



COUNCIL MEETING AGENDA

NOTICE is hereby given that an Ordinary meeting of the Kingborough Council
will be held in the Kingborough Civic Centre, 15 Channel Highway, Kingston on
Monday, 2 May 2022 at 5.30pm

Kingborough Councillors 2018 - 2022



Mayor
Councillor Paula Wriedt



Deputy Mayor
Councillor Jo Westwood



Councillor Sue Bastone



Councillor Gideon Cordover



Councillor Flora Fox



Councillor Clare Glade-Wright



Councillor David Grace



Councillor Amanda Midgley



Councillor Christian Street



Councillor Steve Wass

QUALIFIED PERSONS

In accordance with Section 65 of the *Local Government Act 1993*, I confirm that the reports contained in Council Meeting Agenda No. 8 to be held on Monday, 2 May 2022 contain advice, information and recommendations given by a person who has the qualifications or experience necessary to give such advice, information or recommendations.



Dr Katrena Stephenson
ACTING GENERAL MANAGER

Tuesday, 26 April 2022

Public Copy

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GUIDELINES FOR PUBLIC QUESTIONS

Section 31 of the *Local Government (Meeting Procedures) Regulations 2015*

Questions from the public may either be submitted to the General Manager in writing or asked verbally at an Ordinary Council meeting. Any question asked must only relate to the activities of Council [Section 31(2)(b)].

This guideline is provided to assist the public with the requirements of Public Question Time as set out in the *Local Government (Meeting Procedures) Regulations 2015* as well as determinations made by Council. You are reminded that the public question forum is designed to accommodate questions only and neither the questions nor answers will be debated.

Questions on Notice

Written questions on notice must be received at least seven (7) days before an Ordinary Council meeting [Section 31(1)] and must be clearly headed 'Question/s on Notice'. The period of 7 days includes Saturdays, Sundays and statutory holidays but does not include the day on which notice is given or the day of the Ordinary Council meeting [Section 31(8)].

Questions Without Notice

The Chairperson of an Ordinary Council meeting must ensure that, if required, at least 15 minutes is made available for public questions without notice [Section 31(3)]. A question without notice must not relate to any matter that is listed on the agenda for that meeting.

A question by any member of the public and an answer to that question is not to be debated at the meeting [Section 31(4)]. If a response to a question cannot be provided at the meeting, the question will be taken on notice and will be included in the following Ordinary Council meeting agenda, or as soon as practicable, together with the response to that question.

There is to be no discussion, preamble or embellishment of any question asked without notice, and the Chairperson may require that a member of the public immediately put the question.

The Chairperson can determine whether a question without notice will not be accepted but must provide reasons for refusing to accept the said question [Section 31 (6)]. The Chairperson may require a question without notice to be put on notice and in writing.

The Chairperson may rule a question inappropriate, and thus inadmissible if in his or her opinion it has already been asked, is unclear, irrelevant, offensive or relates to any matter which would normally be considered in Closed Session. The Chairperson may require that a member of the public immediately put the question.

AGENDA of an Ordinary Meeting of Council
Kingborough Civic Centre, 15 Channel Highway, Kingston
Monday, 2 May 2022 at 5.30pm

1 AUDIO RECORDING

The Chairperson will declare the meeting open, welcome all in attendance and advise that Council meetings are recorded and made publicly available on its website. In accordance with Council's policy the Chairperson will request confirmation that the audio recording has commenced.

2 ACKNOWLEDGEMENT OF TRADITIONAL CUSTODIANS

The Chairperson will acknowledge the traditional custodians of this land, pay respects to elders past and present, and acknowledge today's Tasmanian Aboriginal community.

3 ATTENDEES

Councillors:

Mayor Councillor P Wriedt
Deputy Mayor Councillor J Westwood
Councillor S Bastone
Councillor G Cordover
Councillor F Fox
Councillor C Glade-Wright
Councillor C Street
Councillor S Wass

4 APOLOGIES

Councillor D Grace
Councillor A Midgley

5 CONFIRMATION OF MINUTES

RECOMMENDATION

That the Minutes of the open session of the Council Meeting No. 7 held on 20 April 2022 be confirmed as a true record.

6 WORKSHOPS HELD SINCE LAST COUNCIL MEETING

There have been no workshops held.

7 DECLARATIONS OF INTEREST

In accordance with Regulation 8 of the *Local Government (Meeting Procedures) Regulations 2015* and Council's adopted Code of Conduct, the Mayor requests Councillors to indicate whether they have, or are likely to have, a pecuniary interest (any pecuniary benefits or pecuniary detriment) or conflict of interest in any item on the Agenda.

8 TRANSFER OF AGENDA ITEMS

Are there any items, which the meeting believes, should be transferred from this agenda to the closed agenda or from the closed agenda to the open agenda, in accordance with the procedures allowed under Section 15 of the *Local Government (Meeting Procedures) Regulations 2015*.

9 QUESTIONS WITHOUT NOTICE FROM THE PUBLIC

10 QUESTIONS ON NOTICE FROM THE PUBLIC

10.1 Beach Matting, Kingston Beach

Mr Roger Tonge submitted the following question on notice:

- 1) *Can Council advise why the provision of Beach Matting was not part of the original submission to Council when considering the construction of the new \$200,000 mobility access ramp.*
- 2) *Currently the new ramp is a "ramp to nowhere" virtually unusable by a person with a disability. Is Council then by default required to fund Beach Matting or some other material that will facilitate disabled access to more firmer sand or be left with what some might describe as a "Lemon"?*
- 3) *Would it be accurate to say that at this point, Councillors have been put in an untenable position by staff to ensure the ramp becomes a usable asset regardless of cost.*
- 4) *The submission to Councillors indicates that there will be significant ongoing costs relating to the proposal, the submission also indicates the substantial monitoring of the asset, and predicted weather influences all to be monitored on a daily basis by a person appointed to the task. Can Council advise if this person will be appointed from within current staffing levels or will a staff member need to be recruited?*
- 5) *In the submission to Council, there is an inference from staff that Council have a legal responsibility to provide access to the disabled and carers and therefore the beach matting is required at Kingston Beach, can I ask, why only Kingston Beach, why not Blackmans Bay or Nebraska Beach or indeed any other beach within our municipality.*
- 6) *In the budget submission to Councillors, will an estimate of the staff monitoring costs be included as part of the overall submission.*

Officer's Response:

1. The purpose of the ramp was not to access the beach via matting but to facilitate access by beach wheelchairs owned by Kingston Beach Surf Life Saving Club (and others). Council

has provided a storage facility for the beach wheelchairs so that they can easily use the access ramp. The ramp also facilitates improved general public access to and from the beach, and by the KBSLSC for rescue equipment and other items stored in the storage shed behind the toilets (i.e. its use is not limited). To date it has been used frequently by a range of beach users. Beach matting is a relatively new concept, infrequently used in Australia and not yet provided anywhere in Tasmania.

2. As above, the access ramp facilitates access by beach wheelchairs, other mobility devices, prams and moving surf lifesaving equipment on and off the beach.
3. That is not accurate.
4. No decision has been made to provide and service beach matting. The resolution was that it be considered within the broader budget decision making. Because of the cost and issues around inspection, maintenance and removal of the matting, as identified in the report to Council, it is not a matter that has been included within the draft 2022-23 budget.
5. Council reports require us to flag broad statutory requirements. The reference to the *Disability Discrimination Act 1992 (DDA)* is made in that regard only.
6. The staff monitoring costs were addressed in the report to Council and therefore have been considered in the early budget deliberations.

Dr Katrena Stephenson, Acting General Manager

11 QUESTIONS WITHOUT NOTICE FROM COUNCILLORS

12 QUESTIONS ON NOTICE FROM COUNCILLORS

12.1 Dog Poo Bag Dispensers on Bruny Island

At the Council meeting on 20 April 2022, **Cr Bastone** asked the following question without notice to the General Manager, with a response that the question would be taken on notice:

Could we please re-visit having dog poo bag dispensers at four sites on Bruny Island at Adventure Bay, Alonnah, Barnes Bay and Dennes Point? The Bruny Island Community Association will undertake to keep them filled with bags, that was one of the reasons we were told before that we couldn't have bags there because there was nobody to refill the dispenser.

Officer's Response:

The emptying of the public place bins on Bruny Island is currently carried out by an independent contractor and has no provision for servicing dog bag dispensers. Later this year the servicing will transition to Kingborough Waste Services (KWS) who will be able to refill the dog bag dispensers as part of this bin emptying service.

Once this transition has occurred KWS will investigate and install dog bag dispensers at suitable locations to service as part of this contract.

David Reeve, Director Engineering Services

12.2 Traffic Counters on Lighthouse Road, Bruny Island

At the Council meeting on 20 April 2022, **Cr Bastone** asked the following question without notice to the General Manager, with a response that the question would be taken on notice:

Could traffic counters please be put on Lighthouse Road on Bruny Island in the short section of gravel road that leads to the area that Parks maintain? There has been an estimation that there were 15,000 cars between mid-December and the beginning of February and I think we probably take an accurate count rather than go on what the residents are saying.

Officer's Response:

Traffic counters were last installed on Lighthouse Road between 12 April 2017 to 5 May 2017. This allowed a comparison of traffic volumes between Easter, the total school holiday period and during the school term.

- During the Easter period average daily traffic was around 480 vehicles.
- For the total school holiday period, including Easter and ANZAC Day, average daily traffic was 337 vehicles.
- For the first week of the second school term average daily traffic was around 70 vehicles.

The counters were located at the northern end of Lighthouse Road, approximately 325m south of Bruny Main Road junction.

Traffic counters can be installed on Lighthouse Road near to the Parks and Wildlife boundary in May 2022.

David Reeve, Director Engineering Services

13 PETITIONS STILL BEING ACTIONED

A report on the petition headed "Upgrade to Car Park – Taroona Bowls and Community Club" will be provided at a future Council meeting.

14 PETITIONS RECEIVED IN LAST PERIOD

At the time the Agenda was compiled no Petitions had been received.

15 OFFICERS REPORTS TO COUNCIL

15.1 SMOKE-FREE AREA DECLARATION - KINGSTON PARK (PUBLIC OPEN SPACE STAGE 2)

File Number: 8.88, 8.121, 41.7, 41.16

Author: Abyilene McGuire, Senior Environmental Health Officer

Authoriser: Jon Doole, Manager Environmental Services

Strategic Plan Reference

Key Priority Area: 1 Encourage and support a safe, healthy and connected community.

Strategic Outcome: 1.5 An active and healthy community, with vibrant, clean local areas that provide social, recreational and economic opportunities.

1. PURPOSE

- 1.1 The purpose of this report is to seek Council approval to declare Stage 2 of the Kingston Park public open space a smoke-free area in accordance with the *Public Health Act 1997* (the Act).

2. BACKGROUND

- 2.1 A motion was carried at the 13 November 2017 Council meeting (refer C603/24-17) that Council 'in principle' endorse Council-owned land within Kingston Park as smoke-free.
- 2.2 The motion noted that subsequent reports are to be provided for formal approval of the declaration(s) at the relevant stages of construction.
- 2.3 The Kingborough Community Hub and the Kingston Park playground (Stage 1 of public open space) have already been declared as smoke-free areas in accordance with the Act.
- 2.4 Construction of Stage 2 of the Kingston Park public open space (POS) is due for completion and public access in July 2022.
- 2.5 This enables Stage 2 of the Kingston Park POS to be declared smoke-free. However, the declaration process must be first approved by Council and notification provided to the Director of Public Health.

3. STATUTORY REQUIREMENTS

- 3.1 The *Public Health Act 1997* (Part 4, Division 1A) regulates smoke-free areas in Tasmania. Section 67B (c) of the Act provides for an occupier of land to designate any area, including but not limited to, a public street that is not within private premises, as a smoke-free area. This provides Council with the head of power for land under its ownership in Kingston Park.
- 3.2 A number of other public places including outdoor dining areas, enclosed public places, bus and pedestrian malls, children's playgrounds and sporting venues have already been declared smoke-free under section 67B of the Act.
- 3.3 Section 67B also outlines what else is deemed to be a smoke-free area and sets out legal distances from entries/exits, air intakes and playgrounds.

- 3.4 Section 67E requires signage, wording or images in smoke-free areas that have been approved by the Director of Public Health.

4. DISCUSSION

Declaration process

- 4.1 Council can choose to declare any land in its ownership as smoke-free. The declaration itself does not require approval for the Department of Health (DoH) however it is recommended that both Council and DoH work cooperatively during this process. Council has informally liaised with the Tobacco Control Unit at DoH in relation to this proposal.
- 4.2 The declaration identifies the public areas which are to be smoke-free. The declaration can be undertaken at any time with an 'effective from' date, once approved by Council.
- 4.3 The declaration needs to be publicly advertised. There is no a set process for this and it is Council's decision on how it is made public. It is proposed to advertise in the same way as for the previous declarations at Kingston Park; public notice in the Mercury newspaper, local media and on Council's website and social media.

Proposed declaration

- 4.4 The area proposed to be declared as smoke-free is Stage 2 of the Kingston Park POS. The map below (Figure 1) shows the extent of the smoke-free area.



Figure 1: Kingston Park (Stage 2 of public open space)

- 4.5 In accordance with the Act, a smoke-free area is anywhere within 10 metres of any play equipment erected at a children's playground in a public place. Whilst areas within Stage 2 could be considered to relate to an already identified smoke-free area in the Act (i.e – it contains some equipment which could be considered play equipment), this public open space will not be entirely fenced, will contain multiple entry points and will have other areas for more general public open space use. This declaration will clarify the boundary of the smoke-free area.
- 4.6 A copy of the proposed declaration, to be signed by the General Manager, is included as Attachment A.

- 4.7 Once the declaration is approved by Council, it will be signed by the General Manager and notification provided to the Director of Public Health.

Signage

- 4.8 Signage (or wording or images) must be installed in the smoke-free areas. This must be approved by the Director of Public Health prior to installation.
- 4.9 The signage will be the same as for the playground and Stage 1 public open space.
- 4.10 The design consultant is incorporating the same regulatory icons into the relevant entry and play space/directional signage located throughout the area.
- 4.11 The signage will be forwarded to DoH for final approval.

Enforcement

- 4.12 Council is in a unique position as Kingston Park is essentially a blank canvas. In looking to declare smoke-free areas at the site, there are not the challenges of changing historic or existing behaviours in an already utilised space. Council can therefore seek to use more proactive measures by way of promotion, signage or community enforcement strategies.
- 4.13 It is proposed to largely utilise a 'soft' model of enforcement ie – self-enforcing compliance. A strong focus can be placed on community awareness and consultation.
- 4.14 It would be appropriate to provide some form of reactive response, pursuant to Council's Enforcement Policy, to complaints about smoking in declared smoke-free areas. It is envisaged that this declaration would have minimal impact on current Council compliance operations but resourcing would be assessed as appropriate.
- 4.15 Council officers undertaking any enforcement will need to be appointed as nominated officers under the Act. This is an appointment approved by the Director of Public Health. Environmental Health Officers are already appointed under the Act; this applies to other Council officers who may be involved in enforcement i.e – Compliance Officers.
- 4.16 Enforcement of the smoke-free area will commence from the effective date of the declaration.

5. FINANCE

- 5.1 Estimate of costs:

<i>Declaration process</i>	Public advertisements	\$ 2,000
<i>Signage</i>	Component of overall Kingston Park signage	\$ 500
<i>Enforcement</i>	The cost of the proposed enforcement approach will be absorbed within existing resources	\$ 0
<i>Communication and consultation</i>	Variety of tools available	\$ 1,500
	TOTAL	\$ 4,000

- 5.2 The above estimated costs can be met through the Kingston Park budget.

6. ENVIRONMENT

- 6.1 The creation of a smoke-free environment reduces potential involuntary exposure to environmental tobacco smoke. The Department of Health's *Designating Smoke-free Areas – A Guide for Occupiers*, advises that by declaring additional areas smoke-free, occupiers such as local Councils are contributing to the health and wellbeing of their community and the promotion of this very important public health initiative.
- 6.2 The Kingston Community Hub and the Kingston Park playground (Stage 1 of public open space) have already been declared as smoke-free areas in accordance with the Act. With the inclusion of this proposal for Stage 2 of the POS, the smoke-free areas covered by the three declarations are shown below in Figure 2 and bounded by a red line.

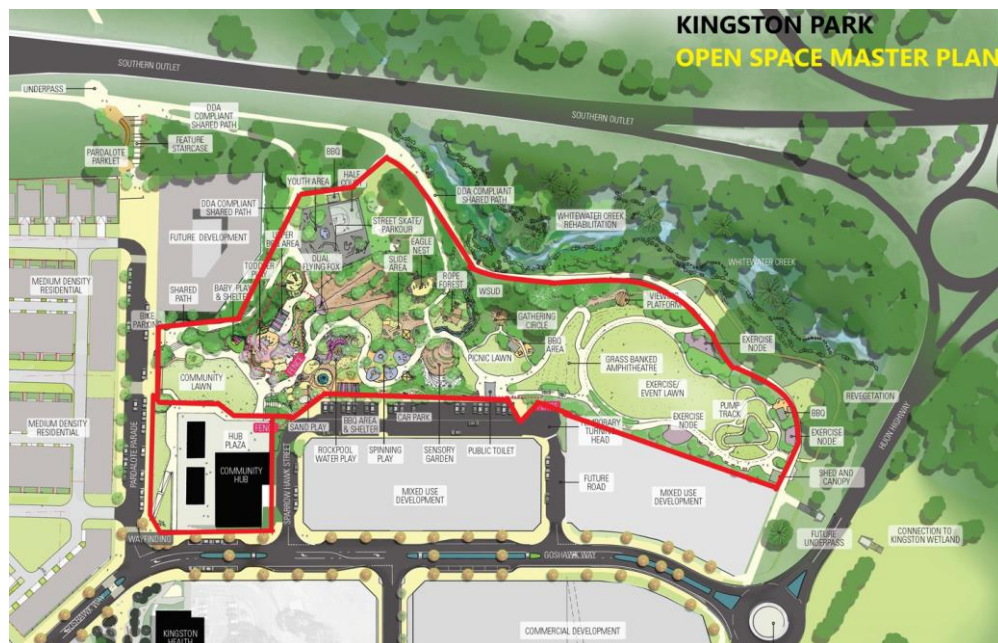


Figure 2: Kingston Park – declared smoke-free areas

7. COMMUNICATION AND CONSULTATION

- 7.1 Council has informally liaised with the DoH Tobacco Control Unit about this proposal and signage requirements.
- 7.2 Once approved by Council, the declaration will be publicly advertised. It is proposed to advertise the declaration by public notice in the Mercury newspaper, local media and on Council's website and social media.
- 7.3 A Communications Plan will be developed with Council's Media and Communications Advisor and the Kingston Park Project Team.

8. RISK

- 8.1 The head of power for declaration is contained within the Act. This is the third declaration for this site and there is confidence that the process has been undertaken correctly and in accordance with all requirements.
- 8.2 No apparent risk has been identified.

9. CONCLUSION

- 9.1 Council has a head of power under the *Public Health Act 1997* to declare land under its ownership in Kingston Park as smoke-free.
- 9.2 Council has previously agreed to declare Council-owned areas within Kingston Park as smoke-free.
- 9.3 Stage 2 of the Kingston Park Public Open Space (POS) is the third Council-owned area within Kingston Park to be open to the public and is scheduled for completion in July 2022.
- 9.4 This report seeks endorsement of a smoke-free declaration for Stage 2 of the POS.
- 9.5 The declaration is proposed to be advertised via public notice in the Mercury newspaper, local media and on Council's website and social media.
- 9.6 Signage, approved by the Director of Public Health, will be installed at the site.
- 9.7 A self-enforcement approach is proposed with a strong and proactive focus on community awareness and consultation.

10. RECOMMENDATION

That Council approve the smoke-free area declaration for Stage 2 of the Kingston Park public open space in accordance with Attachment A and the process outlined in this report.

ATTACHMENTS

- 1. Declaration for smoke-free area - Stage 2 of Kingston Park POS



XX May 2022

Our Ref: 8.88, 8.121, 41.7, 41,16

Dr Mark Veitch
Director of Public Health
Department of Health
GPO Box 125
HOBART TAS 7001
via email: public.health@health.tas.gov.au

Dear Dr Veitch

SMOKE-FREE AREA DECLARATION

STAGE 2 - KINGSTON PARK PUBLIC OPEN SPACE – 7 GOSHAWK WAY, KINGSTON

I enclose the declaration and marked map of Stage 2 of the Kingston Park public open space within Kingborough that has been declared smoke-free.

Council undertakes to provide signage and promote public awareness of this area. It is expected that the smoke-free area will be primarily 'self-enforced' with a strong focus on community awareness and consultation. However Council Officers will also provide 'reactive' enforcement in accordance with Council's Enforcement Policy in response to complaints about smoking in the declared smoke-free area.

Yours sincerely

GARY ARNOLD
GENERAL MANAGER

Encl: Declaration of smoke-free area and map – Stage 2 of Kingston Park public open space

kingborough.tas.gov.au

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AusDcc: DX 70854 T: (02) 6211 8200 F: (02) 6211 8211 E: kc@kingborough.tas.gov.au



Declaration of Smoke-free Area

I, Gary Arnold, General Manager of Kingborough Council declare the following public areas to be smoke-free in accordance with Section 67B of the *Public Health Act 1997*.

