



# Delegated Authority Policy

<b>Policy No:</b>	1.1
<b>Approved by Council:</b>	February 2024
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<b>Minute No:</b>	C38/3-2024
<b>ECM File No:</b>	12.71
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<b>Responsible Officer:</b>	Director Governance, Recreation & Property Services
<b>Strategic Plan Reference:</b>	The organisation has a corporate culture that delivers quality customer service, encourages innovation and has high standards of accountability

### 1. POLICY STATEMENTS

- 1.1 Council is committed to the provision of delegations to the General Manager (and sub-delegations to officers) to enhance the operational efficiency of the organisation.

### 2. DEFINITIONS

- 2.1 'Act' means the Local Government Act 1993 (Tas) as may be amended, varied or replaced from time to time.
- 2.2 'Council' means the Kingborough Council established pursuant to S.18 of the Act.
- 2.3 'General Manager' means the person appointed to the position of general manager of the Council pursuant to S.61 of the Act.
- 2.4 'Instrument of Delegation' means a document signed by the Mayor under common seal detailing the approved list of delegations provided to the General Manager or any officer acting in that position.
- 2.5 'Officer' means a person who is employed by Council.

### 3. OBJECTIVE

- 3.1 The objective of this policy is to provide information in relation to the authorised delegations provided to the General Manager.

### 4. SCOPE

- 4.1 The delegations are limited by the authority provided in Section 22 of the *Local Government Act, 1993*.

### 5. PROCEDURE (POLICY DETAIL)

- 5.1 Pursuant to Section 22(1) of the *Local Government Act 1993*, Council delegates the following powers and functions (see attached table) to the General Manager (or any officer acting in that capacity), and unless prohibited by Section 22(2) of the *Local Government Act, 1993* or otherwise prohibited, authorises that those powers and functions may be sub-delegated by the General Manager pursuant to Section 64 of the Act.
- 5.2 This policy will be reviewed annually, following the release of the legislative audit undertaken by the Local Government Association of Tasmania each year.
- 5.3 The approved delegations contained within the attached table will form the basis of the Instrument of Delegation provided to the General Manager.

### 6. GUIDELINES

- 6.1 The General Manager shall ensure that delegated authority is undertaken in accordance with all relevant legislation, by-law and Council policies as may be amended from time to time.

### 7. COMMUNICATION

- 7.1 In accordance with the provisions of the *Local Government Act 1993*, a register of all delegations provided to the General Manager and staff is to be made available on Council's website.

### 8. LEGISLATION

- 8.1 *Local Government Act 1993*

### **9. RELATED DOCUMENTS**

9.1 Council policies

9.2 Council By-Laws

### **10. AUDIENCE**

10.1 All Councillors and staff

## Kingborough Council Delegations to the General Manager

PROVISION	FUNCTION OR POWER	CONDITIONS OR RESTRICTIONS
<b>Archives Act 1993</b>		
S 10(1)	<b>Preservation of State records</b> Council is to keep proper records of the business of the local authority for which that relevant authority is responsible.	
S 11	<b>Transfer of State records to Archives office</b> Council is to transfer state records to archives office.	
S 15(3)	<b>Conditions may be imposed on the making of State archives available for public inspection.</b>	
<i>Archives Regulations 2014</i>	Records of State & Local Authorities – Reg 8 –if the Council is abolished or amalgamated – to give the State Archivist notice	
<u><i>Biosecurity Act 2019</i></u>	S31(1) The secretary of the Department of Primary Industries, Parks, Water & Environment can appoint persons to be an “authorised officer” under the Act, including the appointment of an employee from the Council.	
<u><i>Biosecurity Regulations 2022</i></u>	Regulation 25 - Any payments made in respect of an infringement notice are payable to the Council if the notice was served by an authorised officer from the Council. A Council can charge a person a fee for any information requested by that person to the Council under the Act and also for the carrying out by the Council of any inspection, analysis or other function under the Act by an authorised officer who is an employee of the Council.	

<b>Building Act 2016</b>		
<u>s.27(2)(3) &amp; (4)</u>	<b>Records of permit authority</b> A council must maintain records set out in Schedule 1 for at least 10 years after the record is made or until the record is no longer relevant in respect of those premises.	
<u>s.41(1)</u>	<b>Councils</b> Take steps to (a) ensure that the owners of property are informed of their duties under this Act – (i) in relation to any building work, plumbing work or demolition work; and	

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	<ul style="list-style-type: none"> <li>(ii) in maintaining and using a building; and</li> <li>(b) make itself aware of – <ul style="list-style-type: none"> <li>(i) building work, plumbing work or demolition work being performed in the municipal area; and</li> <li>(ii) the use and occupation of buildings in its municipal area; and</li> </ul> </li> <li>(c) if applicable, ensure proceedings are instituted against any person or body failing to comply with this Act; and</li> <li>(d) enforce an order issued by a building surveyor, if appropriate to do so.</li> </ul>	
<u>s.251</u>	– The Act provides the GM with the authority to make an application to the Court for a contravention of the Act, so no delegation power is required	
<u>s.265(2)(3) &amp; (4)</u>	<b>Failure to comply with emergency, building or plumbing order</b> Perform works where there has been failure to comply with an emergency, building or plumbing order	
<u>s.266(1)</u>	<b>Possession of building</b> 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.	
<u>s.267(1) &amp; (2)</u>	<b>Demolition order</b> Council may serve an order to demolish building work	
<u>s.267(3)</u>	<b>Demolition order</b> Council may enter onto land and demolish any building work in respect of an order to demolish building work.	
<u>s.269(1)</u>	<b>Recovery of performance costs</b> If a person fails to perform the work required by an order, council may enter land or a building and perform the required work.	
<u>s.269(2)</u>	<b>Recovery of performance costs</b> Make an application to recover the cost of performing any work, and to impose a charge on land.	
S270	The Council can seek to recover their reasonable costs and expenses incurred as a result of the issuing of a non-compliance Notice	
<u>s.271(1)</u>	<b>Purchasing buildings and materials</b> Councils may sell a building for removal or after demolishing a building, sell the materials on the premises for removal.	

PROVISION	FUNCTION OR POWER	CONDITIONS OR RESTRICTIONS
<u>s.271(2)</u>	<b>Purchasing buildings and materials</b> Grant the purchaser of a building sold pursuant to s.271(1) all of the powers Council has under s.265.	
<u>s.271(6)</u>	<b>Purchasing buildings and materials</b> Authority to pay, on behalf of the Council, the owner of the building or materials sold under subsection (1) the balance of any proceeds of the sale after deducting any reasonable expenses incurred by it.	
S275(3)	A person who performs work in accordance with a plumbing order must comply with the <i>Building Act 2016</i> unless the Council otherwise directs	

### ***Building Regulations 2016***

<u>r.43(3)</u>	<b>Plumbing work involving network utility operator's stormwater drainage systems</b> If not satisfied that a stormwater drainage system is sealed in accordance with the Act, enter the premises and perform any work necessary.	
<u>r.43(5)(a)</u>	<b>Plumbing work involving network utility operator's stormwater drainage systems</b> Recover costs as a charge under the <i>Local Government Act 1993</i> .	
<u>r.53</u>	<b>Riverine inundation</b> Assessment of land as having a reasonable probability of flooding.	
<u>r.78(3)</u>	<b>Permit authorities may perform maintenance work</b> Recover costs as a charge under the <i>Local Government Act 1993</i> .	

### ***Burial and Cremation Act 2019***

<u>34(2)</u>	<b>Duties and powers of cemetery managers</b> Ensure that as far as reasonably practicable the cemetery is maintained to prevent it from falling into disrepair, or from being defaced or damaged. Rectify any disrepair or defacement as soon as possible	
<u>34(4)</u>	<b>Duties and powers of cemetery managers</b> Keep all prescribed records (as per 2002 Act - see Sch 1 part 2)	
<u>34(5)</u>	<b>Duties and powers of cemetery managers</b>	

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PROVISION	FUNCTION OR POWER	CONDITIONS OR RESTRICTIONS
	Permit any person access free of charge at any reasonable time	
<u>34(7)</u>	<b>Duties and powers of cemetery managers</b> A cemetery manager may (a) improve, embellish and enlarge a cemetery under the management of that manager; and (b) restrict interments in any portion of the cemetery, except as may be required by an exclusive right of burial; and (c) take any other action as may be required for the reasonable management and maintenance of the cemetery	
<u>39(1)</u>	<b>Monuments, &amp;c.</b> The cemetery manager may permit any vault or grave to be made or dug, and any monument to be erected or placed, in any portion of the cemetery on payment of the fee which has been fixed for doing so	
<u>39(2)</u>	<b>Monuments, &amp;c.</b> The cemetery manager may determine the position of any monument to be erected or placed according to its description, size and character and having regard to the general plan for ornamenting the cemetery in an appropriate manner	
<u>39(3)</u>	<b>Monuments, &amp;c.</b> The cemetery manager may enter into an agreement for the maintenance of a vault, grave or monument.	
<u>40(1)</u>	<b>Requirement to remove monuments</b> The cemetery manager may provide notice to require a person to take down or remove a monument or to render it safe, if a monument has been erected or placed contrary to the terms and conditions on which the permission to erect or place it was granted or, in the opinion of the cemetery manager, it is unsafe.	
<u>41(2)</u>	<b>Exclusive right of burial</b> Grant an exclusive right of burial. Note: The cemetery manager must issue a certificate of exclusive right under the <i>Burial and Cremation Regulations 2015</i> R37.	
<u>52(1)(b)</u>	<b>Sale of Cemetery - Notice to Exclusive right holders</b> Cemetery manager must notify in writing each person who holds exclusive right of burial or other exclusive write of intention to sell cemetery.	
<u>52(1)(c)</u>	<b>Sale of Cemetery - Certificate of Compliance</b>	

PROVISION	FUNCTION OR POWER	CONDITIONS OR RESTRICTIONS
	Cemetery manager must apply for certificate of compliance in respect of proposed sale.	
<u>53</u>	<b>Sale of Cemetery – Audit</b> Cemetery manager must ensure audit undertaken within 6 months of issue of notice of intention to sell.	
<u>57</u>	<b>Notification of decision to not sell cemetery</b> If cemetery manager, having given notice, decides not to sell cemetery they must notify regulator.	
<u>58(1)</u>	<b>Cemetery disclosure document</b> Cemetery manager must provide disclosure document to proposed purchaser.	
<u>61</u>	<b>Notification to purchase of cemetery</b> If Council purchases a cemetery it must give notice to the regulator of the transfer with 30 days of it occurring.	
<u>64</u>	<b>Intention to close (no internments for 50 yrs+) - notice/appln</b> The cemetery manager must give notice of intention to close and apply to regulator for approval.	
<u>65(1)(a)</u>	<b>Intention to close cemetery (no internments for 50 yrs+)</b> If the regulator approves the closure the cemetery manager must notify the holder of exclusive rights.	
<u>65(1)(b)</u>	<b>Close cemetery (no internments for 50 yrs+)</b> On receipt of notification from the regulator of approval to close the cemetery manager may close the cemetery.	
<u>66</u>	<b>Effect of closure of cemetery</b> Cemetery manager must forward all records to the State archivist and may take steps in relation to altering or moving tombstones in accordance with this section.	
<u>67</u>	<b>Exclusive rights of burial in closed cemetery</b> Cemetery manager must enter into an agreement with a person who holds an exclusive right of burial in a closed cemetery, and take action as agreed and prescribed in this section.	
<u>68</u>	<b>Actions by cemetery manager in closed cemeteries</b> The cemetery manager may apply to the regulator for approval to lay out a closed cemetery as a park or garden, and take related steps.	
<u>70</u>	<b>Removal of grave etc or human remains in closed cemeteries</b>	



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PROVISION	FUNCTION OR POWER	CONDITIONS OR RESTRICTIONS
	A cemetery manager must not remove a grave etc or human remains from a closed cemetery without giving public notice and preparing the statement prescribed in this section.	
<u>71</u>	<b>Application to reduce time to take action in closed cemetery</b> A cemetery manager may apply to take action under ss 66 or 68 even though 100 years has not passed.	
<u>72</u>	<b>When land ceases to be cemetery</b> Council can sell land that has ceased to be a cemetery but must comply with this section in relation to persons who hold an exclusive right of burial.	In accordance with Council's Sale of Land Policy.
<u>72(6)</u>	<b>When land ceases to be cemetery</b> A cemetery manager must notify regulator after dealing with land under this section	
<u>73</u>	<b>Declaration land is not a cemetery</b> If Council intends to sell land subject to a declaration under this section it must notify the prospective purchaser of matters specified in this section	

### ***Burial and Cremations Regulations 2015***

<u>27</u>	<b>Issue of certificate of exclusive right of burial</b> The cemetery manager must issue a certificate of exclusive right of burial.	
<u>28</u>	<b>Amendment of certificate of exclusive right of burial</b> The cemetery manager may amend a certificate of exclusive right of burial.	
<u>29</u>	<b>Cancellation or transfer of certificate of exclusive right of burial</b> The cemetery manager may cancel or transfer a certificate of exclusive right of burial.	
<u>30(3)</u>	<b>Permission to inter human remains</b> A cemetery manager may grant or refuse permission to inter human remains in a cemetery. The permission may be subject to conditions. Notice of the grant or refusal of permission is to be given.	
<u>39</u>	<b>Plan of cemetery</b> A cemetery manager must keep a plan of the cemetery showing the graves and plots set aside in respect of an exclusive right of burial.	

