



COUNCIL MEETING AGENDA

Monday 18 March 2019
Council Chambers, St Helens

John Brown, General Manager
Break O'Day Council
12 March 2019

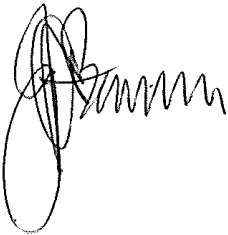
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NOTICE OF MEETING

Notice is hereby given that the next meeting of the Break O'Day Council will be held at the St Helens Council Chambers on Monday 18 March 2019 commencing at 10.00am.

CERTIFICATION

Pursuant to the provisions of Section 65 of the *Local Government Act 1993*, I hereby certify that the advice, information and recommendations contained within this Agenda have been given by a person who has the qualifications and / or experience necessary to give such advice, information and recommendations or such advice was obtained and taken into account in providing the general advice contained within the Agenda.

A handwritten signature in black ink, appearing to read 'John Brown', with a large, stylized initial 'J'.

JOHN BROWN
GENERAL MANAGER

Date: 12 March 2019

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OPENING

The Mayor to welcome Councillors, staff and members of the public and declare the meeting open at [time].

ACKNOWLEDGEMENT OF COUNTRY

We would like to acknowledge the Tasmanian Aboriginals as the traditional custodians of the land on which we meet today, and pay respect to the elders past and present.

03/19.1.0 ATTENDANCE

03/19.1.1 Present

Mayor Mick Tucker
Deputy Mayor John McGiveron
Councillor Kristi Chapple
Councillor Janet Drummond
Councillor Barry LeFevre
Councillor Glenn McGuinness
Councillor John Tucker
Councillor Lesa Whittaker
Councillor Kylie Wright

03/19.1.2 Apologies

Nil.

03/19.1.3 Leave of Absence

Nil.

03/19.1.4 Staff in Attendance

General Manager, John Brown
Executive Assistant, Angela Matthews

DECLARATION OF PECUNIARY INTEREST OF A COUNCILLOR OR CLOSE ASSOCIATE

Section 48 or 55 of the Local Government Act 1993 requires that a Councillor or Officer who has an interest in any matter to be discussed at a Council Meeting that will be attended by the Councillor or Officer must disclose the nature of the interest in a written notice given to the General Manager before the meeting; or at the meeting before the matter is discussed.

A Councillor or Officer who makes a disclosure under Section 48 or 55 must not preside at the part of the meeting relating to the matter; or participate in; or be present during any discussion or decision making procedure relating to the matter, unless allowed by the Council.

CONFIRMATION OF MINUTES**Confirmation of Minutes – Council Meeting 18 February 2018****OFFICER'S RECOMMENDATION:**

That the minutes of the Council Meeting held on the 18 February 2018 be confirmed.

03/19.5.0 COUNCIL WORKSHOPS HELD SINCE 18 FEBRUARY 2018 COUNCIL MEETING

There was a Workshop held on Monday 4 March 2019 – the following items were listed for discussion.

- Local Government Association of Tasmania (LGAT) - AGM/General Meeting 25 July 2018 – Submissions of Motions
- Budget Review 31 January 2018
- SMS Rate Reminder
- Litter Collection for Council Infrastructure
- Community Funding Program 2018 – 2019
- Draft Local Provisions Schedule (LPS) Project
- Development Services Statistics Reporting
- Review – LG03 – Councillors Code of Conduct Policy
- Review – LG05 – Social Media Policy Review
- Review of Council Delegations
- Walking Tracks
- Community Pool
- Australia Day
- Noise Complaint
- Caravan By-Laws
- Reducing Speed Limit on Binalong Bay
- Local Government Association of Tasmania (LGAT) – Proposed Motion for Annual General Meeting (AGM)

Pursuant to Section 25 of the *Local Government (Meeting Procedures) Regulations 2015* the Mayor informed the Council that it was now acting as a Planning Authority under the *Land Use Planning and Approvals Act 1993*.

ACTION	DECISION
PROPONENT	Break O'Day Council
OFFICER	Rebecca Green – Consultant Planner
FILE REFERENCE	Amendment 2/2019
ASSOCIATED REPORTS AND DOCUMENTS	Bushfire-Prone Areas Overlay, Break O'Day LGPA Planning Report, Tasmania Fire Service, March 2019, including Appendix A

DECISION STATEMENT:

To determine an application for amendment to the *Break O'Day Interim Planning Scheme 2013* to insert Bushfire-Prone Areas Overlay maps into the planning scheme as recommended by the Tasmania Fire Service (TFS).

RECOMMENDATION:

That the Council:

1. Acting as Planning Authority, under Section 34 (1) (b) (former provisions) of the ***Land Use Planning and Approvals Act 1993***, initiate draft amendment 2/2019 to amend the ***Break O'Day Interim Planning Scheme 2013*** by:
 - a. inserting a Bushfire-Prone Areas Overlay map as shown in Appendix A to Bushfire-Prone Areas Overlay, Break O'Day LGA Planning Report, Tasmania Fire Service, March 2019; and
 - b. Amendment to clause 1.2.1 to refer to the additional overlay maps by insert after "Overlay maps marked 1 to 84." the following words: *including Bushfire-Prone Area Overlay maps 1 to 44.*
2. Acting as Planning Authority, under Section 35 (1) (former provisions) of the *Land Use Planning and Approvals Act 1993* resolve to certify draft amendment 2/2019, to the *Break O'Day Interim Planning Scheme 2013* as meeting the requirements specified in Section 32 (former provisions) and place it on Public Exhibition for 28 days, in accordance with Section 38 (former provisions) of the Act.

PREVIOUS COUNCIL CONSIDERATION:

No previous Council discussion.

OFFICER'S REPORT:

1. Background

The Tasmania Fire Service (TFS) has been working with Local Government to produce Bushfire-Prone Areas mapping for Tasmania. Mapping for Break O'Day Local Government Area has now been completed.

The proposed amendment is to insert Bushfire Prone Areas Overlay maps into the Planning Scheme as recommended by the TFS.

The proposal benefits the community by ensuring that greater certainty is provided in the application of the Bushfire-Prone Area Code under the Planning Scheme and the Building Act 2016.

2. Statutory Requirements

Land Use Planning & Approvals Act 1993:

Section 34 (1) (b) – A Planning authority may of its own motion, initiate an amendment of a planning scheme administered by it.

Section 33 (2B) – Before making a decision as to whether or not to initiate an amendment of the planning scheme, the planning authority must consider –

- (a) Whether the requested amendment is consistent with the requirements of [section 32](#); and*
- (ab) any representation made under section 30I, and any statements in any report under [section 30J](#) as to the merit of a representation, that may be relevant to the amendment; and*
- (b) Any advice referred to in [section 65 of the Local Government Act 1993](#) received by it.*

Comment:

- (a) Part 4 of this report finds that the draft amendment is consistent with section 32 of the Act.*
- (ab) There are no representations under section 30I relevant to the draft amendment.*
- (b) This report provides advice in relation to section 65 of the *Local Government Act 1993* (advice of qualified persons).*

Building Regulations 2016

Section 62 – Bushfire-prone areas

(1) For the purposes of the Act, land is a bushfire-prone area if –

- (a) The land is within the boundary of a bushfire-prone area on a planning scheme overlay map; or*
- (b) Where the relevant planning scheme overlay map for the land does not show any land within the relevant municipal area as being within the boundary of a bushfire-prone area, the land is within 100 metres of an area of bushfire-prone vegetation that is equal to or greater than one hectare.*

- (2) For the purposes of [subregulation \(1\)\(b\)](#), vegetation is bushfire-prone vegetation if the vegetation is contiguous vegetation that includes grasses and shrubs but does not include maintained lawns, parks or gardens, nature strips, plant nurseries, golf courses, vineyards, orchards or vegetation on land that is used for horticultural purposes.

Comment:

The draft amendment to include the bushfire prone areas mapping in the planning scheme will reduce work and uncertainty in determining whether land is bushfire prone for the purposes of the Building Act 2016. In the absence of mapping, planning authorities, permit authorities, landowners and developers are reliant on interpretation of subclause (b).

3. Consultation

3.1 Public Exhibition

Public exhibition of a draft amendment occurs after it has been certified, as per section 38 (former provisions) of the Land Use Planning and Approvals Act 1993:

- (1) After giving to the Commission a copy of a draft amendment of a planning scheme and the instrument certifying that the amendment meets the requirements specified in [section 32](#), the planning authority must –
- (a) Cause a copy of the draft amendment to be placed on public exhibition for a period of 28 days or a longer period agreed to by the planning authority and the Commission; and
 - (b) Advertise, as prescribed, the exhibition of the draft amendment.

3.2 Referrals

Referrals occur after the draft amendment has been certified.

4. Discussion

4.1 Assessment for Consistency with Section 32 of the Land Use Planning and Approvals Act 1993

Consideration of matters applying to assessment of an amendment

There are various sections of the legislation that are required to be considered in the assessment of a planning scheme amendment. These are set out in Section 32 of the *Land Use Planning and Approvals Act 1993*. The key considerations are that the amendment must demonstrate:

Must seek to further the objectives in Schedule 1 of the Act

Comment: The attached Break O'Day LGA Planning Report Bushfire-Prone Areas Overlay, Tasmania Fire Service, March 2019 addresses Section 32 of LUPAA at part 6.1. Taking this into consideration it is considered that the draft amendment is consistent with Section 32 of LUPAA. In particular:

- It provides for fair, orderly and sustainable use and development by improving clarity for developers and for authorities responsible for planning and building matters.

- It facilitates economic development by improving clarity with respect to whether a site is within a bushfire-prone area. This supports the property industry by ensuring landowners and developers can easily determine whether their site is in a bushfire-prone area early in the development process and therefore factor this into concept design and feasibility assessments.
- It provides sound strategic planning and co-ordinated action by State and Local Government – the introduction of the Bushfire-Prone Areas Code as a state-wide Planning Directive was a strategic response by the Tasmanian Government to the recommendations produced by the Victorian Bushfires Royal Commission. Incorporating the bushfire-prone areas mapping as part of Council’s planning instrument will support the application of the Bushfire-Prone Areas Code.

Must, as far as practicable, avoid the potential for land use conflicts with use and development permissible under the planning scheme applying to the adjacent area.

Comment: The draft amendment to include bushfire-prone area mapping in the planning scheme does not increase the potential for land use conflicts with use and development permissible under the planning scheme applying to the adjacent area. The draft amendment is consistent with this objective.

Must have regard to the impact that the use and development permissible under the amendment will have on the use and development of the region as an entity in environmental, economic and social terms.

Comment: The draft amendment will not change the use and development permissible under the Bushfire-Prone Areas Code.

Must be consistent with the Regional Land Use Strategy and any mandatory provisions (section 300).

Comment: The Northern Regional Land Use Strategy contains the following relevant to the draft amendment:

Strategic Direction G3.1 b) Manage the relationship between development and impacts of natural hazards (for example salinity, land instability, acid sulphate soils, bushfire and flood potential, contamination).

Policy NH-P03 – Future land use and development is to minimise risk to people and property resulting from bushfire hazard.

NH-A05 – Include controls in planning schemes based on current best practice to minimise risk to persons and property resulting from bushfire hazard.

The draft amendment is consistent with the Northern Regional Land Use Strategy and is not inconsistent with any mandatory provisions.

Must be in accordance with State Policies

Comment:

State Policy for the Protection of Agricultural Land – the draft amendment is not affected by this Policy.

Water Quality Management State Policy – the draft amendment is not affected by this Policy.

State Coastal Policy – the draft amendment is not considered to be in conflict with this Policy.

National Environmental Protection Measures – none relevant.

5. Options

- Initiate and certify the draft amendment; or
- Refuse to initiate and certify the draft amendment.

6. Conclusion

As discussed in Part 4 of this report, an amendment to the planning scheme to include Bushfire-Prone Areas Mapping in the Bushfire-Prone Areas Code is consistent with the relevant requirements of the *Land Use Planning and Approvals Act 1993*.

LEGISLATION / STRATEGIC PLAN & POLICIES:

Break O’ Day Interim Planning Scheme 2013;
Land Use Planning and Approvals Act 1993;
Building Regulations and Building Act 2016;
Break O’Day Council Strategic Plan 2017-2027.

BUDGET AND FINANCIAL IMPLICATIONS:

The cost of undertaking the draft amendment is within existing budget allocations.

VOTING REQUIREMENTS:

Simple Majority

PLANNING REPORT



Tasmania Fire Service

Break O' Day LGA Bushfire-Prone Areas Overlay

March 2019

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2.0	01/03/19	Final draft	TO'C	CC	CC

Disclaimer

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The State Fire Commission, its officers, employees and agents do not accept any liability, however arising, including liability for negligence, for any loss or damage resulting from the use of, or reliance upon, the information contained in this document.

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Appendix A – Bushfire-Prone Areas Overlay

Executive Summary

The Tasmania Fire Service ('TFS') is working with Local Government to prepare and implement bushfire-prone areas mapping for Tasmanian Local Government Areas ('LGA'). Draft mapping for the Break O' Day LGA has now been completed following collaborative work between TFS and Council officers.

The purpose of the bushfire-prone area mapping is to spatially define land where potential exposure to bushfire hazard is sufficient to warrant a building and/or planning response to achieve a tolerable level of residual risk. The mapping does not imply that there is nil risk to use and development outside of the overlay, rather that residual risk to use and development outside of the overlay is deemed to be tolerable through reliance on other external measures, such as firefighter intervention.

The starting point for the map preparation was the production of a 'modelled overlay' that was generated by applying a 100m buffer to existing vegetation map data. The overlay was then progressively refined based on assessment of local conditions including bushfire behaviour and fuel management regimes. The local knowledge provided by Council officers was critical to this process.

By spatially defining bushfire-prone areas the mapping will provide clarity for permit authorities, landowners, developers, consultants and the broader community with respect to the application of existing statutory requirements for bushfire protection. The process of reviewing local conditions has also allowed for some areas that would currently trigger bushfire requirements to be 'mapped-out', thereby reducing compliance and development costs for the local community.

For the mapping to serve its intended function it needs to be incorporated within the relevant planning instrument established under the *Land Use Planning and Approvals Act 1993* ('LUPAA'). It is anticipated that Council will initiate a draft amendment to the Break O' Day Interim Planning Scheme 2013. The mapping will also ultimately be incorporated into the Tasmanian Planning Scheme.

Adoption of the bushfire-prone areas overlay is consistent with the Schedule 1 Objectives of the *Land Use Planning and Approvals Act 1993*, the State Policies created under the *State Policies and Projects Act 1993* and the relevant regional land use strategy.

1. Introduction

1.1 Purpose of this Report

This report has been prepared in support of the bushfire-prone areas mapping for the Break O' Day Local Government Area and provides the following information:

- The background and context of the mapping;
- Description of the mapping process;
- Consideration of overlay implementation;
- Consideration of the relevant statutory planning requirements and strategic planning framework.

1.2 Background

The Tasmania Fire Service is working with Local Government to produce and deliver the bushfire-prone area mapping for Tasmania. Once completed for each municipality the mapping is intended to be integrated within the relevant planning instrument to formally identify 'bushfire-prone areas' for the purpose of planning and building control.

Bushfire has been a constant, natural phenomenon in Australia for thousands of years and south-eastern Australia is one of the most bushfire-prone regions in the world. Whilst fire has important ecological functions in the Australian context, its effects on human life, built assets and economic resources can be catastrophic if risk is not adequately managed. Not surprisingly, bushfire is identified in the Tasmanian Emergency Management Plan as Tasmania's most prominent natural hazard due to its prevalence and historical impacts on communities¹. Recent analysis of climate data confirms that this is unlikely to change with fire danger in some parts of Tasmania expected to progressively increase over the course of this century².

Managing bushfire risk to communities requires a multifaceted approach that considers all aspects of the potential emergency (i.e. Prevention, Preparedness, Response and Recovery). Government interventions accordingly include a combination of measures including land use and development control, community education, fuel reduction, firefighter response and emergency management. Regulation of land use and development is a 'preparedness' strategy in this context as it aims to improve the resilience of communities and their built assets when exposed to a bushfire hazard.

Planning and building controls are now recognised in Australia as an important tool that can be used to facilitate more resilient and sustainable communities. Bushfire protection requirements are applied to use and development for the purpose of ensuring a tolerable level of residual risk is achieved. It is essentially a form of market intervention that seeks to achieve a better outcome for society than the market would otherwise deliver. Numerous public enquiries have recognised the importance of planning and building as a means for supporting

¹ Department of Police and Emergency Management 2015, *Tasmanian Emergency Management Plan - Issue 8*, DPEM, Hobart.

² Fox-Hughes P, Harris RMB, Lee G, Jabour J, Grose MR, Remenyi TA & Bindoff NL (2015) *Climate Futures for Tasmania future fire danger: the summary and the technical report*, Antarctic Climate & Ecosystems Cooperative Research Centre, Hobart, Tasmania

community fire safety, most notably the 2004 National Enquiry on Bushfire Mitigation and Management and the 2009 Victorian Bushfires Royal Commission.

The Tasmanian Government responded to the 2009 Victorian Bushfires Royal Commission by initiating significant planning and building reforms, including the introduction of Planning Directive No.5 Bushfire-Prone Areas Code within planning schemes in 2012 and state variations to the Building Code of Australia. This provided – for the first time – state-wide consistency in relation to use and development standards for bushfire protection. The importance of these reforms was confirmed by the 2013 Tasmanian Bushfires Inquiry, which recommended that the Tasmanian Government make land use planning and building construction for bushfire a high priority and that it progress improvements in this area³.