This declaration takes effect from XX (day) XX (month) 2022.

- (a) **Stage 2 of Kingston Park public open space – 7 Goshawk Way, Kingston** comprising all areas of land of about XX square metres shown on the attached map bounded by a heavy red line.

It is an offence under Section 67C of the *Public Health Act 1997* to smoke within the perimeter of the smoke-free areas listed above. The maximum penalty is 20 penalty units.

SIGNED	DATE

Map of Smoke-free area

Stage 2 of Kingston Park public open space – 7 Goshawk Way, Kingston



15.2 REGIONAL STRATEGY - ADAPTING TO A CHANGING COASTLINE IN TASMANIA**File Number: 8.238****Author: Jon Doole, Manager Environmental Services****Authoriser: Dr Katrena Stephenson, Acting General Manager****Strategic Plan Reference**

Key Priority Area: 1 Encourage and support a safe, healthy and connected community.

Strategic Outcome: 1.4 A Council that acknowledges the existence of a climate change and biodiversity emergency and has in place strategies to respond.

1. PURPOSE

- 1.1 To seek Council's endorsement of the Regional Coastal Hazards Strategy for southern Tasmanian councils.

2. BACKGROUND

- 2.1 The development of a Regional Coastal Hazards Strategy for southern Tasmanian councils has been a key priority in the workplan of the Regional Climate Change Initiative (RCCI) since 2018.
- 2.2 A RCCI Coastal Hazards Working group comprising staff from Clarence City Council, Glamorgan Spring Bay Council, Kingborough Council, Local Government Association of Tasmania, Tasmanian Climate Change Office and the Port Arthur Management Authority, coordinated the procurement of the services of specialist consultants to assist with the drafting of a Regional Coastal Hazards Strategy in 2019.
- 2.3 The final draft of the Regional Strategy – Adapting to a Changing Coastline in Tasmania was completed late in 2021 and endorsed by the Southern Tasmanian Councils Authority (STCA) Board in February 2022 to be released for consultation with key stakeholders.
- 2.4 The key aim of the Regional Strategy is to “help councils to employ a strategic approach to existing or potential hazards on the coastline that threaten harm to public and natural assets, infrastructure, people or property.”
- 2.5 A report by the RCCI coordinator will be presented to the May STCA Board meeting outlining results of the consultation with potential final endorsement of the Regional Strategy hopefully occurring thereafter.
- 2.6 Kingborough Council has demonstrated an ongoing commitment to implementing a strategic coastal hazards program over many years and the draft Regional Strategy is seen in large part as confirmation that Council's approach taken largely accords with best practice.

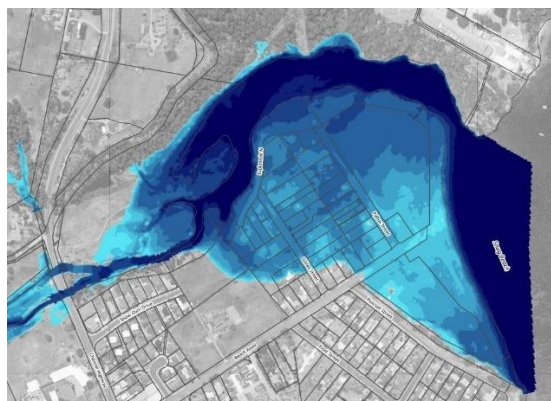
3. STATUTORY REQUIREMENTS

- 3.1 There is no statutory requirement for Council to endorse the Regional Strategy.

4. DISCUSSION

- 4.1 The Regional Strategy is based on taking a risk management approach to development and use in the coastal zone on both public and private land.

- 4.2 It provides a guide to decision making by identifying a suite of principles under the umbrellas of public safety, private property, Local Government, legal risk and adaptation, coastal management and planning and coastal values.
- 4.3 For example, a key public safety principle is that “Human safety is paramount. Areas of unacceptable risk should be identified and exposure to risk minimised or if risk is unavoidable, identify retreat pathways”.
- 4.4 The Strategy also maps the critical steps of identifying challenges, determining vulnerability and risk, identifying options, evaluating them and making a plan, taking action and monitoring and evaluating in an iterative cycle.
- 4.5 The principles and steps in the strategy are strongly aligned to the approach taken through Council’s Hazards Program and indeed officers from Council have been strongly involved in the RCCI Coastal Hazards Working group.
- 4.6 Mapping our own work and known issues against the principles and critical steps provides a framework to both benchmark and track progress at the local level.
- 4.7 For example, Council is soon to commence the Snug Climate Change Adaptation Project.
- 4.8 Objectives of this project include:
- Advancing the understanding of climate change risk and implications for the Snug community, infrastructure and environmental values; particularly relating to flooding / inundation due to extreme weather events and sea level rise.
 - Facilitating community and key stakeholder engagement in the early risk communication and adaptation planning processes.
 - Investigating adaptation options.
 - Building on understanding of the constraints to consideration of retreat as an adaptation option, including financing constraints and options.
 - Developing a Climate Change Adaptation Framework document for Snug.
- 4.9 This project aligns with key principles identified in the Strategy including:
- 2.3 Local Government: inventory of hazards and risks and estimate of potential costs of risks
 - 2.5 Coastal Management and Planning: adaptation pathways and informed decision making.



Snug Climate Change Adaptation Project

- Modelling and mapping of 2100 flooding risk completed
- Project to evaluate and communicate risks and potential options to be implemented

- 4.10 In general, the Regional Strategy affirms the approach Kingborough has been undertaking through its Coastal Hazards Program. Importantly it also provides a new tool to be utilised in identifying and addressing shortfalls in coastal hazard management.

5. FINANCE

- 5.1 Kingborough Council contributed \$5,000 from its 2017/18 coastal hazards budget to the Regional Strategy development through the RCCI.
- 5.2 The endorsement of the Regional Strategy will not lead to additional cost impositions on Council beyond those that are identified annually within the Coastal Hazards Program.

6. ENVIRONMENT

- 6.1 Consideration of ecological values and potential impacts in responding to coastal hazards is identified as being critically important in the Regional Strategy.
- 6.2 Kingborough's extensive coastline and adjacent assets have been observed to already be under significant erosion and inundation pressure which will be exacerbated by the impacts of climate change and sea level rise.
- 6.3 The Strategy appears to be a useful resource and tool for assessing work under the Coast Hazards Program and for the internal Coastal Assets Working Group.

7. COMMUNICATION AND CONSULTATION

- 7.1 It is anticipated that the Regional Strategy will be released for further consultation subsequent to the STCA Board meeting in May.

8. RISK

- 8.1 In the Kingborough Council Strategic Risk register a "lack of strategic planning and resourcing to respond to coastal hazards" is identified as a critical risk. This Regional Strategy provides a new framework and tool to support that strategic work.

9. CONCLUSION

- 9.1 Coastal hazards are the result of natural processes that can cause considerable damage to communities, industries and infrastructure. These hazards are magnified by sea level rise resulting from a warming climate and may present a significant risk to Tasmanian communities and local economies if they are not appropriately managed.
- 9.2 The Regional Coastal Hazards Strategy aims to increase the capability of Southern Tasmanian Councils to prepare for and respond to coastal hazards including erosion and flooding from the sea.
- 9.3 The Strategy's objectives are to:
- apply a risk management approach that incorporates evidence based, best practice management principles, systems and processes informed by up-to-date climate science and technology
 - encourage consistency and co-ordination across southern Tasmanian councils through a regional approach

- 9.4 The Principles within the Regional Strategy are consistent with relevant Tasmanian Government policies and regulations and align with the approach Kingborough Council has been taking.

10. RECOMMENDATION

That Council endorses the Regional Strategy – Adapting to a Changing Coastline in Tasmania and advises the STCA Board accordingly.

ATTACHMENTS

- 1. Regional Strategy - Adapting to a Changing Coastline in Tasmania (Draft)**
- 2. Snapshot - Regional Strategy - Adapting to a Changing Coastline in Tasmania (Draft)**
- 3. STCA Letter to Kingborough Council**

Public Copy



REGIONAL STRATEGY

ADAPTING TO A CHANGING
COASTLINE IN TASMANIA



DRAFT

STCA CHAIR FOREWORD

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ACKNOWLEDGMENT OF COUNTRY

In recognition of the deep history and culture of the southern Tasmanian councils, we acknowledge the Tasmanian Aboriginal people as the Traditional Custodians of this land. We acknowledge the determination and resilience of the Palawa people of Tasmania who have survived invasion and dispossession and continue to maintain their identity, culture and rights.

We recognise that we have much to learn from Aboriginal people today, who represent the world's oldest continuing culture. We pay our sincere respects to Elders past and present and to all Aboriginal people living in and around southern Tasmania.

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1.0 INTRODUCTION

This 'Regional Strategy for Adapting to a Changing Coastline in Tasmania' will help councils to employ a strategic approach to existing or potential hazards on the coastline that threaten harm to public and natural assets, infrastructure, people or property.



Coastal hazards such as inundation and erosion occur as the result of natural coastal processes. These hazards are magnified by a warming climate and rising sea levels.

This Strategy was developed by a collaboration between specialist coastal consultants¹ and the Southern Tasmanian Councils Authority's (STCA) climate program, with members representing ten coastal councils in southern Tasmania. The Tasmanian Government (Renewables, Climate and Future Industries Tasmania and Natural Resources and Environment Tasmania), the Local Government Association of Tasmania and the Port Arthur Historic Site Management Authority were consulted in development and provided support and feedback input for consideration by the committee.

A central feature of the Strategy is that a risk management approach is recommended for helping communities adapt to a changing coastline, as this is best practice in coastal management. To apply the risk management framework to development and use in the coastal zone on public and private land and to guide the decisions that are made, coastal issues should be viewed through the lens of a suite of Principles that are outlined in this Strategy document. These Principles are also a central feature of the Strategy.

¹ Impact Solutions International and BMT Commercial Australia P/L



1.1 COASTAL PROCESSES

The diagram below presents a hypothetical coastline indicating most common features subject to coastal hazards. More urbanised Councils share many of these coastal features which are numbered and described in the key below.

Figure 1. Represented here are some of the coastal issues that may arise.

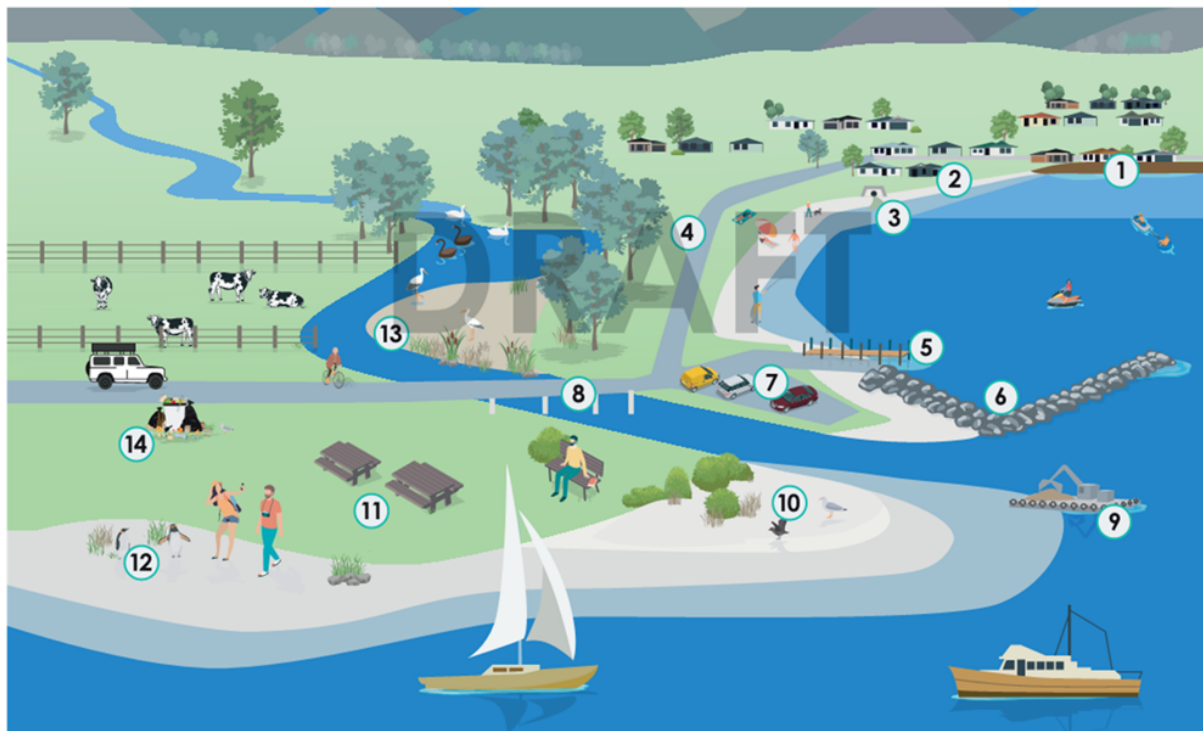


Table 1 Key to Figure 1

1. Dwellings and other structures on erodible cliffs	8. Bridges and river/estuary crossings
2. Dwellings and other structures vulnerable to beach erosion and inundation	9. Managing sand movement and accumulation with dredging
3. Stormwater outlets and other linear infrastructure	10. Erodible soft sediment spits and habitat
4. Roads vulnerable to inundation, erosion and saltwater intrusion	11. Public facilities such as picnic grounds and BBQs
5. Jetties and other public and private structures. Historical features and infrastructure	12. Foreshore and dune flora and fauna
6. Engineered hard structures including breakwaters and sea walls	13. River sediments and wetlands vulnerable to erosion
7. Public infrastructure including boat ramps, car parks	14. Litter and other illegal waste dumping

1.2 RISK MANAGEMENT

Risk management essentially involves a repeating cycle of identifying risks, hazards and vulnerabilities, identifying then evaluating solutions, preparing action plans, implementing actions and monitoring results. Outcomes from the risk management process described in this Strategy can be incorporated into existing council corporate risk registers.

Tasmanian Case Study



Example of assessing risk

Raspins Beach forms the western shore of Prosser Bay immediately north of Orford on Tasmania's east coast. The entire beach is a low-lying sandy shore. Due to erosion in the last 3 to 4 decades, the beach has receded over 100 metres, and at the northern end is now within 50m of the Tasman Highway. A camping ground and much open coastal forest has been lost.

The highway floods when king tides, low pressure systems and strong easterly swells, winds and rain combine. This essential transport corridor will continue to increase in vulnerability through 21st century and beyond. Agencies with an interest in this area include Department of State Growth, NRET, Parks and Wildlife Service and Glamorgan Spring Bay Council.

HIGHWAY



High band (Red)	area vulnerable to sea-level rise by 2050 from the mean high tide, rounded up to the nearest 100 mm.
Medium band (Orange)	area vulnerable to a 1% AEP storm event in 2050 rounded up to the nearest 100mm plus 300 mm added for freeboard.
Low band (Yellow)	area vulnerable to a 1% AEP storm event in 2100 rounded up to the nearest 100mm plus 300 mm added for freeboard.
AEP = Annual Exceedence Probability	

A risk management approach to helping communities adapt to changes such as a warming climate and sea level rise on the coastline and more generally, in the coastal zone, requires understanding the vulnerability of an area, asset or activity, and identifying where any actions should be focused. The assessment of risk can lead to identifying and implementing measures that help communities adapt to changes.

A risk assessment leads to many optional solutions for responding to risks. With stakeholder and community involvement, these options are assessed and can be used to develop local coastal hazard plans. These local coastal hazard plans outline what actions will be implemented – for example, re-vegetating dunes, replacing sand on beaches, or more cost intensive hard engineering solutions such as sea walls and groynes. Retreat and relocation are also options. Note that in some cases a deliberate action will be to take no action.

Various tools and approaches are used to help select options appropriate for the risk tolerance of Council, stakeholders and community. The 'CoastAdapt'² online decision making tool is the recommended strategy to use at this point. This comprehensive tool was commissioned by the Australian government to support coastal managers to adapt to rising sea levels

and a warming climate. Cost benefit analysis and multi criteria analysis are another two examples of tools that can be used to help make necessary decisions. Other decision making tools have been identified and are described in more detail in CoastAdapt.

The output from these approaches is used to develop coastal hazard plans. The plans should identify clear objectives, actions, responsibilities and performance indicators.

In the "Take Action" phase of the risk management cycle, a critical aspect is attracting funding or finance for actions.

The "Monitor and evaluate" phase helps identify actions that have achieved the desired objectives, and those that have not. This allows new information to be applied and planning processes to be revised if needed.

Each step of the process needs governance, resources, and engagement that supports the process within and outside the organisation. The risk management cycle can be followed again and again as many times as needed to continually improve plans if desired.

A detailed description of how to apply risk management to help communities adapt to changes on the coastline is provided in Section 3.

² National Climate Change Adaptation Research Facility (NCCARF) CoastAdapt online decision support framework www.coastadapt.com.au
There are 10 information manuals covering the scientific and technical information of the many disciplines involved in coastal adaptation.



2.0 PRINCIPLES

The ten coastal councils in southern Tasmania and specialist coastal consultants developed the Principles collaboratively.

The Principles reflect the knowledge and expertise of local government policy makers and resource managers with direct experience in developing or applying knowledge about adapting to climate change impacts on the coastline".

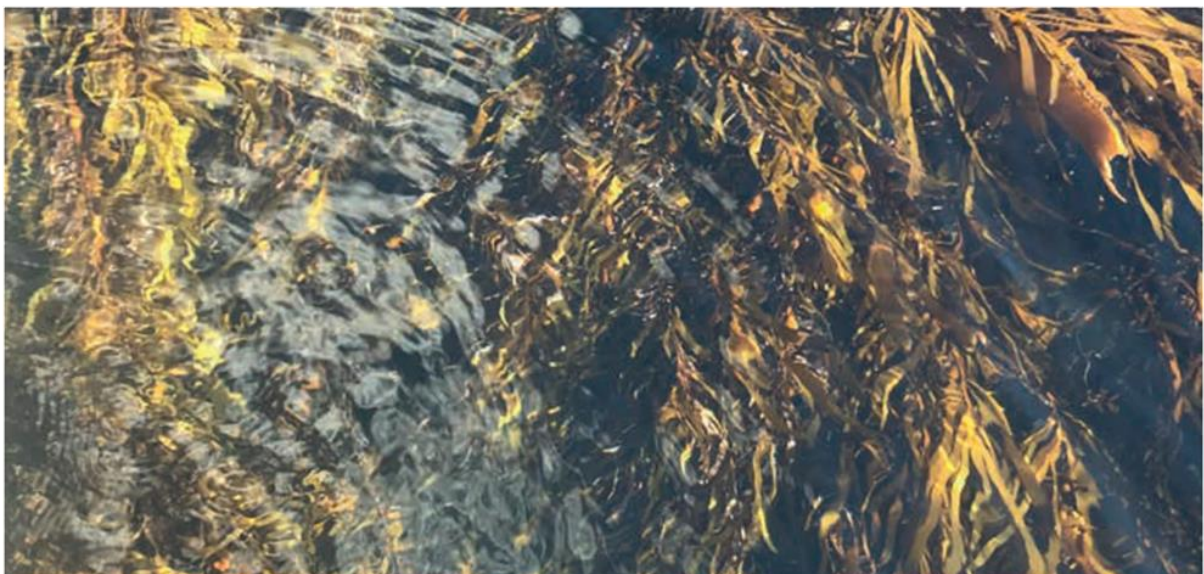
The committee and working group (the Regional Climate Change Initiative group of the Southern Tasmanian Councils Authority) was informed by the principles employed by the State Government which manages Crown land in the coastal zone.

Section 2 outlines each Principle, gives an example of how each Principle might be applied, and provides some context for why each is relevant to managing a changing coastline.

Tasmanian Government Principles

The Department of Natural Resources and Environment Tasmania Principles for Managing Coastal Hazards (<https://nre.tas.gov.au/about-the-department/managing-coastal-hazards>) which currently include the following principles, among others:

- The Crown does not have, nor does it accept, specific future obligations to repair or reduce the impacts of natural coastal hazards on private property; and
- The Crown does not accept obligations to repair or reduce the impacts of natural coastal hazards on any non-Government owned or managed assets sited on public land.





2.1 PUBLIC SAFETY

1(a) Human safety is paramount. Areas of unacceptable risk should be identified and exposure to risk minimised or if risk is unavoidable, identify retreat pathways.

1(b) The community will be provided with up-to-date climate change and coastal hazards information to inform decision making and to provide opportunities to participate in response planning.

To apply Principles 1(a) and 1(b) in making practical decisions, councils can ask and answer the following questions:

Is this area identified as medium to high hazard on the LISTmap, the Tasmanian Government's Land Information System Tasmania website?

Are there facilities or structures in this area which are used by the public? Are they safe and maintained?

What actions can be taken to alert the public to risk, reduce risk, and if necessary discourage, limit or prohibit access?

Are coastal risks and hazards across the municipality identified, quantified, mapped and monitored?

Have private property owners been informed of the hazards identified for their land and assets?

If the answers are yes, then the Principle has been applied. If the answer is No, then more work should be done in this area.



Context for this Principle

Ensuring the safety of people must be the primary concern in managing coastal hazards. Coastal land managers must warn and protect people from a range of hazards, including dangerous water conditions (large swells and rough seas, currents and undertows, pollution), unstable landforms (such as cliff edges), and inundation. Community education through signs, excluding access, and siting and design of access and public and private infrastructure must all be considered on a case-by-case basis.