PROVISION	FUNCTION OR POWER	CONDITIONS OR RESTRICTIONS
<u>40</u>	<b>Register of Instruments</b> A cemetery manager must keep a register of instruments as set out in this section.	
<u>42</u>	<b>Driving in cemeteries</b> A cemetery manager can give reasonable directions to a driver which it is an offence not to obey.	
<u>44</u>	<b>Power of cemetery manager in relation to graves and plots</b> A cemetery manager may take certain action in cemeteries in relation to the appearance of the cemetery and public health and safety.	
<u>45</u>	<b>Power of cemetery manager to approve permanent items</b> A cemetery manager may approve certain items or classes of items that may be permanently affixed to or next to a grave or plot.	
<u>46(1)</u>	<b>Power of cemetery manager to remove persons</b> A cemetery manager may require a person to leave and not re-enter a cemetery as set out in this section.	
<u>46(3)</u>	<b>Power of cemetery manager to remove persons</b> A cemetery manager may use reasonable force to remove from a cemetery or prevent the entry of a person into a cemetery in contravention of a requirement under section 46(1).	
<u>47</u>	<b>Duty of cemetery manager on removal of monument</b> A cemetery manager must take photos as prescribed if removing a monument and provide the photos to the Heritage Council.	

<b>Cat Management Act 2009</b>		
<u>19</u>	A council may declare an area of land within the authority of the council to be an area where cats are prohibited.	
<u>20</u>	Declaration of cat management area.	
<u>21(1) &amp; (4)</u>	If a declaration is made under s19 or 20 of the Act, the council is to publish a Notice and to consider any submissions made.	
<u>21A(3)</u>	The council can amend or revoke a declaration made under s19 or 20.	

PROVISION	FUNCTION OR POWER	CONDITIONS OR RESTRICTIONS
<u>34</u>	The council can recover reasonable costs of detaining a cat under the Act.	
<u>43</u>	The council can make By-Laws under the <i>Local Government Act 1993 (TAS)</i>	

### ***Child and Youth Safe Organisations Act 2023***

	Obligation on the Council from 1 January 2024 to comply with the Acts reportable conduct scheme - s7 & Schedule 3	
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### ***Dog Control Act 2000***

<u>7</u>	<b>Dog Management Policy</b> (1) A council is to develop, make and implement a policy relating to dog management in its municipal area. (2) A council is to invite public submissions relating to a proposed dog management policy or an amendment of the policy; and consult with any appropriate body or organisation; and consider any submissions and results of any consultation before making the policy or the amendment. (3) A council is to review its dog management policy at least once every 5 years.	Council to endorse draft policy prior to public release and approve final policy
<u>20</u>	<b>Exercise areas</b> A council may declare an area to be an area where dogs may be exercised subject to any conditions specified in the declaration.	Following endorsement by Council
<u>21</u>	<b>Training areas</b> A council may declare an area to be an area where dogs may be trained subject to any conditions specified in the declaration.	Following endorsement by Council
<u>22</u>	<b>Prohibited areas</b> A council may declare an area containing sensitive habitat for native wildlife to be an area where dogs are prohibited from entering.	Following endorsement by Council
<u>23</u>	<b>Restricted areas</b> A council may declare an area to be an area where dogs are restricted from entering (a) during specified hours, days or seasons; or (b) during specified hours, days or seasons unless they are on a lead; or (c) at all times.	Following endorsement by Council

PROVISION	FUNCTION OR POWER	CONDITIONS OR RESTRICTIONS
<u>24</u>	<b>Public notice of intention to declare areas</b>	
<u>25</u>	<b>Date and period of declaration</b>	
<u>26</u>	<b>Review of declaration</b>	
<u>27</u>	<b>Signs</b> A council is to erect and maintain signs sufficient to identify any exercise area, training area, prohibited area or restricted area.	

<b><i>Environmental Management and Pollution Control Act 1994</i></b>		
<u>Sec 20A</u>	<b>Duty of council to prevent or control pollution</b> In relation to activities other than prescribed activities, a council must use its best endeavours to prevent or control acts or omissions which cause or are capable of causing pollution.	
<u>Sec 20B</u>	<b>Council may ask Board to exercise powers</b> A council may ask the Board, in respect of an activity that is not a level 2 activity or a level 3 activity, to exercise any of the Board's powers relating to the following: an environmental audit, an environmental improvement programme, an environmental agreement and lodgement of financial assurance.	
<u>Sec 21</u>	<b>Council officers</b> A council may appoint an employee of the council to be a council officer.	
<u>Sec 22 (1A)</u>	<b>Registers of environmental management and enforcement instruments</b> A council must keep a register containing particulars of any environment protection noise issues and any amendment or revocation of any notice.	
<u>Sec 23 (1) (2)</u>	<b>Trade secrets</b> If it appears to the Board or a council that – (a) any information that could be kept as a trade secret would be available to the public; and (b) the release of that information would be likely to cause financial loss to any person – the Board or council must consult with that person before including the information on any register kept under this Act.	

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<u>Sec 24 (1)</u>	<b>Assessment of permissible level 1 activities</b> Council must refer application to the Board if directed to do so.	
<u>S 25(1)(b)</u>	<b>Assessment of permissible level 2 activities</b> Planning Authority to refer the application to the board as soon as practicable, but any case within 21 days, after the date of lodgement of the application.	
<u>Sec 25A (1D)(a)</u>	<b>Assessment of applications for permits that are combined with applications for planning scheme amendments</b>	
<u>Sec 27AC (5)</u>	<b>Directions in relation to permits in respect of EL activities</b> Notify the Board of the grant of the permit and provide to the Board a copy of the permit.	
<u>Sec 27AD</u>	<b>Minor variations of planning permit in relation to EL activities</b> Application to the Board for approval to amend a planning permit.	
<u>Sec 43</u>	<b>Power to require information</b> Notify the Director, EPA of the issue of an emergency order and provide a copy of the order.	
<u>Sec 44 (4)</u>	<b>Environment protection notices</b> Where an EPN is issued by a council officer, the council must, as soon as practicable and in any event within 7 days, advise the Director in writing of that fact and of any amendment or revocation of the notice.	
<u>Sec 47(1)</u>	<b>Action on non-compliance with environment protection notice</b> The Director or, in the case of an environment protection notice served by a council officer, the council may take any action required by an environment protection notice if the requirements of the notice are not complied with.	
<u>Sec 47 (3) (4)</u>	<b>Action on non-compliance with environment protection notice</b> The reasonable costs and expenses incurred by the Director or a council in taking action under this section may be recovered by the Director or the council as a debt from the person who failed to comply with the requirements of the environment protection notice. Where an amount is recoverable from a person under this section, the Director or the council may, by notice in writing to the person, fix a period, being not less than 28 days from the date of the notice, within which the amount must be paid by the person.	

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PROVISION	FUNCTION OR POWER	CONDITIONS OR RESTRICTIONS
<u>Sec 48 (1)</u>	<b>Civil enforcement proceedings</b> Where – (a) a person has engaged, is engaging or is proposing to engage in conduct in contravention of this Act; or (b) a person has refused or failed, is refusing or failing or is proposing to refuse or fail to take any action required by this Act; or (c) a person has caused environmental harm by contravention of this Act, any other Act or the repealed Act – the Director, a council or a person who has, in the opinion of the Appeal Tribunal, a proper interest in the subject matter may apply to the Appeal Tribunal for an order.	
<u>Sec 61</u>	<b>Reports in respect of alleged contraventions</b> Where a person reports to the Director or a council an alleged contravention of this Act, the Director or the council must, at the request of the person, advise the person as soon as practicable of the action (if any) taken or proposed to be taken by the Director or the council in respect of the allegation.	
<u>Sec 64</u>	<b>Recovery of technical costs associated with prosecutions</b> Where a person is convicted of an offence against this Act, the court may, on application by the Director or a council, order the convicted person to pay to the Director or the council the reasonable costs and expenses incurred by the Director or the council in the taking of any samples or the conduct of tests, examinations or analyses in the course of the investigation and prosecution of the offence.	
<u>Sec 94(3)</u>	<b>Provisions relating to seizure</b> Where a thing has been seized or made subject to a seizure order under this Division, the thing must, if it has been seized, be held pending proceedings for an offence against this Act related to the thing seized unless the Director, Commissioner or the council, as the case may require, on application, authorises its release to the person from whom it was seized, or to any person who had legal title to it at the time of its seizure.	
<u>Sec 103</u>	<b>Fees imposed by councils</b> In accordance with the provisions of the Local Government Act 1993, a council may impose fees in relation to any function or service carried out by the council under this Act.	

PROVISION	FUNCTION OR POWER	CONDITIONS OR RESTRICTIONS
<b><i>Food Act 2003</i></b>		
<u>Sec 33</u>	<b>Making of order</b> An order may be made by a relevant authority to prevent or reduce the possibility of a serious danger to public health or to mitigate the adverse consequences of a serious danger to public health.	
<u>Sec 34 (2)</u>	<b>Nature of order</b> An order may be varied or revoked by the relevant authority who made the order.	
<u>Sec 37(2) &amp; (3) &amp; (4)</u>	The Council to consider and if accepted, to pay compensation if established that there were insufficient grounds for making an order	
<u>Sec 50 (2)</u>	<b>Forfeiture of item</b> Items forfeited under this section may be destroyed, sold or otherwise disposed of.	
<u>Sec 52 (1)</u>	<b>Return of forfeited item</b>	
<u>Sec 53 (4) (2) (3)</u>	<b>Compensation to be paid in certain circumstances</b> The enforcement agency is to pay such compensation as is just and reasonable in relation to any item seized under this Part by an authorised officer appointed by it.	
<u>Sec 55</u>	<b>Enforcement agency entitled to answer application</b> The enforcement agency is entitled to appear as respondent at the hearing of an application made under Section 54.	
<u>Sec 68 (2) (3)</u>	<b>Compensation</b> If there were no grounds for the issuing of an order, the enforcement agency that issued the order is to pay such compensation as is just and reasonable.	
<u>Sec 83H</u>	<b>Priority classification system and frequency of auditing</b>	
<u>Sec 87 (1) (5) (6) (7)</u>	<b>Registration of food business</b> The Council may register a food business which is located within its municipal area. If the council grants an application for registration, it must issue the applicant with a certificate of registration that sets out the conditions, if any, to which the registration is subject. If the council refuses an application for registration, the council must give notice of the refusal in writing to the applicant setting out the reasons for the refusal.	

PROVISION	FUNCTION OR POWER	CONDITIONS OR RESTRICTIONS
<u>Sec 89 (3) (5)</u>	<b>Renewal of registration</b> The council may, after considering an application for renewal of registration grant the application, with or without conditions; or refuse the application. If the council refuses an application for renewal of registration, the council must give notice of the refusal in writing to the applicant setting out the reasons for the refusal.	
<u>Sec 91</u>	<b>Variation of conditions, or suspension or cancellation, of registration of food businesses</b> The council of the municipal area in which the food business is registered may vary the conditions of, or suspend or cancel, the registration of a food business under this Part.	
<u>Sec 94</u>	<b>Register of food businesses to be maintained</b> The Council is required to prepare and maintain a list which contains notified food businesses, registered food businesses, and food businesses whose registration is renewed.	
<u>Sec 97</u>	<b>Functions of councils</b> A council is to – (a) take adequate measures to ensure that the provisions of this Act are complied with; and (b) carry out any other function the Minister or Director of Public Health determines.	
<u>Sec 98 (4)</u>	<b>Power of Director of Public Health to order council to perform functions</b> A council may request the Director of Public Health to exercise any of its powers or perform any of its functions at the council's expense.	
<u>Sec 100 (1) &amp; (2)</u>	<b>Reports by councils</b> The council is to report to the Director of Public Health on the performance of functions under this Act. In addition, the council is to forward to the Director of Public Health details of any proceedings for an offence under this Act taken by an officer, employee or agent of the council.	
<u>Sec 102(2)</u>	Council to provide authorised officer with a certificate of authority	
<u>Sec 104(1)</u>	<b>Institution of proceedings</b> Proceedings for an offence under this Act may only be instituted by the Minister, an authorised officer, council, or Director of Public Health. They may only be instituted within 3 years after the date on which the offence is alleged to have been committed or within 120 days after the date on which a sample is obtained.	