The planning and building regulatory system in Tasmania includes bushfire protection requirements to mitigate risk to communities and assets in bushfire-prone areas. The existing framework includes:

- The Bushfire-Prone Areas Code, which applies through local planning schemes under the *Land Use Planning and Approvals Act 1993*; and
- The Director's Determination – Requirements for Building in Bushfire-Prone Areas, which applies through the *Building Regulations 2016* and *Building Act 2016*.

This framework is structured in a way that enables application of bushfire controls through the planning approvals process for proposals involving land subdivision, vulnerable and hazardous uses. Bushfire requirements for other types of use and development are applied through the building approvals process.

For the purposes of both planning and building permit approvals it is necessary to determine whether proposed works are located within a 'bushfire-prone area'. This term is currently defined as follows:

Bushfire-prone area

Means:

- (a) *Land that is within the boundary of a bushfire-prone area shown on an overlay on a planning scheme map; or*
- (b) *Where there is no overlay on a planning scheme map, land that is within 100m of an area of bushfire-prone vegetation equal to or greater than 1 hectare.*

In the absence of mapping, planning authorities, permit authorities, landowners and developers are reliant on interpretation of subclause (b).

Incorporation of the mapping within the relevant local planning scheme overlay map will enable the use of subclause (a) of the abovementioned definition, thereby reducing the amount of assessment required to determine applicability.

The 100m rule that forms the basis of the abovementioned definition has historically been accepted as a benchmark for the application of development control for bushfire and is the maximum distance considered in Australian Standard 3959-2009. Post-fire investigations have indicated that 85% of building loss resulting from major bushfires has historically occurred at distances within 100m of the urban interface⁴. Notwithstanding this, bushfire

³ Department of Premier and Cabinet, 2013 Tasmanian Bushfires Inquiry, DPAC, Hobart.

⁴ Ahern, A., and M. Chladil (1999), *How far do bushfires penetrate urban areas?* paper presented at 1999 Australian Disaster Conference, Emergency Manage. of Aust., Canberra, A. C. T.

behaviour is not uniform across all situations some circumstances application of a 'blanket' 100m buffer is considered unnecessarily conservative.

2. Study Area

The study area for the purpose of this mapping project is the Break O' Day Local Government Area ('LGA') as shown in Figure 1. Break O' Day is located in north-eastern Tasmania and adjoins the Dorset, Launceston, Northern Midlands and Glamorgan-Spring Bay LGAs.

The LGA includes a number of existing settlements and communities at risk of bushfire. The bulk of the local population is concentrated to the east along the coast. The population of the east coast increases notably during summer months due to an influx of tourists and absentee landowners.

The bushfire season in Tasmania is typically from November through to March although fires can and do occur outside this peak season. In approximately 50% of seasons there is an increased fire danger period during spring on the east coast including the coastal north east.⁵ This is reflected in the long history of bushfire impacts on communities in this part of the State.

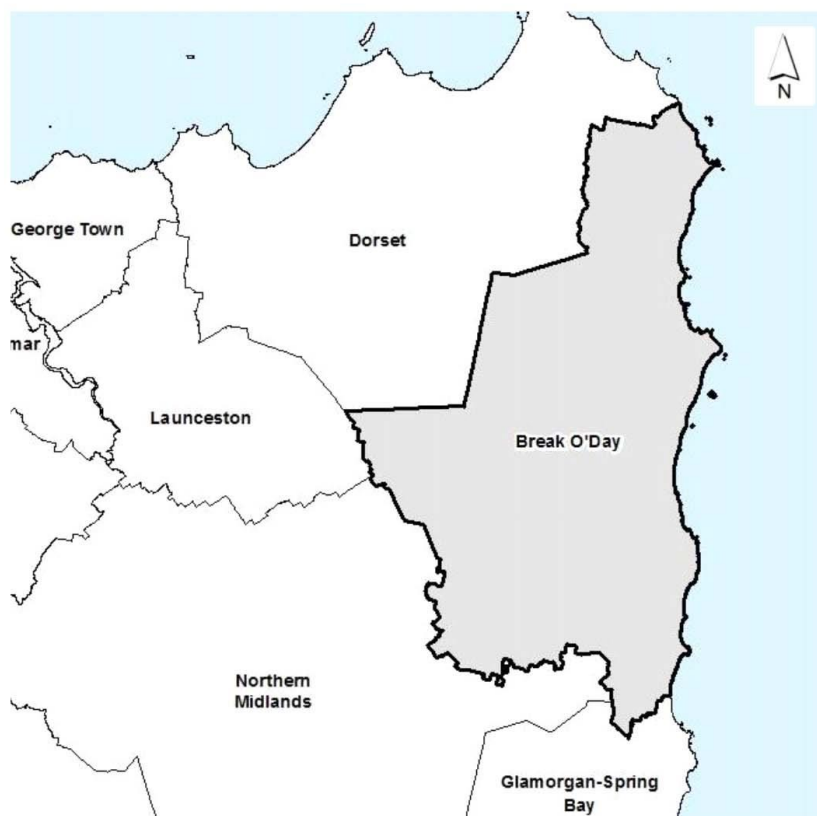


Figure 1 – Location map

⁵ State Fire Management Council, North East Fire Protection Plan 2018

3. Bushfire-Prone Area Overlay

The draft Bushfire-Prone Area Overlay for Break O'Day has been completed following collaborative work between the Tasmania Fire Service and Council officers. The draft maps are enclosed as **Appendix A** to this report.

3.1 Purpose of Overlay

The bushfire-prone area overlay primarily relates to use and development control. Its purpose is to spatially define areas where risk is sufficient to require specific bushfire protection measures in order to achieve a tolerable level of residual risk. The mapping will provide a definitive trigger for assessment under the existing planning and building requirements for bushfire protection. Spatially defining bushfire-prone areas is consistent with the approach adopted for other natural hazards within Tasmanian planning schemes (inundation, landslip hazard).

The mapping is not intended to identify all land that may be impacted by bushfire hazard, nor does it imply that there is nil residual risk to use and development outside of the overlay. Rather, residual risk to use and development outside of the mapped areas is deemed to be tolerable through reliance on other external measures, such as firefighter intervention.

By removing the need to evaluate whether vegetation is 'bushfire-prone' before confirming whether a site is within a 'bushfire-prone area', the mapping will remove ambiguity and improve the development assessment process to the benefit of permit authorities, land owners and developers.

The mapping also provides a more sophisticated mechanism than the standard 100m rule trigger that is currently relied upon. Evaluation of local conditions and likely bushfire behaviour has informed the mapping process and has allowed for some reductions to the standard 100m buffer in situations where it has been determined that the risk does not warrant application of planning or building standards to achieve a tolerable level of residual risk. In doing so, the mapping will refine application of bushfire requirements and reduce circumstances whereby a bushfire report is required for low-risk development.

The overlay can also have other uses. It can be used to support community education in support of community fire safety as it will be accessible through multiple websites including the LIST, iplan, and the TFS website. Additionally, TFS will use the map as the basis for issuing fire permits and when advising the community about using fire and burning off. TFS will not issue Fire Permits outside bushfire-prone areas and will advise the community to not use fire for fire hazard removal outside bushfire-prone areas. Council staff will be able to use the mapped areas when dealing with hazard complaints and abatement issues.

3.2 Mapping Process

The process that has been followed in preparing the draft overlay and that will be followed for implementation is summarised conceptually in Figure 2. The draft overlay has been prepared by the TFS in collaboration with Council's planning officers.

The starting point for the mapping was the generation of a 'modelled overlay', which was created by applying a 100m buffer to all TASVEG 3.0 vegetation communities, excluding those types deemed to be 'low threat' and exclusions as specified under AS 3959-2009.

The mapping provided in TASVEG 3.0 provides high-level guidance with respect to vegetation distribution and as such, its accuracy is limited when applying it to individual properties. The

modelled overlay was therefore based on imperfect spatial data and it was important to verify the boundaries that were produced and adjust accordingly. An initial desktop assessment was undertaken to identify obvious discrepancies and ascertain any key areas that required closer examination.

Verification of specific areas was completed through physical inspection and/or enquiries into the development status and management regime of particular properties where necessary. As discussed previously, bushfire impact is not uniform across all situations and in some cases, relaxation of the standard 100m buffer has been adopted where site characteristics will effectively limit fire intensity, spread and subsequent impact on surrounding development. Relevant factors include the total area, type and location of vegetation, fire run potential, effective slope, prevailing wind and the use, development or land management status of the property.

The overlay was then aligned with cadastral title boundaries. This was necessary to ensure that application of the overlay to specific properties and future developments can be easily determined. For urban lots in particular there is little merit in mapping a property as partially bushfire-prone, hence this has been avoided as far as possible. For lots 2,000sqm (or less) in area the overlay was aligned to include the entire title if an area of 15% (or greater) was affected. For these lots, it is considered increasingly unlikely that a future development on the site would be able to wholly avoid the overlay and - as vegetation communities are not static - the actual separations from hazardous vegetation should be verified at the time a development is proposed. Where the overlay covered less than 15% of an urban title, the title was generally excluded entirely from the overlay, as it is considered increasingly likely that future development will be 100m or further from the hazard source.

The approach used is consistent with that used for the existing bushfire-prone areas overlays within the Clarence Interim Planning Scheme 2015 and the Hobart Interim Planning Scheme 2015. Furthermore, in preparing the overlay TFS has sought to ensure consistency with Tasmanian Planning Commission's *Practice Note 7: Draft LPS Mapping Technical Advice*.

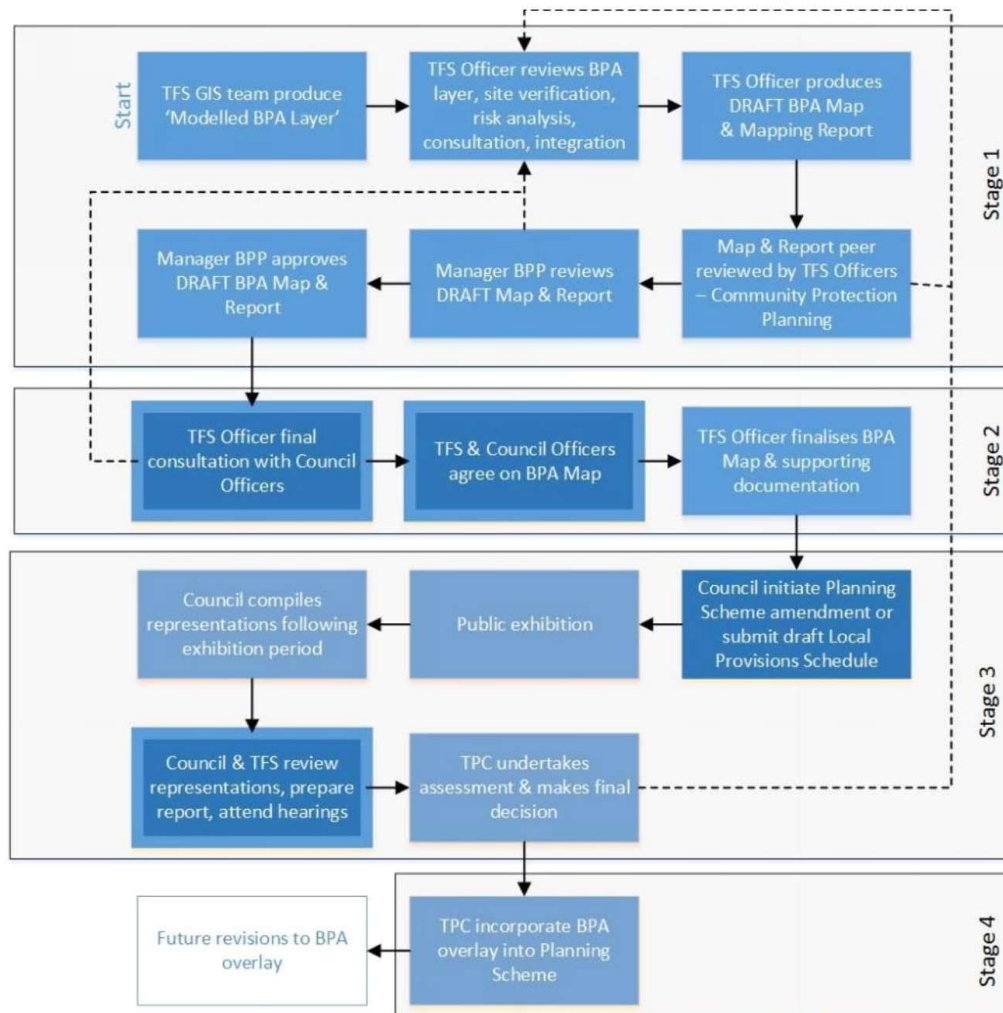


Figure 2 – Overview of mapping preparation and implementation

3.3 Overlay Refinement

As discussed previously, refinement of the original 'modelled overlay' into the final draft overlay has been informed by evaluation of local conditions. The local knowledge provided by Council officers was particularly valuable and has improved the accuracy of the final product.

Grasslands

Where Grassland fuels are predominant the overlay has been limited to include properties within a maximum of 50m (a relaxation from the standard 100m). This relaxation reflects the reduced ember potential associated with Grassland fuels and is consistent with the minimum distance required for a BAL-LOW rating under AS 3959-2009.

Hazard abatement

Section 200 of the *Local Government Act 1993* requires Councils to issue an abatement notice on landowners where a hazard is present. In preparing the overlay consideration has been given to Council's hazard abatement commitments and this has allowed for refinements to be made in certain areas.

Most notably, land zoned for residential use on the northern side of Tully Street, St Helens is likely to be subdivided in the short-medium term. Council has confirmed that this land will be monitored and abated as required to mitigate risk to existing urban residential lots (10m minimum width firebreaks along residential interface).

3.4 Outcome

It is clear that the majority of the land within Break O'Day is designated as 'bushfire-prone' as a result of the mapping process, including a total of 5,576 private parcels.

Table 1 provides a comparison of the number of lots that intersect with the computer generated modelled overlay versus the final draft overlay. The modelled overlay more closely reflects the number of lots that would currently be subject to bushfire requirements under the current 100m rule that operates in the absence of the overlay, as it is based on a 100m buffer from TASVEG mapping. The statistics show that the overall number of properties affected has been reduced as the overlay has been refined.

Table 1 - Comparison of properties affected by modelled overlay versus final draft overlay

Cadastral type ('CAD_TYPE1')	Modelled overlay (n)	Final draft overlay (n)	Difference (n)
Authority Land	1,670	1,506	-164
Local Government Reserve	15	9	-6
Private Parcel	6,635	5,576	-1,059
Public Land Classification	425	418	-7
Total intersected	8,745	7,509	-1,236

Of most significance in Table 1 are the statistics for private parcels. The mapping process has enabled TFS to identify approximately 1,059 private properties that will no longer require further bushfire assessment, should they be developed or redeveloped in future. To illustrate the benefit of this, if each of those properties were to be developed/redeveloped at some stage in the future, the mapping at a minimum would deliver an economic benefit to private landowners in the range of approximately \$0.4M - \$1.06M from the avoided cost of bushfire

assessment fees alone. Further economic benefit is derived from the reduced time required for building work to be designed, documented and approved and potentially also avoided constructions costs for some of the excluded properties (if an exemption were not obtained).

4. Implementation Options

For the mapping to serve its intended statutory function it is necessary to incorporate it within the relevant planning instrument established under the *Land Use Planning and Approvals Act 1993* ('LUPAA').

4.1 Tasmanian Planning Scheme

All Tasmanian Councils are in the process of transitioning from their current planning schemes into a single state-wide planning scheme.

The Tasmanian Planning Scheme ('TPS') will be comprised of the State Planning Provisions ('SPP') and Local Planning Schedules ('LPS'), the latter of which is to be provided by Local Government. It is anticipated that the bushfire-prone areas overlay will be included as part of Council's future LPS.

Once Council's LPS has proceeded through the public exhibition and hearing process and is approved by the Tasmanian Planning Commission, the TPS will supersede the Break O' Day Interim Planning Scheme 2013.

It is anticipated that Break O'Day Council will submit its draft LPS to the Tasmanian Planning Commission for assessment mid-late 2019 however final approval is unlikely to occur before 2020 at the earliest. Once approved, the Tasmanian Planning Scheme will be activated and will supersede Council's interim planning scheme.

4.2 Break O'Day Interim Planning Scheme 2013

To avoid unnecessary delay in the implementation of the bushfire-prone areas overlay, TFS recommends that Council initiate an amendment to the Break O'Day Interim Planning Scheme 2013 via LUPAA's Savings and Transitional Provisions.

Schedule 6 of the *Land Use Planning and Approvals Act 1993* provides the statutory mechanisms to amend interim planning schemes under the former provisions. Council has discretion to initiate a Draft Amendment of its own motion under s.34(1)(b) of the former provisions.

The required amendments to the Interim Planning Scheme include:

- Insertion of overlay maps (refer to Appendix A of this report); and
- Amendment of clause 1.2.1 to refer to the additional overlay maps.

5. Future Revisions

The overlay should be reviewed and updated periodically to ensure it remains accurate. This will logically occur as part of Council's periodic review of their Local Provision Schedules under the Tasmanian Planning Scheme. Section 35O of the *Land Use Planning & Approvals Act 1993* requires that this review occur every five years at a minimum, however a draft amendment may be prepared at any time.

In the situation where a scheme amendment is required to facilitate a new development (e.g. a combined rezoning and greenfield subdivision proposal) it may be appropriate to review and modify the overlay as part of the amendment process. It is anticipated that TFS will be consulted as part of this process.