2.2 PRIVATE PROPERTY



2.2 (a) Private property owners occupy coastal areas at their own risk.

2.2 (b) Property owners are responsible for managing risks to their property from coastal hazards in accordance with relevant policies and regulations and based on expert coastal advice.

2.2 (c) Where private coastal protection works are undertaken by property owners, beneficiaries should pay.

To apply Principles 2.2 (a), 2.2 (b) and 2.2 (c) as part of making practical decisions about managing coastal risks, councils can ask and answer the following questions:

Have property owners been informed of their responsibility for the risk they face?

Have property owners been informed that Council and the Crown accept no obligation to fund the repair of damage from erosion, inundation or extreme climate events?

Have private landowners been made aware of Council's policies applying to their property and any relevant knowledge supporting these policies?

If the answers are yes, then the Principle has been applied. If the answer is No, then more work should be done in this area.

Context for this Principle

Coastal hazards are a financial issue to manage. For example, insurance is an increasingly large budget item, and climate risks are increasing the costs of insurance. Addressing coastal hazards on public land adds a resourcing demand to the organisation.

Private sector financing will be required to address the challenges of climate change.

2.3 LOCAL GOVERNMENT

- 2.3 (a) Councils should actively monitor coastal risks and hazards within their municipal areas.
- 2.3 (b) Councils are responsible for the management and cost of coastal hazard impacts on their own assets and services.
- 2.3 (c) Councils are not responsible for the cost of coastal hazard impacts on private property, or on private assets located on public land.
- 2.3 (d) Access to public coastal land will not be available to private property owners for coastal protection works, except where significant public benefit is demonstrated.

To apply Principles 2.3 (a), 2.3 (b), 2.3 (c) and 2.3(d) when making practical decisions, councils can ask and answer the following questions:

Have property owners been informed that access to public coastal land will not be available to private property owners for coastal protection works, except where significant public benefit is demonstrated?

Does council have an inventory of their coastal hazards and risks?

Does council have an estimate of potential costs from the impact of hazards on council owned assets and services?

If the answers are yes, then the Principle has been applied. If the answer is No, then more work should be done in this area.

Context for this Principle

Where coastlines are already experiencing erosion, pressure from landowners and the community to create hard engineered defences can be intense. Experience from around the world suggests that the high costs of such action are rarely justified, and the defences are rarely successful in the long term. Also, these structures can result in the loss of beaches which impacts the values of the broader community. Protecting high value urban, city and commercially important foreshores can be an exception. Ecosystem based responses involve the management of ecosystems and their services to reduce the vulnerability of human communities to the impacts of climate change. These responses provide lower cost natural solutions by increasing coastal resilience to erosion, and they can buy time to look at the range of longer-term options including retreat. Soft solutions are those which do not cause any long-lasting effects and which can easily be removed or changed. Sand bagging provides a temporary solution and can be removed or shifted. These soft engineered solutions should be considered first.

The challenge of hard engineered solutions.

Stakeholders who live or work on the coastal fringes such as beachfronts or estuarine foreshores often put pressure on Councils or the Crown to take hard engineered structural approaches such as sea walls or levees to address erosion and inundation problems. Apart from these being costly to design and construct, many hard-engineered solutions result in consequences to other stakeholders. Examples include transferring the risk to other places or stakeholders which can occur if one home or a small area is protected, or the loss of beach which often follows construction of a sea wall. Importing sand by pumping or trucking, for example, creates very high ongoing maintenance costs. It is important to understand these unintended consequences before progressing to such options.

2.4 LEGAL RISK AND ADAPTATION



- 2.4 (a) Coastal legal risks can be identified, managed and reduced but can't be avoided.
- 2.4 (b) Well developed policy and action now will minimise the risk of legal challenges and liability in the future.

To apply Principles 2.4 (a) and 2.4 (b) as part of making practical decisions about managing coastal risks, councils can ask and answer the following questions:

Does council have a coastal asset register?

Does council understand the legal risks presented by sea level rise?

Does council have policies and plans in place that address coastal legal risks?

If the answers are yes, then the Principle has been applied. If the answer is No, then more work should be done in this area.

Context for this Principle

As coastal decision-makers, councils and other planning authorities need to identify functions and decisions that may give rise to legal risk around climate change adaptation and identify how to manage these legal risks. Information Manual 6 prepared by CoastAdapt specifically introduces the coastal legal risk issues and this is the recommended resource for assessing legal risk. This Section provides a very brief summary of the Manual.

Risk of legal challenge – decisions with climate change implications.

They can be managed by early decision-making and action, based on the best science and consideration of all issues, including both legal and factual/scientific uncertainty.

Legal risk can arise from:

- Strategic planning
- Public release of hazard risk information
- Failure to release hazard risk information
- Approval of new development
- Construction and maintenance of protective infrastructure
- Approval of private coastal protection works.

There is a risk of public-law litigation brought by citizens challenging the decisions of government officials. These may involve appeals to planning tribunals that consider the merits of the original decision and either uphold, vary or replace the decision. Where merit appeals are not available, limited rights of judicial review may enable

citizens to challenge the decision-making process or the criteria applied. If successful, these challenges result in the decision being sent back to the original decision-maker for re-determination; they do not directly result in a decision being overturned or changed.

The other risk of litigation is based on private law rights, under the law of negligence and nuisance. Such actions may be brought where a decision or careless action or inaction results in loss. These cases are brought by the individuals who have suffered loss such as property damage and/or reduced property values. This loss (and the right to sue) sometimes occurs many years – even decades – after the decision. If the council or other authority is found to owe them a duty of care, and to have breached that duty, the outcome of such actions is a liability to compensate for the loss caused.

To minimise climate legal risk, international and Australian experience suggests that early and proactive decision-making based on the best available science is important. The CoastAdapt Information Manual 6 'Legal Risk and Adaptation' is a very useful resource as it describes seven probable scenarios and the factors that a council must consider for managing risk in each situation.

The CoastAdapt coastal climate risk management tool is recommended to support coastal managers with making decisions about adapting to coastal hazards. An example from CoastAdapt is provided over page to show how the tool can be used to support practitioners to make decisions in this space.

Practical Scenario⁴



Provision of protective seawall

What is the action/decision to be made? A group of coastal landholders has asked Council to construct a seawall to protect their properties.

Background

The state government has released hazard mapping indicating areas likely to be inundated under sea-level rise. A group of concerned citizens has approached Council, as their properties are zoned as having a sea-level rise risk. They have requested that Council construct a seawall to protect their properties.

What is the decision-maker's power/authority?

The Fictional Government Act provides that the local government has the power to do anything that is necessary or convenient for the good rule and local government of its local government area.

Is there factual certainty?

Council seeks advice from its in-house engineer, who confirms that the properties are likely to be affected by sea-level rise. The engineer also advises Council that a seawall may protect those properties but may also exacerbate erosion for properties located further along the coast. It is also in an area of high wave energy, and the seawall will therefore need expensive ongoing maintenance.

Is there legal certainty?

Council seeks advice from its in-house lawyer, who advises that Council does not have an obligation to construct a seawall. However, it will have an ongoing obligation to maintain a seawall if one is constructed. The lawyer also advises that Council may be the subject of legal proceedings in negligence or nuisance from the neighbouring landholders if erosion is exacerbated and damages their properties.

Outcome

Council declines to construct a seawall. Council advises the property owners that they may apply for development approval to construct the seawall at their own cost, but that they will need to prove that the seawall will not impact on neighbouring landholders. The property owners will also be subject to ongoing management obligations. Council also decides to adopt a strategy for future seawall development and include it in its plan.

CoastAdapt Information Manual 6 'Legal Risk and Adaptation' describes 6 other probable scenarios:

Scenario 1: Should a council undertaking strategic planning review include newly released state hazard information?

Scenario 2: Assessing a development application for a large mixed-use coastal development

Scenario 3: Assessing a development application for 100 residential lots

Scenario 4: Council provision of infrastructure – upgrade of stormwater

Scenario 5: Provision of infrastructure – stormwater upgrade and community concerns

Scenario 7: Development approval for protective infrastructure (community-built seawall).

Councils can use these Scenarios and the Coast Adapt Information Manual 6 as an entry into the necessary process of understanding their coastal legal risk.

See: https://coastadapt.com.au/sites/default/files/information-manual/IM06_Legal_Risk.pdf

⁴ Bell-James, K, Baker-Jones, M., Barton E. 2017: Legal risk. A guide to legal decision making in the face of climate change for coastal decision makers. CoastAdapt Information Manual 6, 2nd edn, National Climate Change Adaptation Research Facility.



Graham Howard at Kingston Beach (2012)

Coastal Hazards Management 1960's Style

In November 1960 Graham Howard was only 24 years old and the recently appointed engineer for Kingborough Council.

A massive storm hit the area in November and Graham estimates that in excess of 30,000 cubic metres of sand was lost from Kingston Beach in one event. Huge waves had washed across the road and into the properties on the other side. When he stood on the shore afterwards there was a vertical drop of over 3 metres where the beach used to be. It was obvious that urgent action was required.

Graham knew nothing about seawalls so undertook research at the library and had multiple phone calls to contacts in Europe.

A loan of 16,000 pounds was negotiated with Treasury with the asset life of a seawall estimated to be 25 years.

- The wall is 800 metres long and runs the whole length of the beach;
- It is 2.8 metres high along its entire length with the top 1.8 metres being a curved construction;
- It is only 15 centimetres thick and made of high density concrete with steel reinforcing;
- It took 4 months to complete.

The wall continues to protect Kingston Beach and facilitate minimisation of localised erosion. It is an example of innovative coastal hazard management for its time.

2.5 COASTAL MANAGEMENT AND PLANNING

- 2.5 (a) Coastal hazard planning is enhanced where there is consultation between relevant levels of government, the private sector, community and other key stakeholders.
- 2.5 (b) Planning provisions (such as Local Provisions Schedule; Specific Area Plans) can be used so coastal hazard management plans are prepared in coastal areas identified as risky or hazardous.
- 2.5 (c) A pathway of adaptive responses to coastal hazards, informed by up-to date climate science should be adopted and intervention by humans in natural processes should be minimised.
- 2.5 (d) Public access and community services should be maintained wherever possible where consistent with the Principles of public safety, risk and financial considerations.
- 2.5 (e) When Councils make decisions based on the projected asset life of infrastructure, they must factor the risks of coastal sea level rise hazards in the calculation of asset life.
- 2.5 (f) Intensification of use or development should be avoided in public coastal hazard areas managed by Councils unless significant public benefit is demonstrated.

To apply Principles 2.5 (a) to 2.5 (f) as part of making practical decisions about managing coastal risks, councils can ask and answer the following questions:

Has Council identified coastal areas already subject to hazard and areas likely to become hazardous under climate change projections over this century?

Are provisions available so council planners can assess development applications that relate to intensification of use or development in coastal hazard areas in a manner consistent with the Principle?

Are Council planners and managers aware of these areas to include relevant issues in their decision making?

Is there a process in place to add to this knowledge as new data emerges?

Have vulnerable Council infrastructure assets been identified (present and future), and has a strategy to replace protect, or relocate them been developed based on the life of the asset, risk scenarios both present and anticipated, and identification of alternative locations?

Have local hazard management plans been developed for identified coastal areas?

Were relevant stakeholders consulted as part of developing these management plans?

Have owners of land in hazardous coastal areas been informed of Council policies towards rebuilding, extending, modernising, existing dwellings or building new dwellings?

Have real estate agents, property valuers, financial institutions and insurance companies been made aware of these policies, and is there a mechanism to inform prospective buyers?

If the answers are yes, then the Principle has been applied. If the answer is No, then more work should be done in this area.



Sandbags now protect 65 metres of coastline at Coningham Beach in Kingborough Council.

Context for this Principle

Good coastal zone planning can help avoid new development in hazardous areas and identify where development or infrastructure is appropriate. Innovative design and construction methods can be used to help accommodate changed conditions.

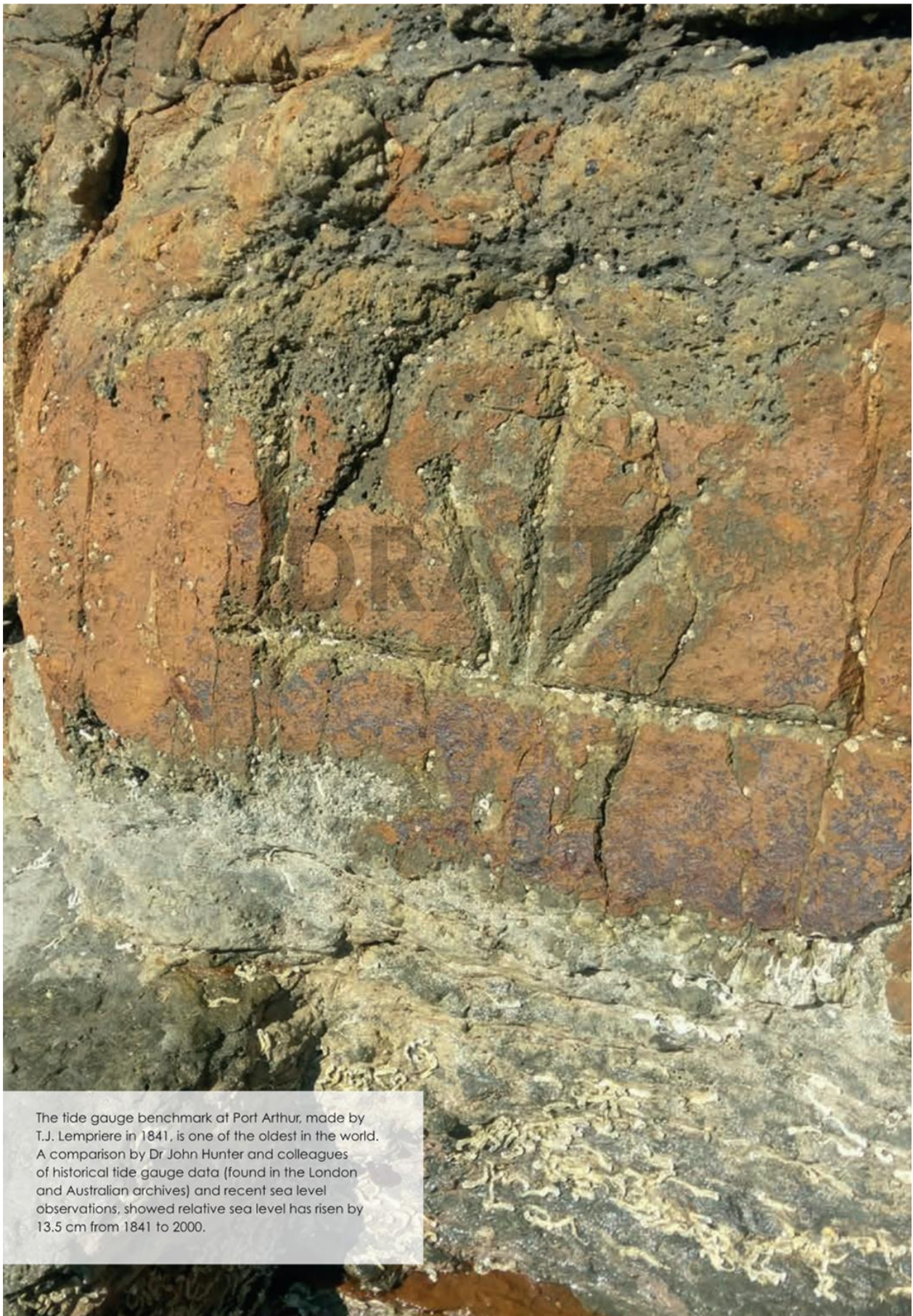
Case Study



Supporting council climate cooperation and collaboration

The Southern Tasmanian Councils Authority's climate program is delivered through its Regional Climate Change Initiative. Established in 2010, RCCI supports and coordinates climate change action across the following areas:

- **council leadership:** as the tier of government closest to communities, lead and share knowledge across Tasmanian councils and communities to: build capacity, avoid duplication and advocate to State and Federal Government, research sector and peak organisations
- **corporate (council) emissions reduction:** reducing energy use and emissions which councils are responsible across their buildings, fleet and services
- **community emissions reduction:** supporting programs to influence households, businesses and community groups to reduce emissions and energy use and realise cost savings
- **corporate (council) adaptation:** increase the capacity of councils to protect and future proof their assets and services against intensified natural hazards; reduce exposure to potential liability in decisions making; and minimise financial risks from the transition to a low carbon economy and increased natural disasters.
- **community (municipal / regional) adaptation:** assist and facilitate community building resilience and adaptive capacity by providing information on local climate change risks to enable informed decision making and risk assessment



The tide gauge benchmark at Port Arthur, made by T.J. Lempriere in 1841, is one of the oldest in the world. A comparison by Dr John Hunter and colleagues of historical tide gauge data (found in the London and Australian archives) and recent sea level observations, showed relative sea level has risen by 13.5 cm from 1841 to 2000.

2.6 COASTAL VALUES

- 2.6 (a) The importance of ecological, cultural, and Aboriginal heritage values will be recognised for their contribution to human well-being when responding to coastal hazards.
- 2.6 (b) Coastal hazards management will consider the impact of any action or inaction on known ecological and heritage values.
- 2.6 (c) Understanding climate change impacts to Aboriginal sites and landscapes will require input from Aboriginal Heritage Tasmania to gain access to data that may not be publicly available and to ensure a culturally appropriate response.

To apply Principles 2.6 (a), 2.6 (b), and 2.6 (c) as part of making practical decisions about managing coastal risks, councils can ask and answer the following questions:

Have significant values been identified using all state government, online, and local resources?

Has advice been sought from appropriate agencies and communities?

If the answers are yes, then the Principle has been applied. If the answer is No, then more work should be done in this area.

Context for this Principle

People of Tasmania cherish coastal environments for complex and dynamic values. They are home to rare, and threatened ecosystems; tangible and evocative connections to the indigenous use and custodianship of the land and sea; and the later layers of historic heritage places.

While some coastal ecosystems can naturally retreat if suitable land is available, the majority of these values are uniquely tied to coastal place and many climate change adaptation approaches cannot be applied to them: they cannot be replaced, they cannot be moved, and they cannot be elevated. This creates particular challenges for management, because the range of options is limited and likely to require location specific responses rather than generalised solutions.

Expertise in managing these values, and the places and landscapes to which they are attached, exists across Tasmania. Advice can be sought from a range of Government Agencies, including Department of Natural Resources and Environment (which includes Aboriginal Heritage Tasmania and Heritage Tasmania), and Government Business Enterprises such as the Port Arthur Historic Site Management Authority.

Information on the heritage and ecological values of an area is mapped on various overlays available on LISTmap.



3.0 RISK MANAGEMENT PROCESS

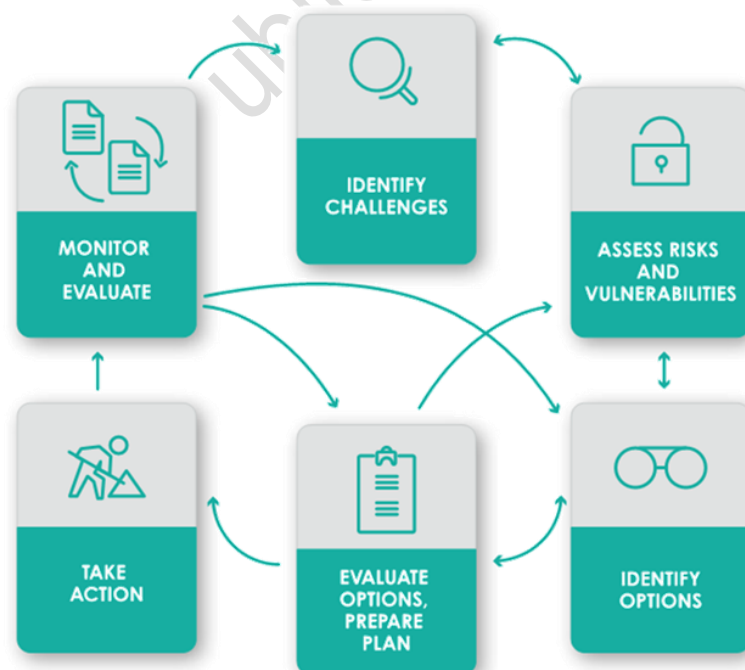
Current global leading practice in climate change adaptation recommends taking a risk-based approach. Understanding and managing risk are key elements incorporated in the principles for adaptation. Risk based approaches to adaptation include understanding the vulnerability of an area, asset or activity, and delves further into understanding why this vulnerability matters and where any actions should be focussed.

