fauna plan has been undertaken and the revised document and action plan will be submitted to Council in the coming weeks. The document includes updated weed mapping and incorporates penguin survey information and provides a simple action plan to assist volunteers working to protect the natural values of these beautiful foreshore areas.





9 Melbourne Street (PO Box 6)
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✉ admin@freycinet.tas.gov.au

🌐 www.gsbc.tas.gov.au

COMMUNITY SMALL GRANTS PROGRAM

GUIDELINES FOR APPLICATIONS

The Glamorgan Spring Bay Council's Community Small Grants Program provides small grants to community organisations and groups to assist them to undertake programs and activities within the Glamorgan Spring Bay municipal area.

Council receives requests for more funding than is available and consequently funds under the programs are limited. The majority of grants will be restricted to no more than \$1,000, however, in certain circumstances, Council may consider increasing the allocation.

There is no specific funding period. Applications for funding assistance shall be considered throughout the year until such time as the available funds have been exhausted.

Eligibility

Applications must be from not-for-profit organisations as defined as follows:

- Its main operating purpose is other than to provide goods and services for profit.
- Other than in the case of winding up, no member/owner has the right to surpluses of the entity.
- That entity does not have the right to transfer ownership to members/owners.
- Any resident of the Glamorgan Spring Bay municipal area who has been selected on merit to participate or compete in any event or project of state, national or international significance may seek funding assistance.

Projects should aim to:

- Address relevant community issues of significance.
- Be initiated within the community and actively involve local people.
- Improve access and encourage wider use of facilities.

Council Process Requirements:

Application:

- Complete the Community Small Grants Application form.
- Provide a plan or sketch of the proposed project (if applicable).
- Provide a copy of the project budget and evidence of basis of costs (Quotation).

Successful applicants after project completion:

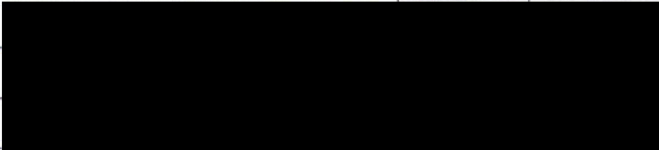

- Complete the Community Small Grants Acquittal form.
- Provide a brief written report of the success or otherwise of the project prior to the conclusion of the financial year, together with a photo (if applicable).
- Provide most recent financial statement or evidence of expenditure.

For further information, please contact the Community & Communications Officer

Phone: (03) 6256 4777

Email: community@freycinet.tas.gov.au

PO Box 6, Triabunna 7190

| APPLICANT DETAILS | | | |
|---|---|---------------------|----------------|
| Organisation / Group | SPRING BAY RSL SUB-BRANCH INC. | | |
| Is your organisation an incorporated body? | YES | Incorporated Number | IA10205 |
| Is your organisation a registered not-for-profit | YES | Registration Number | 57 183 793 892 |
| Contact Person |  | | |
| Contact Number | | | |
| Postal Address | | | |
| Email | | | |
| PROJECT TITLE AND BRIEF DESCRIPTION (If insufficient space, please attach additional sheet) | | | |
| Enclose BBQ extension permanently | | | |
| Spring Bay RSL Sub-Branch is planning to replace the exiting plastice blinds with aluminium windows and sliding glass doors | | | |
| OUTLINE INTENDED OUTCOMES OF THE PROJECT | | | |
| This strategy, when completed will provide a comfortable, extended indoor seating for a further 40 people at memorial services and other events organised by community groups utilising the facilities. | | | |
| FUNDING REQUEST | | | |
| Funding sought from council | \$ 1,000 | | |
| Funding to be contributed by you or your organisation | \$ 3,500 | | |
| Funding to be contributed from other organisations | \$15,500 | | |
| Total Project Expenses | \$20,000 | | |
| Signed |  | | |
| Name | Keith Pyke | | |
| Date | 8th September 2024 | | |

Spring Bay RSL Sub-Branch Inc.

Background history of the Sub-Branch and ideas for the project:

The existing Sub-Branch meeting room has been in its current location for many decades at 1 Vicary Street Triabunna 7190. However, Anzac Day and Remembrance Day services used to be held at the towns War Memorial located at the old Spring Bay Council Chambers building 38 Vicary St, Triabunna.

During the past decade Glamorgan Spring Bay Council moved its Offices and Chambers to 9 Melbourne Street, Triabunna and the vacated building has since been sold. When the Sub-Branch held the services at that site it was able to access the kitchen and large dining room to hold their Anzac Day Dawn Service breakfast.