PROVISION	FUNCTION OR POWER	CONDITIONS OR RESTRICTIONS
<u>Sec 118 (1)</u>	<b>Infringement notices</b> An authorised officer or council may serve an infringement notice on a person, other than a person under the age of 16 years, if of the opinion that the person has committed a prescribed offence.	

<b><i>Historic Cultural Heritage Act</i></b>		
<u>S 36(2)</u>	<b>Permit application to be sent to and considered by Heritage Council</b> The relevant planning authority must give a copy of the permit application to the heritage council as soon as practicable after the application day.	
<u>S 37</u>	<b>Procedure if Heritage Council requires additional information to consider permit application</b> Planning authority must as soon as practicable require the applicant for a permit application to provide additional information required by the Heritage Council and provide it to the Heritage Council.	
<u>S 38</u>	<b>Procedure if Heritage Council has no interest in permit application</b> Planning authority determination of permits applications. Notifying the Heritage Council and applicants of determinations and representations.	
<u>S 39</u>	<b>Procedure if the heritage council wishes to be involved in determining discretionary permit application</b> Determining discretionary permit applications. Notifying the Heritage Council and Applicants of determinations and representations.	
<u>S 39A</u>	<b>Procedure if Heritage Council wishes to be involved in determining combined permit application</b> Determining combined permit applications. Notifying the Heritage Council and Applicants of determinations and representations.	
<u>S 39B</u>	<b>Provision of further information to Heritage Council</b> Provide any further information received from permit applicant to Heritage Council.	
<u>S 50</u>	<b>Notification of Recorder of Titles</b> Planning authority must lodge for registration with the Recorder of Titles notice of heritage agreements that come into effect or the variation or termination of a heritage agreement.	

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PROVISION	FUNCTION OR POWER	CONDITIONS OR RESTRICTIONS
<u>S 89</u>	<b>Assistance to Heritage Council</b> A planning authority is to give all reasonable assistance to the Heritage Council to enable it to perform its functions and exercise its powers.	

<b><i>Heavy Vehicle National Law (Tasmania) Act 2013</i></b>		
<u>118(1)(b)</u>	Regulator may grant a mass or dimension exemption notice for a category of heavy vehicles	Each relevant road manager must have given their consent. For a Council owned road, the road manager is the Council.
<u>124(1)(b)</u>	Granting consent for exemption (permit) on mass or dimension restriction.	as above
<u>145(1)(b)</u>	Granting consent for a class 2 heavy vehicle authorisation permit	as above
<u>156(2)</u>	Asking the Regulator for a longer period to decide whether to grant consent for a mass or dimension authority.	
<u>156A</u>	Decide whether to grant consent, after considering the specific matters in s.156A & provide written reasons to the Regulator for the decision in relation to consent.	
<u>158</u>	Deal with a request for consent and decide to give or not give consent for a mass or dimension authority.	
<u>159(2)</u>	Notifying the Regulator that route assessment is required by the road manager in deciding whether to give consent and the fee payable.	
<u>160(1)</u>	Specifying road condition(s) to which the granting of consent is subject.	
<u>160(2)</u>	Providing the Regulator with a written statement explaining the road manager's decision to grant consent subject to road conditions.	
<u>161(1)</u>	Specifying travel condition(s) to which the granting of consent is subject.	
<u>161(2)</u>	Providing the Regulator with a written statement explaining the road manager's decision to grant consent subject to road conditions.	
<u>162(2)</u>	Requesting specified vehicle condition(s) be imposed on the mass or dimension authority.	
<u>167(2)(b)</u>	Giving notice to the Regulator of objection to the application of this section.	

## Delegated Authority Policy 1.1

PROVISION	FUNCTION OR POWER	CONDITIONS OR RESTRICTIONS
<u>169</u>	Giving consent to the grant of a mass or dimension authority for a trial period or no more than 3 months.	
<u>170 (3)</u>	Provide the Regulator with a written objection to a renewal of a mass or dimension authority.	
<u>174(2)</u>	Asking the Regulator to amend or cancel the mass or dimension authority granted by Commonwealth Gazette notice due to adverse effect of heavy vehicles.	
<u>176 (4)(c)</u>	Provide consent to an amendment of a permit for a mass or dimension authority.	
<u>178(2)</u>	Asking the Regulator to amend or cancel the mass or dimension authority granted by Commonwealth Gazette notice due to adverse effect of heavy vehicles.	
<u>645</u>	Decide a review of a reviewable decision under the Act.	

<b><i>Land Use Planning and Approvals Act 1993</i></b>		
<u>s6</u>	Delegation – A planning authority may by resolution, delegate any of its functions or powers under the Act other than this power of delegation.	
<b>PART 2A</b>	<b>TASMANIAN PLANNING POLICIES</b>	
<u>S.12C</u>	Consult with the Minister regarding a draft of the Tasmanian Planning Policies, on behalf of the planning authority.	
<b>PART 3</b>	<b>PLANNING SCHEMES</b>	
<u>Part 3 Generally</u>	<p>As a consequence of any decision by the Council to initiate preparation of a planning scheme or a planning scheme amendment or to provide its views and opinions on any representation received on a draft planning scheme or draft amendment:</p> <ul style="list-style-type: none"> <li>i) authority to give such advice, consultation, referral or notification as required under this Part;</li> <li>ii) authority to initiate public notification of a draft scheme or draft amendment;</li> <li>iii) authority to submit a draft scheme or a draft amendment for approval if no representations are received during the exhibition period;</li> <li>iv) authority to modify a draft planning scheme or draft amendment if only to correct any error, remove an anomaly, clarify or simplify a provision, remove any inconsistency with other regulation, make procedural changes or to bring the planning scheme into conformity with a mandatory planning instruction;</li> </ul>	

## Delegated Authority Policy 1.1

PROVISION	FUNCTION OR POWER	CONDITIONS OR RESTRICTIONS
	v) represent the Council and to give evidence and make submissions before any hearing conducted by the Tasmanian Planning Commission.	
<b>PART 3A</b>	<b>LOCAL PLANNING SCHEDULE (LPS)</b>	
<u>Part 3A Generally</u>	In accordance with a decision of the planning authority (or a requirement of the Minister) to – a) prepare a draft LPS under s35; b) indicate its views and opinions in relation to each representation received on a draft LPS; c) indicate its satisfaction that a draft LPS meets the criteria in s34; d) make recommendations in relation to how a draft LPS should be determined in accordance with s35F; and e) conduct and respond on a review of the LPS	
<i>Continued</i>	The following functions and powers of the planning authority are delegated – a) prepare the required documentation for a draft LPS; b) submit the draft LPS to the Tasmanian Planning Commission (TPC) under s35(1); c) make any modifications to the draft LPS which may be instructed by the TPC under s35(5)(b); d) give notice under s35C of the exhibition of a draft LPS, including for any instruction issued by the TPC under s35B; e) undertake exhibition of the draft LPS in accordance with s35D. f) provide a report to the TPC pursuant to s35F; g) prepare and submit any modifications required by the TPC to a draft LPS in accordance with s35K; h) give notice in accordance with s35M(2) of the approval of the LPS; i) provide a report to the TPC on the outcomes of a review of the LPS conducted by the planning authority in accordance with s35O, including provide notice of the review and receive comments from the public pursuant to s35P	
<u>Division 7</u>	<b>Special local provisions schedules</b>	Delegation & authority to delegate
<b>PART 3B</b>	<b>AMENDMENT OF THE LPS</b>	
<u>General</u>	In accordance with a decision of the planning authority in relation to – a) preparation of a draft amendment to the LPS under s38 or 40D; b) preparation of a draft amendment under s38 and a draft permit under s40Y; c) its views and opinions in relation to each representation received on a draft LPS and on any draft permit; d) its satisfaction that the draft LPS meets the criteria in s34; and	Delegation & authority to delegate

## Delegated Authority Policy 1.1

PROVISION	FUNCTION OR POWER	CONDITIONS OR RESTRICTIONS
	<p>e) recommendations in relation to how the draft LPS should be determined in accordance with s35F. The following functions and powers of the planning authority are delegated –</p> <ul style="list-style-type: none"> <li>a) give notice in accordance with s38(3) of a decision in relation to a request to initiate a draft amendment to the LPS;</li> <li>b) give notice in accordance with s40W of a decision under 40Y in relation to a request to consider a permit in combination with a request to initiate a draft amendment to the LPS;</li> <li>c) request additional information under s40 and s40U;</li> <li>d) provide any material requested by the TPC in accordance with s40A, 40B, or 40V;</li> <li>e) prepare the draft LPS amendment documents;</li> <li>f) certify a draft amendment to the LPS in accordance with s40F;</li> <li>g) give notice in accordance with s40G of the exhibition of a draft amendment to the LPS, and including any exhibition of a permit application under s40Z;</li> <li>h) undertake exhibition of the draft amendment to the LPS in accordance with s40H, and including any permit application approved under 40Y;</li> <li>i) provide a report to the TPC in accordance with s40K and s42 if there are no representations making objection on the draft amendment to the LPS and to any permit application requested under 40T;</li> <li>j) provide a report to the TPC in accordance with s40K and s42 in relation to the planning authority's – <ul style="list-style-type: none"> <li>i. views and opinions on each representation received during the exhibition period;</li> <li>ii. compliance to s34; and</li> <li>iii. its recommendations on how the draft LPS or the permit application under 40T should be determined;</li> </ul> </li> <li>k) make modifications to a draft LPS amendment if instructed by the TPC in accordance with s40O or 40P;</li> <li>l) re-exhibit a modified draft amendment to the LPS under s40G and 40H if instructed by TPC in accordance with s40P;</li> <li>m) give notice of an approved amendment to the LPS in accordance with s40S;</li> <li>n) grant an extension of time under s42C for a permit granted under s42B;</li> <li>o) correct a mistake under s42D in a permit granted under s42B; and</li> <li>p) make minor amendments in accordance with s43 to a permit granted under s42B</li> </ul>	
<b>PART 4</b>	<b>ENFORCEMENT OF PLANNING CONTROL</b>	
<u>Part 4 Generally</u>	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 –	

## Delegated Authority Policy 1.1

PROVISION	FUNCTION OR POWER	CONDITIONS OR RESTRICTIONS
	a) to give such advice, consultation, referral or notification as required under this Part; b) 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; c) to initiate legal proceedings for any use of land, development or act if:- <ul style="list-style-type: none"> <li>– contrary to a State Policy, planning scheme or special planning scheme;</li> <li>– an obstruction of a planning scheme or special planning scheme; or</li> <li>– a breach of a condition or restriction of a planning permit.</li> </ul>	
<u>S.30C(4)</u>	<b>Terms of reference in relation to draft amendment of the SPS</b> A planning authority or another person may request the Minister to consider preparing terms of reference in relation to a draft amendment of the SPPs.	
<u>S.35</u>	<b>Draft LPS to be provided to Commission</b> A planning authority may prepare and submit to the Commission a draft LPS that applies to the municipal area of the planning authority.	
<u>S.35C</u>	<b>Notice of exhibition of draft LPS</b>	
<u>S.35F</u>	<b>Report by planning authority to Commission about exhibition</b>	
<u>S.35G</u>	<b>Planning authority may notify Minister as to whether amendment of SPPs is required</b>	
<u>S.35I</u>	<b>Withdrawal of draft LPS</b>	
<u>S.35M</u>	<b>Notice of approval of Local Provisions Schedules</b>	
<u>S.35P</u>	<b>Conduct of review</b> (of an LPS or a part of an LPS)	
<u>S40G</u>	<b>Notice of exhibition</b> A planning authority, as soon as practicable after providing to the Commission under section 40F(4) a copy of a draft amendment of an LPS or receiving under section 35KB(4)(b)(i) a notice in relation to a draft amendment of an LPS, must ensure an exhibition notice in relation to the draft amendment of an LPS is published in accordance with this section, unless the planning authority receives a notice under section 40I(1) in relation to the draft amendment.	
<u>S.40U</u>	<b>Additional information</b> A planning authority, within 28 days from the day on which it receives from a person an application for a permit, may, by notice in writing, require the person to provide to the planning authority additional information before it considers the application.	

