



**GLAMORGAN SPRING BAY  
COUNCIL**

**ORDINARY COUNCIL MEETING 27 OCTOBER 2020**

**ATTACHMENTS**

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# **TERMS OF REFERENCE SPECIAL COMMITTEES OF COUNCIL**

## **Schedule 1**

<b>Clause 1</b>	<b>Name of Special Committee</b>
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## **Schedule 2**

<b>Clause 1</b>	<b>Objectives of the Committee</b>
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<b>Clause 2</b>	<b>The Committee Structure</b>
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<b>Clause 3</b>	<b>Term of the Committee</b>
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<b>Clause 4</b>	<b>Functions of the Committee</b>
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<b>Clause 5</b>	<b>Restrictions on Committee Powers</b>
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<b>Clause 6</b>	<b>Committee Meeting Procedure</b>
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<b>Clause 10</b>	<b>Purchasing by the Committee</b>
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Pursuant to Section 24 of the *Local Government Act 1993*, Glamorgan Spring Bay Council hereby establishes a Special Committee as detailed in Schedule 1 and 2 below.

## **Schedule 1**

1. The name of the Special Committee shall be:

**Coles Bay Community Hall Committee**

## **Schedule 2**

### **1. Objectives of the Committee**

- 1.1 To manage the operation of the Coles Bay Community Hall, Annex and Reserve.
- 1.2 To ensure that community needs are met and the facilities are managed in the best interests of the community.

### **2. The Committee Structure**

- 2.1 The Committee shall consist of a minimum of five and a maximum of eleven members (unless Council has given prior approval for other numbers) who represent the principal activities conducted at the facility and such other members as Council may appoint from time to time.
- 2.2 The Committee shall elect or appoint a Chairperson, Secretary and a Treasurer or a Chairperson and a Secretary/Treasurer.

### **3. Term of the Committee**

- 3.1 Membership on the Committee will become vacant bi-annually, or when Council appoints a new Committee.

### **4. Functions of the Committee**

- 4.1 To manage the use of all facilities and collect appropriate hiring fees. This function includes obtaining a signed Application for Hire form and a copy of appropriate insurance policies.

UNDER NO CIRCUMSTANCES SHOULD A COUNCIL-OWNED FACILITY BE HIRED OUT WITHOUT A RISK ASSESSMENT, FORMAL ARRANGEMENTS, AND INSURANCE/INDEMNITY PROTECTION

- 4.2 To ensure all facilities are kept in a properly maintained condition with specific attention to:
  - the internal/external cleaning of the facility;

- the repair of minor damage to the facility occasioned by fair wear and tear and other improvements as may be necessary from time to time.
- 4.3 To advise Council of any major works the Committee considers necessary prior to action being taken where the cost of that work shall exceed \$2,500.
- 4.4 To provide Council with its recommendations for fees and charges for the use of the facility. The recommendation should be made by no later than 1 April of each year so that Council may consider the recommendations during budget discussions for the following financial year. While there is no guarantee that Council will adopt the recommended fees, every effort will be made to accept the recommendations of the committee. Minutes of all Committee Meetings should be submitted for Council endorsement.

The following matters should be taken into consideration when considering fees and charges:

- fees and charges should be set at a level which will offset the operational and maintenance costs of the facility;
  - funds required for upgrading, development and/or replacement, as may be required in the future;
  - fees and charges can reflect the contribution of regular, non-profit community users, for instance, where such users contribute “in-kind” towards the maintenance and upkeep of the hall;
  - special fee arrangements for non-profit users may be considered, where it can be demonstrated that the activity will offer widespread community benefits.. Such special arrangements, however, should be the exception rather than a regular occurrence and should not occur if it will jeopardize the financial security of the hall;
  - bonds should be set at a level to ensure that the cost of minor damage can be covered;
  - commercial ventures are to be charged appropriate commercial rates.
- 4.5 To maintain an inventory of all property within and associated with the hall, whether fixed or removable. The inventory is to be reviewed and updated annually by at least two members of the Committee, and must be tabled at the Annual General Meeting. All assets/property shall be recorded on the inventory at the time of purchase or disposal.

Property that is due for replacement or is no longer required may be disposed of only with the approval of a nominated Council Officer. Items shall be disposed of by public sale through public auction or by public tender on any item with a value of more than \$25.00.

## **5. Restrictions on Committee Powers**

- 5.1 The committee does not have the power to:
- impose fees, taxes, rates or charges;
  - rebate rates or charges;
  - make grants;
  - borrow money;

- make a rate;
- make a by-law;
- execute a Deed;
- sign a contract for a value in excess of \$2,500 without prior approval of Council;
- institute a legal proceeding;
- call for tenders without prior approval of the Council;
- advertise for and/or appoint an employee or servant unless approval has been given by the General Manager;
- Sell land.

## **6. Committee Meeting Procedure**

### **6.1 Quorum**

A Quorum of the Committee shall be one half of the Committee, plus one (rounded down).

Where a Quorum has not been present at three consecutive meetings, a Committee member shall notify the nominated council Officer.

### **6.2 Records to be kept by Committee Secretary**

The Committee Secretary shall keep minutes at each meeting detailing:

- those present;
- an accurate record of any motion indicating the mover and seconder and including the word 'Carried' or 'Lost' after each motion;
- the time, date and place of each meeting.

### **6.3 The Minutes of each meeting shall be confirmed at the subsequent meeting of that Committee.**

### **6.4 Records to be kept by Committee Treasurer**

It is the responsibility of the Committee Treasurer to maintain up-to-date financial records of income and expenditure and ensure that financial reports are tabled for discussion at each committee meeting.

### **6.5 Appointment of Acting Chairperson**

If the elected Chairperson is not available for a meeting an Acting Chairperson shall be chosen from those present at the meeting.

### **6.6 Time of Meetings**

Meetings of the Committee must be held at least four times per year.

### **6.8 Committee Minutes to be provided to Council -**

The Minutes of each Committee Meeting shall be provided to Council within fourteen (14) days following the conclusion of the meeting for endorsement at the next Ordinary Council Meeting.

#### 6.9 Meetings open to the Public

All meetings of the Committee or its Executive shall be open to the public.

#### 6.10 Notice of Meetings

- Notice of each Committee meeting shall be given to each Committee member and the General Manager at least seven (7) days in advance unless impractical to do so by reason of an urgent matter requiring a meeting to be held more promptly.
- Notice of the Annual General Meeting of the Committee shall be published in a newspaper generally circulated in the Hobart area at least fourteen (14) days prior to such Annual General Meeting.

6.11 The Committee shall hold an Annual General Meeting by 30<sup>th</sup> August in each year. Notice will be forwarded to the Councils nominated officer, who will ensure that an officer will be in attendance.

### 7. Financial Requirements

#### 7.1 Bank account

Upon prior approval of the General Manager or an authorised officer of Glamorgan Spring Bay Council, Special Committees are required to open and maintain a cheque book account. All transactions are to be conducted through the cheque account.

#### 7.2 Records to be maintained

Special Committees shall establish and maintain a cash book detailing all receipts and payments, as well as keep all supporting documentation such as receipts and invoices.

#### 7.3 GST requirements

For all payments made that include GST, a tax invoice must be obtained to enable Council to claim back any GST paid to the Australian Tax Office (ATO). At the end of each financial year, Council will forward the GST it claims back from the ATO to the Special Committee.

A tax invoice should include the following information:

- name of the supplies;
- Australian Business Number (ABN) of the supplier,
- the words "tax invoice";
- the words "GST inclusive", or "includes GST", or similar;
- the Special Committee's full name (not an individual's name).

If the supplier's ABN is not provided on an invoice, regardless of whether the goods or services purchased have included GST, Special Committees are required by law to withhold 48.5% of the payment unless the supplier completed a 'Statement by Supplier' stating the reason for not quoting an ABN.

For any income received, the payee is entitled to request a tax invoice from the Special Committee. Should this occur, the Special Committee must contact the Senior Finance Officer of the Council to prepare and remit the requested tax invoice. Generally, a business or enterprise will request tax invoices.

#### 7.4 End of financial year requirements

For auditing purposes, all financial records together with a list of current committee members shall be forwarded to the Senior Finance Officer of the Council within 14 days of the end of the financial year (that is, 14<sup>th</sup> July).

### 8. Insurance

Council's insurer provides public liability cover for all Special Committees. Individual user groups such as sports clubs are **NOT** covered by Council's policy and must ensure that they obtain separate public liability insurance to cover their operations. All user groups should also obtain their own contents insurance, as Council's policy does not cover contents owned by user groups.

#### 8.1 Buildings

Council insures its buildings, fittings and fixtures against fire, flood and damage.

The Committee should advise users leaving their property in Council's buildings to take out separate insurance cover for those goods and chattels. In some rare instances, with the consent of Council, the insurance of user groups' property may be arranged within the Council's insurance policies.

#### 8.2 Other Facilities

Council's other basic facilities are covered by public liability insurance. Council's insurance does not extend to cover participants in sporting events or other public events. A risk assessment should be undertaken. The Committee should advise user bodies that separate insurance should be taken out against injuries or damages caused by such activities.

User bodies shall not be allowed to use the facilities unless proof of current insurance is provided and an insurance form is completed.

The Committee shall report any potential public liability claims to Council's Manager of Corporate and Community Services or the Corporate Administrative Officer.

### 8.3 Stock in Trade

Council's insurance does not extend to cover stock sold by user groups from Council's premises. Separate insurance cover is required to be taken out by user groups.

### 8.4 Management Committee Members and Voluntary Workers

When requested, Council's personal accident and public liability insurance may be extended to cover Committee members and / or voluntary workers attending meetings and other activities such as working bees which have the prior approval of the Committee.

### 8.5 Restriction on Employment of Casual Workers

Committees should use extreme caution when wishing to employ any casual workers as the insurance ramifications may be significant. Therefore, workers must not be employed without the prior express written approval of the General Manager.

The Committee must sight, each year, a Certificate of Currency for Sporting Public Liability Insurance held by any sporting bodies that use the grounds or facilities, and assure that it remains current for the duration of the hire period. Copies shall be provided to Council's Manager of Corporate and Community Services or the Corporate Administrative Officer.

## 9. Alteration to Delegation and Terms of Reference

Council may amend this delegation and Terms of Reference at any time.

## 10. Purchasing by the Committee

The Committee is to purchase goods and services using a Glamorgan Spring Bay Council purchase order issued by the Council. Tax exemption for items may be obtained but will not apply for items which will be sold for a profit.

The Committee may purchase items that are required for the day-to-day running of the hall up to a sum of \$500.00. It is recommended that the Committee delegates authority to the Treasurer to purchase any minor items required up to a sum of \$200. Approval to purchase items exceeding \$200 must be approved and Minuted at a Committee meeting.

Asset purchases exceeding the sum of \$250.00 require the approval of the General Manager or the nominated Council Officer, and require at least two quotes.

Purchases in excess of \$500.00 must be submitted to Council for approval.

Purchases can only be made within the limits of the cash funds the Committee has at its disposal.





**GLAMORGAN SPRING BAY  
COUNCIL**

**INSTRUMENT OF DELEGATION  
TO  
GENERAL MANAGER**

**Reviewed: October 2020**

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## INTRODUCTION

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### Authority to delegate

Section 22 of the *Local Government Act 1993* (Tas) ("**Local Government Act**") gives Council authority to delegate functions and powers, in writing, to the General Manager, under the Local Government Act or any other Act except for the power of delegation and the matters referred to in s 22(3) of the Local Government Act.

Section 64 of the Local Government Act gives the General Manager authority to sub-delegate any functions or powers delegated by the Council which the Council authorises the General Manager to delegate to an employee of Council.

### Decision to delegate

The decision to delegate the powers and functions herein was made at a meeting of the Council on **(insert meeting date)**.

At that time Council also resolved to affix the seal on this Instrument of Delegation.

### Delegation

By this Instrument, Council delegates the powers and functions contained herein to the General Manager.

Council authorises the General Manager to sub-delegate the powers, functions or parts thereof, to an employee of Council in accordance with the required sub-delegations in this Instrument of Delegation.

If at any time the General Manager is unable to act, Council delegates the powers and functions of the General Manager to the Acting General Manager at the time.

Each delegation or authorisation is subject to:

- a) the conditions or restrictions (if any) referred to herein;
- b) such policies, policy guidelines and directions as the Council may from time to time approve; and
- c) the Council's By-laws or the provision of any Act.