6. Statutory Planning Requirements

6.1 Requirements for TPS Local Provision Schedules

It is anticipated that the overlay will eventually be included as part of Council's Local Provision Schedules. At that time, the overlay will need to be considered in the context of s.34(2) of the *Land Use Planning & Approvals Act 1993* (current provisions).

S.34(2) states:

34. LPS criteria

(1) ...

(2) *The LPS criteria to be met by a relevant planning instrument are that the instrument –*

(a) contains all the provisions that the SPPs specify must be contained in an LPS; and

(b) is in accordance with section 32 ; and

(c) furthers the objectives set out in Schedule 1 ; and

(d) is consistent with each State policy; and

(e) is consistent with the regional land use strategy, if any, for the regional area in which is situated the land to which the relevant planning instrument relates; and

(f) is consistent with the strategic plan, prepared under section 66 of the Local Government Act 1993 , that applies in relation to the land to which the relevant planning instrument relates; and

(g) as far as practicable, is consistent with and co-ordinated with any LPSs that apply to municipal areas that are adjacent to the municipal area to which the relevant planning instrument relates; and

(h) has regard to the safety requirements set out in the standards prescribed under the Gas Pipelines Act 2000 .

(3) ...

Incorporating the mapping as an overlay is consistent with the relevant provisions of the State Planning Provisions (specifically clause 1.2.3 and the definition of 'bushfire-prone area' in clause C13.3.1). The overlay is therefore consistent with s.34(2)(a).

Relevant to s.32, the map overlay will provide for the spatial application of the State Planning Provisions to particular land and is accordingly consistent with s.34(2)(b).

The overlay is considered to be consistent with the strategic considerations referred to in s.34(2)(c),(d),(e) and (f), as discussed further in section 7 of this report.

The overlay has been designed to integrate with the draft mapping completed for adjoining LGAs and is consistent with s.34(2)(g).

The overlay will not introduce any new development standards, rather it will support the application of an existing Code. As such, it is not considered to be in conflict with the *Gas Pipelines Act 2000* and therefore satisfies s.34(2)(h).

The overlay will not introduce any new development standards, rather it will support the application of an existing Code. As such, it is not considered to be in conflict with the *Gas Pipelines Act 2000* and therefore satisfies s.34(2)(h).

6.2 Requirements for IPS Draft Amendments

Section 34(1) of the former provisions of the *Land Use Planning & Approvals Act 1993* is relevant to an amendment to an interim planning scheme and allows a planning authority to initiate such an amendment of its own motion.

Prior to certifying a draft amendment, s.35 of the former provisions requires that the planning authority be satisfied that it meets the requirements of s.32, which states:

32. Requirements for preparation of amendments

(1) A draft amendment of a planning scheme, and an amendment of a planning scheme, in the opinion of the relevant decision-maker within the meaning of section 20(2A) –

(a) – (d) ...

(e) must, as far as practicable, avoid the potential for land use conflicts with use and development permissible under the planning scheme applying to the adjacent area; and

(ea) must not conflict with the requirements of section 30O ; and

(f) must have regard to the impact that the use and development permissible under the amendment will have on the use and development of the region as an entity in environmental, economic and social terms.

The introduction of the proposed overlay will provide clarity and certainty with regards to the application of existing planning and building requirements – no new requirements will be introduced. Accordingly, a draft amendment that introduces the overlay will not create any new land use conflict issues and is considered to satisfy (e).

With regards to (ea):

- s.30O(1) requires consistency with the relevant regional land use strategy. As is discussed in section 7 of this report, the overlay is consistent with the relevant regional land use strategy;
- s.30O(2)-(5) relates to conflict between local and common provisions. No changes to any development standards are proposed.

The draft amendment will therefore satisfy (ea).

Introduction of the overlay will provide a range of social and economic benefits, as discussed previously in this report. As it relates to existing development standards, it will have no significant environmental effects. The draft amendment will therefore satisfy (f).

7. Strategic Considerations

7.1 LUPAA Schedule 1 Objectives

Schedule 1 of the *Land Use Planning and Approvals Act 1993* specifies the strategic objectives for the Resource Management and Planning System and for the planning process established by the Act.

The Schedule 1 Objectives are considered in Table 2 and Table 3.

Table 2 - Schedule 1, Part 1 Objectives

Objective	Response
<i>(a) to promote the sustainable development of natural and physical resources and the maintenance of ecological processes and genetic diversity; and</i>	<p>The proposed overlay will support the application of existing development requirements. It will not facilitate any loss of natural values, nor any development of physical resources.</p> <p>Implementation of the overlay is accordingly consistent with (a).</p>
<i>(b) to provide for the fair, orderly and sustainable use and development of air, land and water; and</i>	<p>The proposed overlay will improve clarity for the community, for developers and for regulatory authorities responsible for assessing planning and building permit applications.</p> <p>In developing the overlay, some areas that could currently be considered as being within a 'bushfire-prone area' but which have been deemed to be suitably low threat. This was based on expert judgement in bushfire behaviour and evaluation of local conditions. By refining the application of the bushfire requirements in this way, the overlay will facilitate fairer outcomes for landowners.</p> <p>Implementation of the overlay is accordingly consistent with (b).</p>
<i>(c) to encourage public involvement in resource management and planning; and</i>	<p>In developing the bushfire-prone areas overlay the Tasmania Fire Service has sought and considered input from Council's officers. This dialogue has provided important local knowledge into the project, in relation to land use practices and management of specific sites.</p> <p>Whether the overlay is introduced via an amendment to the Tasman Interim Planning Scheme or via the Tasmanian Planning Scheme, the general public will have an opportunity to review the overlay and submit a representation on any aspect they wish the Planning Authority to consider.</p> <p>Implementation of the overlay is accordingly consistent with (c).</p>
<i>(d) to facilitate economic development in accordance with the objectives set out in paragraphs (a), (b) and (c); and</i>	<p>The overlay will improve clarity with respect to whether a site is within a 'bushfire-prone area' for the purposes of planning and building approval. This will support property development in the following ways:</p> <ul style="list-style-type: none"> It will ensure landowners and developers can easily determine whether their site is in a bushfire-prone area

	<p>early in the development process and therefore factor this into concept design and feasibility assessments;</p> <ul style="list-style-type: none"> By removing areas from the mapping that have been deemed to be suitably low threat by the Tasmania Fire Service, the planning scheme amendment will reduce costs and delays from the approvals process for applicants (e.g. costs of engaging a bushfire hazard practitioner to certify an exemption, delays associated with s.54 requests). <p>The overlay will not facilitate any loss of natural values, nor any development of physical resources.</p> <p>Implementation of the overlay is accordingly consistent with (d).</p>
<i>(e) to promote the sharing of responsibility for resource management and planning between the different spheres of Government, the community and industry in the State.</i>	<p>The Tasmania Fire Service has collaborated with Council officers in preparing the mapping to ensure that it is technically sound and appropriate to local circumstances.</p> <p>By incorporating the mapping within local planning provisions it will support the application of the Bushfire-Prone Areas Code (Planning Directive 5.1), which Local Government is obliged to enforce.</p> <p>The approvals process requires the support of both Council and the Tasmanian Planning Commission for the mapping to become effective.</p> <p>Implementation of the overlay is accordingly consistent with (e).</p>

Table 3 - Schedule 1, Part 2 Objectives

Objective	Response
<i>(a) to require sound strategic planning and co-ordinated action by State and local government; and</i>	<p>The introduction of the Bushfire-Prone Areas Code as a state-wide Planning Directive was a strategic response by the Tasmanian Government to the recommendations produced by the Victorian Bushfires Royal Commission. Incorporating the proposed overlay as part of Council's planning instrument will support the application of the Bushfire-Prone Areas Code.</p> <p>The approach used in developing the mapping is consistent with that used for the Clarence and Hobart interim planning schemes. Tasmania Fire Service seeks to maintain a consistent approach as it progresses mapping for all remaining Local Government Areas.</p> <p>As is discussed further in this report, the overlay is consistent with current State Policies and the relevant regional land use strategy.</p> <p>Implementation of the overlay is accordingly consistent with (a).</p>
<i>(b) to establish a system of planning instruments to be the principal way of setting</i>	<p>As discussed previously in this report, the proposed scheme amendment will support the efficient application of the Bushfire-</p>

<i>objectives, policies and controls for the use, development and protection of land; and</i>	<p>Prone Areas Code (and building regulations) by clearly identifying which land is subject to its provisions.</p> <p>Implementation of the overlay is accordingly consistent with (b).</p>
<i>(c) to ensure that the effects on the environment are considered and provide for explicit consideration of social and economic effects when decisions are made about the use and development of land; and</i>	<p>The overlay will not facilitate any loss of biodiversity or any other impacts on natural values.</p> <p>The social and economic benefit of the overlay will be to improve clarity with respect to what land is considered bushfire-prone and to avoid application of the planning/building regulations to land that has been deemed to be suitably low threat.</p> <p>Implementation of the overlay is accordingly consistent with (c).</p>
<i>(d) to require land use and development planning and policy to be easily integrated with environmental, social, economic, conservation and resource management policies at State, regional and municipal levels; and</i>	<p>As occurs at present, future development in bushfire-prone areas will be required to comply with all other applicable planning and environmental requirements. Introduction of the overlay is not considered to be in conflict with any environmental, social, economic, conservation or resource management policies.</p> <p>Implementation of the overlay is accordingly consistent with (d).</p>
<i>(e) to provide for the consolidation of approvals for land use or development and related matters, and to co-ordinate planning approvals with related approvals; and</i>	<p>At present, bushfire requirements are triggered either at the planning approval or building approval stage, depending on the type of development proposed. Under each process the definition of 'bushfire-prone area' refers to planning scheme overlay mapping (where available). The completion of the overlay will ensure that assessments as to whether a site is bushfire-prone will be consistent throughout the entire process.</p> <p>Single dwellings, visitor accommodation and some other types of buildings are triggered through the building approvals process and not at planning. This can give rise to situations whereby a development may receive planning approval that does not account for the vegetation removal required to comply with the bushfire requirements at the building approvals stage. Inclusion of the overlay will ensure that assessing planning officers and developers consider - at the development application stage - any requirement to consider vegetation removal.</p> <p>Implementation of the overlay is accordingly consistent with (e).</p>
<i>(f) to promote the health and wellbeing of all Tasmanians and visitors to Tasmania by ensuring a pleasant, efficient and safe environment for working, living and recreation; and</i>	<p>The overlay will support the application of planning and building requirements for bushfire protection, the key purpose of which are to reduce risk to life and property. Furthermore, as it will be a publically accessible layer it will support community awareness of bushfire risk.</p> <p>The overlay will therefore support the aim of securing a safe environment for working, living and recreation.</p> <p>Implementation of the overlay is accordingly consistent with (f).</p>
<i>(g) to conserve those buildings, areas or other places which are of scientific, aesthetic,</i>	<p>As no new development standards are proposed to be introduced, the overlay is not considered to be in conflict with the</p>

<i>architectural or historical interest, or otherwise of special cultural value; and</i>	conservation of any places identified as holding heritage, aesthetic, architectural or other cultural value. Implementation of the overlay is accordingly consistent with (g).
<i>(h) to protect public infrastructure and other assets and enable the orderly provision and co-ordination of public utilities and other facilities for the benefit of the community; and</i>	The overlay will not affect the requirements of the Bushfire-Prone Areas Code – it will simply clarify its application. The overlay is therefore not considered to be in conflict with public infrastructure and will not compromise the orderly provision and co-ordination of public utilities. Implementation of the overlay is accordingly consistent with (h).
<i>(i) to provide a planning framework which fully considers land capability.</i>	Incorporation of the overlay will have no significant effect on agricultural land capability. Implementation of the overlay is accordingly consistent with (i).

7.2 State Policies

Current State Policies created under the *State Policies and Projects Act 1993* include:

- State Policy on the Protection of Agricultural Land 2009;
- State Coastal Policy 1996; and
- State Policy on Water Quality Management 1997.

The proposed amendment to the Planning Scheme does not introduce any new development standards, rather, it will improve the application of the Bushfire-Prone Areas Code. The amendment will accordingly not facilitate the loss of productive agricultural land, nor the degradation of coastal land or water resources. The scheme amendment is accordingly not considered to be in conflict with any of the existing State Policies.

7.3 Northern Tasmania Regional Land Use Strategy

The relevant regional land use strategy for Break O' Day is the Regional Land Use Strategy of Northern Tasmania ('RLUS'), as amended by 27th June 2018.

The key section of RLUS is Section E.7 Regional Environment. The relevant policies and actions are as follows:

Policy	Relevant Actions
...	...
NH-P03 Future land use and development is to minimise risk to people and property resulting from bushfire hazard.	NH-A05 Include controls in planning schemes based on current best practice to minimise risk to persons and property resulting from bushfire hazard. NH-A06 Subdivision design is to respond to bushfire hazard risks by providing for alternative access, building setbacks and buffer distances based on current best practice.

NH-A07 Adopt the relevant risk management AS/NZS standard as part of core management methods for emergency, hazard and risk management.

Incorporation of the proposed overlay will mean that bushfire-prone land will be easily identifiable early in the land use and development process. The mapping will signal to developers that there are Code (and building) requirements that need to be considered during any due-diligence evaluation, subdivision design or building design.

Inclusion of the overlay within the LPS will support existing bushfire regulations by providing a clear mechanism to trigger their application, thereby facilitating consistency in the permit approvals process. The mapping will integrate with the existing format of the Bushfire-Prone Areas Code and building regulations, each of which defines ‘bushfire-prone area’ by reference to the planning scheme overlay map.

The overlay may also be utilised to inform other risk mitigation programs including hazard abatement programs. Fire Permits and community education.

Incorporation of the overlay is accordingly consistent with NH-P03 and its associated actions.

7.4 Break O’ Day Council Strategic Plan 2017-2027

The Break O’ Day Council Strategic Plan 2017-2027 is the relevant strategic plan prepared under s.66 of the *Local Government Act 1993*.

The Strategic Plan provides high-level guidance in the form of goals, objectives and supporting strategies that seek to guide Council’s delivery of services to the community. These are in three key areas: Community, Economy and Environment.

The goals and strategies for ‘Community’ are as follows:

Goal	Strategies
To strengthen our sense of community and lifestyle through opportunities for people to connect and feel valued.	<ol style="list-style-type: none">1. Create an informed and involved community by developing channels of communication.2. Build community capacity by creating opportunities for involvement or enjoyment that enable people to share their skills and knowledge.3. Foster and support leadership within the community to share the responsibility for securing the future we desire.4. Foster a range of community facilities and programs which strengthen the capacity, wellbeing and cultural identity of our community.

The proposed overlay does not directly relate to the goals and strategies for ‘Community’ although it is noted that it will support public awareness of bushfire risk. All members of the community will have the opportunity to comment on the draft overlay during the public exhibition period, as required under the Act.

The goals and strategies for 'Economy' are as follows:

Goal	Strategies
<i>To foster innovation and develop vibrant and growing local economies which offer opportunities for employment and development of businesses across a range of industry sectors.</i>	<ol style="list-style-type: none"> <i>1. Develop and highlight opportunities which exist and can be realised in a manner that respects the natural environment and lifestyle of the BOD area.</i> <i>2. Provision of relevant training and skills development programs to create a workforce for the future that meets the changing needs of business.</i> <i>3. Create a positive brand which draws on the attractiveness of the area and lifestyle to entice people and businesses' to live and work in BOD.</i> <i>4. Support and encourage innovation and growth in the economy through local leadership; infrastructure provision; support services and customer focussed service delivery.</i>

Introduction of the overlay will support the local economy in the sense that it will provide clarity and consistency in planning and building approvals processes that govern new use and developments. Clearly identifying land that is subject to current planning and building requirements for bushfire is important as it increases the likelihood that the issue will be considered early in the development process (i.e. as part of preliminary due diligence and in decisions relating to site selection and building siting). In this way, the overlay will help simplify Council processes.

The overlay will also provide a relevant information source for providers of small-scale visitor accommodation in existing dwellings who may not be aware of bushfire risk to their property and their occupants.⁶

The goals and strategies for 'Environment' are as follows:

Goal	Strategies
<i>To balance our use of the natural environment to ensure that it is available for future generations to enjoy as we do.</i>	<ol style="list-style-type: none"> <i>1. Ensure the necessary regulations and information is in place to enable appropriate use and address inappropriate actions.</i> <i>2. Increase the community's awareness of the natural environment; the pressures it faces; and actions we can take to sustain it and what it provides.</i> <i>3. Undertake and support activities which restore, protect and access the natural environment which enables us to care for, celebrate and enjoy it.</i> <i>4. Recognise and alleviate the issues and risks to the environment from our use, and the risk to us from a changing environment.(For example flood and fire.)</i>

Again, providing clarity with regards to which land is subject to current planning and building requirements for bushfire is important as it increases the likelihood that the issue will be considered early in the development process. This is particularly important for tourism-related

⁶ With the introduction of Planning Directive No.6 and associated changes to building regulations, these types of premises are largely unregulated and are not currently required to comply with bushfire protection requirements that ordinarily are appropriate for visitor accommodation land uses.

use and developments, which are particularly vulnerable to bushfire and are may not be appropriate in some bushfire-prone areas but are not currently subject to bushfire requirements until the building permit stage.

The overlay will be publically accessible by any person in the community who seeks to inform themselves on this matter and will support TFS community education initiatives.

8. Conclusion

The Tasmania Fire Service in collaboration with Council officers have completed the draft bushfire-prone areas overlay for the Break O'Day municipality.

The overlay identifies land where potential exposure to bushfire hazard is considered sufficient to warrant a planning or building response to reduce risk to life and property. It will greatly improve clarity in relation to the application of existing requirements, thereby improving the efficiency and consistency of planning and building approvals processes.