PROVISION	FUNCTION OR POWER	CONDITIONS OR RESTRICTIONS
<u>S.40W</u>	<b>Determination of amendment where concurrent permit application sought</b>	
<u>S.43(2)</u>	<b>Minor amendment of permit</b> The planning authority may amend or refuse to amend the permit.	
<u>S.43(6)</u>	<b>Minor amendment of permit</b> If the planning authority amends a permit, it must, by notice in writing served on the following persons, notify them of the amendment: (a) the applicant for the amendment; (b) the owner of the land; (c) any person or body who or that made a representation; (d) the owner or occupier of any property which adjoins the land to which the permit relates.	
<u>S.43(7)</u>	<b>Minor amendment of permit</b> If the planning authority amends a permit that contains a condition or restriction that the Board of the Environment Protection Authority has required under section 25(5) of the Environmental Management and Pollution Control Act 1994 , the planning authority must, by notice in writing served on the Board, notify it of the amendment.	
<u>S.43(9)</u>	<b>Minor amendment of permit</b> If the planning authority amends a permit in respect of which the Commission has modified, deleted or added conditions or restrictions, the planning authority must, by notice in writing served on the Commission, notify it of the amendments made to the permit.	
<u>S.43(10)</u>	<b>Minor amendment of permit</b> If the planning authority amends a permit containing a condition or restriction which the Heritage Council has specified, the planning authority must, by notice in writing served on the Heritage Council, notify the Council of the amendment.	
S.48AA	<b>Enforcement of major project permits</b> A planning authority must, within the ambit of its power, enforce the observance of any condition or restriction to which a major project permit is subject.	
<u>S.48A</u>	<b>Notice to remove signs</b>	

## Delegated Authority Policy 1.1

PROVISION	FUNCTION OR POWER	CONDITIONS OR RESTRICTIONS
<u>S.51</u>	<b>Permits</b> A person must not commence any use or development which requires a permit unless the planning authority which administers the scheme, the Commission, or the Tribunal, has granted a permit in respect of that use or development and the permit is in effect or a major project permit has been granted in respect of that use or the development and the permit is in effect.	
<u>S.52(1B)</u>	<b>What if applicant is not the owner?</b> If land in respect of which an application for a permit is required is Crown land, is owned by a council or is administered or owned by the Crown or a council and a planning scheme does not provide otherwise, the application must – (a) be signed by the Minister of the Crown responsible for the administration of the land or by the general manager of the council; and (b) be accompanied by the written permission of that Minister or general manager to the making of the application.	
<u>S.53(5A)</u>	<b>When does a permit take effect?</b> Where a planning authority grants a permit, the permit takes effect on the day on which it is granted by the authority or, where there is a right of appeal against the granting of the permit, at the expiration of 14 days from the day on which the notice of the granting of the permit was served on the person who has the right of appeal.	
<u>S.54</u>	<b>Additional information</b> A planning authority that receives an application for a permit (other than a permit referred to in section 40T) may require the applicant to provide it with additional information before it considers the application.	
<u>S.55</u>	<b>Correction of mistakes</b> A planning authority may correct a permit granted by it if the permit contains – (a) a clerical mistake or an error arising from any accidental slip or omission; or (b) an evident material miscalculation of figures or an evident material mistake in the description of any person, thing or property referred to in the approval.	
<u>S.56</u>	<b>Minor amendments of permits issued by a planning authority</b> s 56(1A): planning authority that receives a request under ss(1) for amendment to permits, (a) within 28 days after the request was received, amend, or refuse to amend the permit and	



PROVISION	FUNCTION OR POWER	CONDITIONS OR RESTRICTIONS
	(b) must within 7 days (i) after amending the permit or (ii) after refusing to amend the permit, give notice of the refusal to the person who made the request.	
<u>S.57(2)</u>	<b>Applications for discretionary permits</b> The planning authority may, on receipt of an application for a permit to which this section applies, refuse to grant the permit.	Only in instances where there is insufficient time for Council to determine the application within the time stipulated in the Act and where the applicant has refused or failed to agree to an extension of time.
<u>S.57(3)</u>	<b>Applications for discretionary permits</b> Unless the planning authority requires the applicant to give notice, the authority must give notice, as prescribed, of an application for a permit.	
<u>S.57(5)</u>	<b>Applications for discretionary permits</b> Any person may make representations relating to the application during the period of 14 days commencing on the date on which notice of the application is given or such further period not exceeding 14 days as the planning authority may allow.	
<u>S.57(6)</u>	<b>Applications for discretionary permits</b> Grant a discretionary permit with or without conditions	Subject to: a) More than two opposing representations having been received; or b) When there is insufficient time for Council to determine the application within the time stipulated in the Act and where the applicant has refused or failed to agree to an extension of time; or c) Where Council has been unable to determine an application for a permit as a result of there being

PROVISION	FUNCTION OR POWER	CONDITIONS OR RESTRICTIONS
		an equality of votes and there is insufficient time for Council to reconsider the matter within the time stipulated.
<u>S.57(6A)</u>	<b>Applications for discretionary permits</b> A further period agreed to by a planning authority and an applicant may be extended or further extended by agreement, in writing, between the planning authority and applicant at any time before the expiration of the period to be extended and, when so extended, is taken to be the further period referred to in that subsection.	
<u>S.57A</u>	<b>Mediation</b>	
<u>S.58</u>	<b>Application for other permits</b> This section applies to an application for a permit in respect of a use or development for which, under the provisions of a planning scheme, a planning authority is bound to grant a permit either unconditionally or subject to conditions or restrictions.	
<u>S.59</u>	<b>Failure to determine an application for a permit</b> Notwithstanding the provisions of this Division, a planning authority may make a decision on an application for a permit to which section 57 or 58 applies at any time before the lodging of an application.	
<u>S 60</u>	<b>Council responding and issuing notices relating to compliance with certain permit conditions</b>	
<u>S 60H(3)</u>	<b>Minister may request information from council or relevant state entity</b>	
<u>S 60I(3)</u>	<b>Council to give notice in relation to eligibility of major project proposals</b>	
<u>S 60S(4)(b)</u>	<b>Refund of ordinary permit where declaration of major project is made</b>	
<u>S 60ZX(1)</u>	<b>Provision to Panel of further information</b> A person to whom a request is made under section 60ZW(1) is to take all reasonable steps to provide to the Panel, as soon as practicable the information specified in the request.	
<u>S.61</u>	<b>Appeals against planning decisions</b>	To represent the Council in any appeals lodged against permit decisions, including instructing

## Delegated Authority Policy 1.1

PROVISION	FUNCTION OR POWER	CONDITIONS OR RESTRICTIONS
		internal or external planners to appear on Council's behalf.
<u>S.63</u>	<b>Obstruction of sealed schemes</b> Initiate legal proceedings for obstruction of a planning scheme	
<u>S.63A</u>	<b>Enforcing compliance with planning schemes</b>	
<u>S.63B(3)</u>	<b>Notice of suspected contravention, &amp;c., may be given</b>	
<u>S.64</u>	<b>Civil enforcement proceedings</b> Where a person contravenes or fails or is likely to contravene or fail to comply with a provision of this Part, a person, other than the Commission or a planning authority, who has, in the opinion of the Appeal Tribunal, a proper interest in the subject matter may apply to the Appeal Tribunal for an order.	
<u>S. 65B(5)</u>	<b>Notice of intention to issue enforcement notice</b> The planning authority must notify in writing an owner of land, in relation to which a notice of intention to issue an enforcement notice is served under subsection (1) , if the person on whom the notice is served is not the owner of the land.	
<u>S.65G</u>	<b>Cancellation of permits</b> A planning authority may cancel a permit in relation to land in the municipal area of the authority by issuing and serving a notice.	
<u>S. 65I(2)</u>	<b>Authorised officers</b> Removed on the basis that the Act provides the GM directly with the authority to act so delegation from the Council to the GM is not required -	
<u>Part 4 Generally</u>	<b>Enforcement of planning control</b> 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.	
<b>PART 5</b>	<b>AGREEMENTS</b>	
<u>S.71</u>	<b>Planning authority may enter into agreements</b>	

## Delegated Authority Policy 1.1

PROVISION	FUNCTION OR POWER	CONDITIONS OR RESTRICTIONS
<u>S.74(3)</u>	<b>Duration of agreement</b> An agreement may be ended by the planning authority with the approval of the Commission or by agreement between the authority and all persons who are bound by any covenant in the agreement.	
<u>S.75</u>	<b>Amendment of agreements</b>	
<u>S.76</u>	<b>Agreement to be lodged with Commission</b>	
<u>S.78</u>	<b>Registration of agreements, &amp;c.</b>	
<u>S.80</u>	<b>Application to Appeal Tribunal</b> An owner of land may apply to the Appeal Tribunal for an amendment to a proposed agreement if <ul style="list-style-type: none"> <li>(a) under a planning scheme, use or development for specified purposes is conditional upon an agreement being entered into and</li> <li>(b) the owner objects to any provision of the agreement.</li> </ul>	
<u>S.82</u>	<b>Evidentiary Provision</b> Provision of evidence of a planning scheme, special planning order, permit or special permit to a court, tribunal or person acting judicially.	Authority to: <ul style="list-style-type: none"> <li>a) Certify a true copy of a planning scheme, special planning order, permit or special permit for tendering to court, tribunal or person acting judicially; and</li> <li>b) To authorise a person in writing 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.</li> </ul>
<u>S.84</u>	<b>Service of notices or other documents</b> A notice or other document is effectively served under this Act if it is – <ul style="list-style-type: none"> <li>(i) given to the person; or</li> <li>(ii) left at, or sent by post to, the person's postal or residential address or place or address of business or employment last known to the server of the notice or other document; or</li> <li>(iii) sent by way of facsimile to the person's facsimile number</li> </ul>	

PROVISION	FUNCTION OR POWER	CONDITIONS OR RESTRICTIONS
<u>Schedule 6</u>	<b>Savings and Transitional Provisions - Land Use Planning and Approvals Amendment (Tasmanian Planning Scheme) Act 2015</b>	<b>NOTE 1:</b> The transitional provisions in Schedule 6 provide for the transition from the current process under LUPAA and the current schemes to the Tasmanian Planning Scheme and the processes in the <i>new</i> LUPAA
<b>AMENDMENT OF SCHEMES AND INTERIM SCHEMES</b>		
<b>Provisions of the LUPAA (pre-Tasmanian Scheme amendments) which apply under Schedule 6 of the amended LUPAA</b>		

<b><i>Land Use Planning and Approvals Regulations 2014</i></b>		
<u>Reg. 5</u>	Notice of approval of Local Provisions Schedule	
<u>Reg. 7</u>	Advertisement of exhibition of draft amendment, &c (to a planning scheme)	
<u>Reg. 8</u>	Notice of approval of draft amendment	
<u>Reg. 8A</u>	Notice of approval of Local Provisions Schedule	
<u>Reg. 9</u>	Notice of application for permit	

<b><i>Litter Act 2007</i></b>		
<u>S 38</u>	Recovery of costs arising from litter abatement notices	

<b><i>Local Government Act 1993</i></b>		
<u>S.19</u>	Corporation of Councils	Attest the execution of a document sealed by Council.
<u>s.22</u>	Delegation (of functions or powers) by Council	Subject to the provisions of s22(2), (3) & (4). Not to be subdelegated.