Dated this [XX] day of [XX] 2020

The COMMON SEAL of GLAMORGAN SPRING  
BAY COUNCIL was affixed pursuant to a resolution  
of Council passed on the XX day of [XX], 2020  
in the presence of

MAYOR, Robert Young

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Councillor, [XX]

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## LOCAL GOVERNMENT ACT 1993

PROVISION	FUNCTION OR POWER	CONDITION OR RESTRICTION	ORIGINAL SOURCE OF POWER	DELEGATION	SUB-DELEGATION
S.19(3) & (5)	To use the common seal	In accordance with the Council's Use of the Common Seal of Council Policy	Council	General Manager	Nil
S.22(a)	To collect rates and charges	Nil	Council	General Manager	Nil
S.27(1)(e)	To act as spokesperson on behalf of Council on technical and factual matters	In accordance with the Council's Media Policy	Council	General Manager	Nil
S.74	To approve expenditure of Council funds	In accordance with Council's adopted estimates and capital works program and in line with Council's Tenders and Contracts Policy	Council	General Manager	Nil
S.75	To make investments	Nil	Council	General Manager	Nil
S.76	To write off bad debts	\$500	Council	General Manager	Nil
S.77	To make grants and benefit	\$300	Council	General Manager	Nil
S.81	To establish and maintain in Council's name such authorised deposit-taking institution accounts as considered necessary.	Nil	Council	General Manager	Nil
S.92	To adjust an amount payable	Nil	Council	General Manager	Nil
S.124(1)	To permit a ratepayer to pay rates by instalments	Nil	Council	General Manager	Nil
S.126	To agree to the postponement of rates for a specified period	Nil	Council	General Manager	Nil

## LOCAL GOVERNMENT ACT 1993

PROVISION	FUNCTION OR POWER	CONDITION OR RESTRICTION	ORIGINAL SOURCE OF POWER	DELEGATION	SUB-DELEGATION
S.127	To agree to the revocation of agreement for postponement of rates	Nil	Council	General Manager	Nil
S.129	Remission of rates	Nil	Council	General Manager	Nil
S.133-134	To recover rates	In accordance with any applicable Council policy	Council	General Manager	Nil
S.135	To recover debts	In accordance with any applicable Council policy	Council	General Manager	Nil
S.185	To undertake work subject to a fencing notice not undertaken by owners within period specified	Nil	Council	General Manager	Executive Manager Development
S.189	To close local highways	Nil	Council	General Manager	Nil
S.190	To consider any objection to a Section 189 road closure	Nil	Council	General Manager	Executive Manager Development
S.197	To sell, give away or destroy unclaimed animals	Nil	Council	General Manager	Nil
S.200	To determine if satisfied that a nuisance exists	Nil	Council	General Manager	Nil
S.203(b)	To undertake any action as required by the court to abate a nuisance or prevent likelihood of nuisance recurring	Nil	Council	General Manager	Executive Manager Development Manager Works Manager Building & Marine Infrastructure
S.207	To remit all or part of any fee or charge paid or payable in accordance with this section	To a maximum value of \$500	Council	General Manager	Nil
S.333A	To invite invitations to tender	Nil	Council	General Manager	Nil

## MONETARY PENALTIES ENFORCEMENT ACT 2005

### **(MPEA)**

PROVISION	FUNCTION OR POWER	CONDITION OR RESTRICTION	ORIGINAL SOURCE OF POWER	DELEGATION	SUB-DELEGATION
S.18	To refer an infringement to the Director MPEA	Nil	Council	General Manager	Senior Finance Officer
S.23	To withdraw an infringement notice referred to the MPEA	Nil	Council	General Manager	Senior Finance Officer
S.28	To receive application for variation of payment conditions.	Nil	Council	General Manager	Senior Finance Officer
S.39	To issue proceedings if an alleged offender elects a hearing	Nil	Council	General Manager	Nil

## LOCAL GOVERNMENT (BUILDING & MISCELLANEOUS PROVISION) ACT 1993

### **(LOGBMP Act 1993)**

PROVISION	FUNCTION OR POWER	CONDITION OR RESTRICTION	ORIGINAL SOURCE OF POWER	DELEGATION	SUB-DELEGATION
S.83	To approve plan of subdivision	Subject to granting of a planning approval for the purposes under <i>LUPA Act 1993</i>	Council	General Manager	Executive Manager Development
S.85	To refuse an application for a subdivision	In accordance with the provisions of the <i>LOGMP Act 1993</i>	Council	General Manager	Executive Manager Development
S.86	To require security for payment	In accordance with the provisions of the <i>LOGBMP Act 1993</i> .	Council	General Manager	Nil
S.91	To object to corrections to final plans	Must be within seven (7) days of receiving a notice from the Recorder of Titles	Council	General Manager	Executive Manager Development Municipal Engineers
S.92	To agree or oppose amendments to final plans and put forward proposals to the Recorder of Titles	Nil	Council	General Manager	Nil
S.93	To cancel final plan withdrawn or rejected by the Recorder of Titles	Nil	Council	General Manager	Nil
S.103	To approve amendments to sealed plans	Where no hearing is required under s 104 <i>LOGBMP Act</i>	Council	General Manager	Nil
S.110	To approve adhesion orders	Nil.	Council	General Manager	Nil
S.115	To approve exempt subdivisions under this section	Nil	Council	General Manager	Nil
S.116	To determine limitation or expansion on requirement for public open space and determine compensation if necessary	Nil	Council	General Manager	Nil
S.117	To require payment instead of increasing public open space	Nil	Council	General Manager	Nil

## ENVIRONMENTAL MANAGEMENT AND POLLUTION CONTROL ACT 1994

**(EMPCA 1994)**

PROVISION	FUNCTION OR POWER	CONDITION OR RESTRICTION	ORIGINAL SOURCE OF POWER	DELEGATION	SUB-DELEGATION REQUIRED
S.21	To appoint a Council officer for the purposes of this Act	Nil	Council	General Manager	Environmental Health Officer
S.22(1A)	To keep a register of environment protection notices	Nil	Council	General Manager	Environmental Health Officer
S.23	To consult and determine trade secrets	Nil	Council	General Manager	Environmental Health Officer
S.44	To serve and issue environment protection notices	Nil	Council	General Manager	Environmental Health Officer
S.47	To take the necessary action on non-compliance with an environment protection notice	Nil	Council	General Manager	Environmental Health Officer
S.48	To commence civil enforcement proceedings	Nil	Council	General Manager	Environmental Health Officer
S.61	To advise of any action to be taken in respect to alleged contraventions of the <i>EMPCA 1994</i>	Nil	Council	General Manager	Environmental Health Officer
S.64	To recover costs	Nil	Council	General Manager	Nil
S.65	To recover other costs associated with prosecutions	Nil	Council	General Manager	Nil
S.94	To release seized things	Nil	Council	General Manager	Environmental Health Officer



## RESOURCE MANAGEMENT AND PLANNING APPEAL TRIBUNAL ACT 1993

PROVISION	FUNCTION OR POWER	CONDITION OR RESTRICTION	ORIGINAL SOURCE OF POWER	DELEGATION	SUB-DELEGATION REQUIRED
s.17	To enter into agreements as a result of a conference held during an appeal in the Resource Management and Planning Appeal Tribunal	Nil	Council	General Manager	Executive Manager Development

## LAND USE PLANNING AND APPROVALS ACT 1993

### **(LUPA) Act**

PROVISION	FUNCTION OR POWER	CONDITION OR RESTRICTION	ORIGINAL SOURCE OF POWER	DELEGATION	SUB-DELEGATION REQUIRED
s.33(1)	To request for amendment of planning scheme	Only to accept a request for a minor amendment	Council	General Manager	Executive Manager Development
s.33(2)	To request for amendment of planning scheme	To determine that an application for a planning scheme amendment is in the approved form for processing.	Council	General Manager	Executive Manager Development
s.33(5)	To request for amendment of planning scheme	To submit prescribed notice to the Tasmanian Planning Commission on a request to amend the Glamorgan Spring Bay Planning Scheme 2013 in accordance with s.33(5) of the Act	Council	General Manager	Executive Manager Development
s.33A(1) Repealed but Active	To request additional information for a planning scheme amendment		Council	General Manager	Executive Manager Development
s.33A(2) Repealed but Active	To determine that a request under 33A(1) has been satisfied	Nil.	Council	General Manager	Executive Manager Development
s.34(3)	To withdraw an amendment to the Glamorgan Spring Bay Interim Planning Scheme 2015 in response to a request under s.33, where the amendment was initiated under delegated authority	Nil.	Council	General Manager	Executive Manager Development
S.34(5)	To notify the Tasmanian Planning Commission of withdrawal of amendment and advertise in newspaper	Nil	Council	General Manager	Executive Manager Development

## LAND USE PLANNING AND APPROVALS ACT 1993

PROVISION	FUNCTION OR POWER	CONDITION OR RESTRICTION	ORIGINAL SOURCE OF POWER	DELEGATION	SUB-DELEGATION REQUIRED
s.35	To certify a draft amendment that was initiated under delegation as compliant with the requirements of s.32 of the Act	Nil.	Council	General Manager	Executive Manager Development
s.37	To make a request to the Tasmanian Planning Commission to dispense with certain requirements upon submission of a draft amendment	Nil.	Council	General Manager	Executive Manager Development
s.39(2)	To submit a report to the Tasmanian Planning Commission where no representations were received to the statutory notification of a planning scheme amendment	Nil	Council	General Manager	Executive Manager Development
S.41A	To undertake any directions made by the Tasmanian Planning Commission	Nil	Council	General Manager	Executive Manager Development
S.43A	To accept an application for a planning application combined with a request for a planning scheme amendment	Nil	Council	General Manager	Executive Manager Development
S.43B	To agree to a request under s.43A of the LUPA Act	Nil	Council	General Manager	Executive Manager Development
S.43E(1)	To request additional information for a planning application combined with a planning scheme amendment	Nil.	Council	General Manager	Executive Manager Development
S.43E(2)	To determine that a request under 43E(1) has been satisfied	Nil	Council	General Manager	Executive Manager Development

## LAND USE PLANNING AND APPROVALS ACT 1993

PROVISION	FUNCTION OR POWER	CONDITION OR RESTRICTION	ORIGINAL SOURCE OF POWER	DELEGATION	SUB-DELEGATION REQUIRED
S.43EA(2)	To provide the Tasmanian Planning Commission any such materials relevant to the review of the process by which the planning authority reached its decision	Nil	Council	General Manager	Executive Manager Development
s.43F(6)	To submit a report to the Tasmanian Planning Commission concerning the planning authority's opinion of representations or where no representations were received to the statutory notification of a planning application combined with a planning scheme amendment and recommendations as considered necessary	Nil	Council	General Manager	Executive Manager Development
S.43G	To appoint a delegate to represent Council at any hearings convened by the Tasmanian Planning Commission or to represent the planning authority at any hearing convened by the Tasmanian Planning Commission	Nil	Council	General Manager	Executive Manager Development
S.43(I- K)	To agree to the extension of time of a Section 43A permit. Correct a mistake in a Section 43A permit. Make minor amendments to a Section 43A permit	Nil	Council	General Manager	Executive Manager Development
S.44	To undertake a review of the planning scheme as directed by the Tasmanian Planning Commission	Nil	Council	General Manager	Executive Manager Development

## LAND USE PLANNING AND APPROVALS ACT 1993

PROVISION	FUNCTION OR POWER	CONDITION OR RESTRICTION	ORIGINAL SOURCE OF POWER	DELEGATION	SUB-DELEGATION REQUIRED
S.48A	To issue notices requiring removal of signs	Nil	Council	General Manager	Executive Manager Development
S.53(5) – (5C)	To grant an extension of the period during which an approved use or development must be substantially commenced or determine that a permit has lapsed	Nil	Council	General Manager	Executive Manager Development
S.54	To make requests for additional information and determine whether additional information is satisfactory	Nil	Council	General Manager	Executive Manager Development
S.55	To correct mistakes on a permit	Nil	Council	General Manager	Executive Manager Development
S.56	To determine a request for a minor amendment of a permit	Nil	Council	General Manager	Executive Manager Development
S.57(2)	To refuse any application for a permit where such applications could not lawfully be approved	Nil	Council	General Manager	Executive Manager Development
S.57(3)	To extend the 14 day representation period by a further 14 days	Nil	Council	General Manager	Executive Manager Development
S.57(6)	To approve with or without conditions, or refuse, a discretionary application for a permit and grant an extension of time	Where no more than two opposing representations have been received.	Council	General Manager	Executive Manager Development
S.57(6A)	To refuse an application where the applicant will not agree to an extension of time in accordance with this section or to grant an extension of time	Nil	Council	General Manager	Executive Manager Development

## LAND USE PLANNING AND APPROVALS ACT 1993

PROVISION	FUNCTION OR POWER	CONDITION OR RESTRICTION	ORIGINAL SOURCE OF POWER	DELEGATION	SUB-DELEGATION REQUIRED
S.57A	Instigate, or be a party to any mediation in relation to a discretionary permit under s 57 of the LUPA Act	Nil	Council	General Manager	Executive Manager Development
S.58	To grant permits with or without conditions for uses or developments assessed under Acceptable Solutions within the applicable planning scheme	Nil	Council	General Manager	Executive Manager Development
S.59(2)	To serve notice of Council having failed to determine an application for permit in accordance with this section	Nil	Council	General Manager	Executive Manager Development
S.61	To represent the Council in any appeals lodged against permit decisions including appointing and instructing internal or external representatives on behalf of Council	Nil	Council	General Manager	Executive Manager Development
S.71	To enter into agreements under Part 5 of this Act	Nil	Council	General Manager	Executive Manager Development
S.73	To enter into agreements requiring bonds and/or guarantees	Nil	Council	General Manager	Executive Manager Development
S.73A	To enter into agreements for payment or other contributions for infrastructure	Nil	Council	General Manager	Executive Manager Development
S.74(3)	To end a part 5 agreement	Nil.	Council	General Manager	Executive Manager Development
S.75	To make amendments to part 5 agreements	Nil	Council	General Manager	Executive Manager Development

## LAND USE PLANNING AND APPROVALS ACT 1993

PROVISION	FUNCTION OR POWER	CONDITION OR RESTRICTION	ORIGINAL SOURCE OF POWER	DELEGATION	SUB-DELEGATION REQUIRED
S.78	To register part 5 agreement	Nil	Council	General Manager	Executive Manager Development
s.82	To certify a true copy of a planning scheme, special planning order, permit or special permit for tendering to a court, tribunal or any person acting judicially and authorise a person for the same	Nil.	Council	General Manager	Executive Manager Development

## LOCAL GOVERNMENT (GENERAL) REGULATIONS 2015

PROVISION	FUNCTION OR POWER	CONDITION OR RESTRICTION	ORIGINAL SOURCE OF POWER	DELEGATION	SUB-DELEGATION REQUIRED
S.23(2)	Through a public tender process, the establishment of 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	Must be in accordance with Council's Tenders & Contracts Policy	Council	General Manager	Executive Manager Development Manager Works
S.23(4)(a)	To extend a contract entered into by tender as specified in the contract	If not explicit in the contract, an extension is required to be decided by an absolute majority of Council.  In accordance with Council's Tenders & Contracts Policy	Council	General Manager	Executive Manager Development Manager Works
S.23(5)	To report in the Annual Report on any contracts over \$100,000 in accordance with the section	In accordance with Council's Tenders & Contracts Policy	Council	General Manager	Executive Manager Development Manager Works
S.25	To establish a multiple-use register of suppliers in accordance with the section	In accordance with Council's Tenders & Contracts Policy	Council	General Manager	Executive Manager Development Manager Works
S.26	To establish a multiple-stage tender process in accordance with the section	In accordance with Council's Tenders & Contracts Policy	Council	General Manager	Executive Manager Development Manager Works



