



NORTHERN  
MIDLANDS  
COUNCIL

# DELEGATIONS REGISTER

MAY 2018

## INDEX

INTRODUCTION .....	3
LOCAL GOVERNMENT ACT 1993.....	4
LOCAL GOVERNMENT (HIGHWAYS) ACT 1982 .....	5
LAND USE PLANNING & APPROVALS ACT 1993.....	5
FOOD ACT 2003 .....	5
BUILDING ACT & BUILDING REGULATIONS 2016.....	6
BURIAL & CREMATION ACT 2002 .....	12
DOG CONTROL ACT 2000.....	13
ENVIRONMENTAL MANAGEMENT AND POLLUTION CONTROL ACT 1994 .....	15
FOOD ACT 2003 .....	16
HEAVY VEHICLE NATIONAL LAW (TASMANIA) ACT 2013 .....	17
LAND USE PLANNING AND APPROVALS ACT 1993 .....	19
LAND USE PLANNING AND APPROVALS REGULATIONS 2014.....	23
LOCAL GOVERNMENT ACT 1993.....	24
LOCAL GOVERNMENT (BUILDING & MISCELLANEOUS PROVISIONS) ACT 1993.....	27
LOCAL GOVERNMENT (GENERAL) REGULATIONS 2015.....	28
LOCAL GOVERNMENT (HIGHWAYS) ACT 1982 .....	29
LOCAL GOVERNMENT (MEETING PROCEDURES) REGULATIONS 2015.....	34
MONETARY PENALTIES ENFORCEMENT ACT 2005.....	35
PUBLIC HEALTH ACT 1997 .....	36
RIGHT TO INFORMATION ACT 2009 .....	38
ROADS AND JETTIES ACT .....	40
STRATA TITLES ACT 1998 .....	42
WEED MANAGEMENT ACT 1999 .....	43

## INTRODUCTION

A council, in writing, may delegate with or without conditions to the general manager, any of its functions or powers under any Act: s.22 Local Government Act 1993 (subject to restrictions).

The general manager, in writing, may delegate to an employee of the council (a) any functions or powers under any Act, other than this power of delegation; and (b) any functions or powers delegated by the council which the council authorised the general manager to delegate: s.64 Local Government Act 1993.

If an Act confers a power on a person to delegate a function or power, the person may, in accordance with the Act, delegate the function or power to (a) a person by name; or (b) the holder of a particular office or position by reference to the title of the office or position concerned, whether or not the office or position is vacant at the time of the delegation: s.23AA(1) of the Acts Interpretation Act 1931.

If a function or power is delegated to a particular officer or the holder of a particular office or position (a) the delegation does not cease to have effect merely because the person who was the particular officer or the holder of the particular office or position when the function or power was delegated ceases to be that officer or the holder of that office or position; and (b) the function or power may be performed or exercised by the person for the time being occupying or acting in the office or position concerned: s.23AA(5) of the Acts Interpretation Act 1931.

A function or power that has been delegated may, notwithstanding the delegation, be exercised by the delegator: s.23AA(6) of the Acts Interpretation Act 1931.

Each delegation or authorisation is subject to:

- a) the conditions or restrictions (if any) referred to;
- 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 provisions of any Act.

## LOCAL GOVERNMENT ACT 1993

PROVISION	FUNCTION OR POWER	CONDITION OR RESTRICTION	DELEGATION	ORIGINAL SOURCE OF POWER
S. 22	<p>Any of Council's functions or powers under the Local Government Act 1993 or any other Act other than this power of delegation, and including the powers identified in s22(2):</p> <p>(a) the collection of rates and charges under Part 9;</p> <p>(ab) the postponement of rates and charges;</p> <p>(b) the remission or rebate of rates and charges;</p> <p>(ba) the writing off of any debts owed to the council;</p> <p>(c) the making of grants or the provision of benefits</p>	<p>Except for the following powers (s22(3)):</p> <p>(a) the borrowing of money or other financial accommodation;</p> <p>(b) the determination of the categories of expenses payable to councillors and any member of any committee;</p> <p>(c) the establishment of council committees, special committees, controlling authorities, single authorities or joint authorities;</p> <p>(d) the revision of the budget or financial estimates of the council;</p> <p>(e) the revision of the strategic plan and the annual plan of the council;</p> <p>(f) the appointment of the general manager;</p> <p>(fa) the sale, donation, exchange or other disposal of land or public land;</p> <p>(fb) the decision to exercise any power under section 21(1);</p> <p>(g) the making of by-laws;</p> <p>(h) the making of rates and charges under Part 9;</p> <p>(i) any other prescribed power.</p>	General Manager	Council

## LOCAL GOVERNMENT (HIGHWAYS) ACT 1982

PROVISION	FUNCTION OR POWER	CONDITION OR RESTRICTION	DELEGATION	ORIGINAL SOURCE OF POWER
S. 124	All powers pursuant to the this Act	Excluding sections: 12(1), 15(3), 19(1)(c), 43, 46(2C), 61, 73, 80, 114(8), 124, and with the condition on section 104(2) that it must be in accordance with the annual schedule of fees and charges.	General Manager	Council

## LAND USE PLANNING & APPROVALS ACT 1993

PROVISION	FUNCTION OR POWER	CONDITION OR RESTRICTION	DELEGATION	ORIGINAL SOURCE OF POWER
S. 6(3)	Powers under this Act		General Manager	Permit Authority

## FOOD ACT 2003

PROVISION	FUNCTION OR POWER	CONDITION OR RESTRICTION	DELEGATION	ORIGINAL SOURCE OF POWER
S.101(2)	Appointment of Authorised Officer	Nil	Environmental Health Officer	Council