The following six-step iterative framework can be followed to help understand and manage coastal hazards. An important consideration of adaptation is that the framework can be completed in ways that meet the purpose of each Council. Those that are starting their adaptation journey are able to scan

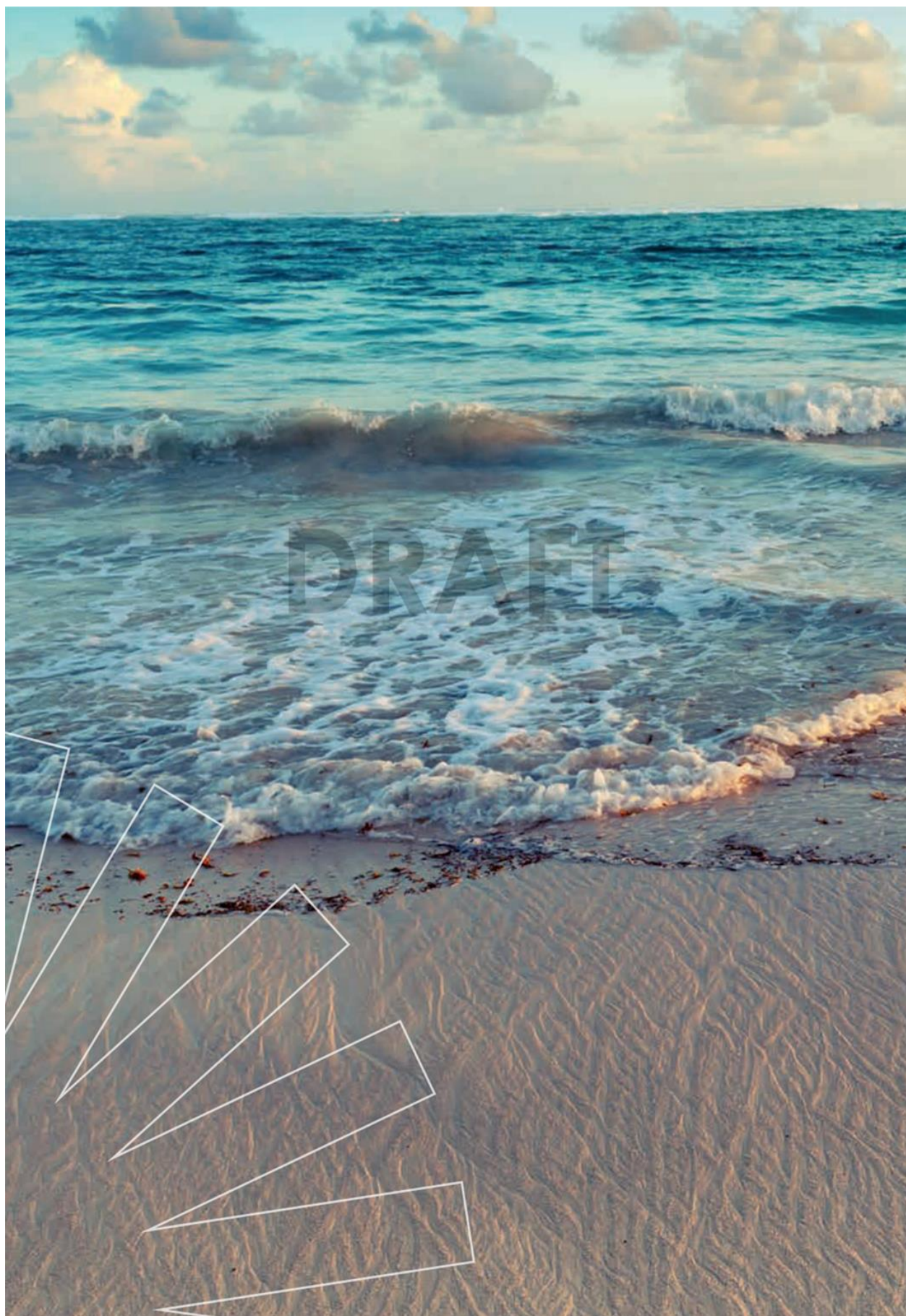
through the process fairly rapidly, getting an idea of the scale of the challenge, and the level of detail and investment that is required to address the issue they face. Others may have a better overview of the issue in their area or have greater exposure and may wish to follow the process in more detail from the outset. Additional support for undertaking risk management can be found in the online tool 'CoastAdapt' – the section titled Risk Assessment.

The risk management framework recommended in this Strategy is one that is consistent with the international risk standard. It is presented in the figure below:

Figure 2. Risk management framework, consistent with ISO31000 (Palutikof, Rissik, Webb et al. 2019)



5 CoastAdapt National Climate Change Adaptation Research Facility www.coastadapt.com.au



3.1 IDENTIFY CHALLENGES

This is a critical step in adaptation planning. By getting the framing right for the challenge, Councils will set themselves up for success in the short and medium term. The iterative nature of the risk framework enables this to be revisited regularly in response to new knowledge, as coastal risks change, or as the needs of stakeholders change.

This initial step is focused on developing a clear understanding of what Council is trying to achieve, and clearly defining the area and scale that will be the focus of adaptation.

Once defining the scale and extent of the plan, it is important to establish a vision and goals for the adaptation challenge. At this early stage this supports engagement with stakeholders and demonstrates leadership from Council.

A component of this first stage is to get appreciation of the magnitude of the challenge being faced. This can be done by undertaking a first pass risk screening. Risk screening can be done following a desk-top approach and does not require a detailed understanding of climate effects on the area. Use expert opinion, simple maps, figures and climate change projections to determine whether you have a climate challenge to address (a first-pass risk screening). Guidance can be obtained from the links to on-line resources provided in Section 5 of this Strategy.

By understanding where risks may be present and what may be affected, you are able to fine tune and prioritise the approach for the next steps in the risk assessment. This includes understanding what detailed information may be required and also which internal and external stakeholders should be involved.

Establishing governance and organisation structures that ensure Council is able to achieve its goals is also important at this early stage. Resourcing the process properly and ensuring that the process is supported throughout the organisation means that staff involved will be empowered to act appropriately and effectively across the organisation and that relevant sections are involved.

Undertake internal and external engagement to ensure that you have strong support within and outside of your organisations. It is important to set up processes that enable engagement to be continual throughout the process.

At this stage of the risk management process it may be necessary to establish an internal business case to ensure that resources are made available to support the process. The information gathered in this step is essential for supporting the business case.



3.2 DETERMINE VULNERABILITY AND RISK

This step of the process involves determining the vulnerability and eventually the risk that your council area and assets face from the effects of climate change. It is important that this is done using an approach for your risk assessment and reporting that is fit for the challenge faced and for the purpose of your organisation, and that will support adaptation planning and action.

The need to communicate with internal and external stakeholders remains essential. This includes communicating the results of the first-pass risk screening to your internal and external stakeholders and using the results and discussion to narrow down your focus to areas that are most at risk. At this stage you are able to undertake a second pass risk assessment. The second pass risk assessment includes understanding the vulnerability of your council area, organisation and community to coastal hazards.

At this stage it is necessary to gather existing data about coastal risks and in some cases to develop new information if none is available. There are several useful national and state data bases which may be enough and these should be accessed and reviewed before proceeding with new data collection. Council and other assets should be mapped as this will help with a risk assessment approach. Determining the vulnerability of your organisation, assets and community requires gaining an understanding of the adaptive capacity of each of these attributes.

The second pass risk assessment can be based on any new information that is gathered or developed such as updated sea-level rise mapping. Existing information, maps and stakeholder and expert knowledge can also be used to support the second-pass risk assessment.

Internal and external stakeholder engagement should be used to identify consequence scales for the risk assessment. It is also important to use existing consequence scales from Council's risk register or any disaster risk assessment frameworks which may be applied in Council. It is useful to consider risks in a number of categories such as economic risk, social risk and environmental risk.

Further information on risk assessment approaches and access to tools and supporting information can be obtained using the links provided in Section 5.

If any major risks are identified in the risk workshop, a deeper understanding may be required in key areas. This may require further investment to get refined data to support more detailed work and satisfy concerned stakeholders. It is important to communicate the results of the risk assessment with decision makers to discuss what can be done to address the issues that have been identified. At this stage it is useful to understand the legal risks of not addressing the identified risk.

Stakeholder engagement continues to be an important exercise at this stage.

3.3 IDENTIFY OPTIONS

Once the risk assessment has been undertaken it is possible to identify adaptation options that address climate change risks. In identifying options consideration should be given to options which address climate change, but which also address other existing pressures, although it is also necessary to identify options that may address the climate change risk alone. Option identification should include reassessment of options and strategies from existing strategies and plans within Council, helping to determine whether they are still relevant under a changing climate.

It is important to recognise that different options will be needed to address different climate related pressures, different assets and that these will vary between localities. Maps and spreadsheets can be useful in helping to link options selected to the specific risks they will address.

It is important to consider suites of different options which may be able to be undertaken together. These may include policy and planning options, community capacity building options, ecosystem-based adaptation options etc. It is also important to recognise the potential for having sequences of options, enabling you to take a pathways approach and avoid unnecessary expenditure and adverse side-effects from your actions. Such sequences may include initially using cheaper ecosystem-based options such as dune restoration and enhancement through replanting. Once these options stop working more engineering and cost intensive solutions may be necessary (e.g. beach nourishment), and ultimately perhaps the need for sea-walls to be constructed or options such as relocation to be considered.

The Principles presented in section 2 should be key considerations when selecting options.

3.4 EVALUATE OPTIONS AND MAKE A PLAN

In the previous stage Council, together with its stakeholders will have identified a series of possible options to address coastal risks. These options now form the basis of a strategy or plan. Options need to be evaluated and prioritised in conjunction with stakeholders using tools and approaches that help you to select options appropriate for the risk tolerance of your organisation and its stakeholders.

Approaches such as Cost Benefit Analysis (CBA) and Multi Criteria Analysis are useful tools that can help to prioritise options or suites of options. They can help to ensure that prioritised options make the most economic sense and deliver what is needed/wanted by stakeholders. Using the output from these

approaches a plan can be developed that list the options and identifies thresholds at which options will be implemented.

The plan should include clear objectives for each of the options and list performance indicators. It should also identify potential barriers to action and establish mechanisms to overcome them.

Always try to select options that will allow you to keep your options open (i.e. do not commit to something that cannot be changed or built on if required).

Identify suitable indicators to assess performance of options and determine how best, and most cost effectively these can be monitored. It is important to consider

the benefits or negative impacts that each option may have on community, environment etc. This will help to determine the level of engagement that may be required before an option can be implemented. The plan should:

- Identify thresholds and trigger levels when actions should be taken
- Identify people/groups responsible for actions
- Include review points when plan will be updated.

It is important to note that in some cases a deliberate action will be not to take any action. If this is the case, the process through which you arrived at this decision should be clearly documented.

Once the strategy or plan is developed, appropriate endorsement procedures should be followed to ensure it is supported at all levels of Council. This may require establishing processes for community consultation. This will support implementation of the plan.

3.5 TAKE ACTION

Once a plan or strategy is developed and signed off by Council and stakeholders, the plan or strategy can be implemented. Supporting activities may be developing specific business cases for actions or suites of actions, collecting additional data where required, influencing the implementation of other plans, and overcoming any barriers to action.

A critical aspect of implementation is attracting funding or finance for actions. Some adaptation options will be expensive

and approaches which help obtaining the necessary funds is critical. This may include identifying and approaching potential funders (e.g. State and Commonwealth Government) but may also involve working with the private sector to develop partnerships.

Collaborations and partnerships which support implementation of plans will be essential and can include partnerships with community groups, with other organisations such as NRM groups etc.

3.6 MONITOR AND EVALUATE

The last stage of the iterative cycle is to measure and evaluate adaptation plans. This helps to determine which adaptation actions are not achieving desired outcomes and need to be changed, but importantly also helps with accountability of projects.

Monitoring also helps to identify when an action is no longer effective for the degree of change that is happening, and a new action or suite of actions is required.

Over time it is important to reflect on what is being achieved, whether aspects of the planning process should be revisited, especially if new knowledge and information has become available.

Internal and external reporting of progress is essential. Consideration should be given to how best to do this and what level of detail is required. This may be an important element of community engagement and capacity building.

Following the monitoring and evaluation, the whole adaptation risk management cycle should be followed again in a way that fits the purpose of Council and which is aimed at continually improving the strategy or plan or adjusting it as new lessons are learned.



4.0 ENABLERS AND DECISION MAKING

4.1 ENABLERS

Identifying, planning for and managing risks requires more than simply following risk assessment guidance. It requires barriers to be removed and enablers to be installed, including:

- Leadership – Council and Executive leaders need to drive the process and inspire adaptation action by their organisations
- Governance – Effective governance structures to support adaptation planning and action
- Resources – Adaptation planning and implementation needs to be supported by adequate and targeted financial resources and experienced, equipped and committed personnel
- Learning and improvement – Council must commit to continual monitoring, evaluation, review and response, to ensure the long-term success of communities managing coastal hazards and adapting to a changing coastline.

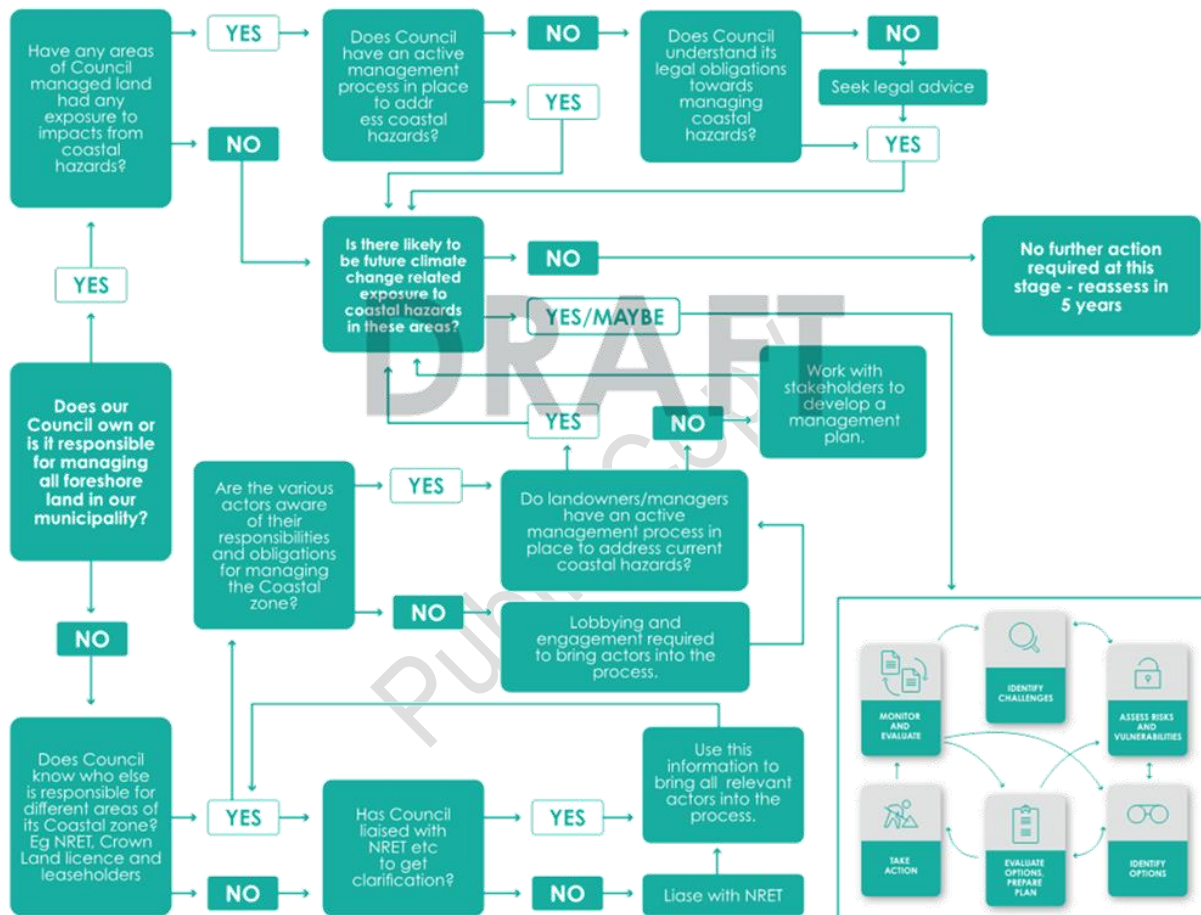
4.2 DECISION MAKING PATHWAYS

A simple process can be followed to determine Council's exposure and possible responses. This process is most appropriate for Councils beginning their adaptation journey. Those with more mature processes may find the flow diagram useful only to verify their system.

The process is summarised in the following flow diagram which is intended to support Councils when working through challenges which they face on the coast. The process provides guidance on actions Councils should take to get clarification on their ownership and responsibilities on the coast, and what they should do in response. Ultimately the process leads Councils to the need to undertake a climate risk management assessment and to develop an appropriate climate change adaptation plan.

It should be noted that this process will not be useful for councils which have mature, well developed adaptation management processes in place, and who have done the required assessments to drive them. It is more likely to be useful to those who are beginning to get to grips with the impact and management of climate change.

Decision Making Pathways diagram



5.0 SUPPORTING RESOURCES

The Tasmanian Government has undertaken a series of initiatives to support local government to better understand and manage the risks associated with coastal hazards, as follows:

- Tasmanian State Coastal Policy 1996.
- Department of Premier and Cabinet (DPAC) Mitigating Natural Hazards through Land Use Planning and Building Control Coastal Hazards Technical Report 2016.
- Department of Premier and Cabinet (DPAC) Tasmanian Coastal Adaptation Pathways Program.
- Department of Premier and Cabinet (DPAC) Coastal Hazards Management for Existing Settlements and Values project.
- NRET Managing Coastal Hazards nre.tas.gov.au/about-the-department/managing-coastal-hazards
- Tasmanian Coastal Works Manual; Page, L., Thorp, V. (2010) Tasmanian Coastal Works Manual: A best practice management guide for changing coastlines; Department of Primary Industries, Parks, Water and Environment.

There are a number of state and national resources which can be used to support climate adaptation planning in local government. Resources include:

- CoastAdapt is a resource that was developed by the National Climate Change Adaptation Research Facility at Griffith University. It was funded by the Commonwealth and has a focus on delivering a range of information to support coastal users to adapt to climate change. It also includes the C-CADS (Coastal Climate Change Decision Support) Framework which provides comprehensive guidance and resources to support risk-based adaptation planning. www.CoastAdapt.com.au
- Regional Climate Change Adaptation Project (RCCAP) http://www.dpac.tas.gov.au/divisions/climatechange/what_you_can_do/local_government/local_government_adaptation/local_government_adaptation_planning_resources/corporate_adaptation_planning
- The resources to the Tasmanian Coastal Adaptation Planning are also located here http://www.dpac.tas.gov.au/divisions/climatechange/what_you_can_do/local_government/local_government_adaptation/local_government_adaptation_planning_resources/community-based_coastal_adaptation_planning
- Climate Change in Australia is a resource developed by CSIRO and the Bureau of Meteorology. It provides climate change projection data, excellent reports and guidance that can be used to underpin climate change adaptation. www.Climatechangeinaustralia.gov.au
- For analysis of complex physical climate risk see XDI (<https://xdi.systems>).
- Coastal Risk Australia enables users to assess the extent of sea-level rise at their scale of interest. This is a user-friendly resource which can help assess risk. It is based on bathtub modelling and there is uncertainty associated with it which is explained on the site. www.Coastalriskaustralia.com.au
- Climate Compass was developed by CSIRO and various contributors in Australia and funded by the Commonwealth Government. It was designed to support Commonwealth Departments to address climate risk and has also been used by large infrastructure operators. www.Climatecompass.gov.au
- Adapt NRM was developed by CSIRO and NCCARF and includes guidance to support NRM groups to update their NRM plans to reflect a climate affected future. It was designed to help move NRM groups forward without changing their direction and momentum. www.AdaptNRM.csiro.au

6.0 ACKNOWLEDGEMENTS

This strategy document is a substantially revised and reduced version of the draft document. Impact Solutions International and BMT (Rees, C and Rissik, D); **Regional Coastal Hazards Strategy: Addressing the Effects of Climate Change on Coastal Hazard in Tasmanian Southern Councils**; September 2020. The draft document was revised by the STCA's Regional Climate Change Initiative Working Group.



The contribution of all southern councils through briefings, workshops and discussions with the consultants is gratefully acknowledged. The Covid-19 pandemic disrupted plans to hold a summit with member Councils and elected Councillors to present the results of the study. Alternative methods such as review and input into drafting the strategy will be employed instead.

7.0 REFERENCES USED BY BMT AND ISI

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DRAFT

REGIONAL CLIMATE CHANGE INITIATIVE

Regional Strategy - Adapting to a changing coastline in Tasmania has been prepared under the auspices of the Southern Tasmanian Councils Authority, Regional Climate Change Initiative by the 12 councils of southern Tasmania: Brighton, Clarence City, Central Highlands, Derwent Valley, Glamorgan Spring Bay, Glenorchy City, Hobart City, Huon Valley, Kingborough, Sorell, Southern Midlands and Tasman.

This version is released for consultation across key private and public stakeholders and will inform the final Regional Strategy Adapting to a changing coastline in Tasmania.

Contact: **Southern Tasmanian Councils Authority
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Photography unless otherwise indicated: Katrina Graham, Senior Climate Change Officer, City of Hobart

February 2022



SOUTHERN TASMANIAN COUNCILS

REGIONAL STRATEGY FOR ADAPTING TO A CHANGING COASTLINE IN TASMANIA **SNAPSHOT**



Coastal hazards are the result of natural processes that can cause considerable damage to communities, industries and infrastructure. These hazards are magnified by sea level rise resulting from a warming climate and may present a significant risk to Tasmanian communities and local economies if they are not appropriately managed.