## BUILDING REGULATIONS 2016

PROVISION	FUNCTION OR POWER	CONDITION OR RESTRICTION	ORIGINAL SOURCE OF POWER	DELEGATION	SUB-DELEGATION REQUIRED
R.43(1)	To provide written consent for works proposed pursuant to r.43(1)	Nil	Council	General Manager	Executive Manager Development Plumbing Inspector
R.43(3)	If not satisfied that a stormwater drainage system is sealed in accordance with the <i>Building Act</i> , to enter the premises and perform any work necessary	Nil	Council	General Manager	Executive Manager Development Plumbing Inspector
R.43(5)	Power to recover costs as a charge under the <i>Local Government Act</i> for plumbing work undertaken involving network utility operator's stormwater drainage systems	Nil	Council	General Manager	Executive Manage Development

## STRATA TITLES ACT 1998

PROVISION	FUNCTION OR POWER	CONDITION OR RESTRICTION	ORIGINAL SOURCE OF POWER	DELEGATION	SUB-DELEGATION REQUIRED
S.31	To accept applications for a certificate of approval, require further information and accept or refuse application	Nil	Council	General Manager	Executive Manager Development
S.31AA	To determine an application for a certificate of approval made wholly or partly in respect of vacant land	Nil	Council	General Manager	Executive Manager Development
S.37	To approve Staged Development Schemes	Nil	Council	General Manager	Executive Manager Development
S.42	To accept a valid application of a variation of scheme in accordance with the section	Nil	Council	General Manager	Executive Manager Development
S.54	To approve community development scheme in accordance with the section	Nil	Council	General Manager	Executive Manager Development
S.58	To accept a valid application of a variation of scheme in accordance with the section	Nil	Council	General Manager	Executive Manager Development

## PUBLIC HEALTH ACT 1997

PROVISION	FUNCTION OR POWER	CONDITION OR RESTRICTION	ORIGINAL SOURCE OF POWER	DELEGATION	SUB-DELEGATION REQUIRED
S.28	To develop and implement strategies to promote and improve public health	Nil	Council	General Manager	Environmental Health Officer
S.31	To issue a certificate of authority to an authorised officer	Nil	Council	General Manager	Nil
S.77	Grant or refuse public assembly licence in accordance with section	Nil	Council	General Manager	Environmental Health Officer
S.78	Issue of licence (public assembly) in accordance with the section	Nil	Council	General Manager	Environmental Health Officer
S.81	To grant or refuse the renewal of a public assembly licence	Nil	Council	General Manager	Environmental Health Officer
S.82	To vary public assembly licence	Nil	Council	General Manager	Environmental Health Officer
S.83	To cancel a public assembly licence	Nil	Council	General Manager	Environmental Health Officer
S.84	To enforce overcrowding in places subject to a public assembly licence	Nil	Council	General Manager	Environmental Health Officer
S.87	To issue a closure order	Nil	Council	General Manager	Environmental Health Officer
S.88	To serve a closure order	Nil	Council	General Manager	Environmental Health Officer
S.89	To revoke a closure order	Nil	Council	General Manager	Environmental Health Officer
S.92	To issue a rectification notice	Nil	Council	General Manager	Environmental Health Officer
S.97	To grant or refuse registration of premises for public risk activity	Nil	Council	General Manager	Environmental Health Officer
S.98	To issue a certificate of registration of premises for public risk activity	Nil	Council	General Manager	Environmental Health Officer

## PUBLIC HEALTH ACT 1997

PROVISION	FUNCTION OR POWER	CONDITION OR RESTRICTION	ORIGINAL SOURCE OF POWER	DELEGATION	SUB-DELEGATION REQUIRED
S.101	To grant or refuse the renewal of registration of premises for public risk activity	Nil	Council	General Manager	Environmental Health Officer
S.102	To vary registration of premises for public risk activity	Nil	Council	General Manager	Environmental Health Officer
S.103	To cancel registration of premises for public risk activity	Nil	Council	General Manager	Environmental Health Officer
S.106	To grant or refuse licence to carry out public health risk activity	Nil	Council	General Manager	Environmental Health Officer
S.107	To issue licence to carry out public health risk activity	Nil	Council	General Manager	Environmental Health Officer
S.110	To grant or to refuse the renewal of licence to carry out public health risk activity	Nil	Council	General Manager	Environmental Health Officer
S.111	To vary licence to carry out public health risk activity	Nil	Council	General Manager	Environmental Health Officer
S.112	To cancel licence to carry out public health risk activity	Nil	Council	General Manager	Environmental Health Officer
S.115	To grant or refuse registration of regulated system	Nil	Council	General Manager	Environmental Health Officer
S.116	To issue certificate of registration of regulated system	Nil	Council	General Manager	Environmental Health Officer
S.119	To serve and enforce notice issued by Director under s 118	Nil	Council	General Manager	Environmental Health Officer
S.121	To grant or refuse the renewal of registration of regulated system	Nil	Council	General Manager	Environmental Health Officer
S.122	To vary registration of regulated system	Nil	Council	General Manager	Environmental Health Officer
S.123	To cancel the registration of regulated system	Nil	Council	General Manager	Environmental Health Officer

## PUBLIC HEALTH ACT 1997

PROVISION	FUNCTION OR POWER	CONDITION OR RESTRICTION	ORIGINAL SOURCE OF POWER	DELEGATION	SUB-DELEGATION REQUIRED
S.129	To make an order concerning water quality that is, or is likely to become, a threat to public health	Nil	Council	General Manager	Environmental Health Officer
S.131	To take samples from any water	Nil	Council	General Manager	Environmental Health Officer
S.135	To grant or refuse registration as supplier of water from private water source	Nil	Council	General Manager	Environmental Health Officer
S.136	To issue certificate of registration as supplier of water from private water source	Nil	Council	General Manager	Environmental Health Officer
S.136AA	To grant or refuse the renewal of registration as supplier of water from private water source	Nil	Council	General Manager	Environmental Health Officer
S.136B	To vary the registration of a supplier of water from private source	Nil	Council	General Manager	Environmental Health Officer
S.136C	To cancel the registration as supplier of water from private water source	Nil	Council	General Manager	Environmental Health Officer
S.136G	To grant or refuse registration as a water carrier	Nil	Council	General Manager	Environmental Health Officer
S.136H	To issue certificate of registration as a water carrier	Nil	Council	General Manager	Environmental Health Officer
S.136I	To grant or refuse renewal of registration as water carrier	Nil	Council	General Manager	Environmental Health Officer
S.136K	To vary the registration as a water carrier	Nil	Council	General Manager	Environmental Health Officer

## PUBLIC HEALTH ACT 1997

PROVISION	FUNCTION OR POWER	CONDITION OR RESTRICTION	ORIGINAL SOURCE OF POWER	DELEGATION	SUB-DELEGATION REQUIRED
S136L	To cancel registration as a water carrier	Nil	Council	General Manager	Environmental Health Officer
S.144	To keep a register of registered regulated systems, registered users and suppliers of water from private water sources and registered premises used for public health risk activities	Nil	Council	General Manager	Environmental Health Officer
S.158	To commence proceedings in accordance with Division 4 – Offences	Nil	Council	General Manager	Environmental Health Officer
S.169	To issue infringement notices	Nil	Council	General Manager	Environmental Health Officer
S.190	To sell, destroy or otherwise dispose of forfeited things and consider application to purchase the thing(s) by owner	Nil	Council	General Manager	Environmental Health Officer
S.191	To consider application to return and/or access to seized things	Nil	Council	General Manager	Environmental Health Officer
S.192	To sell or otherwise dispose of anything seized	Cannot sell or otherwise dispose of anything seized until 14 days since the date of seizure and an appeal has not been lodged by the owner under s 160	Council	General Manager	Environmental Health Officer

## FOOD ACT 2003

PROVISION	FUNCTION OR POWER	CONDITION OR RESTRICTION	ORIGINAL SOURCE OF POWER	DELEGATION	SUB-DELEGATION REQUIRED
S.33	To make an emergency order	Nil	Council	General Manager	Executive Manager Development Environmental Health Officer
S.37	To determine compensation resulting from order	Nil	Council	General Manager	Nil
S.50	To determine applications disallowing seizure of item(s) and/or to destroy, sell or otherwise dispose of seized item	Nil	Council	General Manager	Executive Manager Development Environmental Health Officer
S.51	To recover the costs of destruction or disposal of forfeited item	Nil	Council	General Manager	Executive Manager Development Environmental Health Officer
S.52	To return of forfeited item	Nil	Council	General Manager	Executive Manager Development Environmental Health Officer
S.53	To determine compensation to be paid in certain circumstances	Nil	Council	General Manager	Nil
S.65	To request re-inspection	Nil	Council	General Manager	Executive Manager Development Environmental Health Officer
S.68	To determine and pay compensation to person bound by prohibition order	Nil	Council	General Manager	Nil
S.87	To determine registration of food business	Nil	Council	General Manager	Executive Manager Development Environmental Health Officer

## FOOD ACT 2003

PROVISION	FUNCTION OR POWER	CONDITION OR RESTRICTION	ORIGINAL SOURCE OF POWER	DELEGATION	SUB-DELEGATION REQUIRED
S.89	To determine renewal of registration	Nil	Council	General Manager	Executive Manager Development Environmental Health Officer
S.91	To determine variation of conditions, or suspension or cancellation, of registration of food business	Nil	Council	General Manager	Executive Manager Development Environmental Health Officer
S.94	To maintain register of food businesses	Nil	Council	General Manager	Executive Manager Development Environmental Health Officer
S.98(1)(a)	To carry out orders and perform functions given by the Director of Public Health	Nil	Council	General Manager	Executive Manager Development Environmental Health Officer
S.100(1)	To commission reports to Director of Public Health	Nil	Council	General Manager	Nil
S.100(2)	To report the details of proceedings for offences to Director of Public Health	Nil	Council	General Manager	Executive Manager Development Environmental Health Officer
S.101	To appoint authorised officers	Nil	Council	General Manager	Nil
S.102	To provide authorised officers certificates of authority	Nil	Council	General Manager	Nil
S.104(1)(a)(iii)	To institute proceedings	Nil	Council	General Manager	Nil
S.113	Proceedings relating to third persons	Nil	Council	General Manager	Nil
S.118	To issue Infringement Notices	Nil	Council	General Manager	Nil



## DOG CONTROL ACT 2000

PROVISION	FUNCTION OR POWER	CONDITION OR RESTRICTION	ORIGINAL SOURCE OF POWER	DELEGATION	SUB-DELEGATION REQUIRED
S.7(1)	To develop, make and implement a policy relating to dog management	Nil	Council	General Manager	Executive Manager Development Compliance Coordinator
S.59(4)	To comply with any directions given by the Magistrates Court (Administrative Appeals Division)	Nil	Council	General Manager	Executive Manager Development Compliance Coordinator

## BURIAL AND CREMATIONS ACT 2019

PROVISION	FUNCTION OR POWER	CONDITION OR RESTRICTION	ORIGINAL SOURCE OF POWER	DELEGATION	SUB-DELEGATION REQUIRED
S.16	To enter premises of regulated business, crematorium or cemetery to ascertain whether an offence has been committed contrary to the Act	Requires warrant to enter or permission of occupier of residence	Council	General Manager	Executive Manager Development Compliance Coordinator Environmental Health Officer
S.17	To collect evidence in entering premises	If evidence obtained by entry under S.16, requires warrant or permission of occupier of residence (subject to S.16 of the Act)	Council	General Manager	Executive Manager Development Compliance Coordinator Environmental Health Officer
S.18	To retain records, documents or other thing(s) seized	If evidence obtained by entry under S.16, requires warrant or permission of occupier of residence (subject to S.16 of the Act)	Council	General Manager	Executive Manager Development Compliance Coordinator Environmental Health Officer
S.29(4)	To keep a record of internment	Nil	Council	General Manager	Executive Manager Development Compliance Coordinator Environmental Health Officer

## ROADS AND JETTIES ACT 1935

PROVISION	FUNCTION OR POWER	CONDITION OR RESTRICTION	ORIGINAL SOURCE OF POWER	DELEGATION	SUB-DELEGATION REQUIRED
S.11(2)	To reach agreement on maintenance or reconstruction of a state highway or subsidiary road with the Minister	Nil	Council	General Manager	Nil
S.28	To purchase or take land required for the purpose of a quarry or gravel pit	Must be in the same manner and subject to the like conditions to acquiring land for constructing, widening or altering a road	Council	General Manager	Executive Manager Development
S.29	To withdraw the notice of intention to take land	Determination that it is inexpedient to pay the amount of compensation determined	Council	General Manager	Executive Manager Development
S.32	To enter land and stake out the land	Seven (7) days' notice to occupier required	Council	General Manager	Executive Manager Development Manager Works
S.33	To enter a contract to rent land from the owner for obtaining materials for construction or maintenance of nay road or street or other purpose applicable to the road authority	Nil	Council	General Manager	Executive Manager Development
S.34	To use uncultivated land for temporary road	While road is being re-constructed, widened, diverted, altered, improved, or repaired	Council	General Manager	Executive Manager Development Manager Works
S.35	To take, cut down and remove timber from land and/or to dig, quarry and carry away materials required for construction or maintenance of any road	Seven (7) days' notice to owner or occupier and compensation payable	Council	General Manager	Executive Manager Development Manager Works

## ROADS AND JETTIES ACT 1935

PROVISION	FUNCTION OR POWER	CONDITION OR RESTRICTION	ORIGINAL SOURCE OF POWER	DELEGATION	SUB-DELEGATION REQUIRED
S.36	To cause all quarries and pits to be fenced or otherwise secured	Nil	Council	General Manager	Executive Manager Development Manager Works
S.37	To restore any fences taken down	Nil	Council	General Manager	Executive Manager Development Manager Works
S.38	To erect a fence where a road has been diverted through private property	If required by the owner or occupier of said land	Council	General Manager	Executive Manager Development Manager Works
S.40	To enter any land adjoining a road which the road authority has the care, control or management for, for the purpose of maintaining or reconstructing that road	Nil	Council	General Manager	Executive Manager Development Manager Works
S.41	To make, cleanse and keep open all drains or watercourses it may deem necessary in and through any land adjoining or near any road of which it has the construction or maintenance	Notice of 14 days required to owner or occupier with particularisation of works  Compensation required for any damage caused by reason of works  Obligation to maintain and repair drain or watercourse	Council	General Manager	Executive Manager Development Manager Works
S.42	To cause cutting or trimming of fence, hedge, construction, tree or vegetation on property adjoining a road that the road authority is responsible for	21 days' notice in writing to owner or occupier requiring removal  If non-compliance after 21 days, cause the reduction in height and recover costs from court	Council	General Manager	Executive Manager Development Manager Works