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PROVISION	FUNCTION OR POWER	CONDITIONS OR RESTRICTIONS
<u>S.20A</u>	<b>Powers of entry</b>	Note - this is delegating the power to authorise entry
<u>S.28D</u>	<b>Documents relating to agendas</b>	As per the provisions of this section
<u>S.28T(7)</u>	<b>Code of conduct</b> A council is to review its code of conduct within 3 months after each ordinary election.	
<u>s.56B</u>	<b>Gifts and donations register</b> The general manager is to keep a register of the gifts and donations referred to in section 56A(1) that have been received by councillors.	
<u>S.72</u>	<b>Providing Annual report</b> A council must prepare an annual report.	
<u>S.72B</u>	<b>Notice of AGM</b> A council must hold an Annual General Meeting on a date that is not later than 15 December in each year; and is not before 14 days after the date of the first publication of a notice under subsection (2). A council must publish a notice in a daily newspaper circulating in the municipal area or other prescribed newspaper specifying the date, time and place of the Annual General Meeting.	
<u>S.74</u>	<b>Expenditure</b> A council may expend its funds for the purpose of exercising its powers or carrying out its functions under this or any other Act within the estimates adopted under section 82 .	In line with Council's adopted estimates and capital works program
<u>S.75</u>	<b>Investments</b> A council may invest any money – (a) in any manner in which a trustee is authorised by law to invest trust funds; and (b) in any investment the Treasurer approves.	In accordance with Council's investment policies as reviewed from time to time.
<u>S. 76</u>	<b>Writing off bad debts</b> A council may write off any debts owed to the council if there are no reasonable prospects of recovering the debt; or if the costs of recovery are likely to equal or exceed the amount to be recovered.	In accordance with Council's Sundry Debt Management Policy
<u>S. 77</u>	<b>Grants and benefits</b> A council may make a grant or provide a pecuniary benefit or a non-pecuniary benefit that is not a legal entitlement to any person, other than a councillor, for any purpose it considers appropriate.	In accordance with Council's Community Grants and Donations Policies

## Delegated Authority Policy 1.1

PROVISION	FUNCTION OR POWER	CONDITIONS OR RESTRICTIONS
<u>S.81</u>	<b>Authorised deposit-taking institution accounts</b> A council may establish and maintain in its corporate name such authorised deposit-taking institution accounts as it considers necessary.	In accordance with Council's Treasury Management Policy
<u>S.124</u>	<b>Instalment payments</b> A Council may permit a ratepayer to pay in instalments. The Council may decide that any rates are payable by instalments.	In accordance with Council's Rates and Charges Policy
<u>S.126</u>	<b>Conditions of postponement</b> A council may grant a postponement of the payment of rates for a specified period if satisfied that such payment would cause hardship.	In accordance with Council's Rates and Charges Policy
<u>S.127</u>	<b>Postponement ceases to operate</b> A council may, at any time, revoke a postponement of payment of rates by giving 60 days notice in writing to the ratepayer of the date on which the postponement ceases to operate.	In accordance with Council's Rates and Charges Policy
<u>Div 10</u> <u>S.133-135</u>	<b>Recovery</b> A Council can recover debts due to unpaid rates.	In accordance with Council's Rates and Charges Policy
<u>S.175</u>	<b>Purchase or lease of land</b> A council may purchase or lease land for any purpose which it considers to be of benefit to the council or the community.	Subject to s 178 & s179 restrictions.
<u>S.176</u>	<b>Acquisition of land</b> A council may acquire land for prescribed purposes in accordance with the <i>Land Acquisition Act 1993</i> .	Subject to the provisions of Regulation 37 of the Tasmanian <i>Local Government (General) Regulations 2015</i>
<u>S.189</u>	<b>Closure of local highways (markets)</b> A council in respect of land or premises under its control or management may allow any person to operate a market subject to any terms and conditions it determines or operate a market itself; and close a local highway or part of a local highway to general traffic for that purpose.	
<u>S.190(3)</u>	<b>Objections</b> A council is to consider any objection before closing a local highway or part of a local highway.	
<u>S 193</u>	<b>Establishment of pounds</b> A council may establish pounds for the detention of stray animals.	

PROVISION	FUNCTION OR POWER	CONDITIONS OR RESTRICTIONS
<u>S.197</u>	<b>Sale or destruction of unclaimed animals</b>	
<u>S.207</u>	<b>Remission of fees and charges</b> A council may remit all or part of any fee or charge paid or payable under this Division.	In accordance with Council's Fee Exemptions and Reductions Policy
S200(1)(1A)(2)	If Council is satisfied a Nuisance exists, an abatement notice must be served by the GM	
S201	Definitions as to what constitutes a nuisance	
S201(4) & (5)	Council can seek to recover costs	
S204(A)	Council can seek to recover monies owing	
S240(1) & (2)	Council can appear in Court by its GM, or any other person authorised by the Council or GM	
<u>S.333A</u>	<b>Tender</b> A council must invite tenders for any contract it intends to enter into for the supply or provision of goods or services valued at or above the prescribed amount.	In accordance with Council's Code for Tenders and Contracts

<b>Local Government (Building and Miscellaneous Provisions) Act 1993</b>		
<u>S.83</u>	<b>Approval of plan of subdivision</b>	
<u>S.84</u>	<b>Council not to approve subdivision</b> If – (a) any proposed lot has not the qualities of a minimum lot; or (b) it includes any lot or other block of land smaller than is required or permitted by a finally approved planning scheme; or (c) the subdivision includes any road or other works whereby drainage will be concentrated and discharged into any drain or culvert on or under any State highway	
<u>S.85</u>	<b>Refusal of application for subdivision</b> The council may refuse to approve a plan of subdivision if it is of the opinion the roads will not suit public convenience or the drainage of the roads will not be satisfactorily carried off amongst other things.	
<u>S.86</u>	<b>Security for payment</b> Before approving a plan of subdivision, the council may: (a) require security for payments and the execution of works; and	



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PROVISION	FUNCTION OR POWER	CONDITIONS OR RESTRICTIONS
	(b) refuse to approve the application until such security is given.	
<u>S.89</u>	<b>Approval of final plans</b> The council has 20 (business) days from the lodgement of final plans to make a determination on whether they comply.	
<u>S.91 (3)</u>	<b>Corrections to final plans</b> The council or owner may object to the making of any correction within 7 days of receiving a notice under subsection (2).	
<u>S.92</u>	<b>Amendments to final plans</b> If the Recorder of Titles under section 89 (5) requires an amendment to a final plan, the council if it considers that the amendment should not be approved, is to withdraw the plan and return it to the owner; or in any other case, notify the Recorder and the owner that it does not oppose the amendment.	
<u>S.93</u>	<b>Cancellation of final plans</b> The council is to cancel its seal on a final plan if the plan is withdrawn from the Recorder of Titles; or the plan is rejected by the Recorder of Titles. The council is to return a plan cancelled under subsection (1) to the owner.	
<u>S.103</u>	<b>Amendment of sealed plans</b> When a plan has taken effect, it may be amended by the council of its own motion.	
<u>S.104 (1)</u>	<b>Hearing in respect of amendment of plans</b>	
<u>S.105(2)</u>	<b>Compensation in respect of amendments</b> If compensation is payable under subsection (1) , the council may recover against the petitioner and any person heard or asking to be heard in support of the amendment to the extent to which they benefited by the amendment.	
<u>S.107</u>	<b>Access orders</b> If the council considers that work of a substantial nature is needed to provide access for vehicles from a highway onto the block, it may refuse to seal the final plan under which the block is created until the owner has carried out the work specified in the order within the specified period or given the council security for carrying out that work if called upon by it to do so.	

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<u>S.109 (6)</u>	<b>Minimum lots</b> If land may be used only as a place of business the restriction on its use – (a) is to be set out above the council's seal on the final plan of the subdivision; and (b) is enforceable by the council	
<u>S.110</u>	<b>Adhesion orders</b> The council may make an adhesion order if a block (a) has the qualities of a minimum lot; and (b) comprises 2 parcels or more that may, without the approval of any plan by the council, lawfully be sold separately so as to create a block which (i) would not have the qualities of a minimum lot; and (ii) is, or in the opinion of the council is likely to be, built on or bought for building.	
<u>S.112</u>	<b>Purposes for which plan approved</b> The council is to state on the plan one of the following purposes for which the plan is approved: (i) for the purpose of enabling the approved lot to form a single parcel; (ii) for the purpose of enabling a purchaser to acquire all the sub-minimum lots which together form the minimum lot shown on the plan; (iii) for the purpose of enabling the portions of the approved lot to form a single parcel or for enabling a purchaser to acquire all the sub-minimum lots which together are to form the minimum lot, as well as for the purpose of giving effect to the subdivision	
<u>S.113(4)</u>	<b>Bringing land under Land Titles Act 1980</b> If a plan of subdivision approved by the council and lodged in the office of the Recorder of Titles includes any adjoining land to be added that is not under the provisions of the Land Titles Act 1980, the Recorder is not to take any further action upon the plan until applications to bring the land under those provisions have been made under section 11 of that Act .	
<u>S.115</u>	<b>Exemption</b> Council may exempt a subdivision from the operation of this Part.	
<u>S.116</u>	<b>Limitation on requirement for public open space</b> If the council requires an owner to increase the area for public open space so that the value of the total area approved for open space in the final plan exceeds the value of the area provided for open space in the plan of	

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	subdivision; or having failed to approve a plan for subdivision on a ground that the layout should be altered to include or omit public open space, subsequently approves a fresh plan in which the value of the total area of land reserved for public open space exceeds the value of all such land in the original plan – and the value of the area reserved for open space in the plan also exceeds the value of one-twentieth of the whole area comprised in the plan of subdivision, the council must purchase the excess as provided in this section.	
<u>S.117</u>	<b>Payment instead of increasing public open space</b> Instead of requiring an owner to increase the area for public open space, the council, before approving a plan of subdivision may require security for the payment of an amount.	
<u>S.118</u>	<b>Council schemes</b> Before the council disposes of lands in circumstances in which, if the disposition were that of a private person the plan would require approval under this Part, it is to prepare a plan of subdivision that it would approve if it were a private person's plan.	
<u>241(1)</u>	<b>Preservation orders</b> A council, on the recommendation of the National Trust of Australia (Tasmania) may by order – (a) prohibit the demolition of a building that is by itself or with others of historical or architectural interest or of special beauty; and (b) prohibit the alteration of or adding to the building except as the council may approve; and (c) require the owner to keep the building in good and tenantable repair.	
<u>243</u>	<b>Preservation order is enforceable</b> A preservation order – (a) operates as a covenant between the owner and the council that the owner, executors, administrators and assigns will comply with the order; and (b) runs with the land in equity; and (c) is enforceable by the council as if it were owner of all other lands in the municipal area and the tenants were natural persons holding of the council for life.	
<u>S.244</u>	<b>Registering preservation order</b> On receipt of a sealed copy and certificate under subsection (1) the Recorder of Titles is to: (a) register the preservation order by entering a memorial on the folio of the Register identified by the certificate; and (b) endorse the memorial on the folio of the Register, under the Land Titles Act 1980 , for the land.	

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<u>S.247</u>	<b>Removal of advertising hoardings</b> Council may issue or refuse a licence to any person.	

<b>Local Government (General) Regulations 2015</b>		
<u>R.23 (2)(3)(4)(5)</u>	<b>Public tenders</b> A council, through a public tender process, may establish a standing contract in which a single tenderer or multiple tenderers may be contracted for a specified period to provide specified goods or services during that period without the need for a further tender process.	Subject to Council's Code for Tenders and Contracts
<u>R.25</u>	<b>Multiple use register</b> A council may establish a multiple-use register of suppliers who meet criteria established by the council in respect of the supply of particular categories of goods or services.	Subject to Council's Code for Tenders and Contracts
<u>R.26 (1)</u>	<b>Multi stage tender</b> A multiple-stage tender process is a process by which suppliers are evaluated through stages against criteria determined by the council.	Subject to Council's Code for Tenders and Contracts

<b>Local Government (Highways) Act 1982</b>		
<u>S.6</u>	<b>Making, widening, &amp;c., of highways by corporations</b>	
<u>S.7</u>	<b>Limitation on opening of highways in cities and towns by private persons</b>	
<u>S.8</u>	<b>Maintenance of highways opened outside cities or towns by private persons</b>	
<u>S.10</u>	<b>Obligations on landowners opening highways</b>	
<u>S.11</u>	<b>Enforcement of obligations of landowners opening highways</b>	
<u>S.14</u>	<b>Closure and diversion of highways</b>	
<u>S.15</u>	<b>Dealing with sites of closed highways</b>	
<u>S.17</u>	<b>Definition of boundaries of highway</b>	
<u>S.19</u>	<b>Closure of local highways for public functions, &amp;c.</b>	In consultation with Commissioner of Police. Delegation excludes 19(1)(c)

PROVISION	FUNCTION OR POWER	CONDITIONS OR RESTRICTIONS
<u>S.20</u>	<b>Closure of parts of local highways for sale of goods, &amp;c.</b>	In consultation with Commissioner of Police & Transport Commission
<u>S.21</u>	<b>General responsibility of corporations</b> The corporation of a municipality is charged with the duty of maintaining the local highways in the municipality that are maintainable by the corporation as shown on its municipal map, and, in any particular case, it shall discharge that duty in such manner as, having regard to all the circumstances of the case, it considers practicable and appropriate.	
<u>S.24</u>	<b>Highways on boundaries of municipalities</b> Where 2 corporations would, apart from this subsection, each be liable to repair one side of a local highway that forms or follows the common boundary of the municipal districts of those corporations, they are jointly liable to repair the whole width of that highway.	
<u>S.25</u>	<b>General supplementary provisions as to carrying out of highway works</b>	
<u>S.26(4)</u>	<b>Obtaining of materials for highway works</b>	
<u>S.27</u>	<b>Use of adjoining lands in carrying out highway works</b>	
<u>S.28</u>	<b>Shifting of apparatus, &amp;c., in roads</b>	
<u>S.30</u>	<b>Improvement, &amp;c., of highways</b>	
<u>S.31</u>	<b>Obstructions for prohibition or restriction of vehicular traffic</b>	S. 31(1) requires approval from Transport Commission
<u>S.32</u>	<b>Lighting</b> (of a local highway or public place)	
<u>S.33</u>	<b>Lighting of private ways and courts</b>	
<u>S.34</u>	<b>Drainage works</b>	
<u>S.35</u>	<b>Crossings over footpaths, table-drains, and gutters</b> Where the corporation is of the opinion that works are necessary to be carried out in a highway under local management for the construction or repair of a vehicular crossing over a table-drain, gutter, or footpath at or opposite the entrance to land adjoining the highway, it may serve a written notice on the owner of the land requiring him to carry out those works within the time specified.	
<u>S.36</u>	<b>Fencing of streets in towns</b>	