The Regional Coastal Hazards Strategy aims to increase the capability of Southern Tasmanian Councils to prepare for and respond to coastal hazards including erosion and flooding from the sea. The Strategy's objectives are to:

- apply a risk management approach that incorporates evidence-based, best practice management principles, systems and processes informed by up-to-date climate science and technology
- encourage consistency and co-ordination across southern Tasmanian councils through a regional approach
- The Principles are consistent with relevant Tasmanian Government policies and regulations and should be applied through the Strategy's risk management framework to coastal hazards on public and private land.

Public Safety

1. Human safety is paramount. Areas of unacceptable risk should be identified and exposure to risk minimised or if risk is unavoidable identify retreat pathways.
2. The community will be provided with up-to-date climate change and coastal hazards information to inform decision making and opportunities to participate in response planning.

Private property

3. Private property owners occupy coastal areas at their own risk.
4. Property owners are responsible for managing risks to their property from coastal hazards in accordance with relevant policies and regulations and based on expert coastal advice.
5. Where private coastal protection works are undertaken by property owners, beneficiaries should pay.

Local Government

6. Councils should actively monitor coastal hazard areas within their municipal areas.
7. Councils are responsible for the management of coastal hazard impacts on their assets and services.
8. Councils are not responsible for the cost of coastal hazard impacts on private property, or on private assets located on public land.
9. Access to public coastal land will not be available to private property owners for coastal protection works, except where significant public benefit is demonstrated.

Legal Risk and Adaptation

10. Coastal legal risks can be identified managed and reduced but can't be avoided

11. Well-developed policy and action now will minimise the risk of legal challenges and liability in the future

Coastal Management and Planning

12. Managing coastal hazard planning is enhanced where there is consultation between relevant levels of government, the private sector, community and other key stakeholders.
13. Planning provisions (such as Local Provisions Schedule; Specific Area Plans) can be used so coastal hazard management plans are prepared in areas identified as risky or hazardous.
14. A pathway of adaptive responses to coastal hazards, informed by up-to date climate science should be adopted and intervention by humans in natural processes should be minimised.
15. Public access and community services should be maintained wherever possible where consistent with the Principles of public safety, risk and financial considerations.
16. When Councils make decisions based on the projected asset life of infrastructure, they must factor the risks of coastal sea level rise hazards in the calculation of asset life.
17. Intensification of use or development should be avoided within coastal hazard areas on public land managed by Councils unless significant public benefit is demonstrated.

Coastal Values

18. Aboriginal and cultural heritage and ecological values will be preserved to the greatest extent practicable when responding to coastal hazards.

The Strategy is an initiative of the Southern Tasmanian Councils Authority's Regional Climate Change Initiative. It has been developed collaboratively between the ten coastal Councils in southern Tasmania and is consistent with the policy position of the Tasmanian Government's: DPAC Mitigating Natural Hazards through Land Use Planning and Building Control Coastal Hazards Technical Report 2016 and NRET Managing Coastal Hazards <https://nre.tas.gov.au/about-the-department/managing-coastal-hazards>

Contact:

**Southern Tasmanian Councils
Authority**
C/- Secretariat Brighton Council
1 Tivoli Road
Gagebrook TAS 7003
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25th February 2022

Mr Gary Arnold
General Manager
Kingborough Council
Locked bag 1
KINGSTON TAS 7050

Dear Mr Arnold,

On behalf of the STCA's climate program we are pleased to share with you, in the first instance, the attached draft Regional Strategy – Adapting to a Changing Tasmanian Coastline. The STCA endorsed its release for consultation, and endorsement by southern councils, at its meeting 21 February 2022.

We would like to acknowledge the key role of Greater Hobart council officers in drafting the Strategy, in particular Helen Peters, Clarence City, and Jon Doole, Kingborough Council, alongside Katrina Graham, City of Hobart.

The draft Strategy's focus is on supporting local governments in responding to and managing increased coastal hazards across southern Tasmania, due to climate change impacts and sea level rise. It uses a risk management approach informed by a suite of local government specific coastal hazard management principles. The Strategy is explicit to local government's coastal roles and responsibilities; their management of coastal assets, infrastructure, and areas under their jurisdiction; and development and strategic planning purposes.

The Strategy has been prepared through the STCA's climate program and its endorsement forms an action in the Regional Climate Change Initiative (RCCI) Action Plan 2021 – 2023 (Action 14). A preliminary draft was developed by an officer-level coastal working group¹ and consultants BMT and Impact Solutions. The final drafting was completed by the council officers.

The initial phase of the Strategy's development included consultation with southern councils and key stakeholders, on coastal values and management practice in 2020. It was intended to engage with all southern coastal councils however Covid limited consultation to only four of the intended 10 councils, along with a high-level stakeholder meeting². More recent consultation on the attached draft with the: STCA and RCCI Chairs; RCCI; officer led coastal working group: and internally within the City of Hobart has been very supportive.

¹ The Coastal Working Group comprised of officers from: City of Hobart (Project Manager), Clarence City Council, Kingborough Council, Glamorgan Spring Bay, Tasmanian Government (Renewables Climate Future Infrastructure and Technology, and Natural Resource Environment Tasmania); Local Government Association of Tasmania and the Port Arthur Heritage Site Management Authority.

² High level stakeholder engagement: Tasmanian Climate Change Office; Local Government Association Tasmania; Office of Security and Emergency Management; Planning Policy Unit, and Crown Land Services.

The next steps for the Strategy is that is released, in upcoming weeks, to:

- southern Tasmanian councils for their comment and endorsement
- North west and North east councils for information
- Stakeholders - government, non-government for information

Briefings or Councillor workshops on the draft Strategy can be requested from council officers, who undertook the drafting.

The consultation will be for a period of at least 6 weeks with a report provided to the STCA Boards meeting May 2022 for endorsement of the Strategy.

We will follow up with you further on the consultation and please feel free to contact Katrina Graham, City of Hobart if you require further information.

Again, we would like to acknowledge your council's invaluable role is the preparation of the Strategy and extend the STCA's gratitude to your Councils support for the regional council's climate program.

Yours sincerely



Mayor Alex Green

CHAIR

SOUTHERN TASMANIAN COUNCILS AUTHORITY



Cr Helen Burnet

CHAIR

REGIONAL CLIMATE CHANGE INITIATIVE

15.3 DELEGATED AUTHORITY POLICY

File Number: 12.71

Author: Daniel Smee, Director Governance, Recreation & Property Services

Authoriser: Dr Katrena Stephenson, Acting General Manager

Strategic Plan Reference

Key Priority Area: 2 Deliver quality infrastructure and services.

Strategic Outcome: 2.4 The organisation has a corporate culture that delivers quality customer service, encourages innovation and has high standards of accountability.

1. PURPOSE

1.1 The purpose of this report is to review Council Policy 1.1 – Delegated Authority.

2. BACKGROUND

2.1 Section 22 of the *Local Government Act 1993* allows Council to delegate legislated functions or powers to the General Manager.

2.2 Policy 1.1 is the mechanism by which Council provides delegations to the General Manager, including details of any restrictions or conditions that may apply.

3. STATUTORY REQUIREMENTS

3.1 Section 22 of the *Local Government Act 1993* states:

(1) Subject to subsection (2), a council, in writing, may delegate with or without conditions to the general manager, controlling authority, a council committee or a special committee, any of its functions or powers under this or any other Act, other than—

(a) this power of delegation, unless authorised by the council; and

(b) the powers referred to in subsection (3).

(2) A council, in writing, may delegate any of the following powers only to the general manager or a council committee and only on condition that the council has determined appropriate policies and procedures to be followed in relation to those powers:

(a) the collection of rates and charges under Part 9;

(ab) the postponement of rates and charges;

(b) the remission or rebate of rates and charges;

(ba) the writing off of any debts owed to the council;

(c) the making of grants or the provision of benefits.

(3) A council must not delegate any of its powers relating to the following:

(a) the borrowing of money or other financial accommodation;

(b) the determination of the categories of expenses payable to councillors and any member of any committee;

(c) the establishment of council committees, special committees, controlling authorities, single authorities or joint authorities;

(d) the revision of the budget or financial estimates of the council;

- (e) the revision of the strategic plan and the annual plan of the council;*
- (f) the appointment of the general manager;*
- (fa) the sale, donation, exchange or other disposal of land or public land;*
- (fb) the decision to exercise any power under section 21(1);*
- (g) the making of by-laws;*
- (h) the making of rates and charges under Part 9;*
- (i) any other prescribed power.*

(4) The general manager is to –

- (a) keep a register of any delegation; and*
- (b) make the register available for inspection at a public office.*

3.2 Section 64 of the *Local Government Act 1993* states:

(1) The general manager, in writing, may delegate to an employee of the council –

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

(2) The general manager is to –

- (a) keep a register of any delegation; and*
- (b) make the register available for inspection at a public office of the council.*

3.3 The delegation by Council to individual officers under the *Land Use Planning and Approvals Act 1993* is covered by Council Policy 1.1A.

4. DISCUSSION

- 4.1 There are numerous pieces of legislation that grant powers and functions to a council, and it is standard practice to delegate these powers to the General Manager to enable operational and administrative matters to be resolved in a timely manner.
- 4.2 The Local Government Association of Tasmania (LGAT) has compiled a comprehensive register of all sections of legislation that reference functions or powers relevant to Tasmanian councils. This register has been used to form the basis of the review of Council's existing policy (see attached with Tracked Changes).
- 4.3 The main change to the new policy is the inclusion of a table listing all the delegated sections of legislation to replace the generic "all of Council's powers".
- 4.4 This provides for greater clarity and transparency in the process and streamlines the compilation of the Delegations Register required under Section 64 of the *Local Government Act*.
- 4.5 Existing conditions attached to delegations have been retained where applicable and miscellaneous delegations not referenced by legislation have been removed. A review of the latter indicates that these are either obsolete or are covered by alternate Council policies.
- 4.6 Where Council had previously approved a delegation with conditions, these have been retained, in addition to those conditions that are necessitated by legislation.

- 4.7 It should be noted that the General Manager will use discretion in the use of delegated authority and may opt to refer a matter to Council for decision irrespective of a delegation exists.

5. FINANCE

- 5.1 There are no financial implications associated with this matter.

6. ENVIRONMENT

- 6.1 There are no environmental implications associated with this matter.

7. COMMUNICATION AND CONSULTATION

- 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 maintained and available on Council's website.

8. RISK

- 8.1 There is a risk that if appropriate delegations are not in place, then any actions undertaken by staff to exercise powers under legislation may be invalid and subject to legal challenge.

9. CONCLUSION

- 9.1 Council's Delegated Authority Policy 1.1 has been reviewed and updated to include all sections of legislation contained within the register compiled by LGAT.

10. RECOMMENDATION

That Council *Policy 1.1 – Delegated Authority* as attached to this report be endorsed.

ATTACHMENTS

1. Existing Policy with Tracked Changes
2. Updated Delegated Authority Policy for Approval
3. Delegations Table

EXISTING POLICY WITH TRACK CHANGES



Policy No: 1.1 Minute No: C729/23-2020
 Approved by Council: ~~December 2020~~ April 2022 ECM File No: 12.71
 Next Review Date: April 2023 May 2021 Version: 43.1
 Responsible Officer: Executive Manager Governance & Community Services Director Governance, Recreation & Property Services

Delegated Authority Policy

POLICY STATEMENT	1.1 To provide details on the delegations provided by the Council to the General Manager in accordance with the Local Government Act, 1993. 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.												
DEFINITIONS	2.1 Act means the <i>Local Government Act 1993</i> (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												
OBJECTIVE	3.1 The objective of this policy is to provide information in relation to the authorised delegations provided to the General Manager-												
SCOPE	4.1 The delegations are limited by the authority provided in Section 22 of the <i>Local Government Act, 1993</i> .												
PROCEDURE (POLICY DETAIL)	5.1 Pursuant to Section 22(1) of the <i>Local Government Act 1993</i> , Council delegates the following powers (see attached table) and functions to the General Manager (or any officer acting in that capacity), and unless prohibited by Section 22(2) of the <i>Local Government Act, 1993</i> or otherwise prohibited, authorise 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. <table border="1" style="margin-top: 10px;"> <thead> <tr> <th colspan="2">Local Government Act 1993</th></tr> <tr> <th>Section</th><th>Details</th></tr> </thead> <tbody> <tr> <td>19</td><td>Attest the execution of a document sealed by Council.</td></tr> <tr> <td>24</td><td>Appoint members to Special Committees, which act as Local Management Committees for Council facilities, established by Council under this section.</td></tr> <tr> <td>27 1(b)</td><td>Authorise staff to speak to the media in relation to specific program areas where the focus of the story is on the delivery of a particular service or project.</td></tr> <tr> <td>27 2 (a)</td><td>To speak on behalf of Council as spokesperson on operational matters when the Mayor or Deputy Mayor are not available for comment.</td></tr> </tbody> </table>	Local Government Act 1993		Section	Details	19	Attest the execution of a document sealed by Council.	24	Appoint members to Special Committees, which act as Local Management Committees for Council facilities, established by Council under this section.	27 1(b)	Authorise staff to speak to the media in relation to specific program areas where the focus of the story is on the delivery of a particular service or project.	27 2 (a)	To speak on behalf of Council as spokesperson on operational matters when the Mayor or Deputy Mayor are not available for comment.
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Policy No: 1.1 Minute No: C729/23-2020
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 Next Review Date: April 2023 May 2021 Version: 43.1
 Responsible Officer: ~~Executive Manager Governance & Community Services~~ Director Governance, Recreation & Property Services

74	Approve expenditure in line with Council's adopted estimates and capital works program.
75	Approve the investment of funds in accordance with Council's policy.
76	Write off any debts owed to the Council pursuant to this section.
77(1)	Make a grant or benefit to any person, other than a Councillor, pursuant to this section of the Act.
81	Establish and maintain in Council's name such authorised deposit-taking institution accounts as considered necessary.
124(1)	Fix amounts, times, terms and conditions for the payment of moneys due to the Council by instalments, by ratepayers pursuant to this section.
126	Agree to the postponement of rates.
127	Revocation of agreement for postponement of rates.
129	Remit all or part of any rate in accordance with past custom and practice, or resolution of Council, or where it is in the interest of Council to do so. All such remissions to be reported to Council as soon as practicable. Remit all or part of any amount of penalty and interest in accordance with this section if the charge was raised whilst the ownership of the property was in the process of being transferred. Authorise such remission of rates, charges and fees which have been paid or payable under a mistake of fact, as may be certified and recommended by the appropriate officer of the Council.
133 to 136	Determine appropriate debt collection procedures and where necessary instigate recovery action pursuant to Part 9, Division 10.
167	To exhibit notification of by-laws in accordance with the requirements of Section 167.
185	Undertake work subject to a fencing notice not undertaken by owner within period specified.
189	Approve and bring to affect the closure of local highways for the purposes of holding a market.
190	Consider any objection to a Section 189 road closure.
193	Authority to establish a Council animal pound.
196	Recover unpaid pound fees.
197	Sell, give away, or destroy any impounded animal if not claimed.
198A	To determine applications for a permit to operate a pound for the detention of stray animals.
200	To determine if a nuisance exists and to issue Abatement Notices where necessary.
207	Remit all or part of any fee or charge paid or payable in accordance with this section if it is in the interest of the Council to do so. To authorise such remission of rates, charges and fees which have been paid or payable under a mistake of fact, as may be certified and recommended by the appropriate officer of the Council.



Policy No: 1.1 Minute No: C729/23-2020
 Approved by Council: ~~December 2020~~ April 2022 ECM File No: 12.71
 Next Review Date: April 2023 May 2021 Version: 43.1
 Responsible Officer: ~~Executive Manager Governance & Community Services~~ Director Governance, Recreation & Property Services

333A	Invite tenders over the prescribed amount and in accordance with Council's Code for Tenders and Contracts.
Local Government (Building & Miscellaneous Provision) Act 1993	
Section	Detail
86	Require security for payments and works due on a subdivision and to call on any such security to carry out incomplete works or where the work has not been carried out in accordance with relevant legislation or Council's requirements.
91	Approve or object to corrections to final plans under this section.
103	Approve amendments to sealed plans, where no hearing is required, under this section.
110	Approve adhesion orders under this section.
115	Approve exempt subdivisions under this section.
247	To remove advertising hoardings.
Monetary Penalties Enforcement Act 2005	
Section	Detail
18	Referral to the Director of MPES
23	Withdrawal of Infringement Notice
24	All of Council's Powers
21	Appointed as a 'Council Officer' pursuant to this section, and to appoint other officers as required.
28	Receive application for variation of payment conditions
39	To issue proceedings if an alleged offender elects a hearing
48	Instigate civil proceedings for a breach.
Resource Management and Planning Appeal Tribunal Act 1993	
Section	Detail
17	Enter in agreements, where necessary, at a conference held on behalf of the Resource Management and Planning Appeal Tribunal.
Strata Titles Act 1998	
	All of Council's powers.
Environmental Management and Pollution Control Act 1994	
Section	Details
21	Appointed as a "Council Officer" pursuant to this section and to appoint other officers as required.
22(1A)	Maintenance of a register of environmental protection notices.
44(4)	Notification to the Director of an environmental protection notice.
48	Instigate civil proceedings for a breach.



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61	Advice of action taken in respect to alleged contraventions of the Act.
94(3)	Provisions relating to seizure.
Dog Control Act 2000	
Section	Detail
7(3)	To invite public submissions.
26	To notify and invite public submissions in accordance with S.24(a) and S.24(b).
Urban Drainage Act 2013	
	All of Council's powers.
Public Health Act 1997	
	All of Council's powers.
Food Act 2003	
	All of Council's powers.
Litter Act 2007	
	All of Council's powers.
Traffic Act 1925	
	All of Council's powers.
Building Act 2016	
	All of Council's powers.
Burial and Cremations Act 2002	
	All of Council's powers.
Local Government (Highways) Act 1982	
	All of Council's powers.
Weed Management Act 1999	
	All of Council's powers.
Heavy Vehicle National Law (Tasmania) Act 2013	
	All of Council's powers.
Roads and Jetties Act 1935	
	All of Council's powers.
Parks, Recreation and Natural Areas By-law No. 2 of 2011	
	All of Council's powers excluding Part 2 — Division 6
Health and Environmental Services By-law No. 3 of 2011	
	All of Council's powers.
Roads, Parking and Stormwater By-law No. 4 of 2011	
	All of Council's powers.



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	<p style="text-align: center;">Miscellaneous</p> <p>Power to determine and communicate to the relevant government agency any special requirements or conditions that may affect any sale of Crown Land in the municipal area.</p> <p>Call for and accept quotations, tenders or auction the disposal of surplus or redundant plant, equipment and materials.</p> <p>Approve the disposal of surplus assets and equipment having a commercial resale value of no greater than \$5,000 by means other than by public notice or tender.</p> <p>Call for and accept tenders for the provision of goods and services for less than the prescribed amount.</p> <p>Exercise all Council's functions and powers with respect to the implementation of the provisions of the Code of Tenders & Contracts, except for the authority to review or revise the Code.</p> <p>Seek legal advice and complete affidavits on behalf of Council in any matter where the Council is a party to the legal proceedings.</p> <p>Defend any actions brought against Council, its Councillors or Officers, and/or at the General Manager's discretion to agree any settlement amount where it is in Council's interest so to do and within the limits of the estimates adopted under Section 82.</p> <p>Sign contracts, leases and agreements on behalf of Council in accordance with Council policies.</p> <p>Negotiate and approve leases of Council properties.</p> <p>Make pro-rata refunds of registration fees for the current year only, when dogs are de-sexed or die, based on a pro-rata basis, calculated on the unexpired complete months of annual fees paid at the date of death or spaying.</p> <p>Waive or reduce Planning and Building Fees in cases where the works are to replace structures lost in recent bushfires.</p> <p>Authorise the closure of the Barretta Waste Management Facility in the event of access problems caused by adverse weather conditions.</p> <p>Approve the taking over of engineering works involved in the development of a subdivision subject to the recommendation by the appropriate Council Officer.</p> <p>Authorise the total or partial release of bonds, guarantees and security deposits subject to the recommendation by the appropriate Council Officer, or to call on any bonds, guarantees and deposits where the work as secured has not been carried out in accordance with Council's requirements.</p>
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.
COMMUNICATION	7.1 In accordance with the provisions of the <i>Local Government Act 1993</i> , a register of all delegations provided to the General Manager and staff is to be made available on Council's website.
LEGISLATION	7.1 <i>Local Government Act 1993</i>



Policy No: 1.1
 Approved by Council: ~~December 2020~~ [April 2022](#)
 Next Review Date: ~~April 2023~~ [May 2021](#)
 Responsible Officer: ~~Executive Manager Governance & Community Services~~ [Director Governance, Recreation & Property Services](#)

Minute No: C729/23-2020
 ECM File No: 12.71
 Version: 43.1

RELATED DOCUMENTS	8.1 Council policies
AUDIENCE	9.1 Councillors and staff

UPDATED POLICY FOR APPROVAL



Delegated Authority Policy

Policy No:	1.1
Approved by Council:	April 2022
New Review Date:	April 2023
Minute No:	TBA
ECM File No:	12.71
Version:	4.1
Responsible Officer:	Director Governance, Recreation & Property Services
Strategic Plan Reference:	2.4 The organisation has a corporate culture that delivers quality customer service, encourages



Delegated Authority Policy 1.1

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*



Delegated Authority Policy 1.1

9. RELATED DOCUMENTS

9.1 Council policies

9.2 Council By-Laws

10. AUDIENCE

10.1 All Councillors and staff

Public Copy

Kingborough Council Delegations to General Manager

Act	Provision	Function or Power	Conditions or Restrictions
Archives Act 1993			
	<u>S 10(1)</u>	Preservation of State records Council is to keep proper records of the business of the local authority for which that relevant authority is responsible.	
	<u>S 11</u>	Transfer of State records to Archives office Council is to transfer state records to archives office.	
	<u>S 15(3)</u>	Conditions may be imposed on the making of State archives available for public inspection.	
Building Act 2016			
	<u>s.27(3) & (4)</u>	Records of permit authority 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>	Councils 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 (ii) in maintaining and using a building; and (b) make itself aware of – (i) building work, plumbing work or demolition work being performed in the municipal area; and (ii) the use and occupation of buildings in its municipal area; and (c) if applicable, ensure proceedings are instituted against any person or body failing to comply with this Act; and (d) enforce an order issued by a building surveyor, if appropriate to do so.	
	<u>s.251</u>	Court orders Apply to a court for an order in relation to a contravention or likely contravention of the Act or a notice, order or determination	
	<u>s.265(3) & (4)</u>	Failure to comply with emergency, building or plumbing order Perform works where there has been failure to comply with an emergency, building or plumbing order	

	<u>s.266</u>	Possession of building 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) & (2)</u>	Demolition order Council may serve an order to demolish building work	
	<u>s.267(3)</u>	Demolition order Council may enter onto land and demolish any building work in respect of an order to demolish building work.	
	<u>s.269(1)</u>	Recovery of performance costs 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>	Recovery of performance costs Make an application to recover the cost of performing any work, and to impose a charge on land.	
	<u>s.271(1)</u>	Purchasing buildings and materials Councils may sell a building for removal or after demolishing a building, sell the materials on the premises for removal.	
	<u>s.271(2)</u>	Purchasing buildings and materials 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>	Purchasing buildings and materials Authority to pay, on behalf of the Council, the owner of the building or materials sold under subsection (1) the balance of any proceeds of the sale after deducting any reasonable expenses incurred by it.	
Building Regulations 2016			
	<u>r.43(1)</u>	Plumbing work involving network utility operator's stormwater drainage systems A person must not perform plumbing work unless written consent to do so has been obtained from the relevant network utility operator.	