## ROADS AND JETTIES ACT 1935

PROVISION	FUNCTION OR POWER	CONDITION OR RESTRICTION	ORIGINAL SOURCE OF POWER	DELEGATION	SUB-DELEGATION REQUIRED
S.43	To give reasonable directions to owner/occupier of land concerning the discharge of concentrated drainage from land adjacent to road	Works must have been done on land by Council	Council	General Manager	Executive Manager Development Manager Works
S.44	To cause culverts to be constructed by owners at entrances to lands adjoining roads	Must be at or opposite to any entrance to the land used or intended to be used for vehicular traffic  Notice must specify the nature and dimensions of the culvert	Council	General Manager	Executive Manager Development Manager Works
S.45	To issue an infringement notice concerning the failure to shut a gate	Must be a Council maintained road and have distinctly painted words "Shut This Gate: Penalty \$10"	Council	General Manager	Executive Manager Development Manager Works
S.46	To recover compensation for damage caused to a road by excessive weight or extraordinary traffic passing the road	May enter into an agreement to recover compensation	Council	General Manager	Executive Manager Development Manager Works
S.47	To cause road metal, vehicle, plant or other materials to be stacked, deposited or left on such road	Not less than 2.5 metres away from road for a country road  Not less than 3 metres away from road for state highway	Council	General Manager	Executive Manager Development Manager Works
S.47A	To erect warning gantries and crash beam gantries necessary for the protection of a bridge	Requires prior approval of Minister	Council	General Manager	Executive Manager Development Manager Works

## ROADS AND JETTIES ACT 1935

PROVISION	FUNCTION OR POWER	CONDITION OR RESTRICTION	ORIGINAL SOURCE OF POWER	DELEGATION	SUB-DELEGATION REQUIRED
S.48	To grant authority to any person/entity to lay down, construct and maintain a tramway or railway along or across any road under the Road Authority's control and subject to such terms and conditions recommended by the Court	Requires consent of Governor and conditions are required to be approved by Governor	Council	General Manager	Executive Manager Development Manager Works
S.48A	To remove an article that has been abandoned on a road under the Road Authority's control or State highway	Subject to restrictions and conditions concerning retention, disposal and sale of abandoned items at S.48A(2) – (13)	Council	General Manager	Executive Manager Development Manager Works
S.48B	To move, keep or impound any vehicle (and anything in, or attached to the vehicle)	Subject to restrictions and conditions at S.48B (1)-(6)	Council	General Manager	Executive Manager Development Manager Works
S.49	To give notice to remove an obstruction that interferes with draining of a road; and  To undertake any works required to abate the obstruction and recover the cost	To give 21 days' notice to owner/occupier to remove obstruction	Council	General Manager	Executive Manager Development Manager Works

## WEED MANAGEMENT ACT 1999

PROVISION	FUNCTION OR POWER	CONDITION OR RESTRICTION	ORIGINAL SOURCE OF POWER	DELEGATION	SUB-DELEGATION REQUIRED
S.34(3)	To appoint a suitably qualified person as an inspector	Requires the approval of the Secretary	Council	General Manager	Nil

## HEAVY VEHICLE NATIONAL LAW (TASMANIA) ACT 2013

PROVISION	FUNCTION OR POWER	CONDITION OR RESTRICTION	ORIGINAL SOURCE OF POWER	DELEGATION	SUB-DELEGATION REQUIRED
S.12	To act as authority for the purposes of Heavy Vehicle National Law (Tasmania)	Nil	Council	General Manager	Works Manager
S.16	To act as road manager for a road controlled by Council	Nil	Council	General Manager	Nil
S.27	To facilitate the supply of a route assessment and charge and recover a fee for the route assessment	In accordance with Council's fee register	Council	General Manager	Nil



## URBAN DRAINAGE ACT 2013

PROVISION	FUNCTION OR POWER	CONDITION OR RESTRICTION	ORIGINAL SOURCE OF POWER	DELEGATION	SUB-DELEGATION REQUIRED
S.5	To provide adequate public stormwater systems, to communicate with and implement any order made by the Minister and appeal to the Resource Management and Planning Appeals Tribunal	Nil	Council	General Manager	Nil
S.6	To cause the public stormwater systems owned and operated by Council in good working order and for the purpose of cleaning, maintaining and repairing, may utilise powers available for construction of public stormwater systems	Nil	Council	General Manager	Nil
S.7	To negotiate for the provision of stormwater services with a third-party provider	Nil	Council	General Manager	Executive Manager Development Manager Works
S.8	To refer the provision of commercial arrangements where agreement cannot be reached to an arbitrator	Must be in accordance with the <i>Commercial Arbitration Act 2011</i> (Tas)	Council	General Manager	Executive Manager Development Manager Works
S.10	To cause a stormwater system management plan to be developed	Must specify the requirements prescribed in S.10(2)	Council	General Manager	Executive Manager Development Manager Works
S.11(8)	To negotiate and pay expenses incurred by a person complying with construction of private stormwater system vested in Council	Must be in accordance with S.11(1)-(7)	Council	General Manager	Nil

## ROADS AND JETTIES ACT 1935

PROVISION	FUNCTION OR POWER	CONDITION OR RESTRICTION	ORIGINAL SOURCE OF POWER	DELEGATION	SUB-DELEGATION REQUIRED
S.12	To maintain publicly available map showing all public stormwater systems within the urban area of the municipal area	Nil	Council	General Manager	Executive Manager Development Manager Works
S.14(5)	To recover costs as a result of interference with public stormwater system	Nil	Council	General Manager	Executive Manager Development Manager Works
S.17	To construct any public stormwater system on a right of way or private land for the purpose of meeting Council's obligations under the UDA	Must provide 28 days' notice of intention to construct public stormwater system to owners of all land through, under or over which the public stormwater system is to pass	Council	General Manager	Executive Manager Development Manager Works
S.19	To request connection to stormwater service	Property at nearest boundary point must be within 30 metres of public stormwater system	Stormwater service provider/Council	General Manager	Executive Manager Development Manager Works

## LOCAL GOVERNMENT (HIGHWAYS) ACT 1982

PROVISION	FUNCTION OR POWER	CONDITION OR RESTRICTION	ORIGINAL SOURCE OF POWER	DELEGATION
All powers and functions pursuant to this Act		Nil	General Manager	Nil
S.45	Power to remove abandoned articles in accordance with subsection (4)	Nil	General Manager	Manager Works

## LITTER ACT 2007

PROVISION	FUNCTION OR POWER	CONDITION OR RESTRICTION	ORIGINAL SOURCE OF POWER	DELEGATION	SUB- DELEGATION REQUIRED
S.38	To recover costs arising from litter abatement notice	Nil	Council	General Manager	Executive Manager Development  Manager Works

## MISCELLANEOUS DELEGATIONS

FUNCTION OR POWER	CONDITION OR RESTRICTION	ORIGINAL SOURCE OF POWER	DELEGATION
Call for and accept quotations, tenders or auction the disposal of surplus or redundant plant, equipment and materials	Must be in accordance with Council's Tenders & Contracts Policy	Council	General Manager
Approve the disposal of surplus assets and equipment having a commercial resale value of no greater than \$1,000 by means other than by public notice or tender	Must be in accordance with Council's Asset Management Policy	Council	General Manager
Call for and accept tenders for the provision of goods and services for less than the prescribed amount	Must be in accordance with Council's Tenders & Contracts Policy	Council	General Manager
Exercise all of Council's functions and powers with respect to the implementation of the provisions of the Code of Tenders and Contracts, except for the authority to review or revise the Code	Must be in accordance with Council's Tenders & Contracts Policy	Council	General Manager
Seek legal advice and complete affidavits on behalf of Council in any matter where the Council is a party to the legal proceedings	In accordance with any applicable Council policy.	Council	General Manager
Sign contracts, leases and agreements on behalf of Council	In accordance with any applicable Council policy.	Council	General Manager
Negotiate and approve leases of Council properties	In accordance with any applicable Council policy.	Council	General Manager
Make pro-rata refunds of registration fees for the current year only, when dogs are de-sexed or die, based on a pro-rata basis, calculated on the unexpired complete months of annual fees paid at the date of death or spaying	Nil	Council	General Manager
Waive or reduce Planning and Building Fees	Must be in accordance with Council's Planning and Building Fees Policy	Council	General Manager
Authorise the closure of the Municipal Waste Management Centre(s) in the event of any adverse or unsafe conditions.	Nil	Council	General Manager
Authorise the total or partial release of bonds, guarantees and security deposits subject to the recommendation by the appropriate Council Officer, or to call on any bonds, guarantees and deposits where the work as secured has not been carried out in accordance with Council's requirements	Nil	Council	General Manager

## MISCELLANEOUS DELEGATIONS

FUNCTION OR POWER	CONDITION OR RESTRICTION	ORIGINAL SOURCE OF POWER	DELEGATION
Power to determine and communicate to the relevant government agency any special requirements or conditions that may affect any sale of Crown Land in the municipal area	Nil	Council	General Manager

This Instrument of Delegation is effective as at *(Insert Council Meeting date)* in accordance with Council Decision *(insert Decision #)*:

.....  
Councillor Robert Young  
**MAYOR**

## INSTRUMENT OF DELEGATION

Position: General Manager

In exercise of the power conferred by Section 22 of the *Local Government Act 1993*, Council at their meeting of 30<sup>th</sup> April 2019 approved the following delegations, powers and functions set out in this Instrument of Delegation to the General Manager and declared that the delegations setout herein:

- (a) Remain in force until revoked or varied by Council;
- (b) Are subject to any conditions and limitations set out herein; and
- (c) Are to be exercised in accordance with any guidelines or policies, which Council from time to time adopts.

Local Government Act 1993		
Section	Details of Delegated Authority	Conditions/Comments
19(3) & (5)	Attest the execution of a document sealed by Council.	As per Council policy on the Use of Council Seal.
27 1(e)	Act as the spokesperson for Council.	On certain technical or factual matters as the Mayor considers appropriate and in line with Council's Media Policy.
64	To delegate these powers and functions to Council employees, where deemed by the General Manager to be necessary to the operations of the Council.	Nil
72	Prepare an annual report.	Nil
72B(2)	Publish a notice advising of the details of Council's Annual General Meeting.	Nil

<b>Section</b>	<b>Details of Delegated Authority</b>	<b>Conditions/Comments</b>
74	Expenditure of Council funds.	In accordance with Council's adopted estimates and capital works program and in line with Council's Tenders and Contracts Policy.
75	Approve the investment of funds.	In accordance with Council's Investment Policy.
76(1)	Write off any debts owed to the Council pursuant to this section.	To a maximum value of \$500.
77(1)	Make a grant or benefit to any person, other than a Councillor, pursuant to this section of the Act.	To a maximum value of \$300.
81	Establish and maintain in Council's name such authorised deposit-taking institution accounts as considered necessary.	Nil
124(1)	Fix amounts, times, terms and conditions for the payment of moneys due to the Council by instalments, by ratepayers pursuant to this section.	Nil
126	Agree to the postponement of rates for a specified period.	Nil
127	Revocation of agreement for postponement of rates.	Nil
129	Remission of rates.	Limited to the remission of rates, charges and fees which have been paid or payable under a mistake of fact.



<b>Section</b>	<b>Details of Delegated Authority</b>	<b>Conditions/Comments</b>
133 - 134	Recovery of rates.	In accordance with any applicable Council policy.
135	Recovery of debts.	In accordance with any applicable Council policy.
167	To exhibit public notices in respect to Council by-laws.	Nil
185	Undertake work subject to a fencing notice not undertaken by owner within period specified.	Nil
189	Closure of a local highway.	Nil
190	Consider any objection to a Section 189 road closure.	Nil
196	Recovery of unpaid pound fees.	Nil
197	Sell, give away, or destroy any impounded animal if not claimed.	Subject to prior consultation with the Mayor.
200	To determine if a nuisance exists and to issue Abatement Notices where necessary.	Nil
207	Remit all or part of any fee or charge paid or payable in accordance with this section.	To a maximum value of \$500.
333A	Invite tenders over the prescribed amount.	In accordance with Council's Contracts and Tenders Policy.