PROVISION	FUNCTION OR POWER	CONDITIONS OR RESTRICTIONS
<u>S.37</u>	<b>Alterations, &amp;c., of entrances to highways</b>	
<u>S.38</u>	<b>Removal of trees near highways</b>	
<u>S.39</u>	<b>Obligation of occupiers to cut back vegetation, &amp;c.</b>	
<u>S.40</u>	<b>Animal barriers on highways</b>	
<u>S.41</u>	<b>Prohibition of traffic likely to cause damage to highways</b>	
<u>S.42</u>	<b>Closure of dangerous highways</b>	
<u>S.44</u>	<b>Protection of bridges from excessive loading</b>	
<u>S.45(4)</u>	<b>Removal and disposal of abandoned articles</b> Where it appears to the corporation that an article has, without lawful authority, been abandoned on a highway under local management, it may remove the article from the highway.	
<u>S. 45(5)(6)(7)(8)(9)(10)(12)</u>	<b>Removal and disposal of abandoned articles</b> Where an article has been removed from a highway under this section, the corporation may, subject to this section, dispose of it in such manner as it thinks fit.	
<u>S.46(2)</u>	<b>Permission to carry out various works in relation to highways</b> Subject to any directions given by the corporation, its powers to grant a permission may be exercised on its behalf by its mayor or by some other person authorised by it for that purpose.	Delegation excludes S. 46(2C)
<u>S.46</u>	<b>Permission to carry out various works in relation to highways</b> A corporation may, in accordance with its by-laws, grant a person written permission to do any one or more of the following things: (a) open or break up the soil or pavement of a local highway; (b) make a drain leading to a local highway; (c) put or place a pipe or make a drain leading into a sewer or drain or other work of the corporation in or under a local highway; (d) make an excavation, vault or cellar in or under a local highway; (e) install, under a local highway, pipelines, pipe systems or other infrastructure required for the transmission, distribution or supply of natural gas or other gaseous fuels; (f) erect a hoarding or scaffolding for building or any other purpose in or on a local highway.	

PROVISION	FUNCTION OR POWER	CONDITIONS OR RESTRICTIONS
<u>S.50</u>	<b>Management of local highways not maintainable by the corporation</b>	
<u>S.51</u>	<b>Making good of back roads, lanes, &amp;c., at frontages' expense</b>	
<u>S.52</u>	<b>Projections on to highways, &amp;c.</b> At such time as is agreed with the occupier of a building, or after giving at least 30 days' notice of its intention to do so, the corporation may remove or alter an obstruction to which this section applies that has been erected or placed against or in front of the building.	
<u>S.53</u>	<b>Low-lying land near highways</b>	
<u>S.54</u>	<b>Names of highways, &amp;c.</b> The corporation may cause to be put up or painted, on some conspicuous part of a building, fence, or wall, or on a post, at or near an end, corner, or entrance of a highway or other public place, the name by which it is known or to be known.	
<u>S.55</u>	<b>Numbering of buildings, &amp;c.</b>	
<u>S.59</u>	<b>Development of land in connection with highway improvements</b>	
<u>S.60 (3)</u>	<b>Restrictive covenants for benefit of highway</b> A corporation may, at any time, by agreement with the person against whom there is enforceable a covenant, discharge the covenant or may agree to a variation of the covenant.	
<u>S.62</u>	<b>Special provisions as to acquisition for widening or other alteration</b> A corporation may take land for the widening or other alteration of a highway. Land shall not be taken under this section, unless (a) every part of it is within 3 metres of the boundary of an existing highway; and (b) no building is situated wholly or partly on the land or within 3 metres of its boundary	
<u>S.63</u>	<b>Letting of highways not presently used</b> Where the corporation has acquired highway rights over any land, it may, if the land is not presently required to be opened as a highway, let that land to the owner of any adjoining land.	
<u>S.66</u>	<b>Proof that street is subject to Part V</b> The carriage-way of a street shall be deemed to have been well and sufficiently made only if it was made well	

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	enough to be an all-weather road for light or heavy traffic or both according to the standards accepted at the time of its making.	
<u>S.67 (2)</u>	<b>Street works in streets not previously made up</b> Where a street has not at any time been well and sufficiently made, the corporation may, in accordance with a scheme under this Part, carry out such street works as it considers necessary to put that street in a proper condition in substantial conformity with the standard requirements, recovering the cost of the works in the manner provided in this Part.	
<u>S.68</u>	<b>Scheme of street construction</b> Where the corporation intends to carry out street works in a street, it shall cause to be prepared a scheme for the carrying out of those works.	
<u>S.71</u>	<b>Notice of preparation of scheme</b>	
<u>S.72</u>	<b>Objection by owners</b> (to the scheme)	
<u>S.74</u>	<b>Execution of scheme</b> Where a scheme comes into effect, the corporation may carry out, in accordance with the scheme, the street works specified in it.	
<u>S.76</u>	<b>Payments by frontages</b> (under the scheme) When a scheme comes into effect, the corporation shall serve on each frontage written notice stating the sum for which he is liable under the scheme (exclusive of any additional costs and expenses charged to him under the scheme with his consent) and, subject to this section, the owner becomes liable to pay that sum to the corporation.	
<u>S.77</u>	<b>State contribution</b> Where a corporation has prepared a scheme for the carrying out of street works that comprise or include the construction of a carriage-way, the Minister for State Highways may, on the application of the corporation, undertake to make a contribution to the corporation of an amount equal to one-third of the cost of the construction of the carriage-way.	
<u>S.79</u>	<b>Urgent works</b> If it considers it urgently necessary to do so, a corporation may, without a scheme, carry out in a street any part of the works referred to in section 67 , and the cost of carrying out those works may be included in a scheme subsequently made by the corporation in respect of the remainder of those works carried out in that	



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	street, and, with any necessary modifications, this Part applies to the scheme as if the part of the works previously carried out were part of the works to be authorised by the scheme.	
<u>S.81</u>	<b>Record of charges</b> The corporation of a municipality shall keep such record or register that its officers can, within a reasonable time, inform a person who wishes to know the contributions that have been paid or are required to be paid by a frontage under this Part.	
<u>S.95</u>	<b>Establishment of controlled parking</b> (a parking meter or voucher machine)	
<u>S.96</u>	<b>Hours of operation of controlled parking</b>	
<u>S.99</u>	<b>Closure of parking spaces in certain cases</b>	
<u>S.102</u>	<b>Removal of vehicles in certain cases from parking spaces</b>	
<u>S.104</u>	<b>Permits for use of parking spaces without operation of meters or use of parking vouchers</b>	S.104(2) must be in accordance with Annual Schedule of Fees and Charges
<u>S.109</u>	<b>Lighting of certain State highways: Contributions by corporations to lighting of certain State highways</b>	
<u>S.110</u>	<b>Powers and duties of corporations in relation to State highways</b> A corporation may exercise the powers conferred by section 30 in respect of a State highway in the municipality and, in relation to the exercise of those powers in respect of that highway, this Act has effect as if it were a local highway maintainable by the corporation.	
<u>S.112</u>	<b>Liability of corporation to maintain road works carried out by the Crown</b>	
<u>S.114</u>	<b>Right of private persons opening new streets to obtain contributions</b>	Delegation excludes S114(8)
<u>S.115</u>	<b>Retention of petrol-pumps in highways</b>	
<u>S.116</u>	<b>Tramways along or across highways</b> The Governor may authorise the laying down, construction, and maintenance of a tramway or railway along or across a local highway, subject to such terms and conditions as may be recommended by the corporation.	
<u>S.119</u>	<b>Determination of compensation</b> Where a corporation or other person is entitled to be paid compensation under this Act, that compensation shall, unless provision is otherwise made for its determination, be determined by agreement between the parties or, in default of agreement, by action in a court of competent jurisdiction.	

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	<b><i>Monetary Penalties Enforcement Act 2005</i></b>	
<u>17(2)</u>	<b>Options for dealing with infringement notice issued by fee-paying public sector body</b>	
<u>18(1)</u>	<b>Referral to Director of infringement notice issued by fee-paying public sector body</b>	
<u>23</u>	<b>Withdrawal of infringement notice</b>	
<u>28(3)-(4)</u>	<b>Application to fee-paying public sector body for variation of payment conditions</b>	
<u>39(1)</u>	<b>Hearing of offence by court - commencement of proceedings</b>	
<u>40(3)</u>	<b>Application to court to set aside conviction</b>	

<b><i>Place Names Act 2020</i></b>		
<u>S. 11(2)</u>	<b>Naming of roads, streets, &amp;c.</b> As a responsible authority the council has a responsibility to name, alter or revoke a name of a place.	Following endorsement by Council
<u>S. 11(3)</u>	<b>Naming of roads, streets, &amp;c.</b> The responsible authority for a place referred to in section 4(1)(c) must ensure that any naming action, performed in respect of the place, complies with – (a) the relevant provisions of the guidelines; and (b) this Act and any other applicable Act; and (c) the relevant procedures of the responsible authority.	
<u>S. 11(4)</u>	<b>Naming of roads, streets, &amp;c.</b> As soon as practicable after performing a naming action in respect of a place, the responsible authority for the place is to submit details of the action to the Registrar for recording in the register.	
<b><i>Public Health Act 1997</i></b>		
<u>Sec 33 (a) (b)</u>	<b>Production of things</b> A council or an authorised officer may require a person to produce for inspection anything in the person's possession if – (a) the council or the officer reasonably believes that it may disclose evidence of the commission of an offence under this Act; or (b) it is otherwise necessary for the purposes of this Act.	

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<u>Sec 34 (a) (b)</u>	<b>Production of licence</b> A council or an authorised officer may – (a) require a person to produce for inspection any licence the person holds or should hold; and (b) examine, remove and take photographs or copies of, or extracts or notes from, any licence.	
<u>Sec 35</u>	<b>Photographs, sketches, measurements and recordings</b> For the purposes of this Act, a council or an authorised officer may: (a) take any photograph, film or video recording; and (b) take any copy of, or extract from, any record; and (c) take any measurements; and (d) make any sketches or drawing; and (e) make any other recording by any other means.	
<u>Sec 36 (1) (2)</u>	<b>Information requirements</b> A council or an authorised officer may require a person to – (a) give his or her full name and residential address; (b) give details of any licence, permit or exemption under this Act; (c) provide any information relating to public health reasonably required for the purposes of this Act. (d) A council or an authorised officer may require any person to give information about that person's or another person's activities in respect of any matter under this Act.	
<u>Sec 57(1)</u>	<b>Council immunisation programs</b> A council must develop and implement an approved program for immunisation in its municipal area.	
<u>Sec 77 (1) (3)</u>	<b>Grant or refusal of licence</b> (for a place of assembly)	
<u>Sec 78</u>	<b>Issue of licence</b> (for a place of assembly)	
<u>Sec 81(4)</u>	<b>Renewal of licence</b> (for a place of assembly) A council may grant the application subject to any conditions; or refuse to grant the application.	
<u>Sec 81(6)</u>	The Council to notify in writing whether license application is approved or refused	

PROVISION	FUNCTION OR POWER	CONDITIONS OR RESTRICTIONS
<u>Sec 82</u>	<b>Variation of licence</b> (for a place of assembly) A council, on its own volition or on application, may vary a place of assembly licence by omitting, adding, substituting or amending any condition of the licence.	
<u>Sec 83</u>	<b>Cancellation of licence</b> (for a place of assembly) A council may cancel a place of assembly licence	
<u>Sec 84 (2)</u>	<b>Overcrowding</b> A council, an authorised officer, a police officer, a person authorised by the Commissioner for Licensing or a person authorised by the State Fire Commissioner may – (a) cause the doors of a place of assembly to be closed; (b) evacuate the place of assembly; or (c) cause any event occurring at that place of assembly to be cancelled in circumstances referred to in paragraph (b) .	
<u>Sec 87</u>	<b>Closure order</b>	
<u>Sec 88</u>	<b>Service of closure order</b>	
<u>Sec 89</u>	<b>Revocation of closure order</b>	
<u>Sec 92 (1) (4) (6)</u>	<b>Rectification notice</b> A council, on the advice of an environmental health officer or building surveyor, is to serve a rectification notice in an approved form. If a person fails to comply with a notice, the council may cause any necessary work to be carried out at that person's expense. A council, upon the certificate of an environmental health officer or building surveyor that the condition of the premises is no longer, or is not likely to become, offensive, injurious or prejudicial to health, is to revoke a rectification notice.	
<u>Sec 97</u>	<b>Grant or refusal of registration of premises</b>	
<u>Sec 98</u>	<b>Issue of certificate of registration of premises</b>	
<u>Sec 101</u>	<b>Renewal of registration of premises</b>	
<u>Sec 102</u>	<b>Variation of registration of premises</b>	
<u>Sec 103</u>	<b>Cancellation of registration of premises</b>	
<u>Sec 106</u>	<b>Grant or refusal of licence</b> (to carry out any public health risk activity)	