In the process of developing the overlay, a significant number of properties have been able to be mapped out on the basis of insufficient risk to warrant a built response. Introduction of the overlay presents a significant economic benefit to those landowners.

The overlay will also support community education on community fire safety and will provide a useful resource for the administration of the fire permit system and hazard abatement programs.

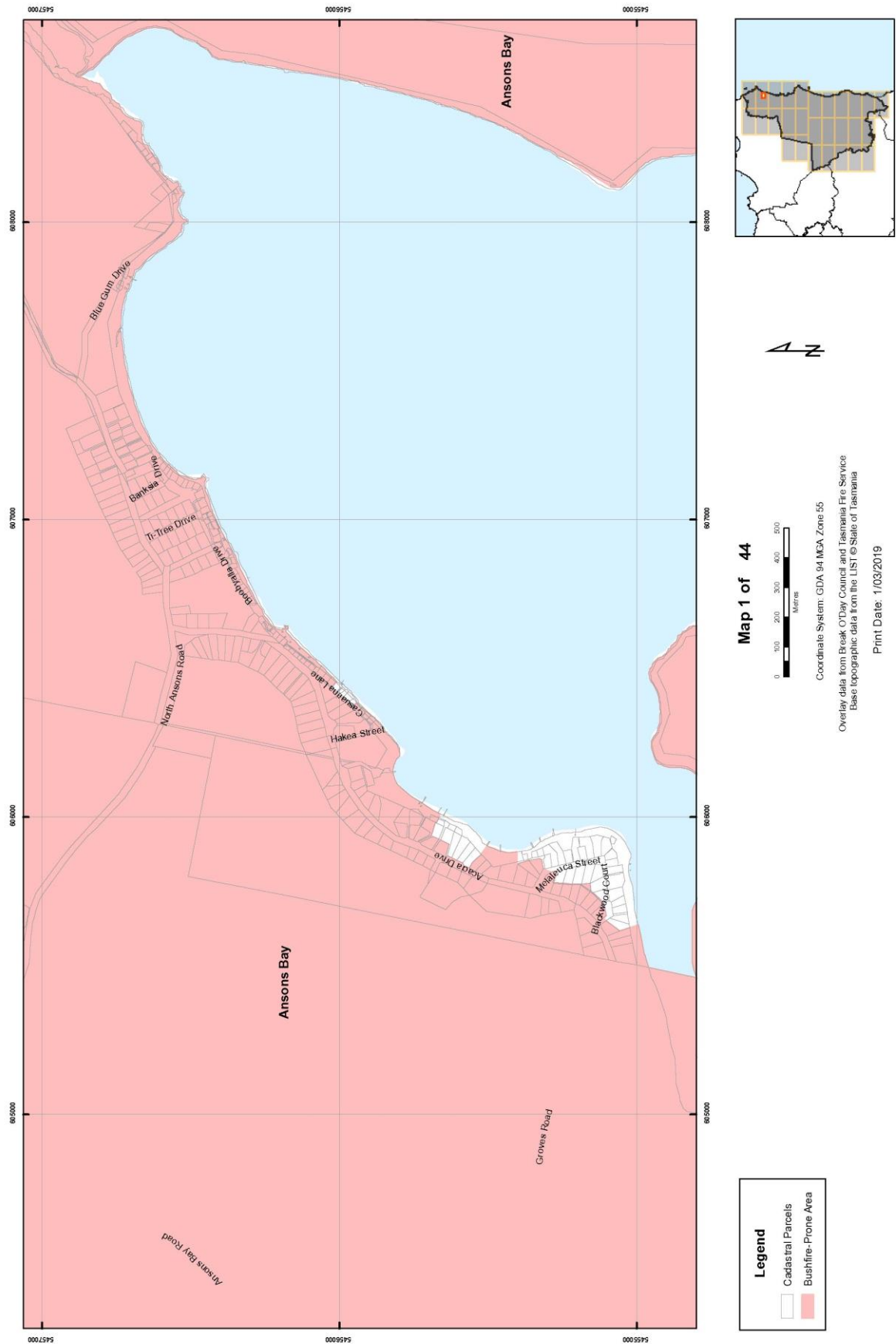
As discussed in this report, incorporating the mapping as an overlay within the Break O'Day Interim Planning Scheme 2013 (and ultimately within the Tasmanian Planning Scheme) is consistent with all relevant strategic planning considerations.

It is recommended that Council initiates a Draft Amendment to the Break O'Day Interim Planning Scheme 2013 to introduce the overlay.

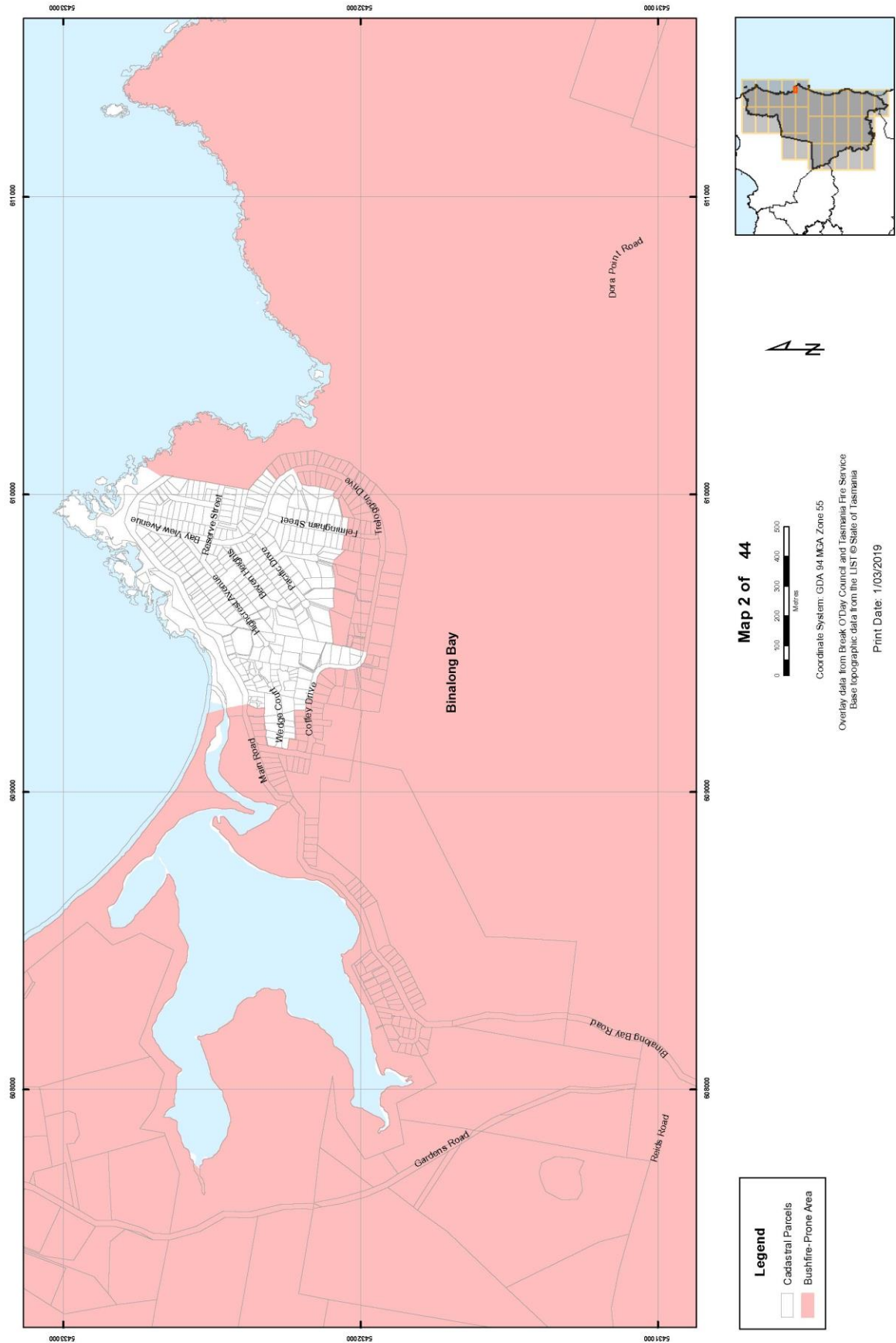
APPENDIX A

Bushfire-Prone Areas Overlay

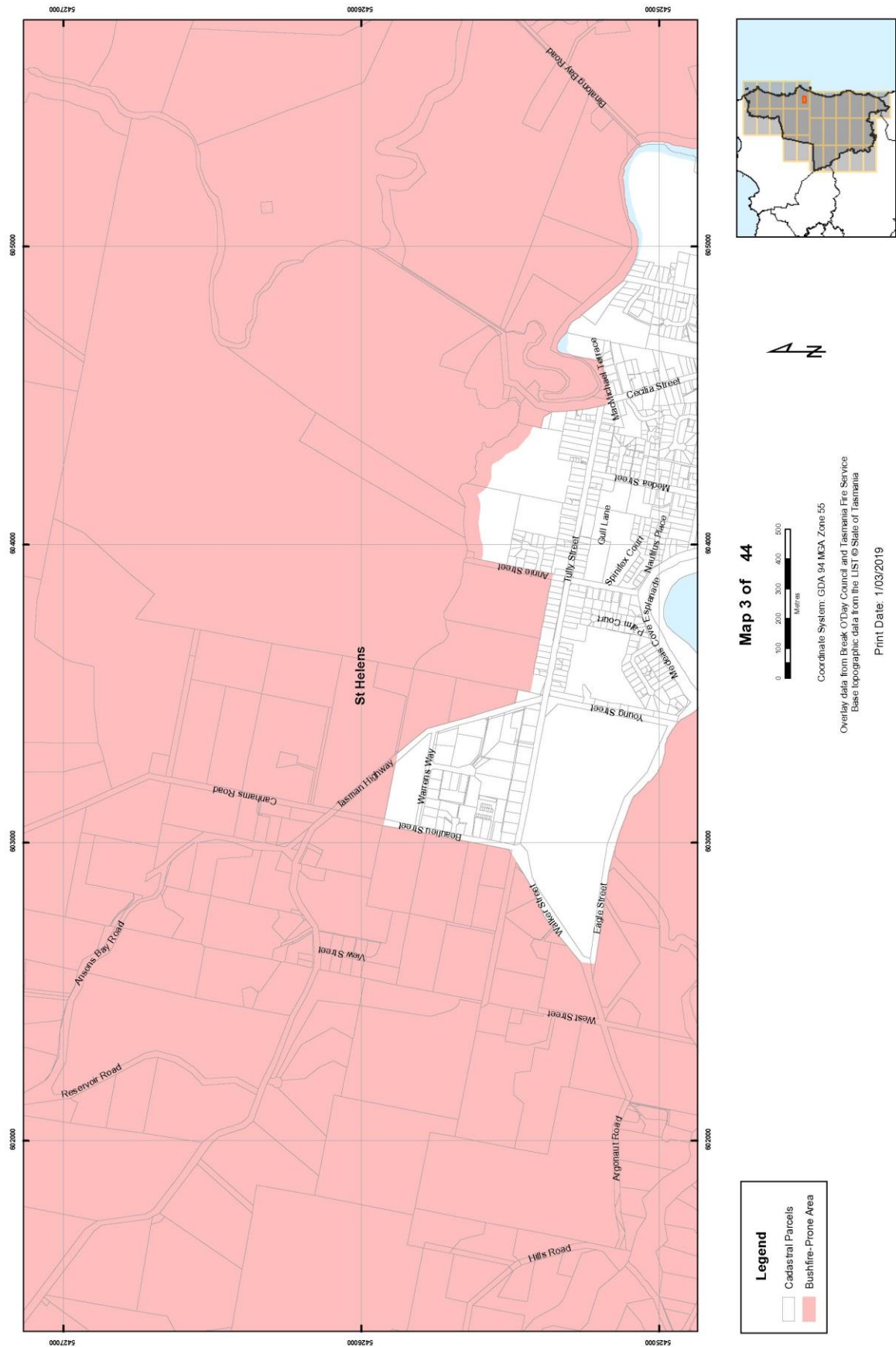
BREAK O'DAY INTERIM PLANNING SCHEME 2013 - BUSHFIRE-PRONE AREAS OVERLAY



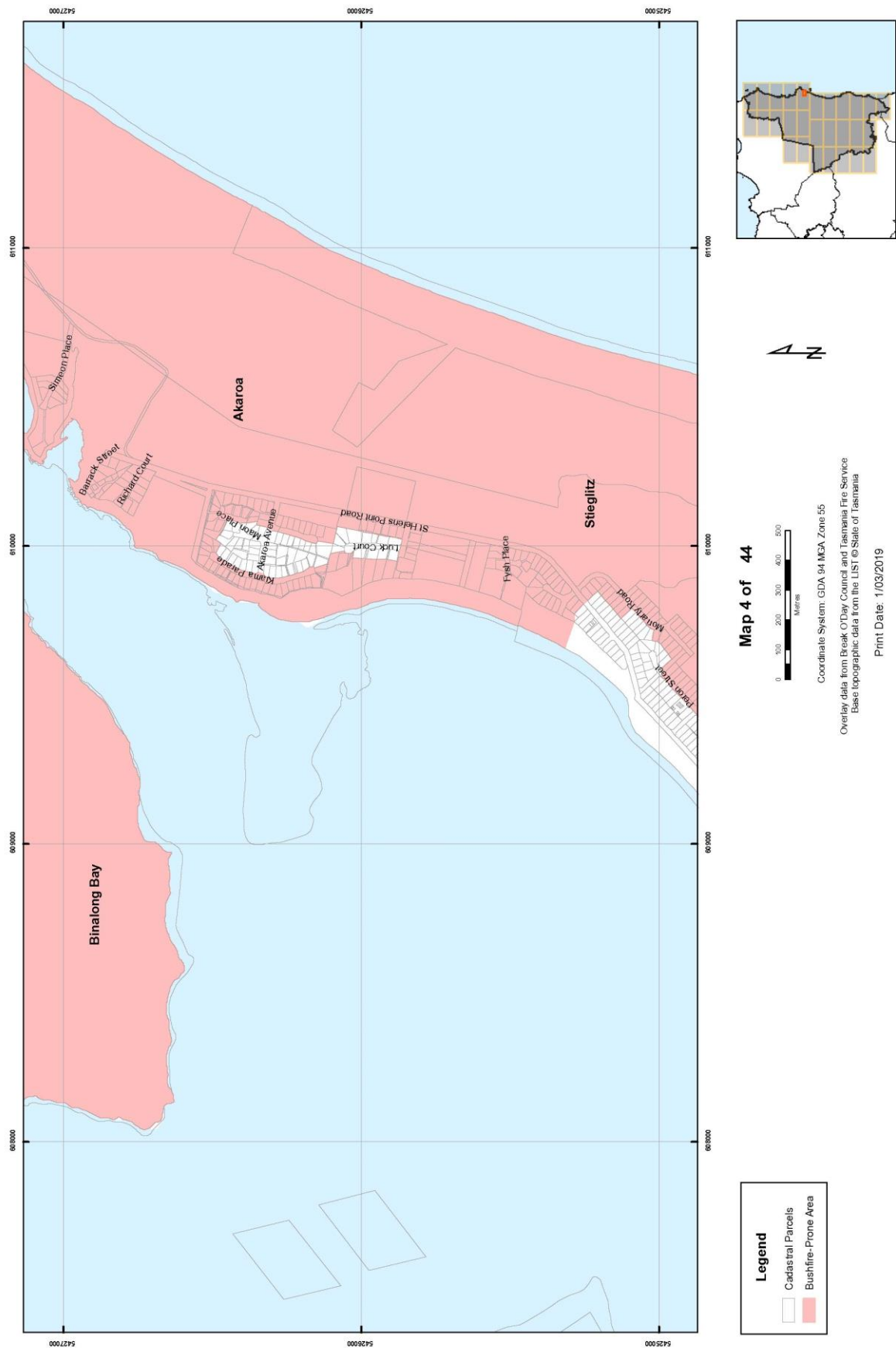
BREAK O'DAY INTERIM PLANNING SCHEME 2013 - BUSHFIRE-PRONE AREAS OVERLAY



BREAK O'DAY INTERIM PLANNING SCHEME 2013 - BUSHFIRE-PRONE AREAS OVERLAY



BREAK O'DAY INTERIM PLANNING SCHEME 2013 - BUSHFIRE-PRONE AREAS OVERLAY



The map displays the town of St Helens, Merseyside, and its surrounding areas. The River Mersey is a prominent feature, flowing through the town and forming a natural boundary with the Wirral Peninsula to the west. The town is divided into several distinct areas, including the town center, the residential areas of the north and south, and the industrial areas along the river. The map shows a dense network of streets, including major roads like A56, A58, and A59, and numerous residential streets. The River Mersey is shown flowing through the town, with several bridges crossing it. The map is oriented with North at the top.