## BUILDING ACT & BUILDING REGULATIONS 2016

PROVISION	FUNCTION OR POWER	CONDITION OR RESTRICTION	DELEGATION	ORIGINAL SOURCE OF POWER
S. 24(2)	Powers and function (permit authority)		Building & Compliance Officer Administration Officer General Manager	General Manager
s.27(3) & (4)	Make information retained pursuant to s.27(2) available to the persons specified in s.27(3), and to provide a copy of that information upon payment of a fee.	Nil	Building & Compliance Officer	General Manager
s.41(2)	The general manager of a council may, at all reasonable times, enter any premises or land where there is a building, temporary structure, building work, plumbing work or demolition work, if necessary to perform a function or exercise a power under this Act.	Nil	Building & Compliance Officer	General Manager
s.70(1)	Be satisfied that land which is contaminated, unhealthy and not suitable for a particular purpose, has been cleaned or remedied.	Nil	Environmental Health Officer	General Manager
s.70(2)	Be satisfied that the surface of land is capable of being drained into an existing stormwater drain or channel or other suitable outlet.	Nil	Plumbing Sureveyor	General Manager

PROVISION	FUNCTION OR POWER	CONDITION OR RESTRICTION	DELEGATION	ORIGINAL SOURCE OF POWER
s.73	Works involving, or in proximity of, existing drains - provide written consent for works and impose any reasonable conditions of that consent, including to require a written undertaking not to hold the Council liable for damage or inconvenience arising from building work.	Nil	Building & Compliance Officer	General Manager
s.241	Form a belief that a building may be dilapidated, and to inspect that building and prepare a dilapidated building report upon it. To obtain information as to any matter relating to a dilapidated building report from any building services provider or other person.	Nil	Building & Compliance Officer	General Manager
s.242	Issue a dilapidated building notice.	Nil	Building & Compliance Officer	General Manager
s.244	Revoke a dilapidated building notice.	Nil	Building & Compliance Officer	General Manager
s.251	Apply to a court for an order in relation to a contravention or likely contravention of the Act or a notice, order or determination under the Act.	Nil	Building & Compliance Officer	General Manager

PROVISION	FUNCTION OR POWER	CONDITION OR RESTRICTION	DELEGATION	ORIGINAL SOURCE OF POWER
s.265(3) & (4)	<p>Perform works where there has been failure to comply with an emergency, building or plumbing order, including the power to:(a) enter on the land where the work is to be done with the appropriate equipment; and</p> <p>(b) exclude other persons from the place where the work is being done; and</p> <p>(c) if anything is to be altered, determine the form of the alteration so far as it was not previously specified; and</p> <p>(d) if anything is to be taken down, demolished or removed, determine in what condition the remainder is to be left; and</p> <p>(e) carry away to some convenient place any materials removed; and</p> <p>(f) sell any materials so carried away and deduct the proceeds from the cost of the work.</p>	Nil	Building & Compliance Officer	General Manager



PROVISION	FUNCTION OR POWER	CONDITION OR RESTRICTION	DELEGATION	ORIGINAL SOURCE OF POWER
s.266	Take proceedings to obtain possession of a building or temporary structure if any occupier fails to allow any person to do work pursuant to s.265.	Nil	Building & Compliance Officer	General Manager
s.267(1) & (2)	Serve an order to demolish building work.	Nil	Building & Compliance Officer	General Manager
s.267(3)	Enter onto land and demolish any building work in respect of an order to demolish building work.	Nil	Building & Compliance Officer	General Manager
s.269	Enter land or a building and perform the required work.	Nil	Building & Compliance Officer	General Manager
s.269	Make an application to recover the cost of performing any work, and to impose a charge on land.	Nil	Building & Compliance Officer	General Manager
s.271(1)	Sell a building for removal or after demolishing a building, sell the materials on the premises for removal.	Nil	Building & Compliance Officer	General Manager
s.271(2)	Grant the purchaser of a building sold pursuant to s.271(1) all of the powers Council has under s.265.	Nil	Building & Compliance Officer	General Manager

PROVISION	FUNCTION OR POWER	CONDITION OR RESTRICTION	DELEGATION	ORIGINAL SOURCE OF POWER
s.272	Request the assistance of a police officer –  (a) in evacuating a building or temporary structure in accordance with an emergency order; or  (b) in removing any person from a building or temporary structure in respect of which an emergency order, building order or plumbing order is in effect.	Nil	Building & Compliance Officer	General Manager
s.275(1)	Require a building permit to be obtained for works in compliance with an emergency order.	Nil	Building & Compliance Officer	General Manager
s.275(2)	Waive requirement to obtain a building permit to be obtained for works in compliance with a building order or demolition order.	Nil	Building & Compliance Officer	General Manager
s.308(2)	Provide consent to inhabit a building that is not built as a dwelling for a cumulative period that exceeds 30 days.	Nil	Building & Compliance Officer	General Manager
s.309	Provide consent to erect a fence, building or other structure so as to restrict the use, in connection with a building, of any unoccupied area of the land on which it is built.	Nil	Building & Compliance Officer	General Manager

PROVISION	FUNCTION OR POWER	CONDITION OR RESTRICTION	DELEGATION	ORIGINAL SOURCE OF POWER
s.310	Commence proceedings for an offence against the Act or the regulations.	Nil	Building & Compliance Officer	General Manager
s.324	Issue an infringement notice.	Nil	Building & Compliance Officer	General Manager
<b>Building Regulations 2016</b>				
r.43(1)	Provide written consent for works proposed pursuant to r.43(1)	Nil	Building & Compliance Officer	General Manager
r.43(3)	If not satisfied that a stormwater drainage system is sealed in accordance with the Act, enter the premises and perform any work necessary	Nil	Building & Compliance Officer	General Manager
r.43(5)(a)	Recover costs as a charge under the Local Government Act 1993	Nil	Building & Compliance Officer	General Manager
r.53	Assessment of land as having a reasonable probability of flooding	Nil	Building & Compliance Officer	General Manager
r.61(4)	Provide written authorisation for work in a landslip hazard area	Nil	Building & Compliance Officer	General Manager
r.78(3)	Recover costs as a charge under the Local Government Act 1993	Nil	Building & Compliance Officer	General Manager
r.83	Issue building certificate certifying that council does not intend to take any action under the Act	Nil	Building & Compliance Officer	General Manager