PROVISION	FUNCTION OR POWER	CONDITIONS OR RESTRICTIONS
<a href="#">Sec 107</a>	<b>Issue of licence</b> (to carry out any public health risk activity)	
<a href="#">Sec 110</a>	<b>Renewal of licence</b> (to carry out any public health risk activity)	
<a href="#">Sec 111</a>	<b>Variation of licence</b> (to carry out any public health risk activity)	
<a href="#">Sec 112</a>	<b>Cancellation of licence</b> (to carry out any public health risk activity)	
<a href="#">Sec 115</a>	<b>Grant or refusal of registration of regulated system</b>	
<a href="#">Sec 116</a>	<b>Issue of certificate of registration</b> (of a regulated system)	
<a href="#">Sec 119 (1) (3)</a>	<b>Notice to comply with direction</b>	
<a href="#">Sec 121</a>	<b>Renewal of registration</b> (of any regulated system)	
<a href="#">Sec 122</a>	<b>Variation of registration</b> (of any regulated system)	
<a href="#">Sec 123</a>	<b>Cancellation of registration</b> (of any regulated system)	
<a href="#">Sec 128</a>	<b>Notification of quality of water</b>	
<a href="#">Sec 129 (1)</a>	<b>Orders relating to water quality</b>	
<a href="#">Sec 130 (1) (3)</a>	<b>Monitoring and review</b> (of the quality of water within the municipal area)	
<a href="#">Sec 131</a>	<b>Samples</b> An authorised officer or a council may take a sample from any water. Any sample taken under this section is to be analysed and tested in accordance with the requirements of the Director.	
<a href="#">Sec 135</a>	<b>Grant or refusal of registration</b> (as a supplier of water)	
<a href="#">Sec 136</a>	<b>Issue of certificate of registration</b> (as a supplier of water)	
<a href="#">Sec 136AA</a>	<b>Renewal of Registration</b> (as a supplier of water)	
<a href="#">Sec 136B</a>	<b>Variation of registration</b> (as a supplier of water)	
<a href="#">Sec 136C</a>	<b>Cancellation of registration</b> (as a supplier of water)	
<a href="#">136H</a>	<b>Issue of certificate of registration</b> (as a water carrier)	
<a href="#">136I</a>	<b>Renewal of registration</b> (of water carrier)	
<a href="#">136K</a>	<b>Variation of registration</b> (of water carrier)	
<a href="#">136L</a>	<b>Cancellation of registration</b> (of water carrier)	

PROVISION	FUNCTION OR POWER	CONDITIONS OR RESTRICTIONS
<u>Sec 144</u>	<b>Registers kept by Councils</b> A council is to keep – (a) a register of registered regulated systems; and (b) a register of registered users and suppliers of water from private water sources; and (c) a register of registered premises used for public health risk activities.	
<u>Sec 148 (1)</u>	<b>Requirement for information</b> The Director, any council or an authorised officer may require a person to provide information relating to public health which is reasonably needed for the purposes of this Act.	
<u>Sec 152 (1)</u>	<b>Costs incurred in exercising power</b>	
<u>Sec 158 (1)</u>	<b>Proceedings</b> Proceedings for an offence under this Act may only be instituted by – (a) the Minister or a person authorised by the Minister; or (b) an authorised officer; or (c) a nominated officer in relation to proceedings for an offence under Part 4 ; or (d) a police officer; or (e) a council.	
<u>Sec 169 (1)</u>	<b>Infringement notices</b> An authorised officer or a council may serve an infringement notice on a person if of the opinion that the person has committed a prescribed offence.	
<u>Sec 190 (1) (3) (4)</u>	<b>Sale or disposal of forfeited things</b>	
<u>Sec 191 (3)</u>	<b>Return of and access to seized things</b>	
<u>Sec 192 (1)</u>	<b>Sale or disposal of seized things</b>	

### ***Public Interest Disclosure Act 2002***

<u>S 29B</u>	<b>Referral of disclosure to Integrity Commission</b> Where a public body believes a disclosure relates to misconduct defined in the Integrity Commission Act 2009, the public body may refer the disclosure to the Integrity Commission.	
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## Delegated Authority Policy 1.1

PROVISION	FUNCTION OR POWER	CONDITIONS OR RESTRICTIONS
<u>S 29D(1)</u>	<b>Notice of referral</b> If a public body refers a disclosure to the Integrity Commission, they must notify the person who made that disclosure of the referral.	Unless the disclosure was made anonymously 29(D)(3)
<u>S 33(1)</u>	<b>Determination by public body of disclosure as to public interest disclosure</b> Public body to determine whether disclosure is a public interest disclosure within 45 days.	
<u>S 34(1)</u>	<b>Procedure where public body determines disclosure to be public interest disclosure</b> Notifications where disclosure is determined a public interest disclosure.	
<u>S 35(1)</u>	<b>Procedure where public body determines disclosure not to be public interest disclosure</b> Notifications where disclosure is deemed not to be public interest disclosure.	
S60(1)&(2)&(3)	The Council to establish procedures that comply with any Guidelines & Standards from the Ombudsman pursuant to s38(c),	
<u>S 64</u>	<b>Matters that do not have to be investigated</b> A public body may decide not to investigate a disclosure.	
<u>S 65(1)</u>	<b>Decisions by public body not to investigate</b> Notification of decision not to investigate.	
<u>S 68</u>	<b>Referral to Ombudsman by public body</b> A public body may refer the investigation of a disclosed matter to the Ombudsman if the public body considers that its own investigation is being obstructed or that it is otherwise not within the capacity of the public body to complete the investigation.	
<u>S 70</u>	<b>Provision of information to Ombudsman</b> Public body must give the Ombudsman in writing any information it has in respect to a disclosed matter.	
<u>S 72(1)</u>	<b>Notice of referral</b> Notice to be given where public body refers an investigation to the Ombudsman.	
S73	Investigation must be in accordance with Council's procedures	
<u>S 74</u>	<b>Information about progress of investigation</b> Public body must at the request of the person who made the disclosure or the Ombudsman, give all reasonable information about the investigation with 28 days.	

PROVISION	FUNCTION OR POWER	CONDITIONS OR RESTRICTIONS
<u>S 76(1)</u>	<b>Report on investigation</b> Public body must notify the Ombudsman and the relevant person on completing an investigation of a disclosed matter.	
<u>S 77(1)</u>	<b>Report to person making disclosure</b> Public body must inform the person who made the disclosure of the findings.	
<u>S 77A(2)</u>	<b>Investigations to be completed within 6 months</b> A public body may apply to the Ombudsman for an extension of up to 6 months in which to complete the investigation.	
<u>S 77A(4)</u>	<b>Investigations to be completed within 6 months</b> If investigation is not complete within time specified in 77A(1), public body must refer the disclosure to the Ombudsman.	

<b>Roads and Jetties Act 1935</b>		
<u>S11</u>	<b>Maintenance of State highways, &amp;c. in cities, &amp;c.</b> (1)(b) the remainder of the State highway or subsidiary road, including drainage and shoulders but not culverts and bridges, shall be maintained and reconstructed by the local authority.	
<u>S11(2)</u>	To agree with the Minister for the maintenance or reconstruction of a State highway or a subsidiary road otherwise than in accordance with s.11(1)	
<u>S28</u>	<b>Acquisition of land for quarry, &amp;c.</b> Any road authority may purchase or take land required by it for the purposes of a quarry or gravel-pit in the same manner and subject to the like conditions as it may acquire land for constructing, widening, or altering a road.	
<u>S29</u>	<b>Intention to acquire land may be abandoned if compensation excessive</b> Where a road authority has given notice of its intention to take land for any of the purposes hereinbefore set forth, and the compensation in respect thereof is determined, if the road authority deems it inexpedient to pay the amount thereof, it may, within 21 days after receiving notice of the amount of compensation so determined, withdraw the notice of intention to take the land on payment of the costs of the reference and determination.	



## Delegated Authority Policy 1.1

PROVISION	FUNCTION OR POWER	CONDITIONS OR RESTRICTIONS
<u>S32</u>	<b>Entry by council upon land and staking out of same</b> Whenever a road authority intends to take any land for the purposes of this Act, it shall be lawful for the road authority, after having given 7 days' notice in writing to the occupier thereof, to enter upon such land and to stake out the same in such manner as it thinks necessary or expedient	
<u>S33</u>	<b>Rental of land</b> (for the purpose of obtaining materials therefrom for the construction or maintenance of any road or street)	
<u>S34</u>	<b>Use of uncultivated land for temporary road</b> Any road authority may make use of any uncultivated land for the purpose of constructing a temporary road whilst any road is being reconstructed, widened, diverted, altered, improved, or repaired without making compensation for the same.	
<u>S35</u>	<b>Taking of timber, &amp;c., from land</b> (for making, repairing, or fencing any road, or for any other purposes of this Act)	
<u>S36</u>	<b>Quarries, &amp;c. to be fenced and filled up or otherwise secured</b> The road authority shall cause all quarries and pits which have been opened up or used upon any land by it to be fenced or otherwise secured and kept so fenced or secured so long as the same shall continue open and in use; and upon ceasing to use the same shall, if required by the owner or occupier of such land, cause the same to be filled up, sloped down, or otherwise secured.	
<u>S37</u>	<b>Fences to be restored</b> Where in the exercise of any of the powers conferred upon a road authority by this Part any fence has been temporarily taken down, the same shall, upon completion of the work necessitating such taking down, be well and sufficiently restored by the road authority.	
<u>S38</u>	<b>Deviations to be fenced</b> Where any road has been diverted, the road authority shall, if required by the owner or occupier of any land through which such road passes, cause such road to be well and sufficiently fenced where it so passes.	
<u>S39</u>	<b>Entry upon adjoining lands for road maintenance or reconstruction</b> Any road authority may enter upon any land adjoining any road of which it has the care, control, or management, for the purpose of maintaining or reconstructing such road.	
<u>S40</u>	<b>Power to make drains on adjoining lands</b> The road authority may make, cleanse, and keep open all drains or watercourses which it may deem	

## Delegated Authority Policy 1.1

PROVISION	FUNCTION OR POWER	CONDITIONS OR RESTRICTIONS
	necessary in and through any land adjoining or near to any road of which it has the construction or maintenance.	
<u>S41</u>	<b>Timber growing near roads may be cut down: Consent of owner required in certain cases</b> The road authority may cut down and remove any indigenous timber growing or standing within 23 metres of the centre of any road of which it has the care, control, or management, making good all damage or injury to the fences, hedges, ditches, walls, or any other thing upon the land on which such timber may be growing or standing.	
<u>S42</u>	<b>Hedges, &amp;c., obstructing view of traffic to be cut or trimmed</b> Where the road authority is of opinion that it is necessary, for the prevention of danger arising from obstruction to the view of persons using such road, that any fence, construction, hedge, tree, or vegetation erected, constructed, growing, or planted on land adjoining such road, or any road intersecting or junctioning with such road, should be reduced in height or otherwise cut or trimmed, the road authority may give to the owner or occupier of such land 21 days' notice in writing to reduce the height of or cut or trim such fence, construction, hedge, tree, or vegetation to such an extent or in such a manner as the road authority shall think necessary for the purpose aforesaid and shall specify in such notice.	
<u>S44</u>	<b>Culverts to be constructed by owners at entrances to lands adjoining roads</b> The road authority may give to the owner of any land adjoining any road a notice in writing requiring such owner, within a time to be specified in the notice, to construct to the satisfaction of the road authority across the table-drain or gutter of such road, at or opposite to any entrance to such land which is used or intended to be used for vehicular traffic to or from such land, a culvert of such a nature and of such dimensions as shall be specified in the notice, and as will allow the free passage through such culvert of any water which may reasonably be expected to flow along such table-drain or gutter and into such culvert when so constructed.	
<u>S45</u>	<b>Power of Minister in certain cases to erect gates across roads</b> If and when such road shall thereafter come under the care, control, or management of a council, the council shall continue to maintain such gate, or such gate and cattle-guard, as the case may be.	
<u>S46</u>	<b>Damage caused by overweight vehicles</b> Any person from whom such expenses are or may be recoverable under this section may enter into an agreement with the road authority for the payment to it of compensation in respect of such expenses, and, upon such person paying such compensation, he shall not be liable to any proceedings under this section.	