Key locations and streets labeled on the map include:

- Streets:** A56, A58, A59, A60, A61, A62, A63, A64, A65, A66, A67, A68, A69, A70, A71, A72, A73, A74, A75, A76, A77, A78, A79, A80, A81, A82, A83, A84, A85, A86, A87, A88, A89, A90, A91, A92, A93, A94, A95, A96, A97, A98, A99, A100, A101, A102, A103, A104, A105, A106, A107, A108, A109, A110, A111, A112, A113, A114, A115, A116, A117, A118, A119, A120, A121, A122, A123, A124, A125, A126, A127, A128, A129, A130, A131, A132, A133, A134, A135, A136, A137, A138, A139, A140, A141, A142, A143, A144, A145, A146, A147, A148, A149, A150, A151, A152, A153, A154, A155, A156, A157, A158, A159, A160, A161, A162, A163, A164, A165, A166, A167, A168, A169, A170, A171, A172, A173, A174, A175, A176, A177, A178, A179, A180, A181, A182, A183, A184, A185, A186, A187, A188, A189, A190, A191, A192, A193, A194, A195, A196, A197, A198, A199, A200, A201, A202, A203, A204, A205, A206, A207, A208, A209, A210, A211, A212, A213, A214, A215, A216, A217, A218, A219, A220, A221, A222, A223, A224, A225, A226, A227, A228, A229, A230, A231, A232, A233, A234, A235, A236, A237, A238, A239, A240, A241, A242, A243, A244, A245, A246, A247, A248, A249, A250, A251, A252, A253, A254, A255, A256, A257, A258, A259, A260, A261, A262, A263, A264, A265, A266, A267, A268, A269, A270, A271, A272, A273, A274, A275, A276, A277, A278, A279, A280, A281, A282, A283, A284, A285, A286, A287, A288, A289, A290, A291, A292, A293, A294, A295, A296, A297, A298, A299, A300, A301, A302, A303, A304, A305, A306, A307, A308, A309, A310, A311, A312, A313, A314, A315, A316, A317, A318, A319, A320, A321, A322, A323, A324, A325, A326, A327, A328, A329, A330, A331, A332, A333, A334, A335, A336, A337, A338, A339, A340, A341, A342, A343, A344, A345, A346, A347, A348, A349, A350, A351, A352, A353, A354, A355, A356, A357, A358, A359, A360, A361, A362, A363, A364, A365, A366, A367, A368, A369, A370, A371, A372, A373, A374, A375, A376, A377, A378, A379, A380, A381, A382, A383, A384, A385, A386, A387, A388, A389, A390, A391, A392, A393, A394, A395, A396, A397, A398, A399, A400, A401, A402, A403, A404, A405, A406, A407, A408, A409, A410, A411, A412, A413, A414, A415, A416, A417, A418, A419, A420, A421, A422, A423, A424, A425, A426, A427, A428, A429, A430, A431, A432, A433, A434, A435, A436, A437, A438, A439, A440, A441, A442, A443, A444, A445, A446, A447, A448, A449, A450, A451, A452, A453, A454, A455, A456, A457, A458, A459, A460, A461, A462, A463, A464, A465, A466, A467, A468, A469, A470, A471, A472, A473, A474, A475, A476, A477, A478, A479, A480, A481, A482, A483, A484, A485, A486, A487, A488, A489, A490, A491, A492, A493, A494, A495, A496, A497, A498, A499, A500, A501, A502, A503, A504, A505, A506, A507, A508, A509, A510, A511, A512, A513, A514, A515, A516, A517, A518, A519, A520, A521, A522, A523, A524, A525, A526, A527, A528, A529, A530, A531, A532, A533, A534, A535, A536, A537, A538, A539, A540, A541, A542, A543, A544, A545, A546, A547, A548, A549, A550, A551, A552, A553, A554, A555, A556, A557, A558, A559, A560, A561, A562, A563, A564, A565, A566, A567, A568, A569, A570, A571, A572, A573, A574, A575, A576, A577, A578, A579, A580, A581, A582, A583, A584, A585, A586, A587, A588, A589, A590, A591, A592, A593, A594, A595, A596, A597, A598, A599, A600, A601, A602, A603, A604, A605, A606, A607, A608, A609, A610, A611, A612, A613, A614, A615, A616, A617, A618, A619, A620, A621, A622, A623, A624, A625, A626, A627, A628, A629, A630, A631, A632, A633, A634, A635, A636, A637, A638, A639, A640, A641, A642, A643, A644, A645, A646, A647, A648, A649, A650, A651, A652, A653, A654, A655, A656, A657, A658, A659, A660, A661, A662, A663, A664, A665, A666, A667, A668, A669, A670, A671, A672, A673, A674, A675, A676, A677, A678, A679, A680, A681, A682, A683, A684, A685, A686, A687, A688, A689, A690, A691, A692, A693, A694, A695, A696, A697, A698, A699, A700, A701, A702, A703, A704, A705, A706, A707, A708, A709, A710, A711, A712, A713, A714, A715, A716, A717, A718, A719, A720, A721, A722, A723, A724, A725, A726, A727, A728, A729, A730, A731, A732, A733, A734, A735, A736, A737, A738, A739, A740, A741, A742, A743, A744, A745, A746, A747, A748, A749, A750, A751, A752, A753, A754, A755, A756, A757, A758, A759, A760, A761, A762, A763, A764, A765, A766, A767, A768, A769, A770, A771, A772, A773, A774, A775, A776, A777, A778, A779, A780, A781, A782, A783, A784, A785, A786, A787, A788, A789, A790, A791, A792, A793, A794, A795, A796, A797, A798, A799, A800, A801, A802, A803, A804, A805, A806, A807, A808, A809, A810, A811, A812, A813, A814, A815, A816, A817, A818, A819, A820, A821, A822, A823, A824, A825, A826, A827, A828, A829, A830, A831, A832, A833, A8



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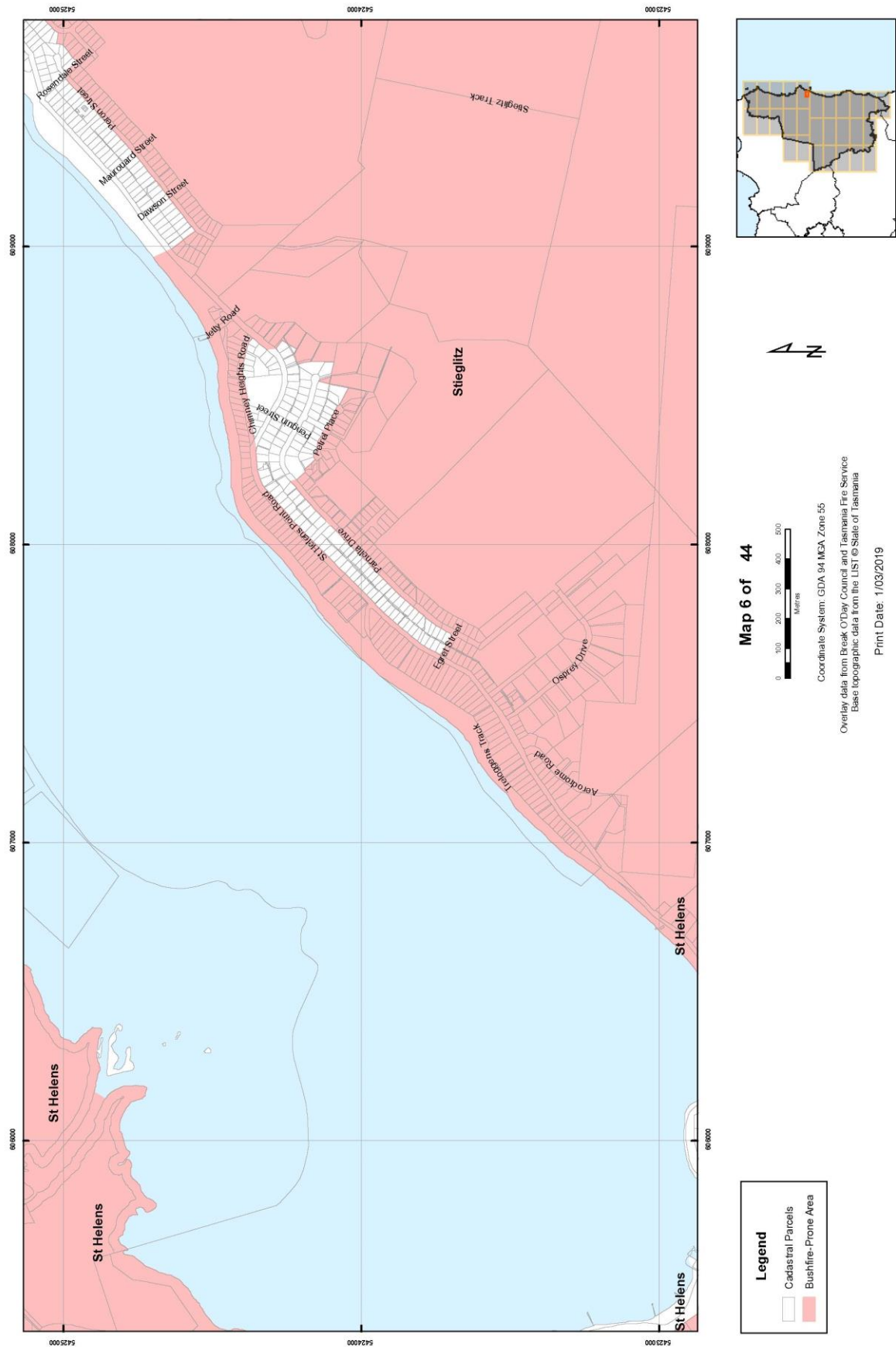


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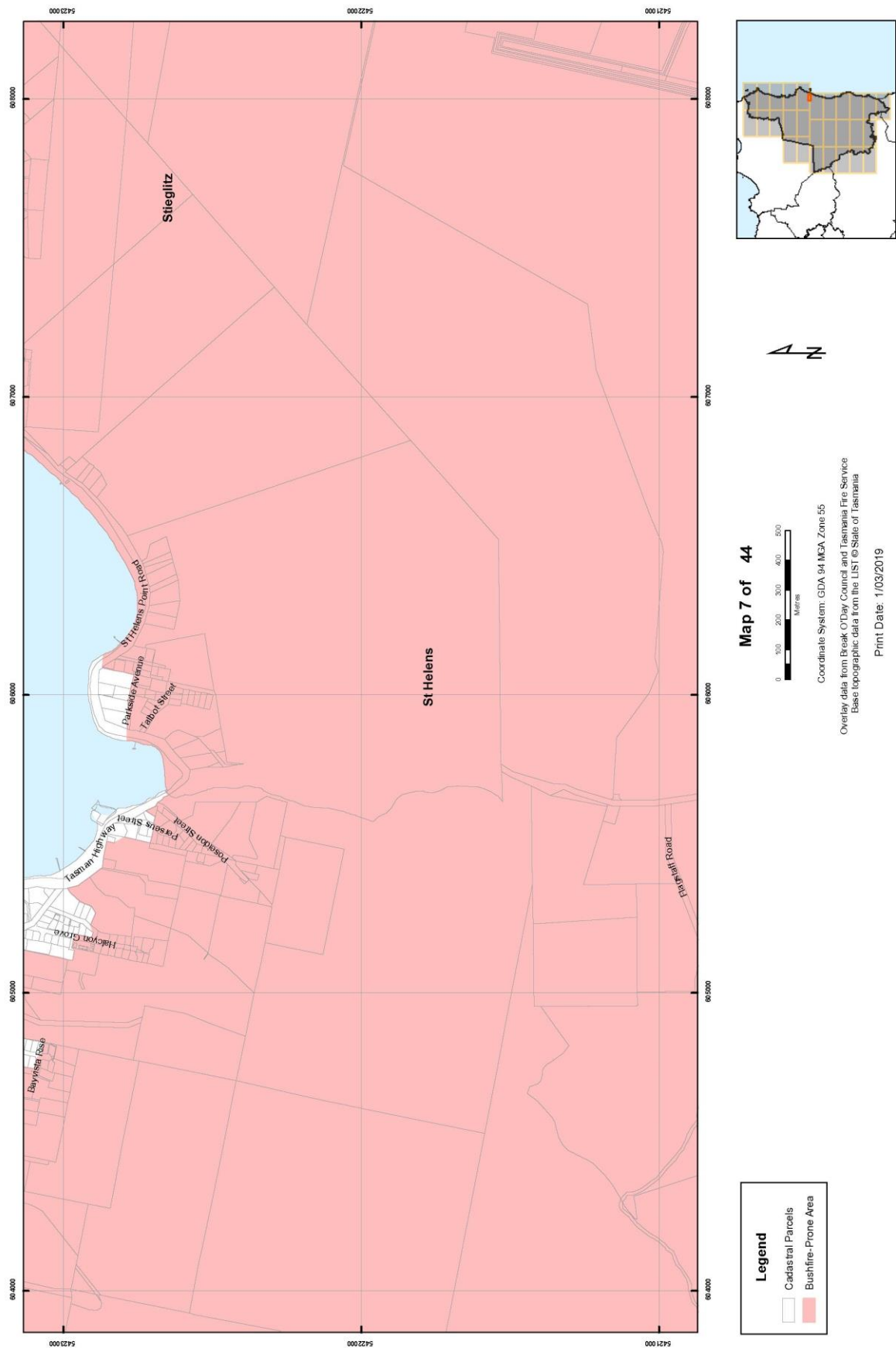
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Base topographic data from the LIST © State of Tasmania