## BURIAL & CREMATION ACT 2002

PROVISION	FUNCTION OR POWER	CONDITION OR RESTRICTION	DELEGATION	ORIGINAL SOURCE OF POWER
S.51	Authorised officer	Nil	Environmental Health Officer	Council General Manager

## DOG CONTROL ACT 2000

PROVISION	FUNCTION OR POWER	CONDITION OR RESTRICTION	DELEGATION	ORIGINAL SOURCE OF POWER
S.3	Appointment of authorised officer		<ul style="list-style-type: none"> <li>• Animal Control Officer</li> </ul>	General Manager
S.9(1)	Receive application	Nil	<ul style="list-style-type: none"> <li>• Animal Control Officer</li> <li>• Administration Officer</li> </ul>	General Manager
S.10(1)	Allocate registration number and issue disc or tag	Nil	<ul style="list-style-type: none"> <li>• Animal Control Officer</li> <li>• Administration Officer</li> </ul>	General Manager
S.12(1)	Receive notification of death, loss or transfer	Nil	<ul style="list-style-type: none"> <li>• Animal Control Officer</li> <li>• Administration Officer</li> </ul>	General Manager
S.12(2)	Cancel registration	Nil	<ul style="list-style-type: none"> <li>• Animal Control Officer</li> <li>• Administration Officer</li> </ul>	General Manager
S.15(1)	Register of registered dogs	Nil	<ul style="list-style-type: none"> <li>• Animal Control Officer</li> <li>• Administration Officer</li> </ul>	General Manager
S.15(4)	Amend or cancel item on register of registered dogs	Nil	<ul style="list-style-type: none"> <li>• Animal Control Officer</li> <li>• Administration Officer</li> </ul>	General Manager
S.15A(3)	Implant a microchip	Nil	<ul style="list-style-type: none"> <li>• Animal Control Officer</li> </ul>	General Manager
S.19A(2)	Destroy a dog seized due to subsequent attack	Nil	<ul style="list-style-type: none"> <li>• Animal Control Officer</li> </ul>	General Manager
S.35(3)	Sell, destroy or dispose of seized dog where notice given to owner	Nil	<ul style="list-style-type: none"> <li>• Animal Control Officer</li> </ul>	General Manager
S.35(4)	Sell, destroy or dispose of seized dog where owner not identifiable	Nil	<ul style="list-style-type: none"> <li>• Animal Control Officer</li> </ul>	General Manager
S.35(5)	Make inquiries to identify dog owner	Nil	<ul style="list-style-type: none"> <li>• Animal Control Officer</li> </ul>	General Manager
S.35(6)	Implant microchip in seized dog	Nil	<ul style="list-style-type: none"> <li>• Animal Control Officer</li> </ul>	General Manager
S.36(6)	Release dog on payment of fees and charges	Nil	<ul style="list-style-type: none"> <li>• Animal Control Officer</li> </ul>	General Manager
S.39	Release of dogs	Nil	<ul style="list-style-type: none"> <li>• Animal Control Officer</li> </ul>	General Manager
S.39A(4)	Destroy dog if no suitable enclosure	Nil	<ul style="list-style-type: none"> <li>• Animal Control Officer</li> </ul>	General Manager

PROVISION	FUNCTION OR POWER	CONDITION OR RESTRICTION	DELEGATION	ORIGINAL SOURCE OF POWER
S.41(2)	Receive notice of attacking dog	Nil	• Animal Control Officer	General Manager
S.41(4)	Notify General Manager and return identifier	Nil	• Animal Control Officer	
S.42(3)	Notify owner of destruction	Nil	• Animal Control Officer	General Manager
S.47(1)	Receive complaints about a dog that is a nuisance	Nil	• Animal Control Officer	General Manager
S.48(1)	Investigation of complaint	Nil	• Animal Control Officer	General Manager
S.48(2)(a)	Institute proceedings in relation to nuisance complaint	Nil	• Animal Control Officer	General Manager
S.48(2)(b)	Refund fee	Nil	• Animal Control Officer	General Manager
S. 49A	Abatement notices - dog creating a nuisance	Nil	• Animal Control Officer	General Manager
51(1)	Apply for licence for several dogs	Nil	• Animal Control Officer	General Manager
51(3)	Require licence applicant to give public notice of application	Nil	• Animal Control Officer	General Manager
52	Receive objection to granting of licence for keeping several dogs	Nil	• Animal Control Officer	General Manager
54	Refusing application for licence	Nil	• Animal Control Officer	General Manager
55(1)	Granting application	Nil	• Animal Control Officer	General Manager
55(2)	Issuing licence	Nil	• Animal Control Officer	General Manager
57(2)	Refusing to renew licence	Nil	• Animal Control Officer	General Manager
58(1)	Cancellation of licence	Nil	• Animal Control Officer	General Manager
58(2)	Giving notice prior to cancelling a licence	Nil	• Animal Control Officer	General Manager

## ENVIRONMENTAL MANAGEMENT AND POLLUTION CONTROL ACT 1994

PROVISION	FUNCTION OR POWER	CONDITION OR RESTRICTION	DELEGATION	ORIGINAL SOURCE OF POWER
S.21	Appointment of Council officers	Nil	<ul style="list-style-type: none"><li>• Environmental Health Officer</li><li>• Compliance Officer</li></ul>	Council