On the sale of the building the new owner gave permission for the Sub-Branch to continue its Services there until such time the Cenotaph could be relocated to 1 Vicary St Triabunna. Time passed and just over 24 months ago the Sub-Branch was advised by Council that the Cenotaph needed to be relocated. With the combined support of Local Council, Spring Bay Rotary Club and Spring Bay RSL Sub-Branch the Cenotaph was relocated to 1 Vicary St, Triabunna.

The new Cenotaph has pride of place standing at the southern entrance to our town and faces the rising sun looking up Vicary Street. With the assistance of local council together with Community donations all the landscaping has been completed and new Flagpoles and safety rails installed. The Sub-Branch (around 8 yrs) was successful in obtaining funding from the Teddy Sheean foundation to replace their kitchen area which has allowed the Sub-Branch to cater on-site for the Anzac Day Dawn service breakfast and lunch's including Remembrance Day.

To be able to cater we need use of both our kitchen and meeting room including the undercover BBQ area and during the past 24 months the Sub-Branch reviewed the attendance numbers at the Services and consulted with other Community Organisations who hire the room for their meetings on any issues or further needs.

During consultation with our community partners, we have identified a demonstrated need for a larger space on site. In conjunction with our Community Colleagues, Rotary, Lions, Salvation Army, Anglican Church, etc. we continue to work in creating an environment that will make the use our rooms as a more affordable venue for hire. The Sub-Branch (as a not-for-profit organisation) charges a small hire fee for the rooms for everyone who may like to utilise the facility. Most or all other venues are expensive or are too large and public for many intimate social gatherings. The services we currently offer we intend to build upon.

Our current BBQ facility whilst roofed securely within the current building structure is not weatherproof as it has no walls on three sides, East, South and West. This setting results in the current use of plastic blinds to assist in some comfort for our members, patrons and other Community Organisations in wind and rainy conditions that occur. With support and funding, we are confident that by enclosing this structure permanently it will provide a warmer and user-friendly environment and double our current seating capacity, all year round.

The idea to enclose this area came from discussions at our local Sub-Branch monthly meetings, we identified that with a recent funding opportunity from the Teddy Sheean foundation we applied for funding to assist in covering part of the costs for our project. Installing both aluminium sliding doors and windows would extend our current facility in an affordable way.

A joint venture between the Anglican Church and the Salvation Army (3 yrs ago) started "lunch for mates" providing weekly lunches at the RSL's rooms. Food is prepared, cooked and served on site by volunteers, the organisers are finding more and more people attending, with the planned upgrade to our BBQ area the seating can extend into this area to cater for the increased numbers.

The reason our Sub-Branch is reaching out to your organisation for support is also due to criteria set out under the Teddy Sheean Grants Program and their expectations for applicants, I have included the following information for your interest and consideration:

2024-25 Teddy Sheean VC Memorial Grants Program – Committee considerations
Round 1

The T.S. Committee review whether our Sub-Branch organises funding or support from other external sources, when assessing our application, they look at contributions from other organisations, the income derived from commercial enterprises and the current assets that the Sub-Branch has, will all be considered.

The Committee also ask us to describe how our application is value for money. For e.g. our Sub-Branch RSL members will provide their labour in kind for this project, it is planned for a total of 6 days of preparation and installation of windows and doors. Cost of \$3,500. The RSL Sub-Branch has retired builders and electricians etc. who will assist the company to install the windows, they will volunteer their time to assist keeping costs to a minimum and the plan is to complete the project in readiness for the November 11 Remembrance Day 2025.

On behalf of the Veterans, families, members and guests of the Spring Bay RSL Sub-Branch I thank you in anticipation of a favourable outcome to our community funding application with Glamorgan Spring Bay Council's - Community Grants program.



K Pyke

SPRING BAY RSL SUB-BRANCH INC.

Budget – BBQ windows supply and installation

| | |
|--|--------------------|
| Hammer Aluminum – Supply windows (1 quote only – difficulty sourcing suppliers) | \$14,264.80 |
| RSL members – Installation Materials (as advised by RSL member – retired builder) | \$3,850.00 |
| Volunteer Labour \$3,500.00 | Nil |
| Freight Materials – Hobart to Triabunna | \$ 550.00 |
| Contingencies | \$ 1,800.00 |
| Total | <u>\$20,464.80</u> |

Funding Source

| | |
|-----------------------------|----------|
| <u>1.</u> Teddy Sheean | \$10,000 |
| <u>2.</u> GSBC | 1,000 |
| <u>3.</u> Bendigo Bank | 1,000 |
| <u>4.</u> Tassal | 1,000 |
| <u>5.</u> SBRS� Sub-Branch | 3,500 |
| <u>6.</u> Pop Up Book Stall | 3,500 |

Total \$20,000

(SBRS� Sub-Branch to fund short fall on completion of project)