<b>Local Government (Building &amp; Miscellaneous Provision) Act 1993</b>		
<b>Section</b>	<b>Details</b>	<b>Conditions</b>
83	Approval of a plan of subdivision.	Subject to the granting of a planning approval for the purposes of LUPA 1993 (Tas).
85	Refusal of an application for a subdivision.	In accordance with the provisions of the Act.
86	Require security for payments and works due on a subdivision.	In accordance with any applicable Council policy.
91	Approve or object to corrections to final plans under this section.	Nil
92	Amendments to final plans required by the Recorder of Titles.	Nil
93	Cancellation of final plans withdrawn by the Recorder of Titles.	Nil
103	Approve amendments to sealed plans (where no hearing is required).	Nil
110	Approve adhesion orders under this section.	Nil
115	Approve exempt subdivisions under this section.	Nil
247	To remove advertising hoardings.	Nil

<b>Monetary Penalties Enforcement Act 2005</b>		
<b>Section</b>	<b>Details</b>	<b>Conditions</b>
18	Referral of an infringement to the Director of MPES	Nil
23	Withdrawal of an Infringement Notice referred to MPES.	Nil
28	Receive application for variation of payment conditions.	Nil
39	To issue proceedings if an alleged offender elects a hearing.	Nil
<b>Environmental Management and Pollution Control Act 1994</b>		
<b>Section</b>	<b>Details</b>	
21	Appointed as a 'Council Officer' pursuant to this section, and to appoint other officers as required.	Nil
22(1A)	Maintenance of a register of environmental protection notices.	Nil
44(4)	Notification to the Director of an environmental protection notice.	Nil
48	Instigate civil proceedings for a breach.	Nil
61	Advice of action taken in respect to alleged contraventions of the Act.	Nil
94(3)	Provisions relating to seizure	Nil

<b>Resource Management and Planning Appeal Tribunal Act 1993</b>		
<b>Section</b>	<b>Details</b>	<b>Conditions</b>
17	Enter in agreements, where necessary, at a conference held on behalf of the Resource Management and Planning Appeal Tribunal.	Nil
<b>Land Use Planning and Approvals Act 1993</b>		
<b>Section</b>	<b>Details</b>	<b>Conditions</b>
General provisions	Consult with or obtain the advice, opinion or recommendation of any authority, organisation, persons or person, or request submission of further information, as necessary prior to making a recommendation or determining whether to approve or refuse an application for use or development under applicable planning schemes.	Nil
General provisions	Refuse an application for use or development within any Use Class which fails to meet the applicable Acceptable Solutions or Performance Criteria and therefore is prohibited under applicable planning schemes	Nil
General provisions	Authority to represent the Council (Planning Authority) or to appoint a person to represent the Council 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.	Nil
General provisions	Where Council has been unable to determine an application for a permit as a result of there being an equality of votes, to determine the application.	When there is insufficient time for Council to reconsider the matter within the time stipulated in the Act
<b>Section</b>	<b>Details</b>	<b>Conditions</b>

33A & 43E	Make a request for further information in respect of a planning scheme amendment application where required.	Nil
33(5)	Make a submission to the Tasmanian Planning Commission in response to a representation made by an owner or occupier in accordance with Section 33.	Nil
39(2)	Forward a Section 39 report to the Tasmanian Planning Commission following public exhibition of an amendment recommending that it be finally approved.	Nil
37	Make a request to the Tasmanian Planning Commission to dispense with certain requirements upon submission of a draft amendment.	Nil
43(i-k)	Agree to the extension of time of a Section 43A permit. Correct a mistake in a Section 43A permit. Make minor amendments to a Section 43A permit.	Nil
53	To grant an extension of the period during which an approved use or development must be substantially commenced.	Nil
54	Make requests for additional information and determine whether additional information is satisfactory in accordance with this section.	Nil
55	Make corrections to a permit granted by Council in accordance with this section.	Nil
56	Make minor amendments to permits granted by Council in accordance with this section.	Nil

Section	Details	Conditions
57	Grant permits with or without conditions for applications assessed under the Acceptable Solution under applicable planning schemes or under the Performance Criteria within the applicable planning schemes.	Where no opposing representations have been received.
57A	Instigate, or be a party to any mediation in relation to a discretionary permit.	Nil
57(2)	Approve, with or without conditions, or refuse any application for a permit made in accordance with Section 57 or 58 of the Land Use Planning and Approvals Act 1993 where there is insufficient time for Council to determine the application within the time stipulated in the Act.	Where the applicant has refused or failed to agree to an extension of time.
57(6) / 58(2)	Agree to the extension of consideration times for applications for permits.	Nil
58	Grant permits with or without conditions for uses or developments assessed under Acceptable Solutions within the applicable planning schemes under this section.	Nil
59(2)	Serve notice of Council having failed to determine an application for permit in accordance with this section.	Nil
61	Represent the Council in any appeals lodged against permit decisions including instructing internal or external planners to appear on Council's behalf.	Nil
71	Enter into agreements under Part 5 of this Act.	Nil
75	Make amendments to agreements under Part 5 of this Act.	Nil

82	Authority to certify a true copy of a planning scheme, special planning order, permit or special permit for tendering to a court, tribunal or any person acting judicially and authorise a person for the same.	Nil
<b>Strata Titles Act 1998</b>		<b>Conditions</b>
<b>Section</b>	<b>Details</b>	
31	Grant a certificate of approval.	Nil
31AA	Determine an application for a certificate of approval made wholly or partly in respect of vacant land.	Nil
37	Approve Staged Development Schemes.	Nil
42	Approve a variation of a registered Staged Development Scheme.	
<b>Public Health Act 1997</b>		
<b>Section</b>	<b>Details</b>	<b>Conditions</b>
	Act pursuant to the powers specified in Sections 77, 78, 81, 82, 83, 97, 98, 101, 102, 103, 106, 107, 110, 111, 112, 115, 116, 119, 121, 122, 123, 135 and 136 of the Public Health Act 1997, and to issue Certificates of Authority to authorised officers for the powers specified in Sections 30, 32, 33, 34, 35, 36, 56, 84, 86, 131, 148, 158, 169, 176, 190 and 191 of that Act.	Nil

<b>Food Act 2003</b>		
<b>Section</b>	<b>Details</b>	<b>Conditions</b>
	Act pursuant to the powers specified in Sections 87,89, 91 and 101 of the Food Act 2003, and to issue Certificates of Authority to authorised officers for the powers specified in Sections 24, 33, 40, 41, 44, 46, 47, 48, 49, 59, 62, 73, 94, 104, 113, 118, and 125 of that Act.	Nil
<b>Dog Control Act 2000</b>		
<b>Section</b>	<b>Details</b>	<b>Conditions</b>
7(3)	To invite public submissions	Nil
26	To notify and invite public submissions in accordance with s.24(a) and s.24(b)	Nil
<b>Litter Act 2007</b>		
All of Council's powers.		
<b>Traffic Act 1925</b>		
All of Council's powers.		
<b>Building Act 2016</b>		
All of Council's powers.		



<b>Burial and Cremations Act 2002</b>	
All of Council's powers.	
<b>Roads and Jetties Act 1935</b>	
All of Council's powers.	
<b>Weed Management Act 1999</b>	
All of Council's powers.	
<b>Heavy Vehicle National Law (Tasmania) Act 2013</b>	
All of Council's powers.	
<b>Urban Drainage Act 2013</b>	
All of Council's powers.	
<b>Local Government (Highways) Act 1982</b>	
All of Council's powers.	

<b>Miscellaneous Delegations</b>	<b>Conditions</b>
Call for and accept quotations, tenders or auction the disposal of surplus or redundant plant, equipment and materials.	In accordance with any applicable Council policy.
Approve the disposal of surplus assets and equipment having a commercial resale value of no greater than \$1,000 by means other than by public notice or tender.	In accordance with any applicable Council policy.
Call for and accept tenders for the provision of goods and services for less than the prescribed amount.	In accordance with any applicable Council policy.
Exercise all of Council's functions and powers with respect to the implementation of the provisions of the Code of Tenders and Contracts, except for the authority to review or revise the Code.	In accordance with any applicable Council policy.
Seek legal advice and complete affidavits on behalf of Council in any matter where the Council is a party to the legal proceedings.	In accordance with any applicable Council policy.
Sign contracts, leases and agreements on behalf of Council.	In accordance with any applicable Council policy.
Negotiate and approve leases of Council properties.	In accordance with any applicable Council policy.
Make pro-rata refunds of registration fees for the current year only, when dogs are de-sexed or die, based on a pro-rata basis, calculated on the unexpired complete months of annual fees paid at the date of death or spaying.	Nil
Waive or reduce Planning and Building Fees.	In accordance with any applicable Council policy.

Miscellaneous Delegations (Cont'd)	Conditions
Authorise the closure of the Municipal Waste Management Centre(s) in the event of access problems caused by adverse weather conditions.	Nil
Authorise the total or partial release of bonds, guarantees and security deposits subject to the recommendation by the appropriate Council Officer, or to call on any bonds, guarantees and deposits where the work as secured has not been carried out in accordance with Council's requirements.	Nil
Power to determine and communicate to the relevant government agency any special requirements or conditions that may affect any sale of Crown Land in the municipal area.	Nil

This Instrument of Delegation is effective as at 22<sup>nd</sup> October 2019 in accordance with Council resolution 196/19:



.....  
COUNCILLOR DEBBIE WISBY  
MAYOR



**GLAMORGAN SPRING BAY  
COUNCIL**

# *Guidelines for Section 24 Special Committees of Council*

**Updated: 11<sup>th</sup> September 2019, Version 7 (Appendix A)**

**Decision No: 105/19**

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## 1 Background

The *Local Government Act 1993* ("the Act") provides Councils with the power to establish Section 24 Special Committees of Council to assist Council to carry out its duties. Council establishes Section 24 Committees to assist with the management of facilities and to carry out other functions on behalf of the Council. Section 24 Committees discuss issues, ideas, solutions and the progression of ideas with possible recommendations to Council, which is responsible for any final decisions. Please see appendix A for current list of Section 24 Special Committees of Glamorgan Spring Bay Council.

Section 24 Committees provide advice and recommendations to Council on a wide range of issues, including, but not limited to:

- Community needs
- Community concerns/ideas
- Maintenance requirements
- Facility improvements
- Safety issues
- Health programs
- Funding/grant opportunities
- Any matter that Council refers to a Section 24 Committee
- Any matter a Section 24 Committee deems is the business of Council and relates to the function of that Committee

## 2 Roles

### 2.1 Committee Members

The primary duty of a committee member is to assist with developing the best possible solutions for Council's infrastructure, community services, user needs and programs by providing advice in respect to current and future requirements.

Committee members have an important role to play. They have a responsibility to actively contribute to meetings providing Council with additional perspectives, ideas and opinions.

Any Committee member can be elected as chairperson, deputy chairperson, secretary and treasurer.

### 2.2 Councillor/s

The role of the Councillor/s on a Section 24 Committee is to act on behalf of Council and in the best interests of the residents and ratepayers of Glamorgan Spring Bay. Councillors communicate between the elected members of Council and the Committee. Councillors need to be cognisant of the Local Government Act to ensure that all legislative requirements are met.

No more than two Councillors will be elected to a Section 24 Committee as Council representatives. However, any elected member may apply to be included as a Committee member in their own right, as an individual or as a representative of a group.

Local Government Elections are held every four (4) years in October, after which new Councillor representatives are elected to all committees at the first Council Meeting (or a Special Council Meeting) held after the declaration of the polls. However, at the end of each two (2) year period Councillor representation can be reviewed.

## **2.3 Council Employees**

A Council Officer may be assigned to a committee to provide guidance to that committee on matters relating to operational elements, policy, historic information etc. Council employees are not members of the committee per se and therefore have no voting rights. Council may provide administrative support to committees that require it (e.g. NRM Committee, Marine Infrastructure Committee).

## **3 Responsibilities**

### **3.1 Committee Members**

It is the responsibility of a committee member to:

- Understand the aims and objectives, roles and responsibilities of the committee;
- Attend committee meetings or, if absence from a meeting is unavoidable, to inform the committee Chair in advance of their inability to attend;
- Arrive at meetings well prepared with respect to agenda issues;
- Participate fully through discussion of issues and general business;
- Undertake tasks requested by the Chair and/or the responsible Council Officer;
- Be objective when making decisions and to take account of all views;
- Not use abusive or threatening language during committee meetings;
- Debate agenda items in a constructive and informative manner;
- Observe confidentiality and discretion in dealing with the business and outcomes of the Committee;
- Accurately portray decisions passed by the committee;
- Declare interests and avoid any potential conflict of interest in committee affairs (see Item 4.15 in this document).

### **3.2 Chair**

The Chairperson is responsible for adhering to the agenda, while encouraging full and balanced participation by all members. Where the Chair is not available, members present will appoint the Chair for the meeting.



The Chairperson's overall responsibilities are to:

- Open, facilitate and close meetings;
- Welcome members and thank people for attending and for any work done outside the meetings;
- Ensure meetings conclude at the scheduled finishing time or before;
- Keep the discussion focused on the business of the meeting and making sure that the important things get done first and other things are held over, if necessary.
- Liaise between the Committee and outside bodies;
- Act as a representative of the Committee if this is needed, making sure to express only the view of the Committee, not personal ones;
- Ensure there is a quorum present;
- Encourage full and balanced participation/debate by all the members and that committee members act appropriately and respectfully towards others;
- Be sensitive about any differences of opinion that arise and try to help resolve these; to ensure that the Committee can continue to work effectively together;
- Clarify points that have been made and sum-up discussions to bring them to a close if necessary, to ensure everyone understands the decisions being considered;
- Coordinate the actions to be progressed so that they are shared as equally as possible and still get completed;
- Adjourn the meeting if necessary;
- Control the voting process;
- Sign the Minutes;
- Inform the Council of any resignations of Committee members;
- Declare and enforce closed session requirements when confidential matters are to be discussed;
- Ensure all views are submitted to Council when a consensus cannot be reached on an issue.

### **3.3 Secretary or Council Officer**

It is the Secretary (or in some instances a Council Officer) who takes the minutes and maintains the documents of a Section 24 Committee including details of membership, correspondence and any other documentation regarding the operations of the Committee. The Secretary also needs to provide Council with a copy of all relevant information.

Key secretarial tasks include

- Providing support to the Chairperson to ensure meetings run smoothly;
- Sending out notices of the date, time and place for each Committee meeting;
- Preparing the agenda for each meeting, in consultation with the Chairperson;
- Opening all mail addressed to the Committee and reading the mail before each meeting to summarise important information;
- Keeping an accurate record of members and Committee members to show who is entitled to vote and to receive notices;
- Preparing a list of visitors and apologies for the Chairperson;
- Ensuring that minutes are kept and that these are distributed to members and Council;
- Being a contact person for new members;
- Ensuring all correspondence is dealt with appropriately.

A few useful tips follow to help make taking minutes a little more manageable:

- Record the names of those present and those who have sent their apologies. If it is easier for you, you can circulate a list for people to record their own names.
- Make sure that reports to be delivered to the meeting by the Treasurer, Secretary and any sub-committees or working groups are in writing as these can then be attached to the rest of the minutes as an accurate record of what was reported to the meeting.
- At the start of the next meeting, the minutes should be confirmed as a true and correct record of what took place and be signed by the Chairperson. Try not to read the previous minutes word-for-word at the start of the meeting, as it is time consuming.
- Record all decisions reached, for example, "It was decided not to recommend the purchase of a security system to Council until September".
- Record the exact wording of all motions put, including who put the motion, who seconded the motion and whether the motion was carried or defeated, for example, Alice Smith/John Jones "That the Treasurer's Report be accepted." Carried.
- Record any action agreed to be taken by members of the Committee, for example, "Peter Smith agreed he would bring a list of local suppliers of pine bark to the next meeting."
- Minutes should be impartial, not representing just one person's view.