## FOOD ACT 2003

PROVISION	FUNCTION OR POWER	CONDITION OR RESTRICTION	DELEGATION	ORIGINAL SOURCE OF POWER
S.50 (2)	Forfeiture of item	Nil	Environmental Health Officer	General Manager
S.52 (1)	Return of forfeited item	Nil	Environmental Health Officer	
S.53 (3) and (4)	Compensation to be paid in certain circumstances	Nil	Environmental Health Officer	
S.55	Enforcement agency entitled to answer application	Nil	Environmental Health Officer	
S.68 (2) and (3)	Compensation	Nil	Environmental Health Officer	
S.83H	Priority classification system	Nil	Environmental Health Officer	
S.87 (1) (5) (6) and (7)	Registration of food business	Nil	Environmental Health Officer	
S.89 (3)	Renewal of registration	Nil	Environmental Health Officer	
S.91 (1)	Variation of conditions, or suspension or cancellation, of registration of food businesses	Nil	Environmental Health Officer	
S.94	Register of food businesses	Nil	Environmental Health Officer	
S.97	Functions of councils	Nil	Environmental Health Officer	
S.98 (4)	Power of Director of Public Health to order council to perform duties	Nil	Environmental Health Officer	
S.100 (1) (2)	Reports by councils	Nil	Environmental Health Officer	



## HEAVY VEHICLE NATIONAL LAW (TASMANIA) ACT 2013

*Presently under review*

PROVISION	FUNCTION OR POWER	CONDITION OR RESTRICTION	DELEGATION	ORIGINAL SOURCE OF POWER
S.156	Perform the duties of the Council if the Regulator asks for the Council's consent to the grant of a mass or dimension authority, decide to give or not to give the consent.	Nil	<ul style="list-style-type: none"> <li>• Works &amp; Infrastructure Manager</li> <li>• Engineering Officer</li> </ul>	General Manager
S.158	Perform the duties of the Council if the consultation with the other entity is not yet completed, to, as far as practicable, deal with the request for consent and decide to give or not to give the consent (even though the consultation with the other entity is not completed).	Nil	<ul style="list-style-type: none"> <li>• Works &amp; Infrastructure Manager</li> <li>• Engineering Officer</li> </ul>	General Manager
S.159	Perform the duties of the Council to form the opinion a route assessment is necessary for deciding whether to give or not to give the consent and notify the Regulator.	Nil	<ul style="list-style-type: none"> <li>• Works &amp; Infrastructure Manager</li> <li>• Engineering Officer</li> </ul>	General Manager
S.160	Perform the duties of the Council to impose road conditions.	Nil	<ul style="list-style-type: none"> <li>• Works &amp; Infrastructure Manager</li> <li>• Engineering Officer</li> </ul>	General Manager
S.161	Perform the duties of the Council to impose travel conditions.	Nil	<ul style="list-style-type: none"> <li>• Works &amp; Infrastructure Manager</li> <li>• Engineering Officer</li> </ul>	General Manager
S.162	Perform the duties of the Council to impose vehicle restrictions.	Nil	<ul style="list-style-type: none"> <li>• Works &amp; Infrastructure Manager</li> <li>• Engineering Officer</li> </ul>	General Manager
S.167	Perform the duties of the Council to grant limited consent for trial purposes.	Nil	<ul style="list-style-type: none"> <li>• Works &amp; Infrastructure Manager</li> <li>• Engineering Officer</li> </ul>	General Manager

<b>PROVISION</b>	<b>FUNCTION OR POWER</b>	<b>CONDITION OR RESTRICTION</b>	<b>DELEGATION</b>	<b>ORIGINAL SOURCE OF POWER</b>
S.169	Perform the duties of the Council to grant limited consent for trial purposes.	Nil	<ul style="list-style-type: none"> <li>• Works &amp; Infrastructure Manager</li> <li>• Engineering Officer</li> </ul>	General Manager
S.170	Perform the duties of the Council to renew limited consent for trial purposes.	Nil	<ul style="list-style-type: none"> <li>• Works &amp; Infrastructure Manager</li> <li>• Engineering Officer</li> </ul>	General Manager
S.172	Perform the duties of the Council to issue a statement explaining adverse decision of the Road Manager.	Nil	<ul style="list-style-type: none"> <li>• Works &amp; Infrastructure Manager</li> <li>• Engineering Officer</li> </ul>	General Manager
S.173	Perform the duties of the Council to issue an amendment or cancellation on the Regulator's initiative.	Nil	<ul style="list-style-type: none"> <li>• Works &amp; Infrastructure Manager</li> <li>• Engineering Officer</li> </ul>	General Manager
S.174	Perform the duties of the Council to issue an amendment or cancellation on request of the relevant Road Manager.	Nil	<ul style="list-style-type: none"> <li>• Works &amp; Infrastructure Manager</li> <li>• Engineering Officer</li> </ul>	General Manager
S.176	Perform the duties of the Council to issue an amendment or cancellation on application by the permit holder.	Nil	<ul style="list-style-type: none"> <li>• Works &amp; Infrastructure Manager</li> <li>• Engineering Officer</li> </ul>	General Manager
S.178	Perform the duties of the Council to issue an amendment or cancellation on the request of the Road Manager.	Nil	<ul style="list-style-type: none"> <li>• Works &amp; Infrastructure Manager</li> <li>• Engineering Officer</li> </ul>	General Manager

## LAND USE PLANNING AND APPROVALS ACT 1993

PROVISION	FUNCTION OR POWER	CONDITION OR RESTRICTION	DELEGATION	ORIGINAL SOURCE OF POWER
S. 61	Represent the Council in an appeal against permit decision		Planning Officer Senior Planner	General Manager
S. 65I	Authorised Officer		Compliance Officer	General Manager
Part 4 Generally	Authority to require the making of a permit application and to undertake actions and proceedings in pursuance of the Council's obligations as a planning authority to observe and enforce compliance of a planning scheme; including – i) to give such advice, consultation, referral or notification as required under this Part; ii) to represent the Council and to give evidence before the Resource Management and Planning Appeal Tribunal in respect of any appeal against a decision on a planning permit.		Senior Planner	General Manager
S.40U	Combined permit and amendment process - Additional information		Senior Planner	General Manager
S.43(2)	Amend a permit		Senior Planner Community & Development Manager Community & Development Supervisor	General Manager