	<u>r.43(3)</u>	Plumbing work involving network utility operator's stormwater drainage systems If not satisfied that a stormwater drainage system is sealed in accordance with the Act, enter the premises and perform any work necessary.	
	<u>r.43(5)(a)</u>	Plumbing work involving network utility operator's stormwater drainage systems Recover costs as a charge under the <i>Local Government Act</i> 1993.	
	<u>r.53</u>	Riverine inundation Assessment of land as having a reasonable probability of flooding.	
	<u>r.78(3)</u>	Permit authorities may perform maintenance work Recover costs as a charge under the <i>Local Government Act</i> 1993.	
Burial and Cremation Act 2019			
	<u>34(2)</u>	Duties and powers of cemetery managers Ensure that as far as reasonably practicable the cemetery is maintained to prevent it from falling into disrepair, or from being defaced or damaged. Rectify any disrepair or defacement as soon as possible	
	<u>34(4)</u>	Duties and powers of cemetery managers Keep all prescribed records (as per 2002 Act - see Sch 1 part 2)	
	<u>34(5)</u>	Duties and powers of cemetery managers Permit any person access free of charge at any reasonable time	
	<u>34(7)</u>	Duties and powers of cemetery managers A cemetery manager may (a) improve, embellish and enlarge a cemetery under the management of that manager; and (b) restrict interments in any portion of the cemetery, except as may be required by an exclusive right of burial; and (c) take any other action as may be required for the reasonable management and maintenance of the cemetery	
	<u>39(1)</u>	Monuments, &c. The cemetery manager may permit any vault or grave to be made or dug, and any monument to be erected or placed, in any portion of the cemetery on payment of the fee which has been fixed for doing so	

	<u>39(2)</u>	Monuments, &c. The cemetery manager may determine the position of any monument to be erected or placed according to its description, size and character and having regard to the general plan for ornamenting the cemetery in an appropriate manner	
	<u>39(3)</u>	Monuments, &c. The cemetery manager may enter into an agreement for the maintenance of a vault, grave or monument.	
	<u>40(1)</u>	Requirement to remove monuments The cemetery manager may provide notice to require a person to take down or remove a monument or to render it safe, if a monument has been erected or placed contrary to the terms and conditions on which the permission to erect or place it was granted or, in the opinion of the cemetery manager, it is unsafe.	
	<u>41(2)</u>	Exclusive right of burial Grant an exclusive right of burial. Note: The cemetery manager must issue a certificate of exclusive right under the <i>Burial and Cremation Regulations 2015</i> R37.	
	<u>52(1)(b)</u>	Sale of Cemetery - Notice to Exclusive right holders Cemetery manager must notify in writing each person who holds exclusive right of burial or other exclusive write of intention to sell cemetery.	
	<u>52(1)(c)</u>	Sale of Cemetery - Certificate of Compliance Cemetery manager must apply for certificate of compliance in respect of proposed sale.	
	<u>53</u>	Sale of Cemetery - Audit Cemetery manager must ensure audit undertaken within 6 months of issue of notice of intention to sell.	
	<u>57</u>	Notification of decision to not sell cemetery If cemetery manager, having given notice, decides not to sell cemetery they must notify regulator.	
	<u>58(1)</u>	Cemetery disclosure document Cemetery manager must provide disclosure document to proposed purchaser.	

	<u>61</u>	Notification to purchase of cemetery If Council purchases a cemetery it must give notice to the regulator of the transfer with 30 days of it occurring.	
	<u>64</u>	Intention to close (no internments for 50 yrs+) - notice/appln The cemetery manager must give notice of intention to close and apply to regulator for approval.	
	<u>65(1)(a)</u>	Intention to close cemetery (no internments for 50 yrs+) If the regulator approves the closure the cemetery manager must notify the holder of exclusive rights.	
	<u>65(1)(b)</u>	Close cemetery (no internments for 50 yrs+) On receipt of notification from the regulator of approval to close the cemetery manager may close the cemetery.	
	<u>66</u>	Effect of closure of cemetery Cemetery manager must forward all records to the State archivist and may take steps in relation to altering or moving tombstones in accordance with this section.	
	<u>67</u>	Exclusive rights of burial in closed cemetery Cemetery manager must enter into an agreement with a person who holds an exclusive right of burial in a closed cemetery, and take action as agreed and prescribed in this section.	
	<u>68</u>	Actions by cemetery manager in closed cemeteries The cemetery manager may apply to the regulator for approval to lay out a closed cemetery as a park or garden, and take related steps.	
	<u>70</u>	Removal of grave etc or human remains in closed cemeteries A cemetery manager must not remove a grave etc or human remains from a closed cemetery without giving public notice and preparing the statement prescribed in this section.	
	<u>71</u>	Application to reduce time to take action in closed cemetery A cemetery manager may apply to take action under ss 66 or 68 even though 100 years has not passed.	
	<u>72</u>	When land ceases to be cemetery Council can sell land that has ceased to be a cemetery but must comply with this section in relation to persons who hold an exclusive right of burial.	In accordance with Council's Sale of Land Policy.

	<u>72(6)</u>	When land ceases to be cemetery A cemetery manager must notify regulator after delaing with land under this section	
	<u>73</u>	Declaration land is not a cemetery If Council intends to sell land subject to a declaration under this section it must notify the prospective purchaser of matters specified in this section	
<i>Burial and Cremations Regulations 2015</i>			
	<u>27</u>	Issue of certificate of exclusive right of burial The cemetery manager must issue a certificate of exclusvie right of burial.	
	<u>28</u>	Amendment of certificate of exclusive right of burial The cemetery manager may amend a certificate of exclusvie right of burial.	
	<u>29</u>	Cancellation or transfer of certificate of exclusive right of burial The cemetery manager may canel or transfer a certificate of exclusvie right of burial.	
	<u>30(3)</u>	Permission to inter human remains A cemetery manager may grant or refuse permission to inter human remains in a cemetery. The permission may be subject to conditions. Notice of the grant or refusal of permission is to be given.	
	<u>39</u>	Plan of cemetery A cemetery manager must keep a plan of the cemetery showing the graves and plots set aside in respect of an exclusive right of burial.	
	<u>40</u>	Register of Instruments A cemetery manager must keep a register of instruments as set out in this section.	
	<u>42</u>	Driving in cemeteries A cemetery manager can give reasonable directions to a driver which it is an offence not to obey.	
	<u>44</u>	Power of cemetery manager in relation to graves and plots A cemetery manager may take certain action in cemeteries in relation to the appearance of the cemetery and public health and safety.	

	<u>45</u>	Power of cemetery manager to approve permanent items A cemetery manager may approve certain items or classes of items that may be permanently affixed to or next to a grave or plot.	
	<u>46(1)</u>	Power of cemetery manager to remove persons A cemetery manager may require a person to leave and not re-enter a cemetery as set out in this section.	
	<u>46(3)</u>	Power of cemetery manager to remove persons A cemetery manager may use reasonable force to remove from a cemetery or prevent the entry of a person into a cemetery in contravention of a requirement under section 46(1).	
	<u>47</u>	Duty of cemetery manager on removal of monument A cemetery manager must take photos as prescribed if removing a monument and provide the photos to the Heritage Council.	
Dog Control Act 2000			
	<u>7</u>	Dog Management Policy (1) A council is to develop, make and implement a policy relating to dog management in its municipal area. (3) 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. (4) 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>	Exercise areas A council may declare an area to be an area where dogs may be exercised subject to any conditions specified in the declaration.	Following endorsement by Council
	<u>21</u>	Training areas A council may declare an area to be an area where dogs may be trained subject to any conditions specified in the declaration.	Following endorsement by Council
	<u>22</u>	Prohibited areas 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>	Restricted areas A council may declare an area to be an area where dogs are restricted from entering (a) during specified hours, days or seasons; or (b) during specified hours, days or seasons unless they are on a lead; or (c) at all times.	Following endorsement by Council
	<u>24</u>	Public notice of intention to declare areas	
	<u>25</u>	Date and period of declaration	
	<u>26</u>	Review of declaration	
	<u>27</u>	Signs A council is to erect and maintain signs sufficient to identify any exercise area, training area, prohibited area or restricted area.	
Environmental Management and Pollution Control Act 1994			
	<u>Sec 20A</u>	Duty of council to prevent or control pollution 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>	Council may ask Board to exercise powers 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 lodgment of financial assurance.	
	<u>Sec 21</u>	Council officers A council may appoint an employee of the council to be a council officer.	
	<u>Sec 22 (1A)</u>	Registers of environmental management and enforcement instruments 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>	Trade secrets If it appears to the Board or a council that – (a) any information that could be kept as a trade secret would be available to the public; and (b) the release of that information would be likely to cause financial loss to any person – the Board or council must consult with that person before including the information on any register kept under this Act.	
	<u>Sec 24 (1)</u>	Assessment of permissible level 1 activities Council must refer application to the Board if directed to do so.	
	<u>S 25(1)(b)</u>	Assessment of permissible level 2 activities Planning Authority to refer the application to the board as soon as practicable, but any case within 21 days, after the date of lodgement of the application.	
	<u>Sec 25A (1D)(a)</u>	Assessment of applications for permits that are combined with applications for planning scheme amendments	
	<u>Sec 27AC (5)</u>	Directions in relation to permits in respect of EL activities Notify the Board of the grant of the permit and provide to the Board a copy of the permit.	
	<u>Sec 27AD</u>	Minor variations of planning permit in relation to EL activities Application to the Board for approval to amend a planning permit.	
	<u>Sec 43</u>	Power to require information Notify the Director, EPA of the issue of an emergency order and provide a copy of the order.	
	<u>Sec 44 (4)</u>	Environment protection notices 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>	Action on non-compliance with environment protection notice 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>	<p>Action on non-compliance with environment protection notice</p> <p>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.</p> <p>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.</p>	
	<u>Sec 48 (1)</u>	<p>Civil enforcement proceedings</p> <p>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.</p>	
	<u>Sec 61</u>	<p>Reports in respect of alleged contraventions</p> <p>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.</p>	
	<u>Sec 64</u>	<p>Recovery of technical costs associated with prosecutions</p> <p>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.</p>	
	<u>Sec 94(3)</u>	<p>Provisions relating to seizure</p> <p>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.</p>	

	<u>Sec 103</u>	Fees imposed by councils 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.	
Food Act 2003			
	<u>Sec 33</u>	Making of order An order may be made by a relevant authority to prevent or reduce the possibility of a serious danger to public health or to mitigate the adverse consequences of a serious danger to public health.	
	<u>Sec 34 (2)</u>	Nature of order An order may be varied or revoked by the relevant authority who made the order.	
	<u>Sec 50 (2)</u>	Forfeiture of item Items forfeited under this section may be destroyed, sold or otherwise disposed of.	
	<u>Sec 52 (1)</u>	Return of forfeited item	
	<u>Sec 53 (4) (2) (3)</u>	Compensation to be paid in certain circumstances The enforcement agency is to pay such compensation as is just and reasonable in relation to any item seized under this Part by an authorised officer appointed by it.	
	<u>Sec 55</u>	Enforcement agency entitled to answer application The enforcement agency is entitled to appear as respondent at the hearing of an application made under Section 54.	
	<u>Sec 68 (2) (3)</u>	Compensation If there were no grounds for the issuing of an order, the enforcement agency that issued the order is to pay such compensation as is just and reasonable.	
	<u>Sec 83H</u>	Priority classification system and frequency of auditing	
	<u>Sec 87 (1) (5) (6) (7)</u>	Registration of food business 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.	

	<u>Sec 89 (3) (5)</u>	Renewal of registration 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>	Variation of conditions, or suspension or cancellation, of registration of food businesses 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>	Register of food businesses to be maintained 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>	Functions of councils 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>	Power of Director of Public Health to order council to perform functions A council may request the Director of Public Health to exercise any of its powers or perform any of its functions at the council's expense.	
	<u>Sec 100 (1) (2)</u>	Reports by councils The council is to report to the Director of Public Health on the performance of functions under this Act. In addition, the council is to forward to the Director of Public Health details of any proceedings for an offence under this Act taken by an officer, employee or agent of the council.	
	<u>Sec 104(1)</u>	Institution of proceedings 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.	

	<u>Sec 118 (1)</u>	Infringement notices 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.	
Historic Cultural Heritage Act			
	<u>S 36(2)</u>	Permit application to be sent to and considered by Heritage Council The relevant planning authority must give a copy of the permit application to the heritage council as soon as practicable after the application day.	
	<u>S 37</u>	Procedure if Heritage Council requires additional information to consider permit application Planning authority must as soon as practicable require the applicant for a permit application to provide additional information required by the Heritage Council and provide it to the Heritage Council.	
	<u>S 38</u>	Procedure if Heritage Council has no interest in permit application Planning authority determination of permits applications. Notifying the Heritage Council and applicants of determinations and representations.	
	<u>S 39</u>	Procedure if the heritage council wishes to be involved in determining discretionary permit application Determining discretionary permit applications. Notifying the Heritage Council and Applicants of determinations and representations.	
	<u>S 39A</u>	Procedure if Heritage Council wishes to be involved in determining combined permit application Determining combined permit applications. Notifying the Heritage Council and Applicants of determinations and representations.	
	<u>S 39B</u>	Provision of further information to Heritage Council Provide any further information received from permit applicant to Heritage Council.	
	<u>S 50</u>	Notification of Recorder of Titles Planning authority must lodge for registration with the Recorder of Titles notice of heritage agreements that come into effect or the variation or termination of a heritage agreement.	

	<u>S 89</u>	Assistance to Heritage Council A planning authority is to give all reasonable assistance to the Heritage Council to enable it to perform its functions and exercise its powers.	
Heavy Vehicle National Law (Tasmania) Act 2013			
	<u>118(1)(b)</u>	Granting consent for exemption on mass or dimension restriction.	
	<u>124(1)(b)</u>	Granting consent for exemption (permit) on mass or dimension restriction.	
	<u>145(1)(b)</u>	Granting consent for a class 2 heavy vehicle authorisation	
	<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.	
	<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</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.	
Land Use Planning and Approvals Act 1993			
	PART 2A	TASMANIAN PLANNING POLICIES	
	<u>S.12C</u>	Consult with the Minister regarding a draft of the Tasmanian Planning Policies, on behalf of the planning authority.	
	PART 3	PLANNING SCHEMES	
	<u>Part 3 Generally</u>	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: i) authority to give such advice, consultation, referral or notification as required under this Part; ii) authority to initiate public notification of a draft scheme or draft amendment; iii) authority to submit a draft scheme or a draft amendment for approval if no representations are received during the exhibition period; 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; v) represent the Council and to give evidence and make submissions before any hearing conducted by the Tasmanian Planning Commission.	
	PART 3A	LOCAL PLANNING SCHEDULE (LPS)	

	<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>	Special local provisions schedules	Delegation & authority to delegate
	PART 3B	AMENDMENT OF THE LPS	
	<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 e) recommendations in relation to how the draft LPS should be determined in accordance with s35F.	Delegation & authority to delegate

	<i>Continued</i>	<p>The following functions and powers of the planning authority are delegated –</p> <p>a) give notice in accordance with s38(3) of a decision in relation to a request to initiate a draft amendment to the LPS;</p> <p>b) give notice in accordance with 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;</p> <p>c) request additional information under s40 and s40U;</p> <p>d) provide any material requested by the TPC in accordance with s40A, 40B, or 40V;</p> <p>e) prepare the draft LPS amendment documents;</p> <p>f) certify a draft amendment to the LPS in accordance with s40F;</p>	
	<i>Continued</i>	<p>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;</p> <p>h) undertake exhibition of the draft amendment to the LPS in accordance with s40H, and including any permit application approved under 40Y;</p> <p>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;</p> <p>j) provide a report to the TPC in accordance with s40K and s42 in relation to the planning authority's –</p> <ul style="list-style-type: none"> i. views and opinions on each representation received during the exhibition period; ii. compliance to s34; and iii. its recommendations on how the draft LPS or the permit application under 40T should be determined; 	
		<p>k) make modifications to a draft LPS amendment if instructed by the TPC in accordance with s40O or 40P;</p> <p>l) re-exhibit a modified draft amendment to the LPS under s40G and 40H if instructed by TPC in accordance with s40P;</p> <p>m) give notice of an approved amendment to the LPS in accordance with s40S;</p> <p>n) grant an extension of time under s42C for a permit granted under s42B;</p> <p>o) correct a mistake under s42D in a permit granted under s42B; and</p> <p>p) make minor amendments in accordance with s43 to a permit granted under s42B</p>	
	PART 4	ENFORCEMENT OF PLANNING CONTROL	

	<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 – i) to give such advice, consultation, referral or notification as required under this Part; ii) to represent the Council and to give evidence before the Resource Management and Planning Appeal Tribunal in respect of any appeal against a decision on a planning permit; iii) to initiate legal proceedings for any use of land, development or act if:- - contrary to a State Policy, planning scheme or special planning scheme; - an obstruction of a planning scheme or special planning scheme; or - a breach of a condition or restriction of a planning permit.	
	<u>S.30C(4)</u>	Terms of reference in relation to draft amendment of the SPPs 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>	Draft LPS to be provided to Commission 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>	Notice of exhibition of draft LPS	
	<u>S.35F</u>	Report by planning authority to Commission about exhibition	
	<u>S.35G</u>	Planning authority may notify Minister as to whether amendment of SPPs is required	
	<u>S.35I</u>	Withdrawal of draft LPS	
	<u>S.35M</u>	Notice of approval of Local Provisions Schedules	
	<u>S.35P</u>	Conduct of review (of an LPS or a part of an LPS)	
	<u>S40G</u>	Notice of exhibition A planning authority, as soon as practicable after providing to the Commission under section 40F(4) a copy of a draft amendment of an LPS or receiving under section 35KB(4)(b)(i) a notice in relation to a draft amendment of an LPS, must ensure an exhibition notice in relation to the draft amendment of an LPS is published in accordance with this section, unless the planning authority receives a notice under section 40I(1) in relation to the draft amendment.	

	<u>S.40U</u>	Additional information A planning authority, within 28 days from the day on which it receives from a person an application for a permit, may, by notice in writing, require the person to provide to the planning authority additional information before it considers the application.	
	<u>S.40W</u>	Determination of amendment where concurrent permit application sought	
	<u>S.43(2)</u>	Minor amendment of permit The planning authority may amend or refuse to amend the permit.	
	<u>S.43(6)</u>	Minor amendment of permit If the planning authority amends a permit, it must, by notice in writing served on the following persons, notify them of the amendment: (a) the applicant for the amendment; (b) the owner of the land; (c) any person or body who or that made a representation; (d) the owner or occupier of any property which adjoins the land to which the permit relates.	
	<u>S.43(7)</u>	Minor amendment of permit If the planning authority amends a permit that contains a condition or restriction that the Board of the Environment Protection Authority has required under section 25(5) of the Environmental Management and Pollution Control Act 1994, the planning authority must, by notice in writing served on the Board, notify it of the amendment.	
	<u>S.43(9)</u>	Minor amendment of permit If the planning authority amends a permit in respect of which the Commission has modified, deleted or added conditions or restrictions, the planning authority must, by notice in writing served on the Commission, notify it of the amendments made to the permit.	
	<u>S.43(10)</u>	Minor amendment of permit If the planning authority amends a permit containing a condition or restriction which the Heritage Council has specified, the planning authority must, by notice in writing served on the Heritage Council, notify the Council of the amendment.	
	S.48AA	Enforcement of major project permits A planning authority must, within the ambit of its power, enforce the observance of any condition or restriction to which a major project permit is subject.	