### 3.4 Treasurer

This section is relevant to Section 24 Special Committees who manage finances.

The Treasurer is the custodian of the Committee's funds and it is important that these are managed in accordance with this document.

The Treasurer has a range of financial responsibilities including:

- Preparing and presenting the annual budget;
- Managing financial transactions for the Committee;
- Ensuring all fees and charges are accounted for;
- Sending out accounts and paying bills;
- Maintaining an accurate record of all income and expenditure;
- Providing the Committee with a report each meeting about the current financial situation;

The following documents are to be provided each financial year:

- Bank statements for the financial year.
- Copies of your bank statements for the 12 month period, this includes operating accounts and term deposits.
- Cheque butts, receipt books and deposit books.
- Invoices paid (crossed when paid with reference to cheque number, amount paid, date paid).
- Cash book and bank reconciliations.
- Balance sheet (if applicable).

- Chair's report (or summary of committee's actions during the year).
- Copies of all meeting minutes including evidence of approval of payments and financial reports.
- Copies of audit certificates/report (if available).

**Please Note:** As a committee constituted by Council, it is a requirement to provide Council with detailed and accurate financial records of the committee's activity during the financial year. These should be provided to Council's General Manager no later than the end of the 2nd week of July in any given year. Council is required to reflect the financial activity of committees in its consolidated accounts records. Committees should aim to apply sound bookkeeping practices to ensure compliance with requirements.

## 4 Meeting Procedures

### 4.1 General Information

Committees must have a Chairperson and Secretary with some requiring a Treasurer or a Secretary/Treasurer. All Committees have a Terms of Reference outlining purpose, roles and responsibilities, reporting and other requirements. Any new Terms of Reference or changes to Terms of Reference must be referred to Council for consideration and endorsement.

The newly elected Committee is responsible for determining when meetings are convened. To ensure the effectiveness of committees, Council has determined a minimum number of meetings per year (See Appendix A - *Special Committees*). This will allow for a reasonable and regular timeframe for issues to be discussed in a timely manner.

For committees that are required to hold Annual General Meetings, these should occur during the month of July or as soon as possible thereafter in accordance with this document. If appropriate, meetings should be held throughout the municipal area.

### 4.2 Notice of Meeting

A minimum of seven (7) days notice is required to be provided to committee members detailing date, time and location.

A notice of meeting is to be advertised in the local newspapers/newsletters and/or Council noticeboards and on the Council web-site at least seven (7) days prior to the meeting.

### 4.3 Agenda

The Agenda is to be provided to all committee members a minimum of seven (7) days prior to the meeting. Circulating the agenda to members before the meeting lets people know what is to be discussed.

#### **4.4 Minutes**

It is essential to have a correct record of the proceedings of a meeting. The minutes serve as a general record and attendance register; in the case of later doubt or dispute, they are a legally acceptable reference.

Not everything discussed needs to be recorded. Note key points, agreed actions, summary of issues and any decisions made (see Item 3.3 for more detailed guidelines on taking minutes).

Individual recommendations or dissent from recommendations will only be recorded at the specific request of a member.

Where there is a split vote, all views should be submitted to Council.

A copy of the draft Minutes will be distributed to committee members no more than fourteen (14 days) after each meeting. Council is to be provided the approved Minutes from a committee meeting as soon as possible after that meeting to appear on the next Ordinary Meeting of Council Agenda.

It is the responsibility of the Councillor representative to write a short report to Council after each committee meeting for Council's information and to be placed on the next Ordinary Meeting of Council Agenda.

#### **4.5 Quorum**

A quorum will be half the number of members (rounded down if uneven number) plus one e.g. for a 7 member committee a quorum would be 4. If a quorum is not present a Committee meeting cannot proceed.

#### **4.6 Urgent Meetings**

If an urgent meeting is necessary, the Committee Chair is required to provide the notice of the meeting and the agenda at least five (5) days prior to the meeting date. Details of the meeting will be advertised in a prominent location on Council's web-site. Where possible, the notice of meeting is to be advertised in the local newspaper/ newsletter and/or Council noticeboards and be open to the public unless deemed closed by the Chair.

#### **4.7 Observers/Members of the Public**

All committee meetings will be open to the public.

Observers are not permitted to make comment or engage in the meeting without being requested by the Chair.

#### **4.8 Appointment of Committee Members**

All Committee members are appointed by Council following an expression of interest process with responses from individuals or interest groups.

Expressions of interest (EOI) will be by public advertisement in local newspapers/newsletters, on Council's website, Council noticeboards, via direct contact with those who can provide expertise and by other methods deemed appropriate. An EOI form will be given to prospective committee members to provide, for example, contact details, skills, interests, any potential conflicts of interest and reasons for wanting to join a specific Section 24 Special Committee of Council.

The Council has the final responsibility for determining the membership. As a general rule committees should abide by minimum and maximum numbers as outlined in Appendix A Special Committees. If a large number of expressions of interest are received for any given Section 24 Committee that exceeds the recommended number of committee members, the Councillor representatives on that committee, the Mayor or Deputy Mayor (if the Mayor is not available) and the Council Officer will review the expressions of interest and the terms of reference. This will determine the individuals to be accepted based on skills, interests and expertise relevant to the committee.

#### **4.9 Termination of Appointment**

A Committee member may resign by giving written notification to the Chair.

If a member is unable to fulfil their responsibilities they should resign to allow the Council to appoint a member who can meet the commitment required.

Appointments may also be terminated by the Council for a variety of reasons including misbehaviour, inefficiency or incompetence.

Any action by a member that demonstrates their unwillingness or inability to comply with the obligations and responsibilities of committee membership, as outlined in this document, may be grounds for termination of appointment.

An appointment may also be terminated if:

- (i) the member without reasonable excuse fails to disclose a conflict of interest; or
- (ii) the member is absent from two (2) consecutive meetings of the Committee without informing the Chair of an official apology.

If there is a dispute between members of the committee or another party which is unresolved, the Chairperson must notify the General Manager.

- (i) The General Manager may nominate an independent negotiator or staff member with appropriate skills to help resolve the dispute.
- (ii) If the dispute remains unresolved then this matter will be brought to Council to make a decision.

The final decision reached is binding on all parties to the dispute.

#### **4.10 Alternate Member (Proxy)**

The Council will not appoint alternative members. It is important that committees have a stable membership to ensure continuity and consistency in decision-making and advice.

#### **4.11 Council Direction**

The Council may from time to time direct the committee to consider certain issues, seek submissions from the relevant body or individuals or provide specific recommendations back to Council.

#### **4.12 Sub-Committees**

A committee may establish a sub-committee with or without additional members to provide advice and recommendations on particular matters. The sub-committee should be convened and chaired by a member nominated and appointed at a Committee meeting. The sub-committee is responsible to the Committee that established it.

#### 4.13 Conduct of Volunteer Committee Members

The Council's Volunteer Policy gives a clear understanding of responsibilities in terms of expected behaviour as a volunteer when dealing with each other, Councillors, Council employees and members of the community. The Volunteer Policy applies during committee meetings and any dealings on behalf of the committee. The Volunteer Policy is available for review on Council's website [www.gsbc.tas.gov.au](http://www.gsbc.tas.gov.au)

Volunteers have a responsibility:

- To be reliable and punctual.
- To notify the Chair if unable to attend meetings or perform duties.
- To be accountable and accept constructive feedback.
- To undertake relevant training when necessary to perform designated volunteer tasks.
- To ask for support when needed.
- To carry out agreed duties.  
To respect decisions made by the committee.
- To respect confidentiality at all times.
- To provide truthful and accurate information to Council, fellow volunteers and community members.
- To register with Council and complete and sign any relevant documentation.
- To comply with Council's WHS practices to protect themselves, fellow volunteers, staff and community members.
- To comply with Council's policies and procedures, particularly in regard to dangerous and emergency situations.
- To immediately report all incidents, accidents, illnesses and risks to health and safety.
- To notify Council of any potentially hazardous situations or unsafe working conditions.
- To report any damage to Council or other parties' equipment or possessions.
- To provide parent/guardian consent if the volunteer is under 18 years of age.

Sitting committee members who are not Councillors or Council staff are volunteers and as such are covered by Council's insurance policy.

The actions undertaken by Section 24 Special Committee members, in the proper execution of the committee power and responsibilities, are covered by Council's existing public liability policy.

## **Confidentiality:**

Volunteers working with Council must keep all privileged information in relation to Council, employees and community members confidential. Volunteers are expected to maintain the same standards of confidentiality as Council's paid employees. This includes information held by the Council; information shared between volunteers and the designated managers; and information about particular circumstances.

Volunteers are required to read and sign the Glamorgan Spring Bay Council Confidentiality Agreement. Any breach of this confidentiality requirement will be taken seriously and lead to:

- The termination of the volunteer's services.
- Any other action deemed necessary by the General Manager.

Please contact the General Manager's office on (03) 6256 4759 if you require copies of the Confidentiality Agreement.

### **4.14 Conflict of Interest**

Members of Section 24 Special Committees of Council may from time to time have a conflict of interest when discussing matters. This section provides an outline of what constitutes a conflict of interest and the process to be taken when a conflict of interest arises.

A Committee member who has a direct or indirect interest in any matter decided or under consideration by the committee must disclose the nature of interest to the Committee and this must be recorded in the Minutes.

Being a member of a Council committee is a position of trust that involves obligations to the community and to the Council. It must be clear to everyone that you are not using your position to serve your own interests or the interests of a close associate. For this reason, the Act requires members of Council committees to disclose conflicts of interest and not participate in a decision (discussion or vote) if they have a conflict of interest.

"At any meeting of a special committee ... a member must not participate in any discussion, or vote on any matter, in respect of which the member –

- (a) has an interest; or
- (b) is aware or ought to be aware that a close associate has an interest."

Furthermore, the *Local Government Act 1993* states that:

"A member has an interest in a matter if the ... member or close associate would, if the matter were decided in a particular manner, receive, have an expectation of receiving or be likely to receive a pecuniary benefit or pecuniary detriment."

The Act determines that a close associate of a committee member is:

- a) a body corporate of which the member is a director or a member of the governing body; or
- b) a proprietary company in which the member is a shareholder; or



- c) a public company in which the member is directly or indirectly a substantial shareholder; or
- d) a beneficiary under a trust or an object of discretionary trust of which the ... member is a trustee; or
- e) a business partner of the member; or
- f) the employer or an employee of the member; or
- g) a person from whom the member has received, or might reasonably be expected to receive a fee, commission or other reward for providing professional or other services in relation to a matter being dealt with or to be dealt with by the Council committee; or
- h) the spouse or partner of the member, member's son or daughter; or
- i) the son, daughter, brother, sister, mother or father of the member or of their spouse or partner.

Failure to disclose a conflict of interest may be an offence that can be prosecuted in a court of law. It is your responsibility and duty to identify and disclose your conflicts of interest when required to. It is important to note that, while another person may assist you in deciding or determining whether you have a conflict of interest, they cannot make the decision for you. Irrespective of what assistance or advice you receive from someone else, legally you remain responsible for your own actions.

#### 4.15 Getting Help

In addition to this section assistance with conflict of interest matters or concerns may be sought by contacting:

- The Council's General Manager or other experienced Council Officer authorised by the General Manager to provide such assistance; or
- The Local Government Association of Tasmania (LGAT) - Phone (03) 6233 5966
- The Local Government Division – Phone (03) 6232 7022

#### 4.16 Making Disclosures

Conflicts of interest must be disclosed in Section 24 Special Committees. These committees are delegated a power or duty by the Council.

There are four steps to take when disclosing a conflict of interest:

1. Tell the committee that you have a conflict of interest. This must be done immediately before the matter is discussed.
2. Tell the Chairperson that you are leaving the meeting.
3. Leave the room and any area where you can see or hear the meeting and item being discussed, until the matter has been concluded and you are recalled to the meeting.
4. In accordance with *Local Government Act 1993* Section 48A (4) a member of a special committee ... by notice in writing, is to advise the General Manager of the details of any interest declared under this section within 7 days of that declaration.

When the minutes are considered for adoption at the next meeting, ensure that you check that your disclosure has been recorded correctly. The declared interest will also be recorded in Council's Register of Interests in accordance with the Local Government Act 1993.

#### **4.17 Notification of Interest (knowledge of interest of another member)**

*Local Government Act 1993 Section 53:*

Any person who considers that a member has an interest in a matter to be, or being dealt with by the Section 24 Special Committee, may notify the General Manager in writing of the interest.

#### **4.18 Exemptions**

The *Local Government Act 1993* Section 52 – Non-application of Part, prescribes that:

(1) This part does not apply to a member or close associate who has any pecuniary interest in any matter if:

The benefit or detriment is one received in common with all or a substantial proportion of the electors of the municipal area (at least 5% or 1,000 electors, whichever is lesser).

Council may decide to exempt a member from a committee for a period not exceeding 12 months, if the member has a potential pecuniary interest in a matter only because of being appointed or nominated as a member due to expertise arising from direct involvement in an activity that gives rise to that potential pecuniary interest.

### **5 Public Liability Insurance**

Public liability insurance indemnifies the insured against legal liability resulting from damage to property, loss of use of property and death or bodily injury to members of the general public, where the loss, damage or injury to the property or third party was caused by a negligent act on the part of the insured. Public liability insurance does not cover breaches of professional duty and is not the same as personal accident injury insurance.

Council is covered by public liability insurance which extends to all Council committees. Without public liability insurance, venues such as halls or sporting grounds cannot be hired out to the public.

Public liability insurance is to be sought from all other users of facilities including individuals, groups, businesses and contractors such as caterers, bands and mowing contractors prior to the event or works commencing.

Users of Council facilities are required to be covered by public liability insurance to the value of \$10,000,000.

The committee must ensure that users of facilities complete a *Facility Use Application* (this can be found at [www.gsbc.tas.gov.au/Community/Council Facilities Hire Package](http://www.gsbc.tas.gov.au/Community/Council%20Facilities%20Hire%20Package)). A copy of this application should be forwarded to Council as soon as possible. Information required includes but is not restricted to:

- Event type e.g., football grand final;
- Time of day the event will start and finish;
- Day/days of operation;
- Approximate number of people attending the event;
- Hirer name and contact details;
- Current copy of public liability insurance certificate (if applicable);
- Alcohol licence (if required).