PROVISION	FUNCTION OR POWER	CONDITION OR RESTRICTION	DELEGATION	ORIGINAL SOURCE OF POWER
S.43(6)	Notify persons of amendment to permit		Senior Planner	General Manager
S.43(7)	Notify EPA of amendment to permit		Senior Planner	General Manager
S.43(9)	Notify Commission of amendment to permit		Senior Planner	General Manager
S.43(10)	Notify Heritage Council of amendment to permit		Senior Planner	General Manager
S.51	Permits		Senior Planner Community & Development Manager Community & Development Supervisor	General Manager
S.53(5A)	Granting extension to period to substantially commence		Senior Planner	General Manager
S.54	Additional information		Senior Planner	General Manager
S.55	Correction of mistakes in a permit		Senior Planner Community & Development Manager Community & Development Supervisor	General Manager
S.56	Minor amendments of permits	Inclusive of Council decisions where the permit amendment does not alter the intent or nature of Council's decision.	Senior Planner Community & Development Manager Community & Development Supervisor	General Manager
S.57(2)	Applications for discretionary permits	Provided no representations have been received.	Senior Planner Community & Development Manager Community & Development Supervisor	General Manager
S.57(6)	Grant a discretionary permit with or without conditions	Provided no representations have been received.	Senior Planner Community & Development Manager	General Manager

PROVISION	FUNCTION OR POWER	CONDITION OR RESTRICTION	DELEGATION	ORIGINAL SOURCE OF POWER
			Community & Development Supervisor	
S.57(6A)	Negotiate an extension of time for determination of a permit application		Senior Planner	General Manager
S.57A	Mediation		Senior Planner	General Manager
S.58	Application for other permits		Senior Planner Community & Development Manager Community & Development Supervisor	General Manager
S.59(7)	Determine an application for a permit if the statutory time has elapsed		Senior Planner Community & Development Manager	General Manager
S.60P(4)	Provide information if requested by Tasmanian Planning Commission		Senior Planner	General Manager
S.61	Represent the Council in an appeals against a permit decision		Senior Planner	General Manager
Part 4 Generally	Authority to represent the planning authority or to appoint a person to represent the planning authority and to give evidence, on a planning appeal or other action, including any mediation, before the Resource Management and Planning Appeals Tribunal or any other body of competent jurisdiction.		Senior Planner	General Manager
<b>PART 5</b>	<b>AGREEMENTS</b>			

<b>PROVISION</b>	<b>FUNCTION OR POWER</b>	<b>CONDITION OR RESTRICTION</b>	<b>DELEGATION</b>	<b>ORIGINAL SOURCE OF POWER</b>
S.71	Require an Agreement		Senior Planner	General Manager
S.74(3)	Duration of agreement		Senior Planner	General Manager
S.76	Lodge Agreement with Commission		Senior Planner	General Manager
S.80	Represent the Council or appoint a person (legal practitioner) to represent the Council in proceedings before the Appeal Tribunal		Senior Planner	General Manager
39(2)	Representations to be provided to Commission in respect of draft amendments	Where application has been made prior to the amended date.	Senior Planner	General Manager
43J	Correction of mistake in permits referred to in s43H	Where application has been made prior to the amended date.	Senior Planner Community & Development Manager Community & Development Supervisor	General Manager
43K	Minor amendment of permits referred to in section 43H	Where application has been made prior to the amended date.	Senior Planner Community & Development Manager Community & Development Supervisor	General Manager

## **LAND USE PLANNING AND APPROVALS REGULATIONS 2014**

No sub-delegations.

## LOCAL GOVERNMENT ACT 1993

PROVISION	FUNCTION OR POWER	CONDITION OR RESTRICTION	DELEGATION	ORIGINAL SOURCE OF POWER
S. 20A	Power of entry	Nil	All officers	General Manager
S.74	Expenditure	In accordance with budget	Corporate Services Manager	General Manager
S.75	Investments	In accordance with Council's investment policies as reviewed from time to time	Corporate Services Manager	General Manager
S. 76	Write off bad debts	Not to exceed \$500. Only where reasonable attempts have been made to recover the debt.	Corporate Services Manager	General Manager
S.77	Payments of grants or benefits	Subject to budget approval and Council policy.	Corporate Services Manager	General Manager
S.81	Authorised deposit taking institution accounts	Nil	Corporate Services Manager	General Manager
S.84(1)(3)(4)	Financial statements	Nil	Corporate Services Manager	General Manager
S.92(2)(3)	Adjustment of amount payable	In accordance with Council policies as reviewed from time to time.	Corporate Services Manager	General Manager
S.109	Determine objections to a variation in the Rate	Nil	Corporate Services Manager	General Manager
S.110	Record of Rates	Nil	Corporate Services Manager	General Manager
S.111	Ownership	Nil	Corporate Services Manager	General Manager
S.113-114	Acceptance of application to declare land to be urban farm land, and, revocation of application to declare land to be urban farm land	Nil	Corporate Services Manager	General Manager
S.124	Permitting individual rate payers to pay by instalments	Nil	Corporate Services Manager	General Manager



PROVISION	FUNCTION OR POWER	CONDITION OR RESTRICTION	DELEGATION	ORIGINAL SOURCE OF POWER
S.126 & 127	Grant postponement of the payment of rates for a specified period and to revoke such postponement	Nil	Corporate Services Manager	General Manager
S.129	Remission of rates	In accordance with Council policy	Corporate Services Manager	General Manager
S.132(4)	Certificate of liabilities	Nil	Corporate Services Manager	General Manager
S.133-135	To recover rates due in a Court of competent jurisdiction; by rents under leases; by sale of land; or by ministerial order where there are no reasonable prospects of selling	In accordance with Council policy	Corporate Services Manager	General Manager
S.137-139	To sell land to recover unpaid rates.	In accordance with Council policy	Corporate Services Manager	General Manager
S.139A	Register of money	Nil	Corporate Services Manager	General Manager
S.140	To apply for Ministerial Order to transfer land if there are no reasonable prospects the land will be sold.	In accordance with Council's policy	Corporate Services Manager	General Manager
S.175	Purchase or lease of land	Restricted to leasing of land to Council and for a maximum of three years; and does not include purchase of land	Corporate Services Manager	General Manager
S.176	Acquisition of land	Restricted to the delegated provisions of R.37(d), (e) and (ea) of the <i>Local Government (General) Regulations 2005</i>	Corporate Services Manager	General Manager
S.182	Fencing land	Nil	Animal Control Officer	General Manager
S.185	Compliance with notice	Nil	Corporate Services Manager	General Manager