	<u>S.48A</u>	Notice to remove signs	
	<u>S.51</u>	Permits A person must not commence any use or development which requires a permit unless the planning authority which administers the scheme, the Commission, or the Tribunal, has granted a permit in respect of that use or development and the permit is in effect or a major project permit has been granted in respect of that use or the development and the permit is in effect.	
	<u>S.52(1B)</u>	What if applicant is not the owner? 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>	When does a permit take effect? 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>	Additional information 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>	Correction of mistakes 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>	Minor amendments of permits issued by a planning authority 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 (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>	Applications for discretionary permits The planning authority may, on receipt of an application for a permit to which this section applies, refuse to grant the permit.	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>	Applications for discretionary permits Unless the planning authority requires the applicant to give notice, the authority must give notice, as prescribed, of an application for a permit.	
	<u>S.57(5)</u>	Applications for discretionary permits Any person may make representations relating to the application during the period of 14 days commencing on the date on which 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>	Applications for discretionary permits Grant a discretionary permit with or without conditions	Subject to: a) No fewer 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 an equality of votes and there is insufficient time for Council to reconsider the matter within the time stipulated.
	<u>S.57(6A)</u>	Applications for discretionary permits A further period agreed to by a planning authority and an applicant may be extended or further extended by agreement, in writing, between the planning authority and applicant at any time before the expiration of the period to be extended and, when so extended, is taken to be the further period referred to in that subsection.	
	<u>S.57A</u>	Mediation	
	<u>S.58</u>	Application for other permits This section applies to an application for a permit in respect of a use or development for which, under the provisions of a planning scheme, a planning authority is bound to grant a permit either unconditionally or subject to conditions or restrictions.	
	<u>S.59</u>	Failure to determine an application for a permit Notwithstanding the provisions of this Division, a planning authority may make a decision on an application for a permit to which section 57 or 58 applies at any time before the lodging of an application.	
	<u>S.60</u>	Council responding and issuing notices relating to compliance with certain permit conditions	

	<u>S 60H(3)</u>	Minister may request information from council or relevant state entity	
	<u>S 60I(3)</u>	Council to give notice in relation to eligibility of major project proposals	
	<u>S 60S(4)(b)</u>	Refund of ordinary permit where declaration of major project is made	
	<u>S 60ZX(1)</u>	Provision to Panel of further information A person to whom a request is made under section 60ZW(1) is to take all reasonable steps to provide to the Panel, as soon as practicable the information specified in the request.	
	<u>S.61</u>	Appeals against planning decisions	To represent the Council in any appeals lodged against permit decisions, including instructing internal or external planners to appear on Council's behalf.
	<u>S.63</u>	Obstruction of sealed schemes Initiate legal proceedings for obstruction of a planning scheme	
	<u>S.63A</u>	Enforcing compliance with planning schemes	
	<u>S.63B(3)</u>	Notice of suspected contravention, &c., may be given	
	<u>S.64</u>	Civil enforcement proceedings Where a person contravenes or fails or is likely to contravene or fail to comply with a provision of this Part, a person, other than the 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>	Notice of intention to issue enforcement notice The planning authority must notify in writing an owner of land, in relation to which a notice of intention to issue an enforcement notice is served under subsection (1) , if the person on whom the notice is served is not the owner of the land.	
	<u>S.65G</u>	Cancellation of permits 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>	Authorised officers A general manager of a council may authorise a person to be, for the purposes of this Act, an authorised officer in respect of the municipal area of the council.	
	<u>Part 4 Generally</u>	Enforcement of planning control Authority to represent the planning authority or to appoint a person to represent the planning authority and to give evidence, on a planning appeal or other action, including any mediation, before the Resource Management and Planning Appeals Tribunal or any other body of competent jurisdiction.	
	PART 5	AGREEMENTS	
	<u>S.71</u>	Planning authority may enter into agreements	
	<u>S.74(3)</u>	Duration of agreement An agreement may be ended by the planning authority with the approval of the Commission or by agreement between the authority and all persons who are bound by any covenant in the agreement.	
	<u>S.75</u>	Amendment of agreements	
	<u>S.76</u>	Agreement to be lodged with Commission	
	<u>S.78</u>	Registration of agreements, &c.	
	<u>S.80</u>	Application to Appeal Tribunal An owner of land may apply to the Appeal Tribunal for an amendment to a proposed agreement if (a) under a planning scheme, use or development for specified purposes is conditional upon an agreement being entered into and (b) the owner objects to any provision of the agreement.	

	<u>S.82</u>	Evidentiary Provision Provision of evidence of a planning scheme, special planning order, permit or special permit to a court, tribunal or person acting judicially.	Authority to: 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 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.
	<u>S.84</u>	Service of notices or other documents A notice or other document is effectively served under this Act if it is – (i) given to the person; or (ii) left at, or sent by post to, the person's postal or residential address or place or address of business or employment last known to the server of the notice or other document; or (iii) sent by way of facsimile to the person's facsimile number	
	<u>Schedule 6</u>	Savings and Transitional Provisions - Land Use Planning and Approvals Amendment (Tasmanian Planning Scheme) Act 2015	NOTE 1: The transitional provisions in Schedule 6 provide for the transition from the current process under LUPAA and the current schemes to the Tasmanian Planning Scheme and the processes in the <i>new</i> LUPAA
AMENDMENT OF SCHEMES AND INTERIM SCHEMES			
Provisions of the LUPAA (pre-Tasmanian Scheme amendments) which apply under Schedule 6 of the amended LUPAA			
	34(1)	Initiate amendment of planning scheme	
	34(3)	Withdrawal of amendment of planning scheme	
	34(4)	Notice of Withdrawal of amendment of planning scheme	
	38(1)	Public exhibition of draft amendment	

	39(2)	Representations to be provided to Commission in respect of draft amendments	Subject to: a) No representations having been received other than from TasWater and b) No issues have arisen since the initiation or certification of the draft amendment which indicate that there is any need to modify the amendment prior to its final approval except for minor corrections.
	43J	Correction of mistake in permits referred to in s43H	
	43K	Minor amendment of permits referred to in section 43H	
Land Use Planning and Approvals Regulations 2014			
	<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	
Litter Act 2007			
	<u>S 38</u>	Recovery of costs arising from litter abatement notices	
Local Government Act 1993			
	<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 Council's Rates and Charges Policy. Not to be subdelegated.
	<u>S.20A</u>	Powers of entry	Note - this is delegating the power to authorise entry
	<u>S.28D</u>	Documents relating to agendas	As per the provisions of this section

	<u>S.28T(7)</u>	Code of conduct A council is to review its code of conduct within 3 months after each ordinary election.	
	<u>s.56B</u>	Gifts and donations register 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>	Providing Annual report A council must prepare an annual report.	
	<u>S.72B</u>	Notice of AGM 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>	Expenditure 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>	Investments 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>	Writing off bad debts 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>	Grants and benefits 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
	<u>S.81</u>	Authorised deposit-taking institution accounts 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>	Instalment payments 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>	Conditions of postponement A council may grant a postponement of the payment of rates for a specified period if satisfied that such payment would cause hardship.	In accordance with Council's Rates and Charges Policy
	<u>S.127</u>	Postponement ceases to operate A council may, at any time, revoke a postponement of payment of rates by giving 60 days notice in writing to the ratepayer of the date on which the postponement ceases to operate.	In accordance with Council's Rates and Charges Policy
	<u>Div 10</u> <u>S.133-135</u>	Recovery A Council can recover debts due to unpaid rates.	In accordance with Council's Rates and Charges Policy
	<u>S.175</u>	Purchase or lease of land A council may purchase or lease land for any purpose which it considers to be of benefit to the council or the community.	Restricted to leasing of land to Council and for a maximum of three years; and does not include purchase of land.
	<u>S.176</u>	Acquisition of land A council may acquire land for prescribed purposes in accordance with the Land Acquisition Act 1993.	Restricted to the delegated provisions of S.37(d) (e) (ea) of the Local Government (General) Regulations 2005.
	<u>S.189</u>	Closure of local highways (markets) 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>	Objections A council is to consider any objection before closing a local highway or part of a local highway.	
	<u>S.193</u>	Establishment of pounds A council may establish pounds for the detention of stray animals.	
	<u>S.197</u>	Sale or destruction of unclaimed animals	

	<u>S.207</u>	Remission of fees and charges 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
	<u>S.333A</u>	Tender A council must invite tenders for any contract it intends to enter into for the supply or provision of goods or services valued at or above the prescribed amount.	In accordance with Council's Code for Tenders and Contracts
Local Government (Building and Miscellaneous Provisions) Act 1993			
	<u>S.83</u>	Approval of plan of subdivision	
	<u>S.84</u>	Council not to approve subdivision If – (a) any proposed lot has not the qualities of a minimum lot; or (b) it includes any lot or other block of land smaller than is required or permitted by a finally approved planning scheme; or (c) the subdivision includes any road or other works whereby drainage will be concentrated and discharged into any drain or culvert on or under any State highway	
	<u>S.85</u>	Refusal of application for subdivision 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>	Security for payment Before approving a plan of subdivision, the council may: (a) require security for payments and the execution of works; and (b) refuse to approve the application until such security is given.	
	<u>S.89</u>	Approval of final plans The council has 20 (business) days from the lodgment of final plans to make a determination on whether they comply.	
	<u>S.91 (3)</u>	Corrections to final plans 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>	Amendments to final plans 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>	Cancellation of final plans 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>	Amendment of sealed plans When a plan has taken effect, it may be amended by the council of its own motion.	
	<u>S.104 (1)</u>	Hearing in respect of amendment of plans	
	<u>S.105(2)</u>	Compensation in respect of amendments 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>	Access orders 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.	
	<u>S.109 (6)</u>	Minimum lots If land may be used only as a place of business the restriction on its use – (a) is to be set out above the council's seal on the final plan of the subdivision; and (b) is enforceable by the council	
	<u>S.110</u>	Adhesion orders The council may make an adhesion order if a block (a) has the qualities of a minimum lot; and (b) comprises 2 parcels or more that may, without the approval of any plan by the council, lawfully be sold separately so as to create a block which (i) would not have the qualities of a minimum lot; and (ii) is, or in the opinion of the council is likely to be, built on or bought for building.	

	<u>S.112</u>	Purposes for which plan approved The council is to state on the plan one of the following purposes for which the plan is approved: (i) for the purpose of enabling the approved lot to form a single parcel; (ii) for the purpose of enabling a purchaser to acquire all the sub-minimum lots which together form the minimum lot shown on the plan; (iii) for the purpose of enabling the portions of the approved lot to form a single parcel or for enabling a purchaser to acquire all the sub-minimum lots which together are to form the minimum lot, as well as for the purpose of giving effect to the subdivision	
	<u>S.113(4)</u>	Bringing land under Land Titles Act 1980 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>	Exemption Council may exempt a subdivision from the operation of this Part.	
	<u>S.116</u>	Limitation on requirement for public open space 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 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>	Payment instead of increasing public open space Instead of requiring an owner to increase the area for public open space, the council, before approving a plan of subdivision may require security for the payment of an amount.	

	<u>S.118</u>	Council schemes Before the council disposes of lands in circumstances in which, if the disposition were that of a private person the plan would require approval under this Part, it is to prepare a plan of subdivision that it would approve if it were a private person's plan.	
	<u>241(1)</u>	Preservation orders A council, on the recommendation of the National Trust of Australia (Tasmania) may by order – (a) prohibit the demolition of a building that is by itself or with others of historical or architectural interest or of special beauty; and (b) prohibit the alteration of or adding to the building except as the council may approve; and (c) require the owner to keep the building in good and tenable repair.	
	<u>243</u>	Preservation order is enforceable 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>	Registering preservation order 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.	
	<u>S.247</u>	Removal of advertising hoardings Council may issue or refuse a licence to any person.	
Local Government (General) Regulations 2015			
	<u>R.23 (2)(3)(4)(5)</u>	Public tenders A council, through a public tender process, may establish a standing contract in which a single tenderer or multiple tenderers may be contracted for a specified period to provide specified goods or services during that period without the need for a further tender process.	Subject to Council's Code for Tenders and Contracts

	<u>R.25</u>	Multiple use register A council may establish a multiple-use register of suppliers who meet criteria established by the council in respect of the supply of particular categories of goods or services.	Subject to Council's Code for Tenders and Contracts
	<u>R.26 (1)</u>	Multi stage tender 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
Local Government (Highways) Act 1982			
	<u>S.6</u>	Making, widening, &c., of highways by corporations	
	<u>S.7</u>	Limitation on opening of highways in cities and towns by private persons	
	<u>S.8</u>	Maintenance of highways opened outside cities or towns by private persons	
	<u>S.10</u>	Obligations on landowners opening highways	
	<u>S.11</u>	Enforcement of obligations of landowners opening highways	
	<u>S.14</u>	Closure and diversion of highways	
	<u>S.15</u>	Dealing with sites of closed highways	
	<u>S.17</u>	Definition of boundaries of highway	
	<u>S.19</u>	Closure of local highways for public functions, &c.	In consultation with Commissioner of Police. Delegation excludes 19(1)(c)
	<u>S.20</u>	Closure of parts of local highways for sale of goods, &c.	In consultation with Commissioner of Police & Transport Commission
	<u>S.21</u>	General responsibility of corporations 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>	Highways on boundaries of municipalities Where 2 corporations would, apart from this subsection, each be liable to repair one side of a local highway that forms or follows the common boundary of the municipal districts of those corporations, they are jointly liable to repair the whole width of that highway.	
	<u>S.25</u>	General supplementary provisions as to carrying out of highway works	
	<u>S.26(4)</u>	Obtaining of materials for highway works	
	<u>S.27</u>	Use of adjoining lands in carrying out highway works	
	<u>S.28</u>	Shifting of apparatus, &c., in roads	
	<u>S.30</u>	Improvement, &c., of highways	
	<u>S.31</u>	Obstructions for prohibition or restriction of vehicular traffic	S. 31(1) requires approval from Transport Commission
	<u>S.32</u>	Lighting (of a local highway or public place)	
	<u>S.33</u>	Lighting of private ways and courts	
	<u>S.34</u>	Drainage works	
	<u>S.35</u>	Crossings over footpaths, table-drains, and gutters Where the corporation is of the opinion that works are necessary to be carried out in a highway under local management for the construction or repair of a vehicular crossing over a table-drain, gutter, or footpath at or opposite the entrance to land adjoining the highway, it may serve a written notice on the owner of the land requiring him to carry out those works within the time specified.	
	<u>S.36</u>	Fencing of streets in towns	
	<u>S.37</u>	Alterations, &c., of entrances to highways	
	<u>S.38</u>	Removal of trees near highways	
	<u>S.39</u>	Obligation of occupiers to cut back vegetation, &c.	
	<u>S.40</u>	Animal barriers on highways	
	<u>S.41</u>	Prohibition of traffic likely to cause damage to highways	
	<u>S.42</u>	Closure of dangerous highways	
	<u>S.44</u>	Protection of bridges from excessive loading	

	<u>S.45(4)</u>	Removal and disposal of abandoned articles Where it appears to the corporation that an article has, without lawful authority, been abandoned on a highway under local management, it may remove the article from the highway.	
	<u>S. 45(5)(6)(7)(8)(9)(10)(12)</u>	Removal and disposal of abandoned articles Where an article has been removed from a highway under this section, the corporation may, subject to this section, dispose of it in such manner as it thinks fit.	
	<u>S.46(2)</u>	Permission to carry out various works in relation to highways Subject to any directions given by the corporation, its powers to grant a permission may be exercised on its behalf by its mayor or by some other person authorised by it for that purpose.	Delegation excludes S. 46(2C)
	<u>S.46</u>	Permission to carry out various works in relation to highways A corporation may, in accordance with its by-laws, grant a person written permission to do any one or more of the following things: (a) open or break up the soil or pavement of a local highway; (b) make a drain leading to a local highway; (c) put or place a pipe or make a drain leading into a sewer or drain or other work of the corporation in or under a local highway; (d) make an excavation, vault or cellar in or under a local highway; (e) install, under a local highway, pipelines, pipe systems or other infrastructure required for the transmission, distribution or supply of natural gas or other gaseous fuels; (f) erect a hoarding or scaffolding for building or any other purpose in or on a local highway.	
	<u>S.50</u>	Management of local highways not maintainable by the corporation	
	<u>S.51</u>	Making good of back roads, lanes, &c., at frontagers' expense	
	<u>S.52</u>	Projections on to highways, &c. At such time as is agreed with the occupier of a building, or after giving at least 30 days' notice of its intention to do so, the corporation may remove or alter an obstruction to which this section applies that has been erected or placed against or in front of the building.	
	<u>S.53</u>	Low-lying land near highways	

	<u>S.54</u>	Names of highways, &c. 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>	Numbering of buildings, &c.	
	<u>S.59</u>	Development of land in connection with highway improvements	
	<u>S.60 (3)</u>	Restrictive covenants for benefit of highway A corporation may, at any time, by agreement with the person against whom there is enforceable a covenant, discharge the covenant or may agree to a variation of the covenant.	
	<u>S.62</u>	Special provisions as to acquisition for widening or other alteration A corporation may take land for the widening or other alteration of a highway. Land shall not be taken under this section, unless (a) every part of it is within 3 metres of the boundary of an existing highway; and (b) no building is situated wholly or partly on the land or within 3 metres of its boundary	
	<u>S.63</u>	Letting of highways not presently used Where the corporation has acquired highway rights over any land, it may, if the land is not presently required to be opened as a highway, let that land to the owner of any adjoining land.	
	<u>S.66</u>	Proof that street is subject to Part V The carriage-way of a street shall be deemed to have been well and sufficiently made only if it was made well enough to be an all-weather road for light or heavy traffic or both according to the standards accepted at the time of its making.	
	<u>S.67 (2)</u>	Street works in streets not previously made up Where a street has not at any time been well and sufficiently made, the corporation may, in accordance with a scheme under this Part, carry out such street works as it considers necessary to put that street in a proper condition in substantial conformity with the standard requirements, recovering the cost of the works in the manner provided in this Part.	
	<u>S.68</u>	Scheme of street construction Where the corporation intends to carry out street works in a street, it shall cause to be prepared a scheme for the carrying out of those works.	
	<u>S.71</u>	Notice of preparation of scheme	
	<u>S.72</u>	Objection by owners (to the scheme)	

	<u>S.74</u>	Execution of scheme 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>	Payments by frontagers (under the scheme) When a scheme comes into effect, the corporation shall serve on each frontager 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>	State contribution Where a corporation has prepared a scheme for the carrying out of street works that comprise or include the construction of a carriage-way, the Minister for State Highways may, on the application of the corporation, undertake to make a contribution to the corporation of an amount equal to one-third of the cost of the construction of the carriage-way.	
	<u>S.79</u>	Urgent works If it considers it urgently necessary to do so, a corporation may, without a scheme, carry out in a street any part of the works referred to in section 67, and the cost of carrying out those works may be included in a scheme subsequently made by the corporation in respect of the remainder of those works carried out in that street, and, with any necessary modifications, this Part applies to the scheme as if the part of the works previously carried out were part of the works to be authorised by the scheme.	
	<u>S.81</u>	Record of charges 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 frontager under this Part.	
	<u>S.95</u>	Establishment of controlled parking (a parking meter or voucher machine)	
	<u>S.96</u>	Hours of operation of controlled parking	
	<u>S.99</u>	Closure of parking spaces in certain cases	
	<u>S.102</u>	Removal of vehicles in certain cases from parking spaces	
	<u>S.104</u>	Permits for use of parking spaces without operation of meters or use of parking vouchers	S.104(2) must be in accordance with Annual Schedule of Fees and Charges

	<u>S.109</u>	Lighting of certain State highways: Contributions by corporations to lighting of certain State highways	
	<u>S.110</u>	Powers and duties of corporations in relation to State highways A corporation may exercise the powers conferred by section 30 in respect of a State highway in the municipality and, in relation to the exercise of those powers in respect of that highway, this Act has effect as if it were a local highway maintainable by the corporation.	
	<u>S.112</u>	Liability of corporation to maintain road works carried out by the Crown	
	<u>S.114</u>	Right of private persons opening new streets to obtain contributions	Delegation excludes S114(8)
	<u>S.115</u>	Retention of petrol-pumps in highways	
	<u>S.116</u>	Tramways along or across highways 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>	Determination of compensation Where a corporation or other person is entitled to be paid compensation under this Act, that compensation shall, unless provision is otherwise made for its determination, be determined by agreement between the parties or, in default of agreement, by action in a court of competent jurisdiction.	
Monetary Penalties Enforcement Act 2005			
	<u>17(2)</u>	Options for dealing with infringement notice issued by fee-paying public sector body	
	<u>18(1)</u>	Referral to Director of infringement notice issued by fee-paying public sector body	
	<u>23</u>	Withdrawal of infringement notice	
	<u>28(3)-(4)</u>	Application to fee-paying public sector body for variation of payment conditions	
	<u>39(1)</u>	Hearing of offence by court - commencement of proceedings	
	<u>40(3)</u>	Application to court to set aside conviction	
Place Names Act 2020			