For events that are of an abnormal or irregular nature and which are large in size or have a larger than normal risk attached to them (carnival, large sporting event, music concert, food and wine festival etc.), an event management plan may need to be completed and passed onto Council's Risk Management Officer.

Place of Assembly Licences are now only required for large events attracting more than 1,000 people over a 2 hour period.

Council should be contacted with information on an event at least one month prior to discuss requirements.

## **6. Risk Management and Workplace Health and Safety**

Council has certain obligations under the *Workplace Health and Safety Act 2012* and Risk Management Principles and Guidelines - AS/NZS ISO 31000:2009. Under these obligations, Council is to provide and maintain, as far as is reasonably practicable, a healthy and safe environment for its committees, public and volunteer workers. The Committee can help Council achieve this by:

- Supervising volunteers; and
- Informing Council of any hazards the committee becomes aware of.

Both the lessee (user of facilities) and lessor (committee) have certain rights and responsibilities in regard to lease and hire agreements. The lessor for example, has a responsibility to ensure leased facilities and venues are safe for use, whilst the lessee has a responsibility to hold adequate and appropriate insurance cover for liability exposure.

## **7. Hire Agreement**

Council hire agreement requires the lessees to declare if they intend to sell liquor. The licence will usually specify that any organisation intending to sell or supply liquor on Council owned or operated premises must provide evidence that they hold an appropriate permit or licence prior to sale or supply. Contact the Commissioner of Licensing for further information (Hobart: 03 6166 4040, Launceston: 03 6777 2777).

## 7.1 Activity Conducted

This will describe what actually occurs (such as meetings, training special events, markets, educational or children's activities, productions, weddings, tournaments, childcare, shows, equestrian events, etc.)

## 7.2 Group Type

Describe the type of group participating as opposed to the name of the group. For example youth, senior citizens, scout, cricket, netball, pony clubs etc.

## 7.3 Frequency

Describe how many times the facility will be used for these activities in one year.

## 7.4 Fee Charges

Hire rates, fees and charges are in accordance with the Annual Fees & Charges endorsed by Council on the recommendation of the committee each financial year and available on Council's website. These may vary from facility to facility within the municipal area.

## 7.5 Public Liability Insurance

The issuing of the hall hire permit is subject to the applicant providing evidence to Council of appropriate public liability insurance as part of the *Facility Use Application*.

# 8 Emergency Information

This section is relevant to Section 24 Special Committees who manage Council owned facilities.

## 8.1 Emergency Procedures in Council Buildings

Council provides each facility for the safe enjoyment of its tenants, lessees, licensees, hirers, invitees and their guests. As part of this responsibility, Council provides and maintains emergency equipment such as hoses and/or extinguishers for firefighting purposes and evacuation procedures for user groups of the facility. In return, the tenant/hirer agrees to:

- Keep displayed in prominent locations emergency notices and fire procedures;
- Not interfere with any emergency equipment or notices. Replacement or repair of such equipment caused by mischievous use shall be at the tenant/hirer's expense;
- The tenant/hirer will immediately notify the Committee and Council if an emergency occurs. Council's after hours contact telephone number is 03 6256 4777;

- The tenant/hirer must notify the committee and Council if fire-fighting equipment is used; and
- The tenant/hirer must be aware of proper procedures for and be responsible for the safe and orderly evacuation of guests from the facility if an emergency situation occurs.

## **9 Public Events**

Many public events are held at Council facilities throughout the year. When these events are organised by a third party (neither Council nor the Council Committee) there are a number of compliance matters the group needs to abide by.

Due to the complexity of the requirements for compliance, committees should advise the event organisers to contact Council during the planning stage for advice on the types of licences and permits required.

## Appendix A: List of Section 24 Special Committees

As at 28<sup>th</sup> May 2019, Decision 105/19

Section 24 Committee	Council Representatives	Minimum Meetings Per Year	Minimum - Maximum Number of Committee Members
Marine Infrastructure Committee	Mayor Debbie Wisby (South) Clr Keith Breheny (North)	4	Minimum 10 Maximum TBC
Orford Hall Committee	Deputy Mayor Jenny Woods	4	Minimum 5 Maximum 11
Buckland Hall Committee	Clr Annie Browning Clr Keith Pyke	4	Minimum 5 Maximum 11
Triabunna Hall Committee	Mayor Debbie Wisby Clr Keith Breheny	4	Minimum 5 Maximum 11
Bicheno Hall Committee	Clr Michael Symons	4	Minimum 5 Maximum 11
Cranbrook Hall Committee	Clr Annie Browning	4	Minimum 5 Maximum 11
Swansea Hall Committee	Clr Keith Breheny	4	Minimum 5 Maximum 11
Coles Bay Hall Committee	Clr Michael Symons Clr Rob Churchill	4	Minimum 5 Maximum 11
Tasmanian Seafarers' Memorial Committee	Clr Cheryl Arrol	2	Minimum 5 Maximum 9
Spring Bay Eldercare Committee	Clr Keith Breheny	4	Minimum 5 Maximum 11
Spring Bay Memorial Trust*	<i>Not currently active*</i>	TBC	TBC
Natural Resource Management Committee	Clr Cheryl Arrol Clr Annie Browning	4	Minimum 15 Maximum TBC
Youth Council	Clr Cheryl Arrol Clr Rob Churchill	4	Minimum 9
Triabunna Recreation Ground Advisory Committee	Deputy Mayor Jenny Woods Clr Keith Pyke	4	Minimum 5 Maximum 11
Prosser River Mouth Master Plan Advisory Group**	Mayor Debbie Wisby Deputy Mayor Jenny Woods Clr Keith Breheny	4	TBC

**\*\*Please note:** The Prosser River Mouth Master Plan Advisory Group will hold its first meeting on the 20<sup>th</sup> September, 2019.



GLAMORGAN SPRING BAY  
COUNCIL

Glamorgan Spring Bay Council

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# Asset Management Policy 3.10

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Version [6.0]

Adopted:  
**Minute No.:**

## Document Control

Policy Name	
First issued/approved	April 2007
Source of approval/authority	Council
Last reviewed	September 2020
Next review date	2024
Version number	6
Responsible Officer	General Manager
Department responsible for policy development	Works
Related policies	<ul style="list-style-type: none"><li>• Strategic Asset Management Plan</li><li>• Long Term Financial Plan</li></ul>
Publication of policy	Website



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# 1 Introduction

## 1.1 Purpose

To set guidelines for implementing consistent asset management processes throughout the Glamorgan Spring Bay municipal area.

## 1.2 Objective

Glamorgan Spring Bay Council will utilise the best asset management practices to meet the following objectives:

1. Establish and maintain a Strategic Asset Management Plan as the primary framework to provide and maintain asset services for current and future generations.
2. Manage Council's assets in a systematic and sustainable manner.
3. Maintain assets in a suitable condition to deliver an affordable and reliable level of service to the community.
4. Allocate adequate resources to allow for maintenance and renewal of assets.
5. Take account of whole of life costs when deciding to create, purchase or accept new assets.
6. Develop transparent and responsible asset management processes in accordance with best practice standards.
7. Maintain affordable and financially sustainable asset management plans for each major asset group.
8. Plan for climate change adaption and mitigation.
9. Satisfy legislative requirements for asset management.

## 1.3 Scope

This policy applies to all asset groups which are owned and maintained by Council.

## 1.4 Definitions

**Assets:** A physical item that is controlled by Council to provide or contribute to the provision of future economic benefits to the community.

**Fair value:** The amount for which an asset could be exchanged between a knowledgeable, willing buyer and a knowledgeable, willing seller in an arms-length transaction.

**Maintenance:** Works required to retain an asset as near as practicable to its original condition but excluding rehabilitation or renewal.

**Renewal/Refurbishment:** The restoration, rehabilitation or replacement of an asset to return it to its original service delivery capacity.

**Upgrade/Improvement:** Modification of an asset to allow it to deliver a higher level of service.

**New assets:** Assets created or purchased by Council, or given to Council for the purpose of delivering future economic benefits to the community, generally by the provision of services.

**Asset Management:** The process applied to manage assets over each stage of their service life including asset needs analysis, creation, operation, maintenance, renewal and disposal. The objective of asset management is to ensure the assets deliver the required level of service in the most effective and efficient manner now and into the future.

*Service Level:* A relevant measurable standard or target that reflects the required performance to meet agreed community expectations in relation to the type, quality and quantity of services delivered by Council.

*Written Down Value (WDV):* The gross value of an asset after accounting for depreciation.

## 2 Policy

### 2.1 Background

1. Council is committed to implementing a systematic asset management methodology in order to apply appropriate asset management best practices across all areas of the organisation. This includes ensuring that assets are planned, created, operated, maintained, renewed and disposed of in accordance with Council's priorities for service delivery.
2. Asset management practices impact directly on the delivery of asset-based services to the community. Disciplined asset management is required to achieve our strategic service delivery objectives.
3. Adopting asset management principles will assist Council in achieving its Strategic Long-Term Plan and Long-Term Financial objectives.
4. The Asset Management Policy is complementary to Council's Risk Management Policy and its implementation assists in meeting the objectives of the Risk Management Policy.
5. A strategic approach to asset management will ensure that the Council delivers a sustainable level of service through its assets. This will provide positive impact on;
  - Community and employees;
  - Council's financial position;
  - The ability of Council to deliver the expected level of service and infrastructure;
  - The political environment in which Council operates; and
  - The legal liabilities of Council.

### 2.2 Asset Details

This policy applies to all of Glamorgan Spring Bay Council's assets. These assets are essential for the delivery of services to meet the ongoing needs of our community. Council's physical assets are generally managed in accordance with Council's five Asset Management Plans. These plans cover assets associated with:

Asset Group as at 30 June 2020	Approx. % of Total Asset Value
Road Infrastructure	57%
Hydraulic Infrastructure (inc. PPRWS)	8%
Buildings (inc. land)	22%
Coastal Infrastructure	5%
Parks & Reserves	3%

Council's *Strategic Asset Management Plan* provides further detailed information on Council's assets and how they are managed.

## 2.3 Asset Life

Council's assets having a limited useful life are depreciated over their useful lives in a manner which reflects the consumption of the service potential of those assets. Land is not a depreciable asset. Adopted asset group lives are:

Asset Group	Life (Years)
Buildings	15-80
Plant & Equipment	2-12
Roads	3-90
Bridges	15-80
Footpaths	20-70
Stormwater Drainage	75
Coastal Infrastructure	15-50
Parks & Recreation	15
Prosser Plains Raw Water Scheme	10-100

It is noted that some asset lives show a wide range of years corresponding to a range of asset types. For example, the Roads asset group indicates a range of useful life of 10 to 100 years. This is due to the fact that gravel roads deteriorate at a faster rate than a sealed road pavement which is expected to have a longer life. Similarly, bridges have a range of 15 – 80 years as timber bridge decks have a shorter life span of 15 years and a concrete bridge structure has a life of 80 years.

## 2.4 Principles

A consistent Asset Management Strategy must exist for implementing systematic asset management and appropriate asset management best-practice throughout all departments of Council. The following are Council's principles for best-practice asset management:

1. Ensuring that the Council's capital assets are provided in a manner that respects financial, cultural, economic and environmental sustainability;
2. Meeting all relevant legislative and regulatory requirements;
3. Demonstrating transparent and responsible Asset Management processes that align with demonstrable best-practices;
4. Implementing sound Asset Management plans and strategies and providing sufficient financial resources to accomplish them by:
  - a) Asset Management plans will be completed for all major asset / service areas.
  - b) Expenditure projections from Asset Management Plans will be incorporated into the Council's Long-Term Financial Plan.
  - c) Regular and systematic reviews will be applied to all asset plans to ensure that assets are managed, valued, and depreciated in accordance with appropriate best practice.
  - d) Regular inspection will be used as part of the asset management process to ensure agreed service levels are maintained and to identify asset renewal priorities.
  - e) Asset renewals required to meet agreed service levels and identified in adopted asset management plans, and when applicable long term financial plans. This will form the basis of annual budget estimates. The level of service and risk consequences of variations in asset renewals and budget resources is to be documented.
  - f) Future life cycle costs will be reported and considered in all decisions relating to new services and assets, and upgrading of existing services and assets.
  - g) Future service levels with associated delivery costs will be determined in consultation with the community.

- h) Ensuring necessary capacity and other operational capabilities are provided and Asset Management responsibilities are effectively allocated;
- i) Creating a corporate culture where all employees play a part in overall care for the Council's assets by providing necessary awareness, training and professional development; and,
- j) Providing the community with assets at levels of service for which they are willing and able to pay.

## 2.5 Responsibilities

### Councillor

The functions of Councillors under section 28 of the Local Government Act 1993 include:

- a. To develop and monitor the implementation of strategic plans and budgets
- b. To determine and monitor the application of policies, plans and programs
- c. To determine and review the Council's resource allocation and expenditure activities
- d. To monitor the manner in which services are provided by the Council

The policies, plans and programs specifically include:

- a. The efficient and effective provision of services and facilities
- b. The efficient and effective management of assets

In undertaking the above functions, Council represents the community as the asset owner and has a role in ensuring that assets continue to deliver the appropriate level of service to the community, within the limitations of Council's resources. In order for Council to effectively undertake its functions with respect to the management of its asset's, Council will:

- a. Maintain an Asset Management Policy and a Strategic Asset Management Plan
- b. Provide appropriate resources for effective asset management
- c. Approve and review asset management plans
- d. Apply asset management principles in decision-making

### Management Responsibility

The General Manager has a number of functions and powers under the provisions of the Local Government Act including the following that are relevant to asset management:

- a. To implement the policies, plans and programs of the Council
- b. To implement the decisions of the Council
- c. To manage the resources and assets of the Council

In implementing these powers, the General Manager will:

- a. Promote asset management principles throughout the organisation
- b. Allocate adequate resources to implement Councils approved Asset Management Policy
- c. Ensure that an asset management strategy is prepared and implemented
- d. Report to Council on the implementation of the Asset Management Policy and Strategic Asset Management Plan.

### Asset Management Team

- Works Manager
- Asset Management Coordinator
- Manager Corporate

Other staff may be added to the group when dealing with specific issues regarding assets in their area of operation.