<b>PROVISION</b>	<b>FUNCTION OR POWER</b>	<b>CONDITION OR RESTRICTION</b>	<b>DELEGATION</b>	<b>ORIGINAL SOURCE OF POWER</b>
S. 194	Impounding of Animals	Nil.	Animal Control Officers	General Manager
S.195	Notice of impounding	Nil	Animal Control Officer	General Manager
S.196	Fees, costs & charges	Nil	Animal Control Officer	General Manager
S.197	Sale or destruction of unclaimed animals	Nil	Animal Control Officer	General Manager
S.198	Destruction of animals	Nil	Animal Control Officer	General Manager
S.200	Abatement notices	Nil	Animal Control Officer	General Manager
S.201	General Manager may take necessary action	Nil	Animal Control Officer	General Manager
S.207	Remission of fees and charges	Limited to \$500	Corporate Services Manager	General Manager
S. 240	Appearances in Court	Nil	Governance & Community Development Officer	General Manager
S.261(1)	List of electors	Nil	Corporate Services Manager	General Manager
S.333A	To call tenders for goods and services included in the Annual Plan and accept or refuse the same.	Acceptance of tenders by the General Manager must only be for goods or services included in the Annual Plan with an estimated cost of up to \$100,000 and the tender is within 5% of the estimate and the lowest tender is to be accepted. Council's Code of Tendering must be complied with.	Corporate Services Manager	General Manager
S.337	Council land information certificate	Sub-clause (8) in accordance with Council's Schedule of Fees and charges	Corporate Services Manager	General Manager
S.344	Rounding off rates, &c	Nil	Corporate Services Manager	General Manager

**LOCAL GOVERNMENT (BUILDING & MISCELLANEOUS PROVISIONS) ACT 1993**

No sub-delegations.

## LOCAL GOVERNMENT (GENERAL) REGULATIONS 2015

PROVISION	FUNCTION OR POWER	CONDITION OR RESTRICTION	DELEGATION	ORIGINAL SOURCE OF POWER
R.24	Open tenders		Corporate Services Manager	General Manager

## LOCAL GOVERNMENT (HIGHWAYS) ACT 1982

PROVISION	FUNCTION OR POWER	CONDITION OR RESTRICTION	DELEGATION	ORIGINAL SOURCE OF POWER
S. 41 and 99	Appointment of Authorised Officer	Nil	Works & Infrastructure Manager	Council
S.6	Making, widening, &c., of highways by corporations	Nil	Works & Infrastructure Manager	General Manager
S.7	Limitation on opening of highways in cities and towns by private persons	Nil	Works & Infrastructure Manager	General Manager
S.8	Maintenance of highways opened outside cities or towns by private persons	Nil	Works & Infrastructure Manager	General Manager
S.10	Obligations on landowners opening highways	Nil	Works & Infrastructure Manager	General Manager
S.11	Enforcement of obligations of landowners opening highways	Nil	Works & Infrastructure Manager	General Manager
S.14	Closure and diversion of highways	Nil	Works & Infrastructure Manager	General Manager
S.15	Dealing with sites of closed highways	Nil	Works & Infrastructure Manager	General Manager
S.17	Definition of boundaries of highway	Nil	Works & Infrastructure Manager	General Manager
S.19	Closure of local highways for public functions, &c.	In consultation with Commissioner of Police. Delegation excludes 19(1)(c)	Works & Infrastructure Manager	General Manager
S.20	Closure of parts of local highways for sale of goods, &c.	In consultation with Commissioner of Police & Transport Commission	Works & Infrastructure Manager	General Manager
S.21	General responsibility of corporations	Nil	Works & Infrastructure Manager	General Manager
S.24	Highways on boundaries of municipalities	Nil	Works & Infrastructure Manager	General Manager
S.25	General supplementary provisions as to carrying out of highway works	Nil	Works & Infrastructure Manager	General Manager
S.26(4)	Obtaining of materials for highway works	Nil	Works & Infrastructure Manager	General Manager
S.27	Use of adjoining lands in carrying out highway works	Nil	Works & Infrastructure Manager	General Manager

PROVISION	FUNCTION OR POWER	CONDITION OR RESTRICTION	DELEGATION	ORIGINAL SOURCE OF POWER
S.28	Shifting of apparatus, &c., in roads	Nil	Works & Infrastructure Manager	General Manager
S.30	Improvement, &c., of highways	Nil	Works & Infrastructure Manager	General Manager
S.31	Obstructions for prohibition or restriction of vehicular traffic	S. 31(1) requires approval from Transport Commission	Works & Infrastructure Manager	General Manager
S.32	Lighting	Nil	Works & Infrastructure Manager	General Manager
S.33	Lighting of private ways and courts	Nil	Works & Infrastructure Manager	General Manager
S.34	Drainage works	Nil	Works & Infrastructure Manager	General Manager
S.35	Crossings over footpaths, table-drains, and gutters	Nil	Works & Infrastructure Manager	General Manager
S.36	Fencing of streets in towns	Nil	Works & Infrastructure Manager	General Manager
S.37	Alterations, &c., of entrances to highways	Nil	Works & Infrastructure Manager	General Manager
S.38	Removal of trees near highways	Nil	Works & Infrastructure Manager	General Manager
S.39	Obligation of occupiers to cut back vegetation, &c.	Nil	Works & Infrastructure Manager	General Manager
S.40	Animal barriers on highways	Nil	Works & Infrastructure Manager	General Manager
S.41	Prohibition of traffic likely to cause damage to highways	Nil	Works & Infrastructure Manager	General Manager
S.42	Closure of dangerous highways	Nil	Works & Infrastructure Manager	General Manager
S.44	Protection of bridges from excessive loading	Nil	Works & Infrastructure Manager	General Manager
S.44	Protection of bridges from excessive loading	Nil	Works & Infrastructure Manager	General Manager
S.45(4)	Removal and disposal of abandoned articles		Works & Infrastructure Manager	General Manager