	<u>S. 11(2)</u>	Naming of roads, streets, &c. 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>	Naming of roads, streets, &c. The responsible authority for a place referred to in section 4(1)(c) must ensure that any naming action, performed in respect of the place, complies with – (a) the relevant provisions of the guidelines; and (b) this Act and any other applicable Act; and (c) the relevant procedures of the responsible authority.	
	<u>S. 11(4)</u>	Naming of roads, streets, &c. As soon as practicable after performing a naming action in respect of a place, the responsible authority for the place is to submit details of the action to the Registrar for recording in the register.	
Public Health Act 1997			
	<u>Sec 33 (a) (b)</u>	Production of things A council or an authorised officer may require a person to produce for inspection any thing 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.	
	<u>Sec 34 (a) (b)</u>	Production of licence 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>	Photographs, sketches, measurements and recordings 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>	Information requirements 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. 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</u>	Council immunisation programs A council must develop and implement an approved program for immunisation in its municipal area.	
	<u>Sec 77 (1) (3)</u>	Grant or refusal of licence (for a place of assembly)	
	<u>Sec 78</u>	Issue of licence (for a place of assembly)	
	<u>Sec 81(4)</u>	Renewal of licence (for a place of assembly) A council may grant the application subject to any conditions; or refuse to grant the application.	
	<u>Sec 82</u>	Variation of licence (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>	Cancellation of licence (for a place of assembly) A council may cancel a place of assembly licence	
	<u>Sec 84 (2)</u>	Overcrowding 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>	Closure order	
	<u>Sec 88</u>	Service of closure order	
	<u>Sec 89</u>	Revocation of closure order	

	<u>Sec 92 (1) (4) (6)</u>	Rectification notice 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>	Grant or refusal of registration of premises	
	<u>Sec 98</u>	Issue of certificate of registration of premises	
	<u>Sec 101</u>	Renewal of registration of premises	
	<u>Sec 102</u>	Variation of registration of premises	
	<u>Sec 103</u>	Cancellation of registration of premises	
	<u>Sec 106</u>	Grant or refusal of licence (to carry out any public health risk activity)	
	<u>Sec 107</u>	Issue of licence (to carry out any public health risk activity)	
	<u>Sec 110</u>	Renewal of licence (to carry out any public health risk activity)	
	<u>Sec 111</u>	Variation of licence (to carry out any public health risk activity)	
	<u>Sec 112</u>	Cancellation of licence (to carry out any public health risk activity)	
	<u>Sec 115</u>	Grant or refusal of registration of regulated system	
	<u>Sec 116</u>	Issue of certificate of registration (of a regulated system)	
	<u>Sec 119 (1) (3)</u>	Notice to comply with direction	
	<u>Sec 121</u>	Renewal of registration (of any regulated system)	
	<u>Sec 122</u>	Variation of registration (of any regulated system)	
	<u>Sec 123</u>	Cancellation of registration (of any regulated system)	
	<u>Sec 128</u>	Notification of quality of water	
	<u>Sec 129 (1)</u>	Orders relating to water quality	
	<u>Sec 130 (1) (3)</u>	Monitoring and review (of the quality of water within the municipal area)	
	<u>Sec 131</u>	Samples 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.	

	<u>Sec 135</u>	Grant or refusal of registration (as a supplier of water)	
	<u>Sec 136</u>	Issue of certificate of registration (as a supplier of water)	
	<u>Sec 136AA</u>	Renewal of Registration (as a supplier of water)	
	<u>Sec 136B</u>	Variation of registration (as a supplier of water)	
	<u>Sec 136C</u>	Cancellation of registration (as a supplier of water)	
	<u>136H</u>	Issue of certificate of registration (as a water carrier)	
	<u>136I</u>	Renewal of registration (of water carrier)	
	<u>136K</u>	Variation of registration (of water carrier)	
	<u>136L</u>	Cancellation of registration (of water carrier)	
	<u>Sec 144</u>	Registers kept by Councils 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>	Requirement for information 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>	Costs incurred in exercising power	
	<u>Sec 158 (1)</u>	Proceedings 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>	Infringement notices 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>	Sale or disposal of forfeited things	
	<u>Sec 191 (3)</u>	Return of and access to seized things	

	<u>Sec 192 (1)</u>	Sale or disposal of seized things	
Public Interest Disclosure Act 2002			
	<u>S 29B</u>	Referral of disclosure to Integrity Commission Where a public body believes a disclosure relates to misconduct defined in the Integrity Commission Act 2009, the public body may refer the disclosure to the Integrity Commission.	
	<u>S 29D(1)</u>	Notice of referral If a public body refers a disclosure to the Integrity Commission, they must notify the person who made that disclosure of the referral.	
	<u>S 33(1)</u>	Determination by public body of disclosure as to public interest disclosure Public body to determine whether disclosure is a public interest disclosure within 45 days.	
	<u>S 34(1)</u>	Procedure where public body determines disclosure to be public interest disclosure Notifications where disclosure is determined a public interest disclosure.	
	<u>S 35(1)</u>	Procedure where public body determines disclosure not to be public interest disclosure Notifications where disclosure is deemed not to be public interest disclosure.	
	<u>S 64</u>	Matters that do not have to be investigated A public body may decide not to investigate a disclosure.	
	<u>S 65(1)</u>	Decisions by public body not to investigate Notification of decision not to investigate.	
	<u>S 68</u>	Referral to Ombudsman by public body A public body may refer the investigation of a disclosed matter to the Ombudsman if the public body considers that its own investigation is being obstructed or that it is otherwise not within the capacity of the public body to complete the investigation.	
	<u>S 70</u>	Provision of information to Ombudsman Public body must give the Ombudsman in writing any information it has in respect to a disclosed matter.	
	<u>S 72(1)</u>	Notice of referral Notice to be given where public body refers an investigation to the Ombudsman.	

	<u>S 74</u>	Information about progress of investigation Public body must at the request of the person who made the disclosure or the Ombudsman, give all reasonable information about the investigation with 28 days.	
	<u>S 76(1)</u>	Report on investigation Public body must notify the Ombudsman and the relevant person on completing an investigation of a disclosed matter.	
	<u>S 77(1)</u>	Report to person making disclosure Public body must inform the person who made the disclosure of the findings.	
	<u>S 77A(2)</u>	Investigations to be completed within 6 months A public body may apply to the Ombudsman for an extension of up to 6 months in which to complete the investigation.	
	<u>S 77A(4)</u>	Investigations to be completed within 6 months If investigation is not complete within time specified in 77A(1), public body must refer the disclosure to the Ombudsman.	
Roads and Jetties Act 1935			
	<u>S11</u>	Maintenance of State highways, &c. in cities, &c. (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>	Acquisition of land for quarry, &c. 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>	Intention to acquire land may be abandoned if compensation excessive 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.	

	<u>S32</u>	Entry by council upon land and staking out of same 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>	Rental of land (for the purpose of obtaining materials therefrom for the construction or maintenance of any road or street)	
	<u>S34</u>	Use of uncultivated land for temporary road 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>	Taking of timber, &c., from land (for making, repairing, or fencing any road, or for any other purposes of this Act)	
	<u>S36</u>	Quarries, &c. to be fenced and filled up or otherwise secured 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>	Fences to be restored 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>	Deviations to be fenced Where any road has been diverted, the road authority shall, if required by the owner or occupier of any land through which such road passes, cause such road to be well and sufficiently fenced where it so passes.	
	<u>S39</u>	Entry upon adjoining lands for road maintenance or reconstruction 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>	Power to make drains on adjoining lands The road authority may make, cleanse, and keep open all drains or watercourses which it may deem necessary in and through any land adjoining or near to any road of which it has the construction or maintenance.	
	<u>S41</u>	Timber growing near roads may be cut down: Consent of owner required in certain cases 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>	Hedges, &c., obstructing view of traffic to be cut or trimmed 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>	Culverts to be constructed by owners at entrances to lands adjoining roads 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>	Power of Minister in certain cases to erect gates across roads 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>	Damage caused by overweight vehicles 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.	
	<u>S47</u>	Road metal, &c., may be placed on side of road 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>	Warning gantries for bridges with overhead members 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>	Power of road authority, with the consent of the Governor, to permit tramway or railway along or across road 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>	Removal and disposal of abandoned articles 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>	Power to remove vehicles causing obstruction or danger. A road authority may move, keep or impound any vehicle (and anything in, on or attached to the vehicle).	
	<u>S49</u>	Obstructing roads: Notice to remove obstructions 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>	Excavations 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>	Laying down timber, &c., on roads unless authorised by the road authority having the care, control, or management of such road so to do.	
Strata Titles Act 1998			
	<u>S 31(2A)</u>	Application for, and grant of, certificate of approval The Council must within 30 days of receiving an application issue or refuse to issue a certificate of approval.	
	<u>S 31(2B)</u>	Application for, and grant of, certificate of approval The Council may give the applicant notice requiring further information in order to determine the application	
	<u>31(3)</u>	Application for, and grant of, certificate of approval The Council may issue a certificate of approval for a strata plan after satisfying itself of certain matters	
	<u>31(4)</u>	Application for, and grant of, certificate of approval The Council must return sketches, plans and models if it refuses to issue a certificate of approval.	
	<u>31(6)</u>	Application for, and grant of, certificate of approval The Council must refuse to issue a certificate of approval if it considers the proposal is actually a subdivision.	
	<u>31AA</u>	Requirement for staged development scheme 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>	Application for council approval (in relation to a staged development scheme)	
	<u>37(1)(a)</u>	Approval of scheme in principle Before giving in principle approval for a staged development scheme Council can require specified changes to the scheme.	
	<u>37(1)(b)</u>	Approval of scheme in principle Before giving in principle approval for a staged development scheme Council can require the demolition or alteration of buildings on the site.	

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

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

	<u>65(b)(i)</u>	Assignment of interest in land subject to scheme If the owner of land subject to a registered community development scheme proposes to sell or dispose of land subject to the scheme the person who is to acquire title to the land in consequence of the transaction must give to the council a written undertaking to develop the land in accordance with the registered scheme.	
	<u>65(b)(ii)</u>	Assignment of interest in land subject to scheme If the owner of land subject to a registered community development scheme proposes to sell or dispose of land subject to the scheme the person who is to acquire title to the land in consequence of the transaction must give the council any security required by the council, within 28 days after notice of the transaction was given to the council, for the development of the land in accordance with the scheme.	
	<u>142(2)(b)</u>	Recording of certain orders	
Survey Co-ordination Act 1944			
	<u>S 4(2)</u>	Public authorities to compile and forward to Surveyor-General lists of existing plans (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>	Public authorities to give notice of intention to commence new surveys	
Traffic Act 1925			
	<u>S 41CA</u>	Declaration of road for use by personal mobility devices 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>	Removal of things obstructing public streets An authorised person may remove, take and detain articles placed or left in public streets to the obstruction, annoyance or danger of other persons.	
	<u>S 43(3)(4)(5)</u>	Removal of things obstructing public streets A relevant authority must notify articles owner of removal and/or dispose of articles not removed.	

Urban Drainage Act 2013			
	<u>S 5(6)</u>	Council to provide adequate public storm water system Council to provide public stormwater system. If found not too, they must comply with the orders in notice of default.	
	<u>S 5(4)</u>	Council to provide adequate public storm water system A 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>	Service of notice relating to negotiations for provisions of stormwater services	
	<u>S 11(8)</u>	Power of council to adopt stormwater systems Where a council imposes a requirement under s 11(4) they must pay extra costs incurred by person constructing the drain.	
	<u>S 12</u>	Council to maintain maps	
	<u>S 13(4)</u>	Protection of stormwater assets If a person fails to carry out the works required in the notice within the specified period, the council may demolish, remove or remedy the building or construction and carry out any works necessary for restoring or reinstating the public stormwater system.	
	<u>S 13(5)(b)</u>	Protection of stormwater assets If the council carries works under s 13(4) expenses are recoverable in a court of a competent jurisdiction.	
	<u>S 14(4)</u>	Interference with public stormwater systems If a person fails to comply with the notice issued under 14(2) within the specified period, the council may demolish, remove or remedy the works and carry out any works necessary for restoring or reinstating the infrastructure.	
	<u>S 14(5)(b)</u>	Interference with public stormwater systems If the council carries works under s 14(4) expenses are recoverable in a court of a competent jurisdiction.	
	<u>S 15(13)</u>	Power of authorised officers to carry out work on or adject to public land A council must make good, to the satisfaction of the authority responsible for the land, any damage caused by the exercise of powers under this section as soon as practicable.	

	<u>S 16(9)</u>	Power of authorised officers to enter private land The council must make good any damage caused by the exercise of powers under this section as soon as practicable or pay reasonable compensation for the damage.	
	<u>S 17</u>	Power to undertake construction of public stormwater systems 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>	Requirement to connect Where notice has been served, council may recover costs if it is not complied with.	
	<u>S 22(3)</u>	Requirement to disconnect Where notice has been served, council may recover costs if it is not complied with.	
	<u>S 23(2)(b)</u>	Property owners not to direct stormwater onto neighbouring properties If a property owner does not comply with a notice under s 23(2)(a) the council can carry out such works that are necessary to rectify the nuisance.	
	<u>S 23(3)</u>	Property owners not to direct stormwater onto neighbouring properties Any costs incurred under 23(2)(b) are recoverable in a court of competent jurisdiction.	
Weed Management Act 1999			
	<u>34(3)</u>	Appointment of inspectors	
	<u>66(a)</u>	Payments to council or Consolidated Fund Any payments made in respect of an infringement notice – (a) are payable to a council, if the notice was served by an inspector appointed under section 34(3) ; or (b) are payable into the Consolidated Fund if the notice was served by an inspector appointed under section 34(1) .	

16 NOTICES OF MOTION

At the time the Agenda was compiled there were no Notices of Motion received.

17 CONFIRMATION OF ITEMS TO BE DEALT WITH IN CLOSED SESSION

RECOMMENDATION

That in accordance with the *Local Government (Meeting Procedures) Regulations 2015* Council, by absolute majority, move into closed session to consider the following items:

Confirmation of Minutes

Regulation 34(6) *In confirming the minutes of a meeting, debate is allowed only in respect of the accuracy of the minutes.*

Applications for Leave of Absence

Regulation 15(2)(h) *applications by councillors for a leave of absence*

In accordance with the Kingborough Council *Meetings Audio Recording Guidelines Policy*, recording of the open session of the meeting will now cease.

Open Session of Council adjourned at

OPEN SESSION ADJOURNS

OPEN SESSION RESUMES

RECOMMENDATION

The Closed Session of Council having met and dealt with its business resolves to report that it has determined the following:

Item	Decision
Confirmation of Minutes	
Applications for Leave of Absence	

CLOSURE

Public Copy

APPENDIX

- A General Manager's Diary 28 March 2022 to 22 April 2022
- B Current and Ongoing Minute Resolutions (Open Session)

Public Copy

A GENERAL MANAGER'S DIARY 28 MARCH 2022 TO 22 APRIL 2022

28 March	Participated in the Metro GM's Weekly meeting
	Attended Council Workshop
29 March	Met with representatives of the Kalis Group
30 March	Attended the Greater Hobart Mayors Forum
30 March	Participated in Being LGBTIQ+ inclusive training with various councillors and officers.
General Manager on annual leave 31 March 2022 to 6 May 2022	
Acting General Manager's Diary	
31 March	In company with the Mayor, met with Minister Nic Street MP
1 April	In company with the Mayor, met with representatives of a new wildlife protection group
4 April	Attended Council meeting
5 April	Participated in meeting with Zencity
6 – 8 April	Attended General Manager's Workshop
11 April	Participated in the Metro GM's Weekly meeting
12 April	Attended Greater Hobart General Managers meeting
20 April	Attended Council meeting
22 April	In company with the Mayor, met with the Mayor and General Manager of Brighton Council

B CURRENT AND ONGOING MINUTE RESOLUTIONS (OPEN SESSION)

CURRENT	
Resolution Title	Biodiversity Offset Policy
Meeting Date	4 April 2022
Minute No.	C161/6-2022
Status	Ongoing
Responsible Officer	Director Environment, Development & Community Services
Officers Comments	Report on charges presented to council. Offset Policy to go to workshop in June.
Anticipated Date of Completion	July 2022
Resolution Title	Pedestrian Crossing at Beach Road, Kingston Beach
Meeting Date	21 April 2022
Minute No.	C185/7-2022
Status	Complete
Responsible Officer	Director Engineering Services
Officers Comments	Report provided to Council with budgeted items for 2022/23
Anticipated Date of Completion	Complete
Resolution Title	Love Living Locally 2023
Meeting Date	21 April 2022
Minute No.	C186/7-2022
Status	Ongoing
Responsible Officer	Director Environment, Development & Community Services
Officers Comments	Having agreement on broad direction, will now develop further detail ahead of implementing next financial year.
Anticipated Date of Completion	July 2022
STILL BEING ACTIONED	
Resolution Title	Installation of Fourth Flagpole
Meeting Date	7 March 2022
Minute No.	C116/4-2022
Status	Ongoing
Responsible Officer	Director Environment, Development & Community Services
Officers Comments	An operational policy will be drafted in parallel with acquisition and installation of the new pole.
Anticipated Date of Completion	June 2022
Resolution Title	Roundabout Lanes
Meeting Date	21 March 2022
Minute No.	C143/6-2022
Status	Complete
Responsible Officer	Director Engineering Services
Officers Comments	Draft provided to Mayor for actioning
Anticipated Date of Completion	Complete

Resolution Title	Glyphosate
Meeting Date	7 February 2022
Minute No.	C54/2-2022
Status	Ongoing
Responsible Officer	Director Environment, Development & Community Services
Officers Comments	Matter deferred pending the release of international research anticipated in May 2022. A report will come to Council after that research has become publicly available.
Anticipated Date of Completion	July 2022
Resolution Title	Smoke Free Sports Precinct
Meeting Date	20 December 2021
Minute No.	C677/25-2021
Status	Ongoing
Responsible Officer	Senior Environmental Health Officer
Officers Comments	Report to Council being prepared
Anticipated Date of Completion	June 2022
Resolution Title	Climate Change Resourcing
Meeting Date	21 June 2021
Minute No.	C313/12-2021
Status	In progress
Responsible Officer	Chief Financial Officer
Officers Comments	A climate change role is currently in the Workforce Plan and will be considered during the operational budget discussions for 2023/24.
Anticipated Date of Completion	June 2022
Resolution Title	Kingborough Bicycle Advisory Committee
Meeting Date	3 May 2021
Minute No.	C211/8-2021
Status	Ongoing
Responsible Officer	Manager Development Services
Officers Comments	Awaiting direction from the Planning Commission as to when the Scheme may progress
Anticipated Date of Completion	August 2022
Resolution Title	Petition: Development of Walking Track in Spring Farm and Whitewater Park Estates to Connect to Huntingfield
Meeting Date	1 March 2021
Minute No.	C94/4-2021
Status	Ongoing
Responsible Officer	Director Governance, Recreation & Property Services
Officers Comments	Capital bid lodged for 2022/23
Anticipated Date of Completion	June 2023
Resolution Title	Properties for Disposal
Meeting Date	26 October 2020
Minute No.	C626/20-2020
Status	In progress
Responsible Officer	Director Governance, Recreation & Property Services
Officers Comments	Two properties sold
Anticipated Date of Completion	December 2022

Resolution Title	Hobart City Deal and Implementing the Kingston Place Strategy
Meeting Date	13 July 2020
Minute No.	C397/13-2020
Status	Ongoing
Responsible Officer	Director Governance, Recreation & Property Services
Officers Comments	A major project which will be ongoing for the next three years and regular reports will be provided to Council
Anticipated Date of Completion	Ongoing
Resolution Title	Funding for Public Infrastructure Required to Support Large Sub-divisions
Meeting Date	22 July 2020
Minute No.	C429/14-2020
Status	In progress
Responsible Officer	Director Environment, Development, Community
Officers Comments	LGAT has released a discussion paper (April 22) which is being reviewed by officers to provide feedback. LGAT's advocacy is ongoing.
Anticipated Date of Completion	Unknown
Resolution Title	Paid Parking Within Central Kingston
Meeting Date	13 January 2020
Minute No.	C30/1-20
Status	Ongoing
Responsible Officer	Director Governance, Recreation & Property Services
Officers Comments	This is to be revisited following the completion by the State government of the Huntingfield park and ride.
Anticipated Date of Completion	July 2022
Resolution Title	Information & Communications Technology Review
Meeting Date	27 May 2019
Minute No.	C364/10-19
Status	Ongoing
Responsible Officer	Chief Information Officer
Officers Comments	Security review component completed by independent auditors. An independent audit of Council's ICT security controls with a focus cyber security, including assessment against the Essential Eight threat mitigation strategies has been completed by WLF. The findings and recommendations have been submitted to the Audit Panel. This activity, which was funded through the internal audit program, covers off on a significant part of the resolution which sought to identify and "lower risks" and highlight "areas for improvement". The remaining components such as identifying opportunities to improve service delivery or reduce service delivery costs across its operations have yet to be independently reviewed.
Anticipated Date of Completion	Security/Risk - April 2022. Balance yet to be funded