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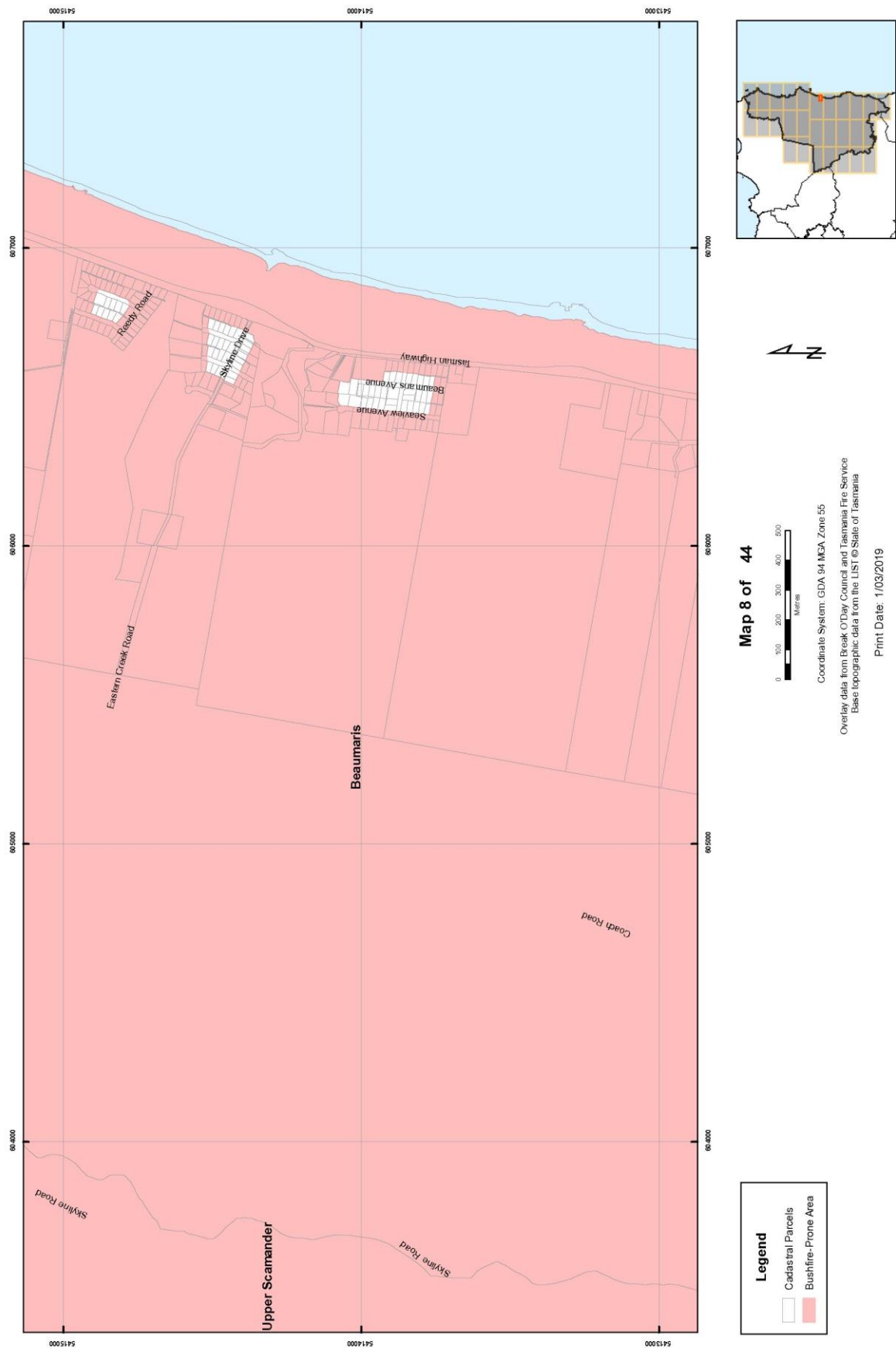
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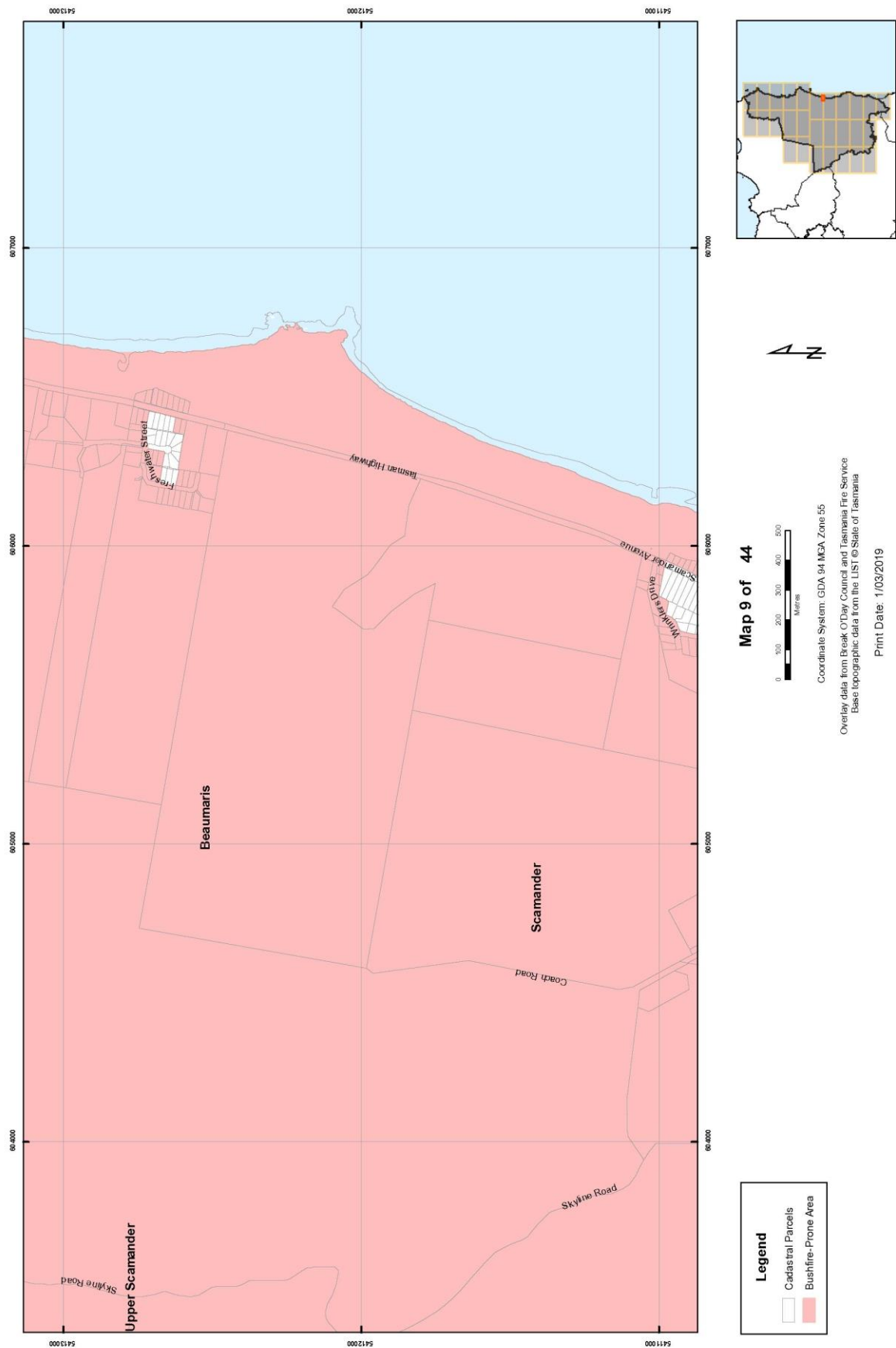
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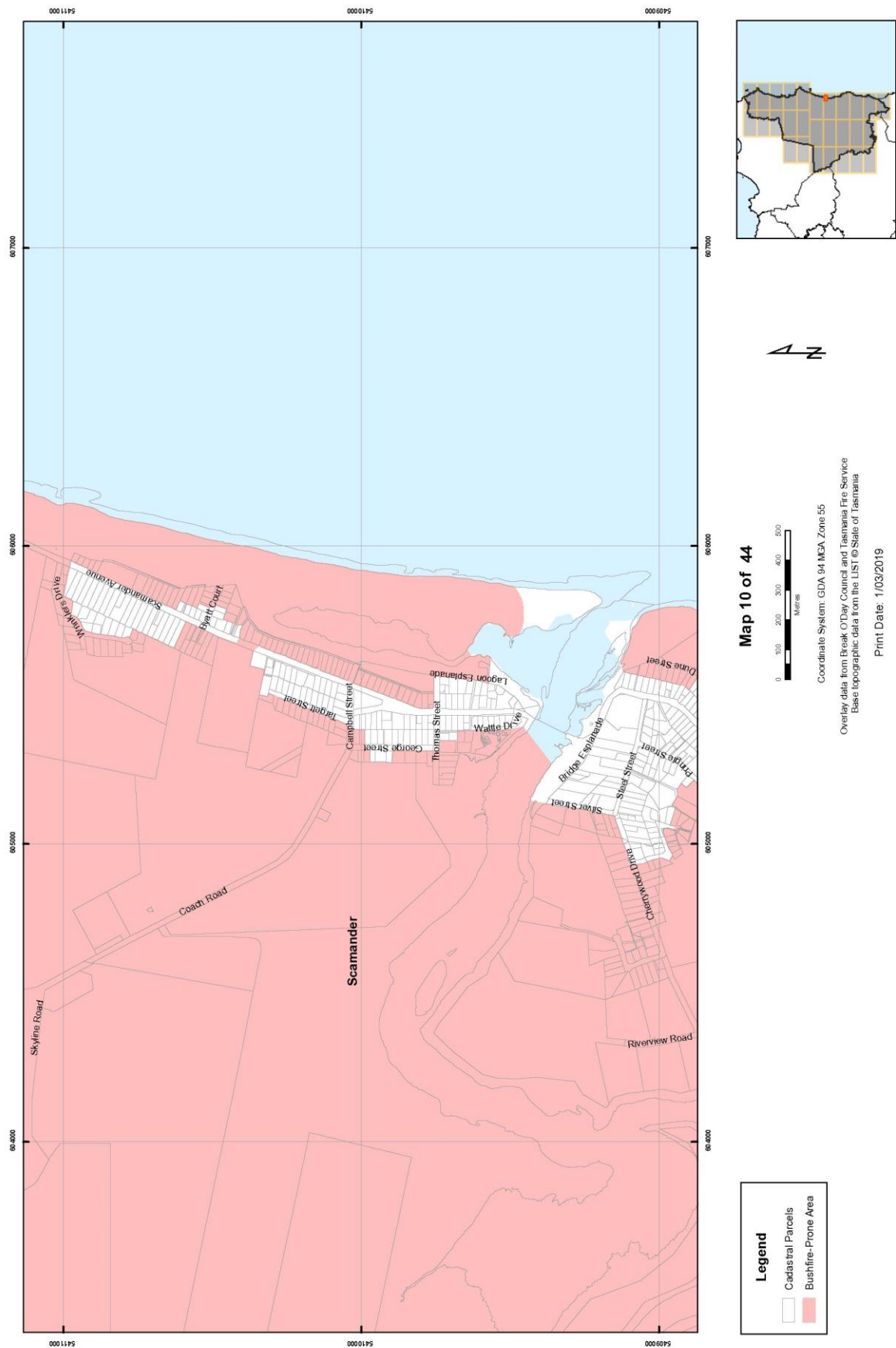
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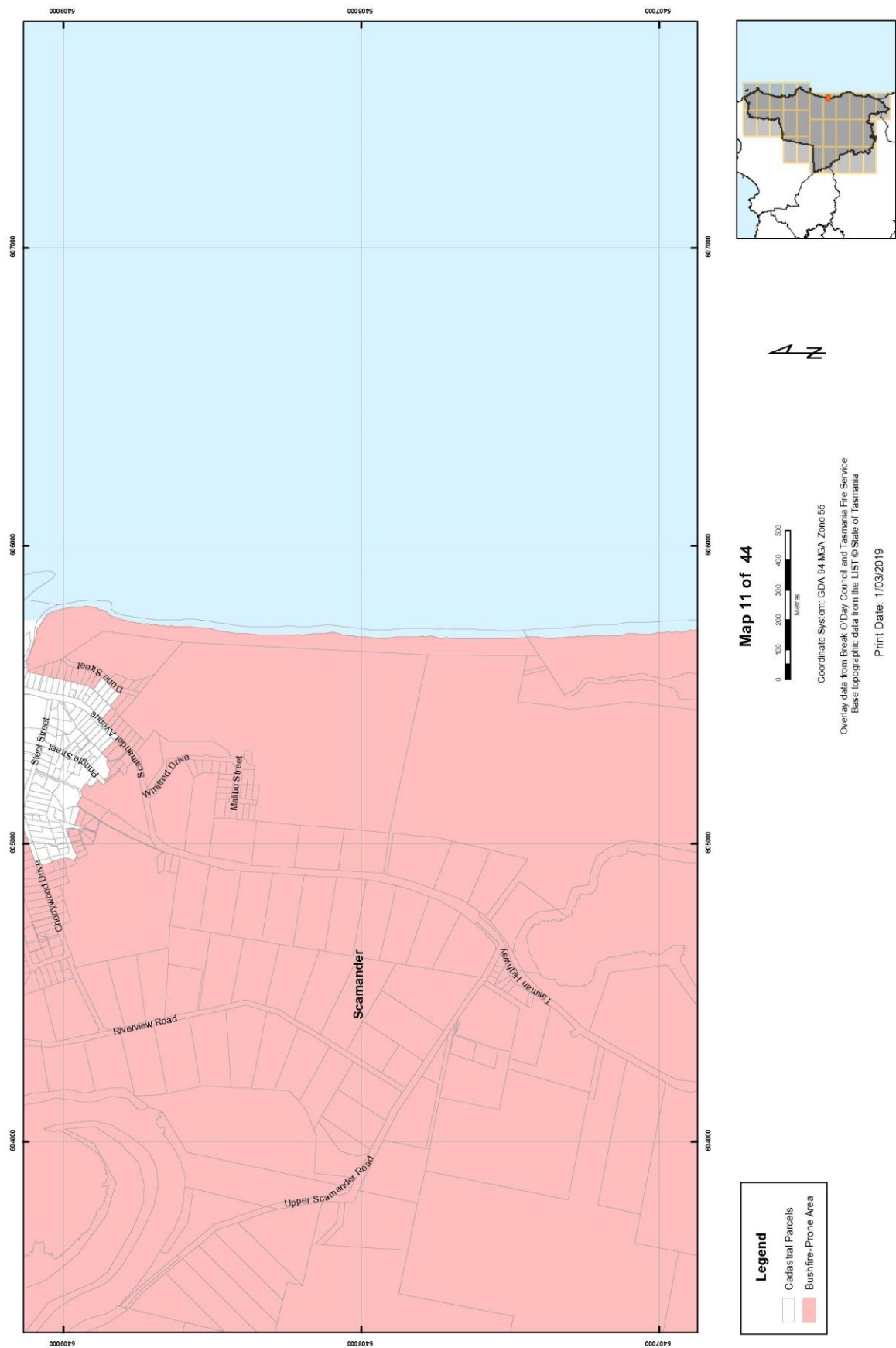
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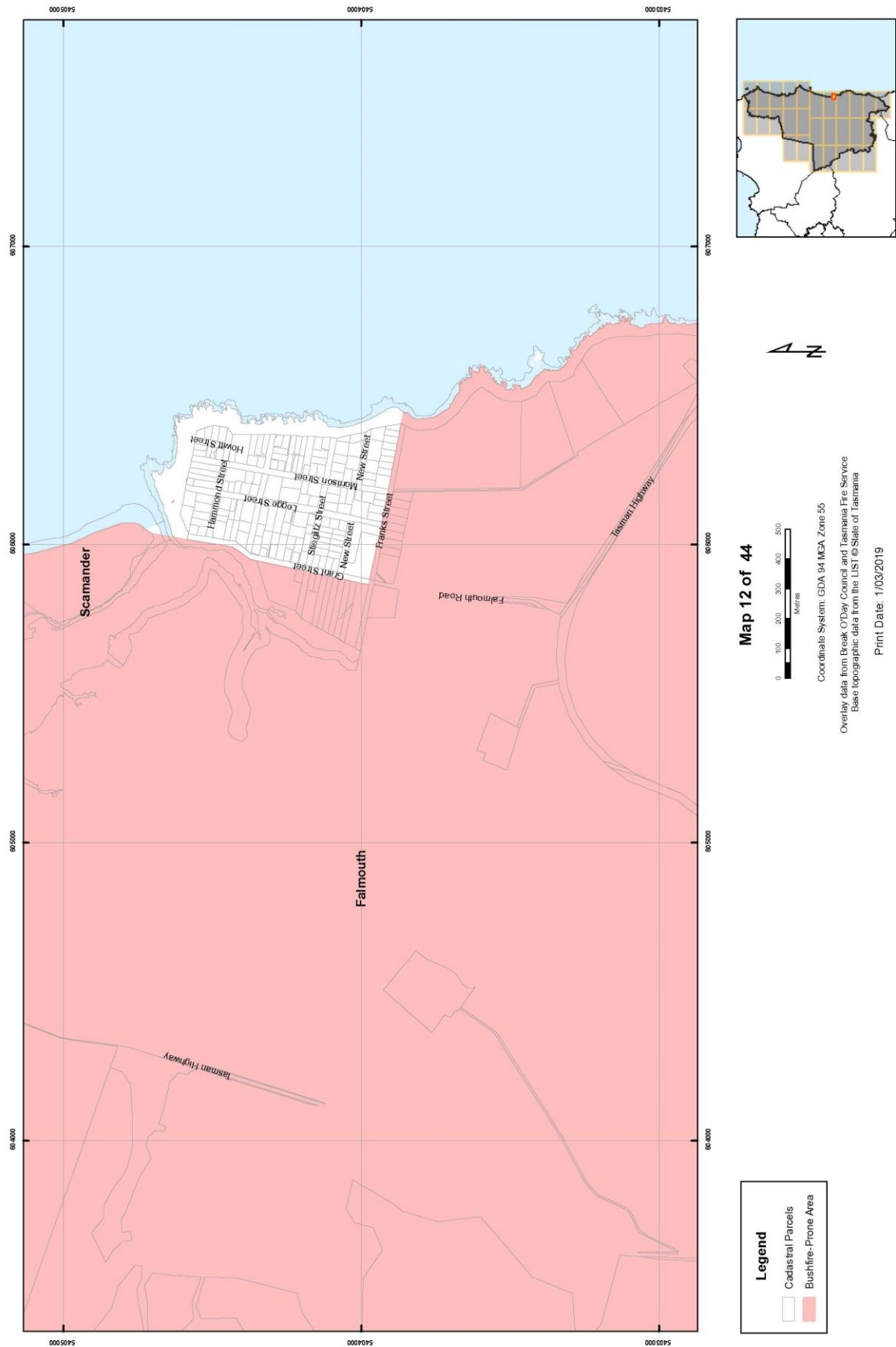
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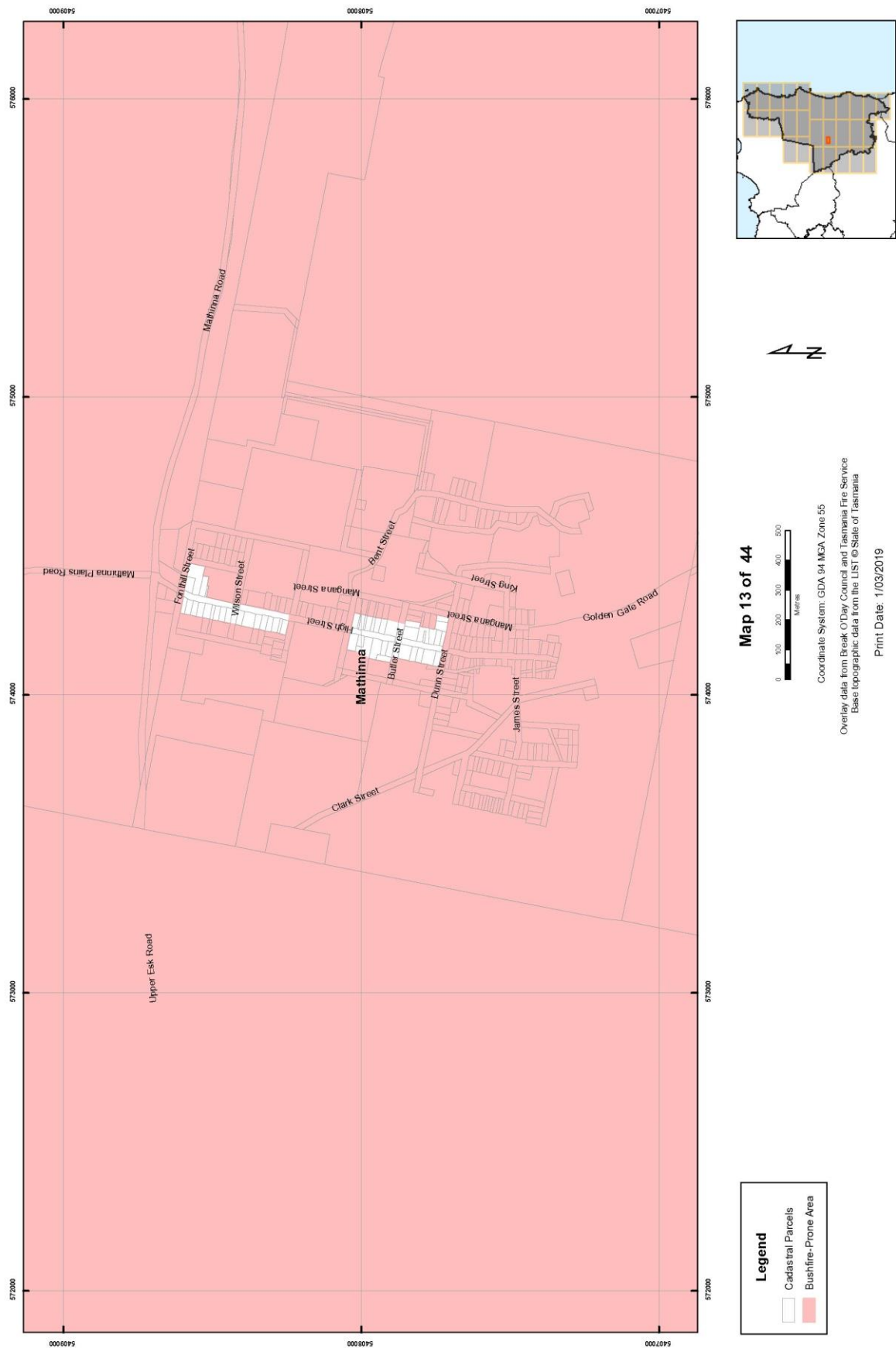
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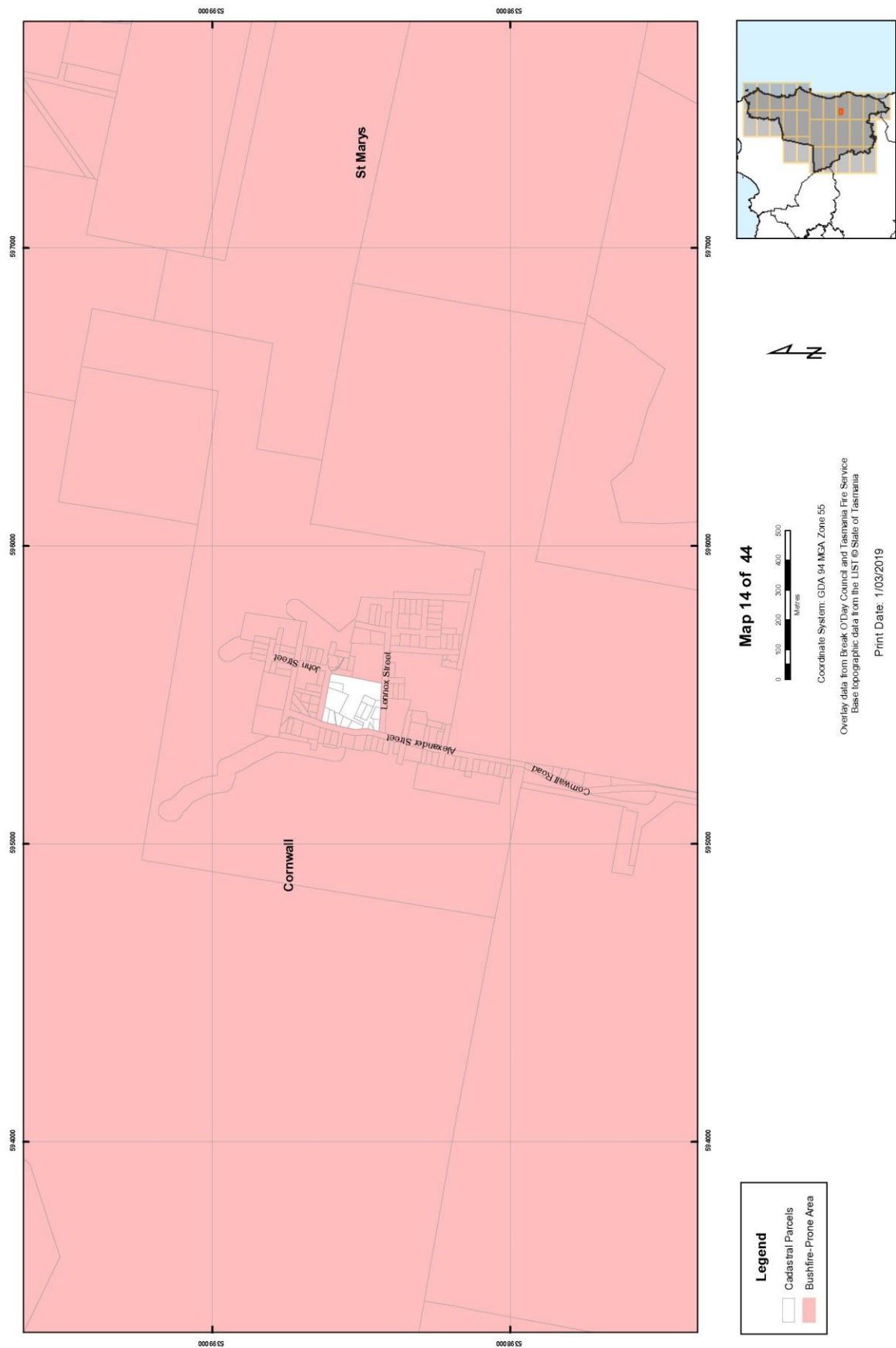
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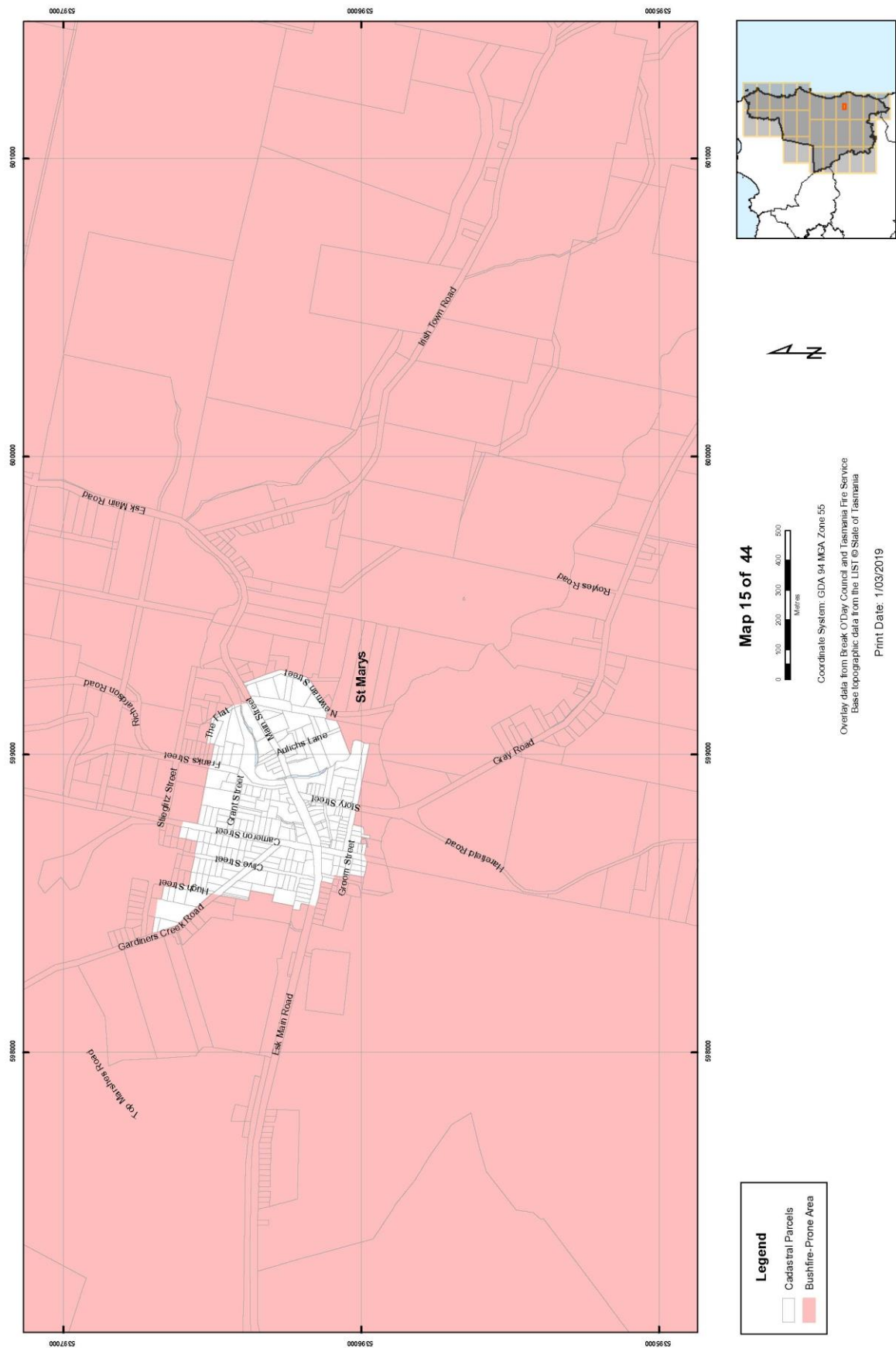
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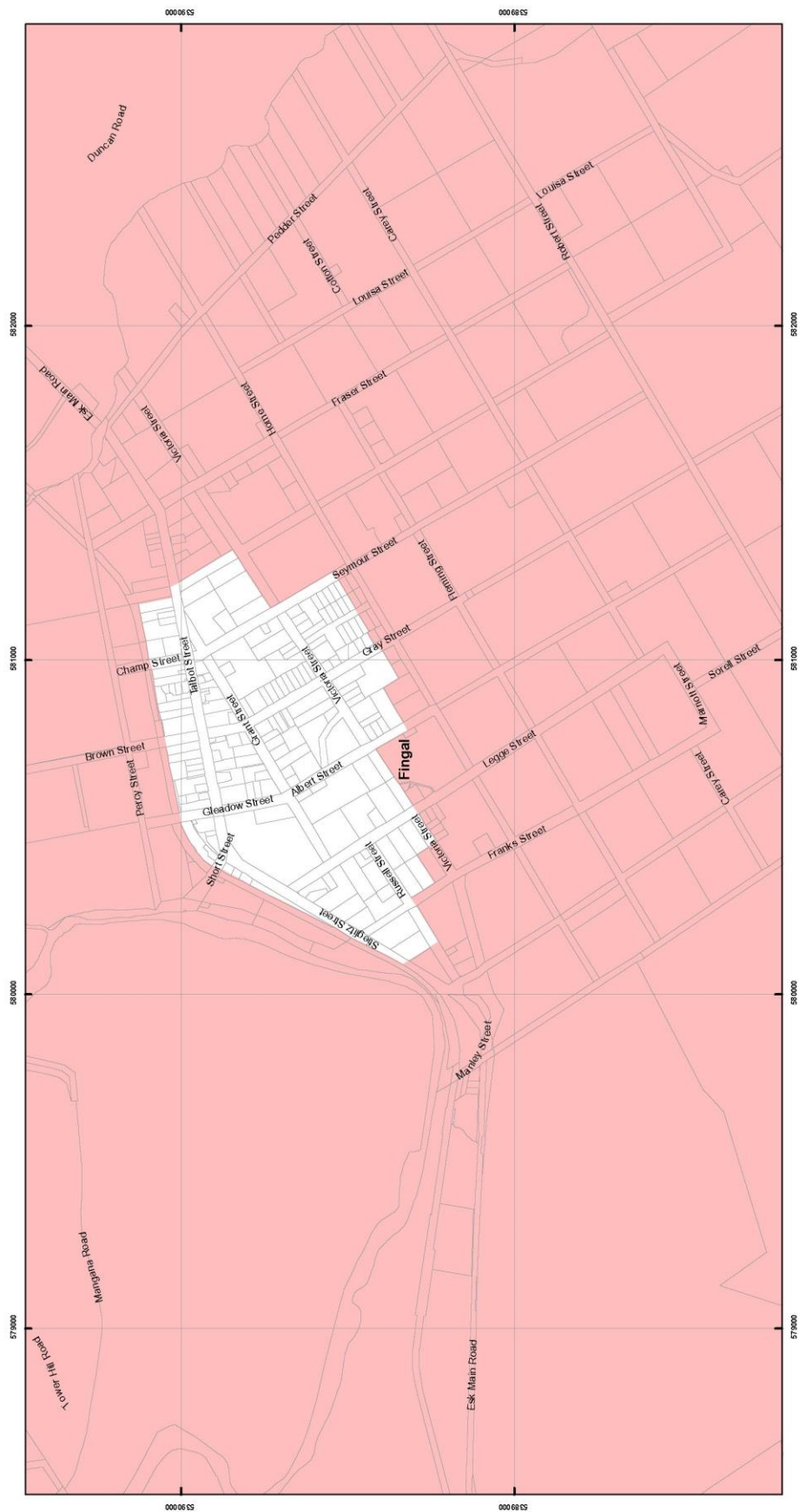
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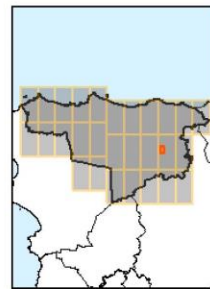
BREAK O'DAY INTERIM PLANNING SCHEME 2013 - BUSHFIRE-PRONE AREAS OVERLAY