PROVISION	FUNCTION OR POWER	CONDITION OR RESTRICTION	DELEGATION	ORIGINAL SOURCE OF POWER
S. 45(5)(6)(7)(8)(9)(10)(12)	Removal and disposal of abandoned articles	Delegation	Works & Infrastructure Manager	General Manager
S.46(2)	Permission to carry out various works in relation to highways	Nil	Works & Infrastructure Manager	General Manager
S.46	Permission to carry out various works in relation to highways	Delegation excludes S. 46(2C)	Works & Infrastructure Manager	General Manager
S.50	Management of local highways not maintainable by the corporation	Nil	Works & Infrastructure Manager	General Manager
S.51	Making good of back roads, lanes, &c., at frontagers' expense	Nil	Works & Infrastructure Manager	General Manager
S.52	Projections on to highways, &c.	Nil	Works & Infrastructure Manager	General Manager
S.53	Low-lying land near highways	Nil	Works & Infrastructure Manager	General Manager
S.54	Names of highways, &c.	Nil	Works & Infrastructure Manager	General Manager
S.55	Numbering of buildings, &c.	Nil	Works & Infrastructure Manager	General Manager
S.59	Development of land in connection with highway improvements	Nil	Works & Infrastructure Manager	General Manager
S.60 (3)	Restrictive covenants for benefit of highway	Nil	Works & Infrastructure Manager	General Manager
S.62	Special provisions as to acquisition for widening or other alteration	Nil	Works & Infrastructure Manager	General Manager
S.63	Letting of highways not presently used	Nil	Works & Infrastructure Manager	General Manager
S.66	Proof that street is subject to Part V	Nil	Works & Infrastructure Manager	General Manager
S.67 (2)	Street works in streets not previously made up	Nil	Works & Infrastructure Manager	General Manager
S.68	Scheme of street construction	Nil	Works & Infrastructure Manager	General Manager
S.71	Notice of preparation of scheme	Nil	Works & Infrastructure Manager	General Manager

PROVISION	FUNCTION OR POWER	CONDITION OR RESTRICTION	DELEGATION	ORIGINAL SOURCE OF POWER
S.72	Objection by owners	Nil	Works & Infrastructure Manager	General Manager
S.74	Execution of scheme	Nil	Works & Infrastructure Manager	General Manager
S.76	Payments by frontagers	Nil	Works & Infrastructure Manager	General Manager
S.77	State contribution	Nil	Works & Infrastructure Manager	General Manager
S.79	Urgent works	Nil	Works & Infrastructure Manager	General Manager
S.81	Record of charges	Nil	Works & Infrastructure Manager	General Manager
S.95	Establishment of controlled parking	Nil	Works & Infrastructure Manager	General Manager
S.96	Hours of operation of controlled parking	Nil	Works & Infrastructure Manager	General Manager
S.99	Power to close off parking spaces	Nil	Works & Infrastructure Manager	General Manager
S.100(1A)	Infringement notices	Nil	Works & Infrastructure Manager	General Manager
S.102	Removal of vehicles in certain cases from parking spaces	Nil	Works & Infrastructure Manager	General Manager
S.104	Permits for use of parking spaces without operation of meters or use of parking vouchers	S.104(2) must be in accordance with Annual Schedule of Fees and Charges	Works & Infrastructure Manager	General Manager
S.109	Lighting of certain State highways: Contributions by corporations to lighting of certain State highways	Nil	Works & Infrastructure Manager	General Manager
S.110	Powers and duties of corporations in relation to State highways	Nil	Works & Infrastructure Manager	General Manager
S.112	Liability of corporation to maintain road works carried out by the Crown	Nil	Works & Infrastructure Manager	General Manager
S.114	Right of private persons opening new streets to obtain contributions	Delegation excludes S114(8)	Works & Infrastructure Manager	General Manager
S.115	Retention of petrol-pumps in highways	Nil	Works & Infrastructure Manager	General Manager



<b>PROVISION</b>	<b>FUNCTION OR POWER</b>	<b>CONDITION OR RESTRICTION</b>	<b>DELEGATION</b>	<b>ORIGINAL SOURCE OF POWER</b>
S.116	Tramways along or across highways	Nil	Works & Infrastructure Manager	General Manager
S.119	Determination of compensation	Nil	Works & Infrastructure Manager	General Manager

## **LOCAL GOVERNMENT (MEETING PROCEDURES) REGULATIONS 2015**

No sub-delegations.

## MONETARY PENALTIES ENFORCEMENT ACT 2005

PROVISION	FUNCTION OR POWER	CONDITION OR RESTRICTION	DELEGATION	ORIGINAL SOURCE OF POWER
18(1)	Referral to Director of Monetary Penalties Enforcement Service	Nil	Corporate Services Manager	Council General Manager
23	Withdrawal of infringement notice	Nil	General Manager	Council
28(1)	Receive application for variation of payment conditions	Nil	Corporate Services Manager	Council General Manager
39(1)	Council may issue proceedings if alleged offender elects hearing	Nil	Corporate Services Manager	Council General Manager

## PUBLIC HEALTH ACT 1997

PROVISION	FUNCTION OR POWER	CONDITION OR RESTRICTION	DELEGATION	ORIGINAL SOURCE OF POWER
S.11(1)(b)	Appointment of Authorised Officer	Nil	Environmental Health Officer	General Manager

## PUBLIC INTEREST DISCLOSURES ACT 2002

PROVISION	FUNCTION OR POWER	CONDITION OR RESTRICTION	DELEGATION	ORIGINAL SOURCE OF POWER
S.62a(1)(C)	Appointment of Public Interest Disclosure Officer	Nil	People & Culture Business Partner And Community & Development Manager	General Manager