## Delegated Authority Policy 1.1

PROVISION	FUNCTION OR POWER	CONDITIONS OR RESTRICTIONS
<u>S47</u>	<b>Road metal, &amp;c., may be placed on side of road</b> The road authority may cause road metal or other materials, or any vehicle or plant used for the purpose of or in connection with the construction or maintenance of any road, to be stacked, deposited, or left upon such road at a distance from the centre thereof of not less than 3 metres in the case of a State highway, and not less than 2.5 metres in the case of a country road.	
<u>S47A</u>	<b>Warning gantries for bridges with overhead members</b> Subject to subsection (2), a road authority may erect on a part of a road under its control that forms an approach to a bridge with overhead members such warning gantries and crash-beam gantries as the authority considers necessary for the protection of that bridge.	
<u>S48</u>	<b>Power of road authority, with the consent of the Governor, to permit tramway or railway along or across road</b> The road authority may, with the consent of the Governor, grant authority to any person to lay down, construct, and maintain a tramway or railway along or across any road under its control subject to such terms and conditions as may be recommended by the council and approved by the Governor.	
<u>S48A</u>	<b>Removal and disposal of abandoned articles</b> Where it appears to the road authority that an article has, without lawful authority, been abandoned on a State highway or subsidiary road, the road authority may remove the article from that highway or road.	
<u>S48B</u>	<b>Power to remove vehicles causing obstruction or danger.</b> A road authority may move, keep or impound any vehicle (and anything in, on or attached to the vehicle).	
<u>S49</u>	<b>Obstructing roads: Notice to remove obstructions</b> The road authority may give to any person making or erecting any building or fence, or causing or permitting any obstruction or encroachment, or making any drain, sink, or watercourse in contravention of any of the provisions of subsections (1) or (2) in respect of any road under its care, control, or management, 21 days' notice in writing to take down the above.	
<u>S50B</u>	<b>Excavations</b> A person must not make any excavation, vault or cellar beneath a street in a town without the consent of the appropriate council.	
<u>S51</u>	<b>Laying down timber, &amp;c., on roads</b> Unless authorised by the road authority having the care, control, or management of such road so to do.	

PROVISION	FUNCTION OR POWER	CONDITIONS OR RESTRICTIONS
<b><i>Strata Titles Act 1998</i></b>		
<u>S 31(2A)</u>	<b>Application for, and grant of, certificate of approval</b> The Council must within 30 days of receiving an application issue or refuse to issue a certificate of approval.	
<u>S 31(2B)</u>	<b>Application for, and grant of, certificate of approval</b> The Council may give the applicant notice requiring further information in order to determine the application	
<u>31(3)</u>	<b>Application for, and grant of, certificate of approval</b> The Council may issue a certificate of approval for a strata plan after satisfying itself of certain matters	
<u>31(4)</u>	<b>Application for, and grant of, certificate of approval</b> The Council must return sketches, plans and models if it refuses to issue a certificate of approval.	
<u>31(6)</u>	<b>Application for, and grant of, certificate of approval</b> The Council must refuse to issue a certificate of approval if it considers the proposal is actually a subdivision.	
<u>31AA</u>	<b>Requirement for staged development scheme</b> Where an application for a certificate of approval is made wholly or partly in respect of vacant land, the council may refuse the application on the ground that an application for a staged development scheme under section 38 should be made.	
<u>36(1)</u>	<b>Application for council approval</b> (in relation to a staged development scheme)	
<u>37(1)(a)</u>	<b>Approval of scheme in principle</b> Before giving in principle approval for a staged development scheme Council can require specified changes to the scheme.	
<u>37(1)(b)</u>	<b>Approval of scheme in principle</b> Before giving in principle approval for a staged development scheme Council can require the demolition or alteration of buildings on the site.	
<u>37(2)(a)</u>	<b>Approval of scheme in principle</b> Council can approve a staged development scheme unconditionally.	
<u>37(2)(b)</u>	<b>Approval of scheme in principle</b> Council can approve the staged development scheme subject to specified conditions	

## Delegated Authority Policy 1.1

PROVISION	FUNCTION OR POWER	CONDITIONS OR RESTRICTIONS
<u>37(2)(c)</u>	<b>Approval of scheme in principle</b> Council can refuse to approve the staged development scheme.	
<u>37(4)</u>	<b>Approval of scheme in principle</b> If Council approves the proposed staged development scheme it must issue a certificate of approval.	
<u>41(2)</u>	<b>Progressive development</b> The council may refuse to approve a particular stage in a staged development scheme if an earlier stage of the scheme has not been completed as required under the terms of the registered scheme.	
<u>42(2)</u>	<b>Application for variation of scheme</b> The application is to be made in the first instance to the council for the area in which the site is situated.	
<u>42(5)</u>	<b>Application for variation of scheme</b> The Council may dispense with the consent of a present or prospective owners of lots in the staged development scheme in relation to a proposed variation if satisfied of certain matters.	
<u>42(6)</u>	<b>Application for variation of scheme</b> The Council may approve the variation unconditionally, or approve the variation subject to specified conditions or refuse to approve the variation.	
<u>45(1) &amp; (2)(c)</u>	<b>Injunction</b> Council (as an "interested person" under the Act) can apply for a mandatory injunction requiring the developer of a staged development scheme to complete the scheme.	
<u>54(1)(a)</u>	<b>Approval of scheme</b> Before giving in principle approval for a community development scheme Council can require specified changes to the scheme.	
<u>54(1)(b)</u>	<b>Approval of scheme</b> Before giving in principle approval for a community development scheme Council can require the demolition or alteration of buildings on the site.	
<u>54(2)(a)</u>	<b>Approval of scheme</b> Council can approve a proposed community development scheme unconditionally.	
<u>54(2)(b)</u>	<b>Approval of scheme</b> Council can approve the proposed community development scheme subject to specified conditions.	

PROVISION	FUNCTION OR POWER	CONDITIONS OR RESTRICTIONS
<u>54(2)(c)</u>	<b>Approval of scheme</b> Council can refuse to approve the proposed community development scheme.	
<u>54(4)</u>	<b>Approval of scheme</b> If Council approves the proposed community development scheme it must issue a certificate of approval.	
<u>57(2)</u>	<b>Progressive development</b> The Council may refuse to approve a particular stage of a community development scheme in certain circumstances	
<u>58(2)</u>	<b>Application for variation of scheme</b> The application is to be made in the first instance to the council for the area in which the site is situated.	
<u>58(5)</u>	<b>Application for variation of scheme</b> The Council may dispense with the consent of a present or prospective owners of lots in the community development scheme in relation to a proposed variation if satisfied of certain matters.	
<u>58(6)</u>	<b>Application for variation of scheme</b> The Council may approve the variation unconditionally, or approve the variation subject to specified conditions or refuse to approve the variation.	
<u>61(1) &amp; (2)(c)</u>	<b>Injunction</b> Council (as an "interested person" under the Act) can apply for a mandatory injunction requiring the developer of a community development scheme to complete the scheme	
<u>65(a)</u>	<b>Assignment of interest in land subject to scheme</b> If the owner of land subject to a registered community development scheme proposes to sell or dispose of land subject to the scheme the owner must give written notice of the proposed transaction to the council for the area in which the site is situated.	
<u>65(b)(i)</u>	<b>Assignment of interest in land subject to scheme</b> If the owner of land subject to a registered community development scheme proposes to sell or dispose of land subject to the scheme the person who is to acquire title to the land in consequence of the transaction must give to the council a written undertaking to develop the land in accordance with the registered scheme.	

PROVISION	FUNCTION OR POWER	CONDITIONS OR RESTRICTIONS
<u>65(b)(ii)</u>	<b>Assignment of interest in land subject to scheme</b> If the owner of land subject to a registered community development scheme proposes to sell or dispose of land subject to the scheme the person who is to acquire title to the land in consequence of the transaction must give the council any security required by the council, within 28 days after notice of the transaction was given to the council, for the development of the land in accordance with the scheme.	
<u>142(2)(b)</u>	<b>Recording of certain orders</b>	

### ***Survey Co-ordination Act 1944***

<u>S 4(2)</u>	<b>Public authorities to compile and forward to Surveyor-General lists of existing plans</b> (2) Every public authority shall, upon being so required by the Surveyor-General, appoint a fit and proper person as the proper officer of that authority for the purposes of this Act.	
<u>S 5</u>	<b>Public authorities to give notice of intention to commence new surveys</b>	
<u>S7</u>	Council to provide list to Surveyor-General twice a year as to particulars of plans lodged and surveys carried out	

### ***Traffic Act 1925***

Sections 3 & 9	The “issuing authority” in relation to a notice of demand or traffic infringement notice under the Act includes an “authorised officer” who is an officer of a local authority and has been authorised in writing by the Commission.	
<u>S 41CA</u>	<b>Declaration of road for use by personal mobility devices</b> The road authority for a speed-limited road may, by notice published in the Gazette, declare that road to be a road on which a PMD user may travel, subject to such terms and conditions as are specified in the notice. If a road authority makes a declaration under subsection (2), that road authority is to publish a copy of that declaration on a website of the road authority and is to ensure that a copy of the declaration remains on the website while the declaration remains in force.	
<u>S 43(2)</u>	<b>Removal of things obstructing public streets</b> An authorised person may remove, take and detain articles placed or left in public streets to the obstruction, annoyance or danger of other persons.	

PROVISION	FUNCTION OR POWER	CONDITIONS OR RESTRICTIONS
<u>S 43(3)(4)(5)</u>	<b>Removal of things obstructing public streets</b> A relevant authority must notify articles owner of removal and/or dispose of articles not removed.	

<b>Urban Drainage Act 2013</b>		
<u>S 5i1)(</u>	<b>Council to provide adequate public storm water system</b> Council to provide public stormwater system. If found not too, they must comply with the orders in notice of default.	
<u>S 5(4) (6)</u>	<b>Council to provide adequate public storm water system</b> If Minister makes an order, the council may appeal to the Appeal Tribunal against an order under subsection 5(3) within the period specified in the order.	
<u>S 7</u>	<b>Service of notice relating to negotiations for provisions of stormwater services</b>	
<u>S 11(8)</u>	<b>Power of council to adopt stormwater systems</b> Where a council imposes a requirement under s 11(4) they must pay extra costs incurred by person constructing the drain.	
<u>S 12</u>	<b>Council to maintain maps</b>	
<u>S 13(4)</u>	<b>Protection of stormwater assets</b> If a person fails to carry out the works required in the notice within the specified period, the council may demolish, remove or remedy the building or construction and carry out any works necessary for restoring or reinstating the public stormwater system.	
<u>S 13(5)(b)</u>	<b>Protection of stormwater assets</b> If the council carry's works under s 13(4) expenses are recoverable in a court of a competent jurisdiction.	
<u>S 14(4)</u>	<b>Interference with public stormwater systems</b> If a person fails to comply with the notice issued under 14(2) within the specified period, the council may demolish, remove or remedy the works and carry out any works necessary for restoring or reinstating the infrastructure.	
<u>S 14(5)(b)</u>	<b>Interference with public stormwater systems</b> If the council carry's works under s 14(4) expenses are recoverable in a court of a competent jurisdiction.	



PROVISION	FUNCTION OR POWER	CONDITIONS OR RESTRICTIONS
<u>S 15(13)</u>	<b>Power of authorised officers to carry out work on or adject to public land</b> A council must make good, to the satisfaction of the authority responsible for the land, any damage caused by the exercise of powers under this section as soon as practicable.	
<u>S 16(9)</u>	<b>Power of authorised officers to enter private land</b> The council must make good any damage caused by the exercise of powers under this section as soon as practicable or pay reasonable compensation for the damage.	
<u>S 17</u>	<b>Power to undertake construction of public stormwater systems</b> The council may construct any public stormwater systems it thinks fit for the purpose of meeting its obligations under this Act.	
<u>S 21(3)</u>	<b>Requirement to connect</b> Where notice has been served, council may recover costs if it is not complied with.	
<u>S 22(3)</u>	<b>Requirement to disconnect</b> Where notice has been served, council may recover costs if it is not complied with.	
<u>S 23(2)(b)</u>	<b>Property owners not to direct stormwater onto neighbouring properties</b> If a property owner does not comply with a notice under s 23(2)(a) the council can carry out such works that are necessary to rectify the nuisance.	
<u>S 23(3)</u>	<b>Property owners not to direct stormwater onto neighbouring properties</b> Any costs incurred under 23(2)(b) are recoverable in a court of competent jurisdiction.	

### **Weed Management Act 1999**

*Act has been repealed*