Legend

- Cadastral Parcels
- Bushfire-Prone Area

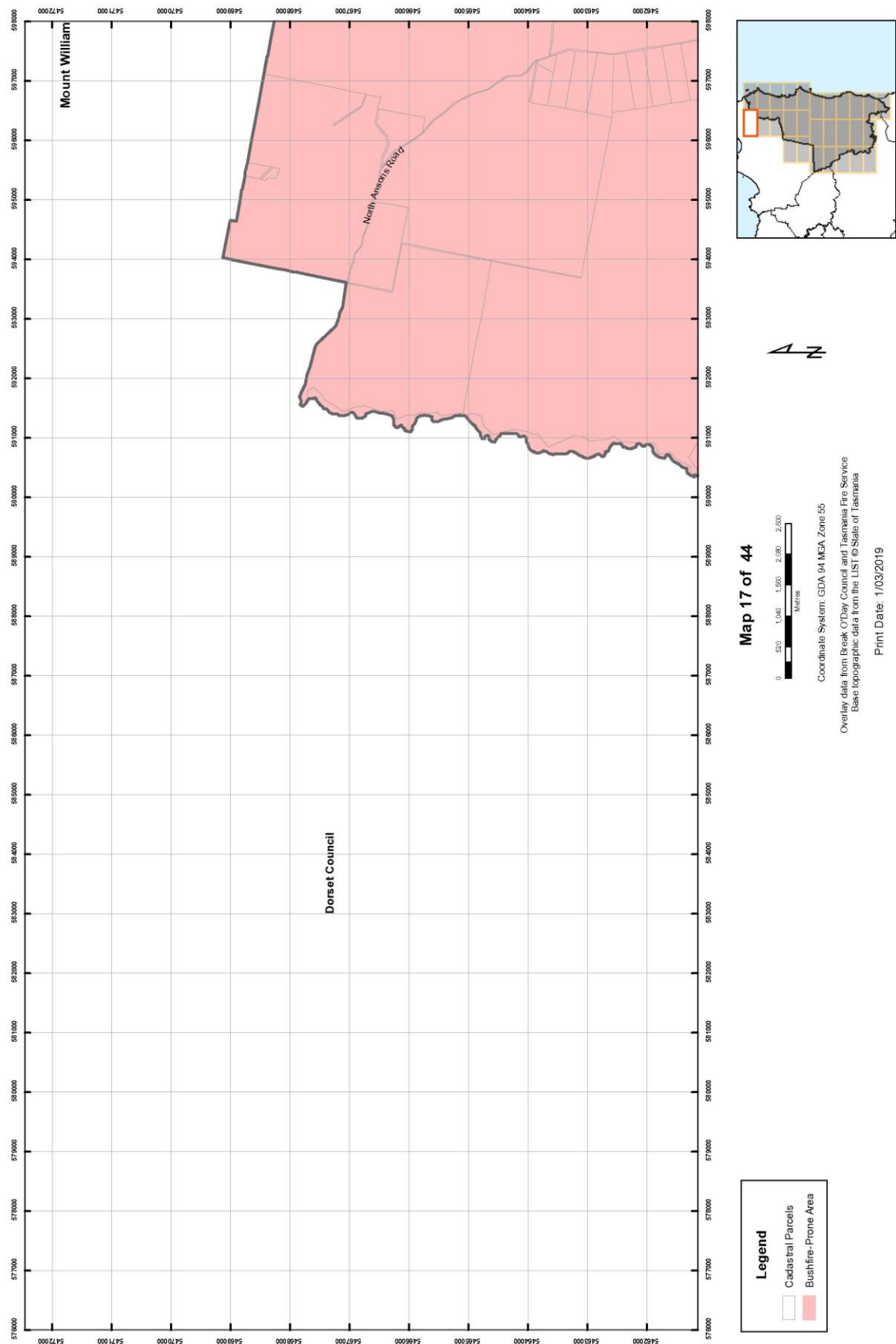
Map 16 of 44



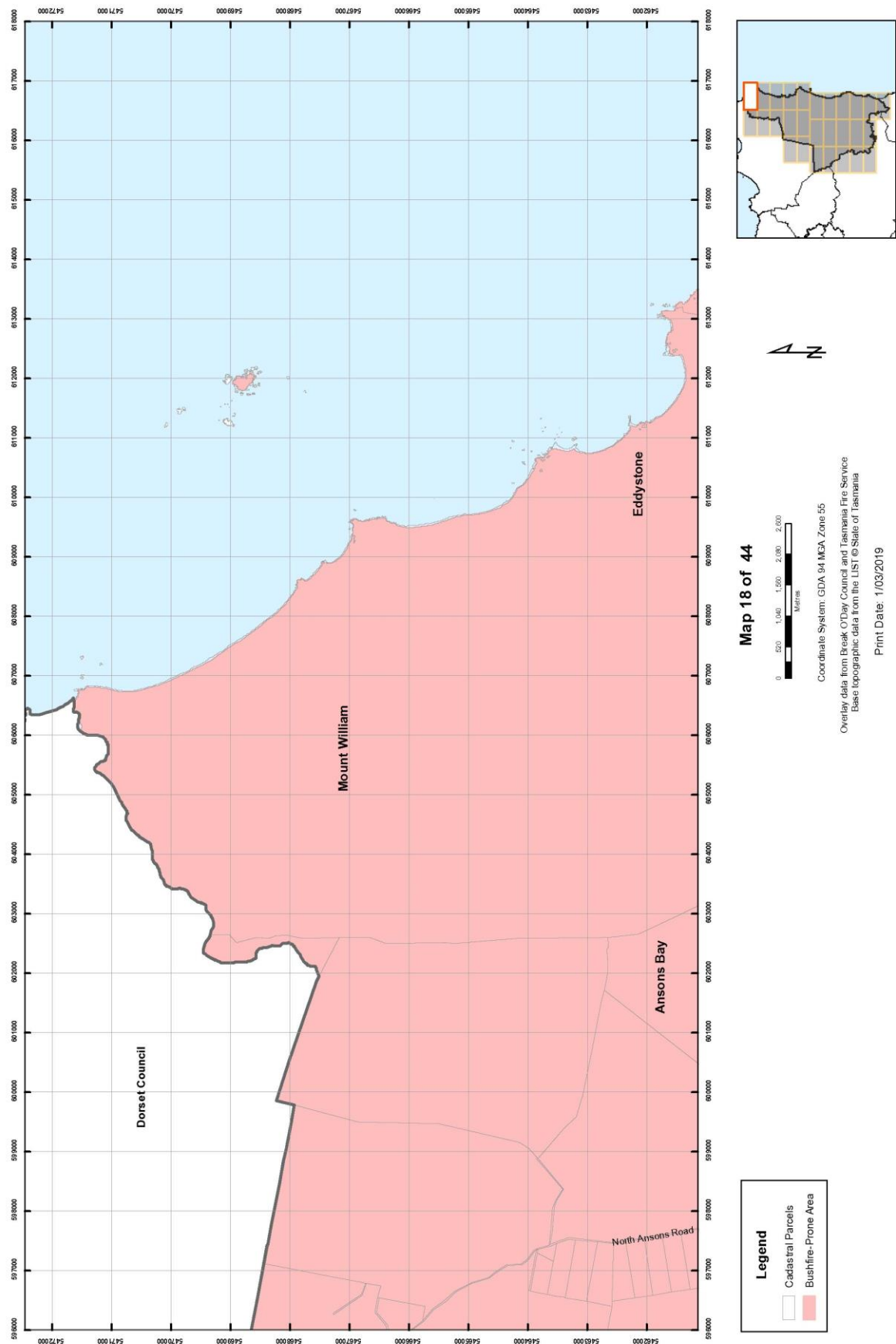
Coordinate System: GDA 94 MGA Zone 55
 Overlay data from Break O'Day Council and Tasmania Fire Service
 Base topographic data from the LIST © State of Tasmania