## RIGHT TO INFORMATION ACT 2009

PROVISION	FUNCTION OR POWER	CONDITION OR RESTRICTION	DELEGATION	ORIGINAL SOURCE OF POWER
S.10	Electronic information	A delegation may be for a period not exceeding 3 years	Corporate Services Manager	General Manager
S.12	Information to be provided apart from Act.	A delegation may be for a period not exceeding 3 years	Corporate Services Manager	General Manager
S.13 (5) (6) (7) (8)	Application for assessed disclosure of information	A delegation may be for a period not exceeding 3 years	Corporate Services Manager	General Manager
S.14 (1)	Transfer of applications	A delegation may be for a period not exceeding 3 years	Corporate Services Manager	General Manager
S.15	Time within which applications for assessed disclosure of information are to be decided	A delegation may be for a period not exceeding 3 years	Corporate Services Manager	General Manager
S.16	Charges for information	A delegation may be for a period not exceeding 3 years	Corporate Services Manager	General Manager
S.17	Deferment of provision of information	A delegation may be for a period not exceeding 3 years	Corporate Services Manager	General Manager
S.18	Provision of information	A delegation may be for a period not exceeding 3 years	Corporate Services Manager	General Manager
S.19	Requests may be refused if resources unreasonably diverted	A delegation may be for a period not exceeding 3 years	Corporate Services Manager	General Manager
S.20	Repeat or vexatious applications may be refused	A delegation may be for a period not exceeding 3 years	Corporate Services Manager	General Manager
S.21 (1)	Decision to be made by authorised person	A delegation may be for a period not exceeding 3 years	Corporate Services Manager	General Manager
S.21 (2)	Must act impartially in making decision	A delegation may be for a period not exceeding 3 years	Corporate Services Manager	General Manager
S.22	Reasons to be given	A delegation may be for a period not exceeding 3 years	Corporate Services Manager	General Manager
S.23	Other responsibilities of principal officer	A delegation may be for a period not exceeding 3 years	Corporate Services Manager	General Manager

<b>PROVISION</b>	<b>FUNCTION OR POWER</b>	<b>CONDITION OR RESTRICTION</b>	<b>DELEGATION</b>	<b>ORIGINAL SOURCE OF POWER</b>
S.33	Pubic Interest Test	A delegation may be for a period not exceeding 3 years	Corporate Services Manager	General Manager
S.36 (2)	Personal information of person	A delegation may be for a period not exceeding 3 years	Corporate Services Manager	General Manager
S.36 (3) (5)	Personal information of person	A delegation may be for a period not exceeding 3 years	Corporate Services Manager	General Manager
S.37 (2)	Information relating to business affairs of third party	A delegation may be for a period not exceeding 3 years	Corporate Services Manager	General Manager
S.37 (3) (5)	Information relating to business affairs of third party	A delegation may be for a period not exceeding 3 years	Corporate Services Manager	General Manager
S.43 (4) (5)	Internal review	A delegation may be for a period not exceeding 3 years	Corporate Services Manager	General Manager

## ROADS AND JETTIES ACT

PROVISION	FUNCTION OR POWER	CONDITION OR RESTRICTION	DELEGATION	ORIGINAL SOURCE OF POWER
S11	Maintenance of State highways, &c. in cities, &c.	Nil	Works & Infrastructure Manager	General Manager
S28	Acquisition of land for quarry, &c.	Nil	Works & Infrastructure Manager	General Manager
S29	Intention to acquire land may be abandoned if compensation excessive	Nil	Works & Infrastructure Manager	General Manager
S32	Entry by council upon land and staking out of same	Nil	Works & Infrastructure Manager	General Manager
S33	Rental of land	Nil	Works & Infrastructure Manager	General Manager
S34	Use of uncultivated land for temporary road		Works & Infrastructure Manager	General Manager
S35	Taking of timber, &c., from land		Works & Infrastructure Manager	General Manager
S36	Quarries, &c. to be fenced and filled up or otherwise secured		Works & Infrastructure Manager	General Manager
S37	Fences to be restored		Works & Infrastructure Manager	General Manager
S38	Deviations to be fenced		Works & Infrastructure Manager	General Manager
S39	Entry upon adjoining lands for road maintenance or reconstruction		Works & Infrastructure Manager	General Manager
S40	Power to make drains on adjoining lands		Works & Infrastructure Manager	General Manager
S41	Timber growing near roads may be cut down: Consent of owner required in certain cases		Works & Infrastructure Manager	General Manager
S42	Hedges, &c., obstructing view of traffic to be cut or trimmed		Works & Infrastructure Manager	General Manager



<b>PROVISION</b>	<b>FUNCTION OR POWER</b>	<b>CONDITION OR RESTRICTION</b>	<b>DELEGATION</b>	<b>ORIGINAL SOURCE OF POWER</b>
S44	Culverts to be constructed by owners at entrances to lands adjoining roads		Works & Infrastructure Manager	General Manager
S45	Power of Minister in certain cases to erect gates across roads		Works & Infrastructure Manager	General Manager
S46	Damage caused by overweight vehicles		Works & Infrastructure Manager	General Manager
S47	Road metal, &c., may be placed on side of road		Works & Infrastructure Manager	General Manager
S47A	Warning gantries for bridges with overhead members		Works & Infrastructure Manager	General Manager
S48	Power of road authority, with the consent of the Governor, to permit tramway or railway along or across road		Works & Infrastructure Manager	General Manager
S48A	Removal and disposal of abandoned articles		Works & Infrastructure Manager	General Manager
S49	Obstructing roads: Notice to remove obstructions		Works & Infrastructure Manager	General Manager
S50B	Excavations		Works & Infrastructure Manager	General Manager
S51	Laying down timber, &c., on roads		Works & Infrastructure Manager	General Manager

**STRATA TITLES ACT 1998**

No sub-delegations.

## **WEED MANAGEMENT ACT 1999**

No sub-delegations.