## Asset Management Team Responsibilities

The Asset Management Team shall have the following responsibilities:

1. Review this asset management policy every 2 years
2. Review resource requirements for asset management and make recommendations to the management team
3. Promote and foster asset management practices in the workplace
4. Review asset management plans and strategies as required
5. Review the format of asset registers and data requirements
6. Review asset management software
7. Define responsibility for management of asset groups
8. Review asset gap analysis data

The team composition may change with organisational reviews and restrictions.

## 3 Implementation

In order to implement this Policy, the General Manager will ensure that:

1. An asset management team is maintained
2. The strategy for the implementation of asset management practices within the organisation is continually reviewed and developed.
3. Detailed asset management registers for all asset groups are maintained
4. Detailed Asset Management Plans are prepared for all major asset groups
5. Asset management impacts are highlighted in reports to Council
6. An integrated long-term capital works priority list based on the Asset Management Plans for each asset group is prepared
7. Specific funds are allocated in annual budgets for the maintenance of and service of existing and new assets
8. Budgets specifically identify the funds allocated for the routine maintenance of assets, the renewal of assets, the upgrading of assets, and the creation of new assets
9. Asset Management Plans identify critical assets in each asset group and assess the risks to those assets
10. The service levels listed in the individual Asset Management plans for all assets are regularly reviewed
11. Assets are regularly inspected to minimise the risk of harm to the community and to establish the condition and thus the value and life remaining of assets
12. Appropriate accounting methods are used to reflect the true consumption of assets
13. Asset accounting methods comply with current accounting standards
14. Levels of service and maintenance standards are defined for asset groups
15. Asset management plans integrate with risk management plans
16. Climate change effects on Council's assets are appropriately managed


### 3.1 Related Policies and Legislation

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

- Strategic Asset Management Plan and associated Asset Management Plans
- Long Term Financial Plan
- Local Government Act 1993
- AASB 13 Fair Value Measurement
- AASB 116 Property, Plant and Equipment

### 3.2 Policy Review and Update Cycle

Section 70E of the Local Government Act 1993 requires Council to review the policy at least every 4 years.

	<p style="text-align: center;"><b>POLICY - GRANTS AUSPICED BY COUNCIL</b></p>	<b>3.1</b>	
		Version <b>1</b>	Date <b>25/10/06</b>
Minutes Dated <b>23 March 2009</b>	Approved By : Council Decision No. <b>064/09</b>	Review Date - <b>As required</b>	

### **1. OBJECTIVE**

The objective of this policy is to ensure accountability, transparency and efficiency in grants auspiced by Council.

### **2. SCOPE**

This policy incorporates any grant whether obtained by community groups for which Council is the auspicing body or obtained directly by Council.

### **3. DEFINITIONS**

N/A

### **4. PROCEDURE**

(a) All projects for which a grant is being applied for should be submitted to the Risk Management Committee for Review if considered appropriate.

(b) All grants are given an identifying number. This is to be utilised for any financial transactions and in any official correspondence relevant to the grant.

(c) A subject file is made for each grant. All official documentation regarding the grant is to be copied into this file.

(d) A specified Council Officer shall be appointed as the project officer and become the dedicated contact for the project and may maintain a working file throughout the duration of the project. Upon completion of the project all relevant documentation is to be copied into the relevant Subject or Property file.

(e) Where the grant is obtained by a Community Group, the Project Officer will assist that group in the implementation of the project within their capacity to do so.

(f) All expenses associated with a particular file must be firstly approved by the Project Officer and allocated to the appropriate project (using the identifying number). All expenses are to be signed off by the delegated officer.

(g) The Project Officer must ensure that the Corporate Services Department has specific details regarding the amount of funding to be received and the financial reporting requirements for every grant received.



(h) The Project Officer must ensure that all parties are aware of the project and the current status.

(i) The Project Officer must regularly request updates of the financial status of the grant on behalf of the community group or Council.

(j) The Project Officer is responsible to ensure that the appropriate reporting is undertaken upon completion of the project.

(k) The Corporate Services Manager is responsible to ensure that the financial acquittal is undertaken for the Grant Project.

## **5. IMPLEMENTATION**

Upon the notification of a successful grant application the Project Officer must inform the relevant staff and begin the implementation of the procedure.

## **6. DELEGATION**

This policy delegates the:

- Project Officer to ensure the procedure is implemented.
- Corporate Services Manager to ensure appropriate financial procedures are followed to enable timely reporting;

## **7. RESPONSIBILITY**

The compliance of this policy is the responsibility of the Project Officer for the grant.

## **8. REPORTING**

Status of current grants is to be reported to Council in the relevant monthly report as required.

## **9. STATUTORY REQUIREMENTS**

N / A

## **10. REFERENCES**

N / A

## **11. ATTACHMENTS**

N/A



GLAMORGAN  
SPRING BAY  
COUNCIL

## FORM 2: KERBSIDE VENDOR or STALLHOLDER LICENCE

This Licence is made this 29<sup>th</sup> day of July 2020 between **Glamorgan Spring Bay Council** (the Licensor) and **Benjamin & Emelie Fleming - Governors Bicheno** (the Licensee)

The Licence permits the Licensee to occupy that portion of land, shown on the plan attached hereto, on the terms and conditions stated below:

1. The Licence is for 12 months, commencing 1 September 2020 and expires on 31 August 2021 and must be renewed if occupation is to continue after that date.
2. The Licence is issued conditionally upon the compliance by the Licensee of the conditions and restrictions as stated in Council's **Stalls and Kerbside Vendors Policy**, a copy of which is attached to this Licence.
3. The Licensee is required to maintain appropriate current insurances indemnifying Council against any liability and to hold both public and product liability insurance to a value of \$5,000,000 for this purpose.
4. The Licence may be terminated if the attached guidelines are not complied with, following due warning for non-compliance.
5. This Licence is for operating between 6:00am – 7:00pm on any day of the week from the following location only:-
  - Bicheno Car Park opposite United Petroleum
6. The Food Van is not to obstruct any lane ways or parking bays & is not to interfere with the safe movement of vehicles and pedestrians.
7. No signage is to be displayed on any roadside verges

Dated at Triabunna this 29<sup>th</sup> day of July 2020.


Marissa Walters

Acting General Manager







 <b>GLAMORGAN SPRING BAY COUNCIL</b>	<b>POLICY – MOBILE FOOD VANS, POP-UP STALLS &amp; KERBSIDE VENDING</b>	<b>Policy 1.1</b>	
		<b>Version</b> <b>5</b>	<b>Date</b> <b>16/10/2019</b>
<b>Minutes Dated</b> <b>16/10/2019</b>	<b>Approved By: Council</b>  <b>Decision No. 175/19</b>	<b>Review Date</b> <b>As required but no later than 2023</b>	

## 1. OBJECTIVES

The Policy provides that:

- GSBC will support existing and future ‘bricks and mortar’ businesses.
- GSBC recognises that mobile food vendors play an important role in the visitor economy as well as the local services economy.
- In reconciling these imperatives, GSBC will not permit a mobile food vendor within 100m of an existing take away or café food business situated on private tenure within town boundary and 1km outside of town boundary.
- GSBC encourages mobile food vendors to operate across identified sites in order to cater for demand. In doing so it is recognises that this policy must operate without a significant administrative burden.
- GSBC recognises that some mobile food vans have long-term occupancy and certain commercial rights to maintain but will limit any future long-term occupancy.

## 2. SCOPE

This Policy applies to mobile food vans, pop-up stalls and kerbside vending operating on public land.

- Mobile Food Vans that form part of a community event are exempt from this Policy.
- Mobile food vans on private land represent a use of the land and are regulated through the planning system.

## 3. PROCEDURE

A Mobile Food Van may apply for a licence to operate for:

- One year for a licence fee of \$1000 or otherwise prescribed in Council’s fee schedule.
- Three months for a licence fee of \$350 or otherwise prescribed in Council’s fee schedule.
- One month for a licence fee of \$200 or otherwise prescribed in Council’s fee schedule.
- Up to one week \$75 or otherwise prescribed in Council’s fee schedule.

A pop-up stall or kerbside vendor, inclusive of the sale of fresh fruit, vegetables and fish, may apply for a licence to operate for the same period of time as listed above for a mobile food van. The licence fee is to be determined at the discretion of the General Manager having regard to the nature and scale of the activity and any equivalence to the mobile food van. Any such stall or vendor for a charitable purposes shall be fee exempt.

For events organised by local Clubs, Associations and Community Groups within the municipal area such as rostered sporting events at recreation grounds, the Australia Day event at Our Park in Orford and the Bicheno Food and Wine Festival, written permission from the organising group is to be obtained to allow any mobile food van, pop-up stall or kerbside vending business to participate at the event.

A Mobile Food Van could be approved to operate in any one of the following locations at any one time:

- Triabunna Gatehouse
- Triabunna Boat Ramp
- Triabunna Recreation Ground
- Triabunna Memorial Park,
- Orford Our Park
- Spring Beach, Spring Beach Car Park
- Orford Recreation Ground
- Orford tourist information bay on the Tasman Hwy at southern entrance (approved by Council 22/10/19)
- Saltworks Boat Ramp (\*subject to approval by the Crown)
- Swansea corner of Jetty Road and Franklin Street
- Swansea Recreation Ground
- Swansea Gordon Street Boat Ramp
- Swansea Saltwater River Playground
- Swansea Schouten Beach turning head / Waterloo Point Walk
- Dolphin Sands Beach Accesses
- Spiky Bridge Car Park (\*subject to approval by the Crown)
- Bicheno, near Recreation Ground off Waubs Esplanade
- Bicheno Triangle Car Park (from 6pm to 10pm only)
- Bicheno entry point to Whalers Lookout Walk
- Bicheno Car Park opposite United Petroleum
- Bicheno Gordon Street cul-de-sac turning head
- Swanwick Recreation Area
- Coles Bay Jetty
- Coles Bay Boat Ramp
- Coles Bay Memorial Hall
- Coles Bay Information Booth

**\*\*Other locations may be considered by application to Council.**

Mobile Food Vans operation away from a through road will be permitted to place one sandwich board sign on the relevant junction during operating hours in predefined locations and with suitable anchoring.

Mobile Food Vans must be removed from the site and the close of business for each day and parked overnight on private property.

### *Insurance and other approvals*

All licensees must hold a current certificate for \$5,000,000.00 public indemnity insurance and provide a copy of such insurance to Council on issuing of permit.

All licensees for a mobile food van must have such van approved and licenced under the *Food Act 2003* by Glamorgan Spring Bay Council or the Council in which the van is parked.

## **4. DELEGATION**

General Manager

## **5. RESPONSIBILITY**

General Manager

## **6. REPORTING**

A register of licences issued is to be maintained at the Council offices.

## **7. STATUTORY REQUIREMENTS**

- 1. Local Government Act 1993*
- 2. Public Health Act 2003*
- 3. Food Act 2003*

## **8. ATTACHMENTS**

Nil





# MOBILE FOOD VAN, POP-UP STALL & KERBSIDE VENDOR APPLICATION



Application for a License as a Mobile Food Van, Pop-Up Stall or Kerbside Vendor  
**POLICY 1.1 - MOBILE FOOD VANS, POP-UP STALLS & KERBSIDE VENDING**

Applicant's Name: \_\_\_\_\_  
Contact Person: \_\_\_\_\_  
Address: \_\_\_\_\_ Postcode: \_\_\_\_\_  
Mobile Phone: \_\_\_\_\_ Telephone: \_\_\_\_\_  
Email: \_\_\_\_\_  
Business Name: \_\_\_\_\_  
Venue / Location: \_\_\_\_\_  
Name of event: *(if applicable)* \_\_\_\_\_  
Types of Food Sold: \_\_\_\_\_  
Hours of Operation (or attendance on site):  
Mon \_\_\_\_\_ Tue \_\_\_\_\_ Wed \_\_\_\_\_ Thu \_\_\_\_\_  
Fri \_\_\_\_\_ Sat \_\_\_\_\_ Sun \_\_\_\_\_

**Period applied for:**

- ☐ 1 Year (\$1000) ☐ 1 Month (\$200)  
☐ 3 Months (\$350) ☐ Up to 1 week (\$75)

**Do you have a current Statewide Food Registration Certificate?**

- ☐ YES If YES - with which Council? \_\_\_\_\_  
☐ NO If NO – you must apply for a Temporary Food Licence issued by Council.

**TERMS & CONDITIONS**

I, \_\_\_\_\_  
(Print Full Name)

- ☐ I have read Policy 1.1 - Mobile Food Vans, Pop-Up Stalls & Kerbside Vending.  
☐ I understand that I am responsible for the removal of my own rubbish. I will not place my rubbish in Council rubbish bins.  
☐ I have attached a current copy of my Certificate of Currency for Public Liability Insurance.

\_\_\_\_\_  
Signature of applicant

\_\_\_\_\_  
Date

**From:** Governors Bicheno [REDACTED]  
**Date:** 5 October 2020 at 5:14:47 am AEDT  
**To:** Marissa Walters <[Marissa.Walters@freycinet.tas.gov.au](mailto:Marissa.Walters@freycinet.tas.gov.au)>  
**Subject:** Governörs Bicheno

Hi Marissa ,

Hope you are well .

Our names are Ben and Emelie and we own and run governörs food van in Bicheno.

We had our opening on the weekend , opposite the United petrol station and it was a great start ( bit windy ) but in all it worked and the families where loving the open space.

We thank the council for working with us on getting our dreams realised .

We had been given feedback re the location and to be fair it was something we had worried about as well .

The park is quite close to the highway and has no amenities.

Emelie and I have always thought the best place in town to have breakfast or a light meal with the kids would be Waubs bay , next to the surf life saving club .

We understand this is not on the preferred listings of sites to choose from but my goodness it would make a great location.

Hours of operation would be Saturday & Sunday 8:00 am - 2:00pm

We would remove the van after business has finished.

With all the families already living in bicheno and all the families visiting , it would be a great addition for our guests and locals to town, not to mention the morning swimmers .

I will attach images for your viewing .

Please consider our proposal for immediate start .

Thanks for reading and viewing and also working with us .

Ben & Emelie