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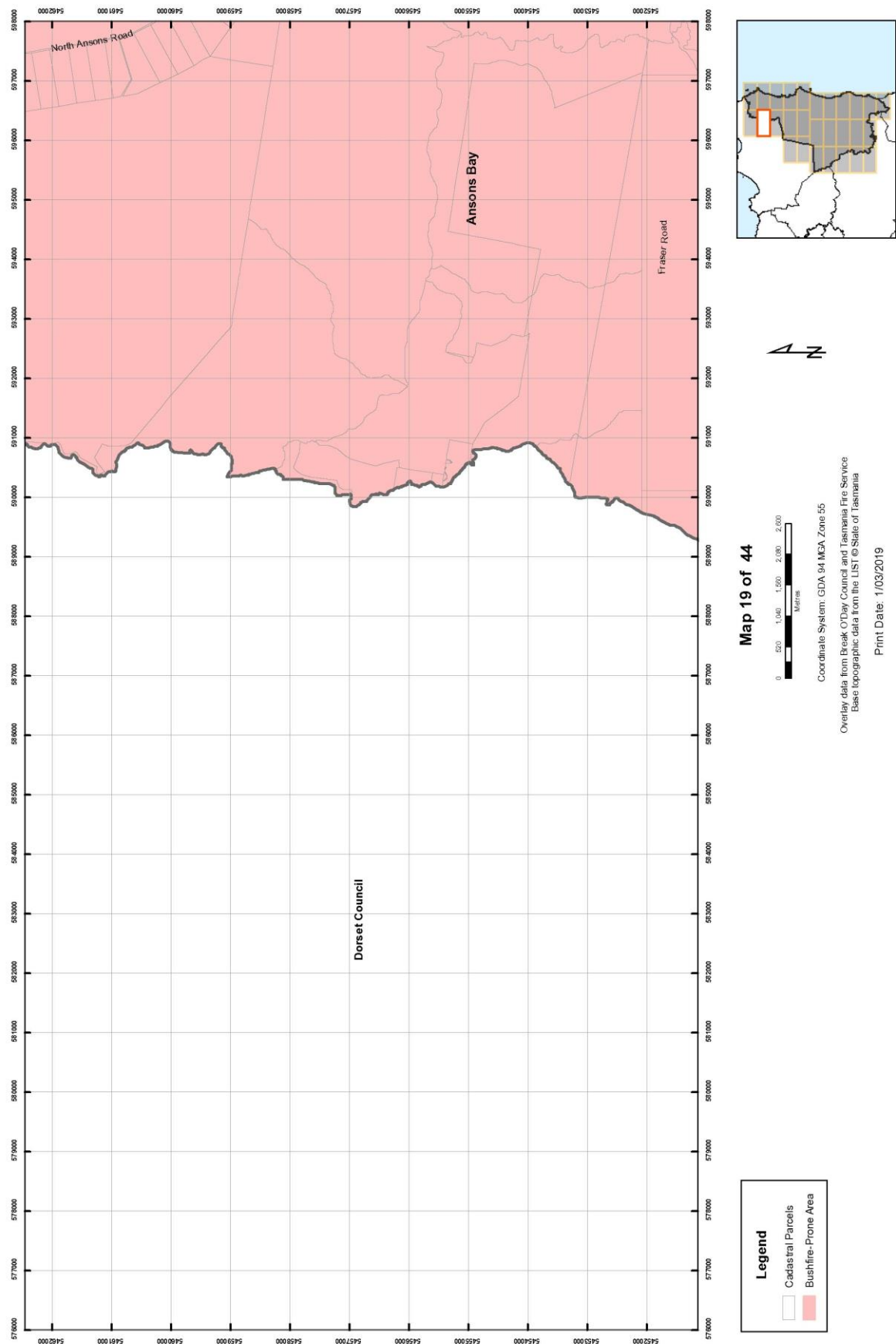
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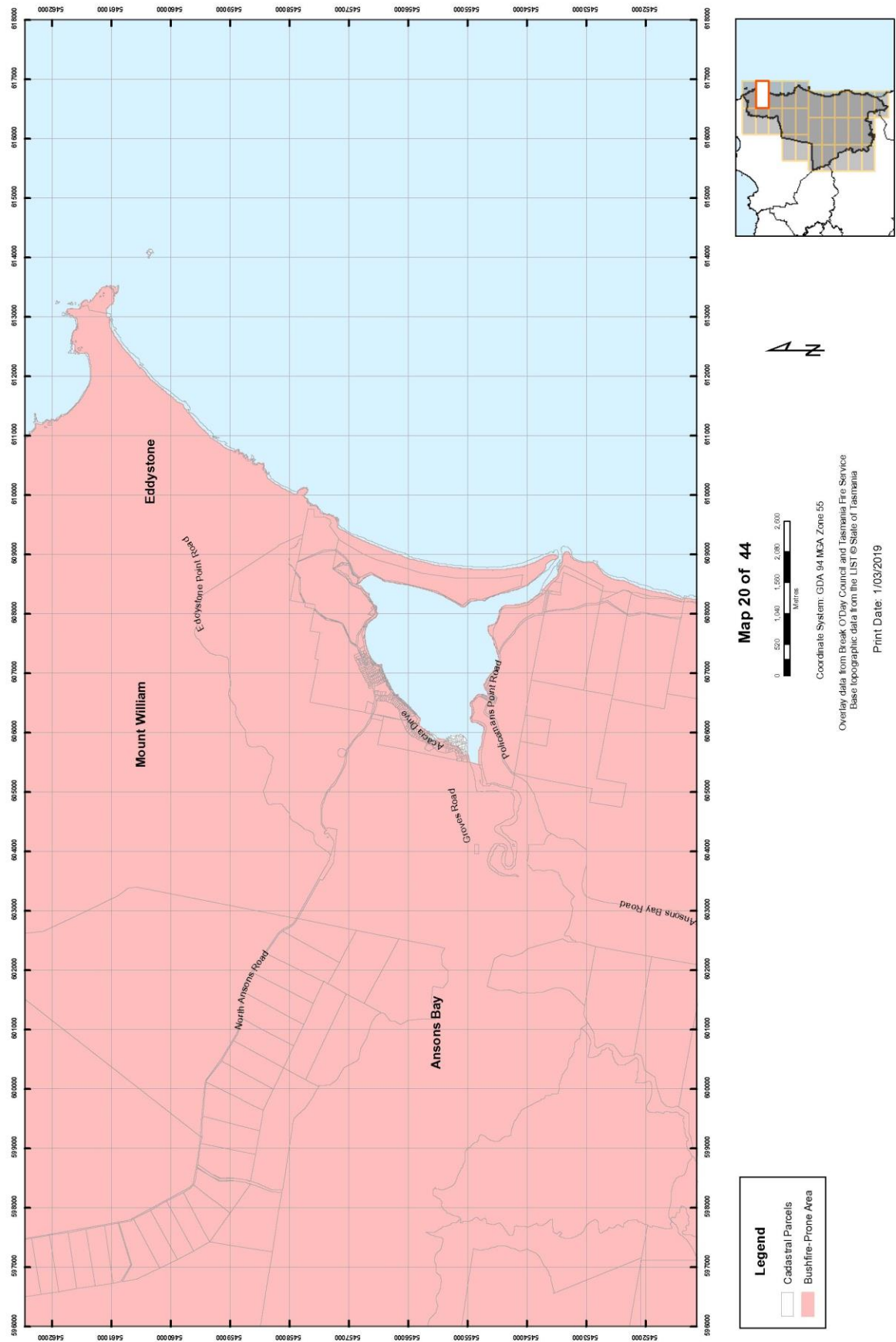
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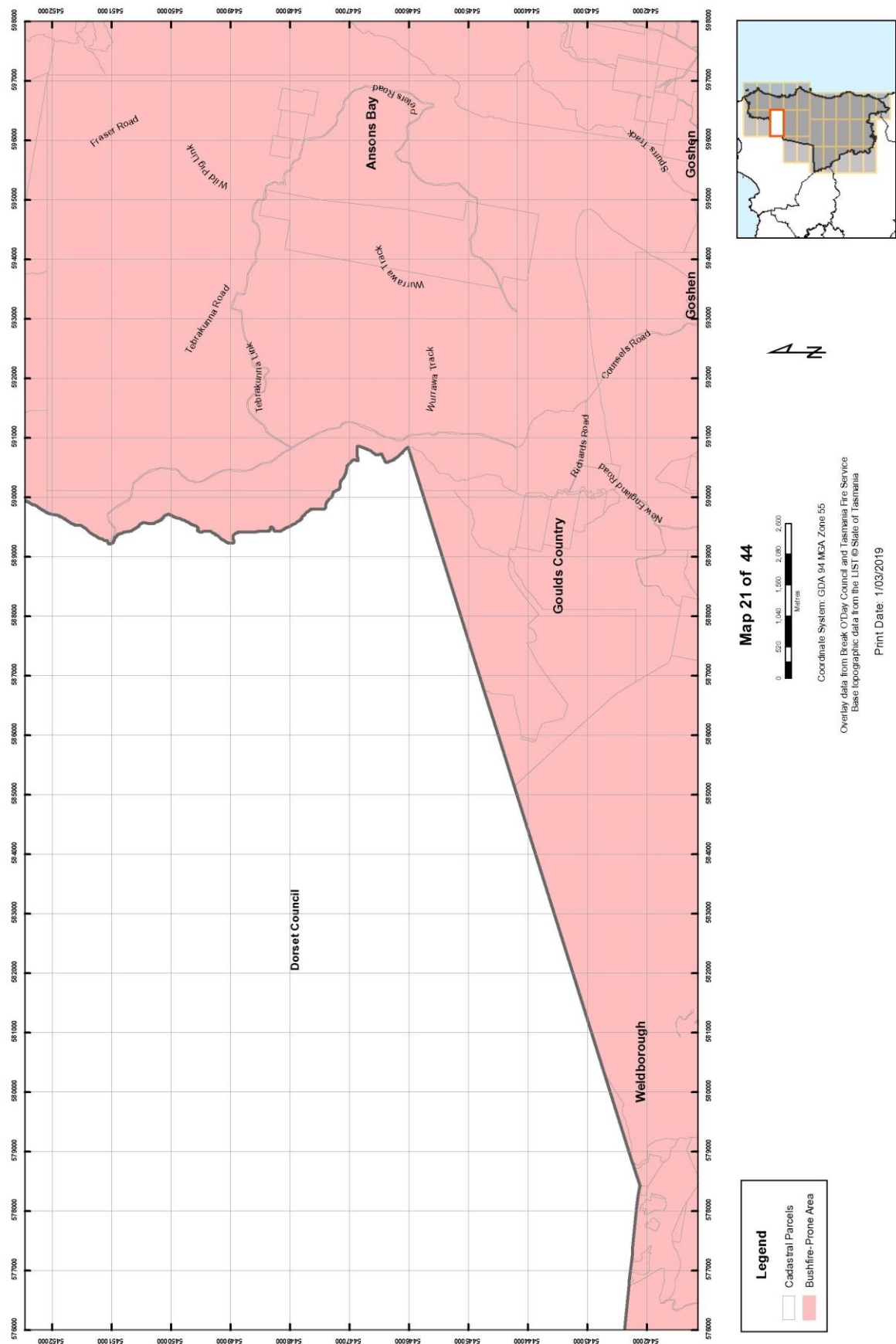
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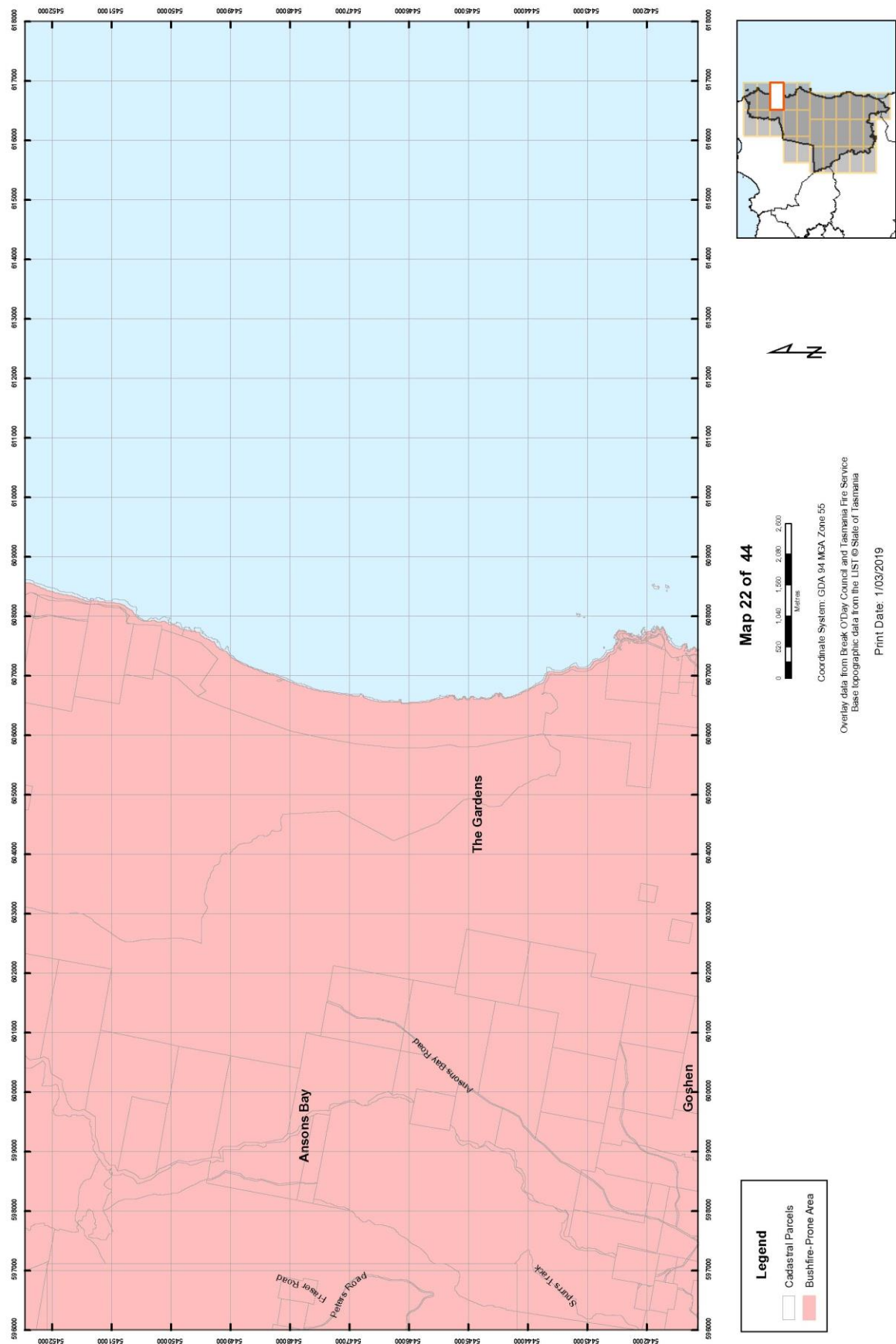
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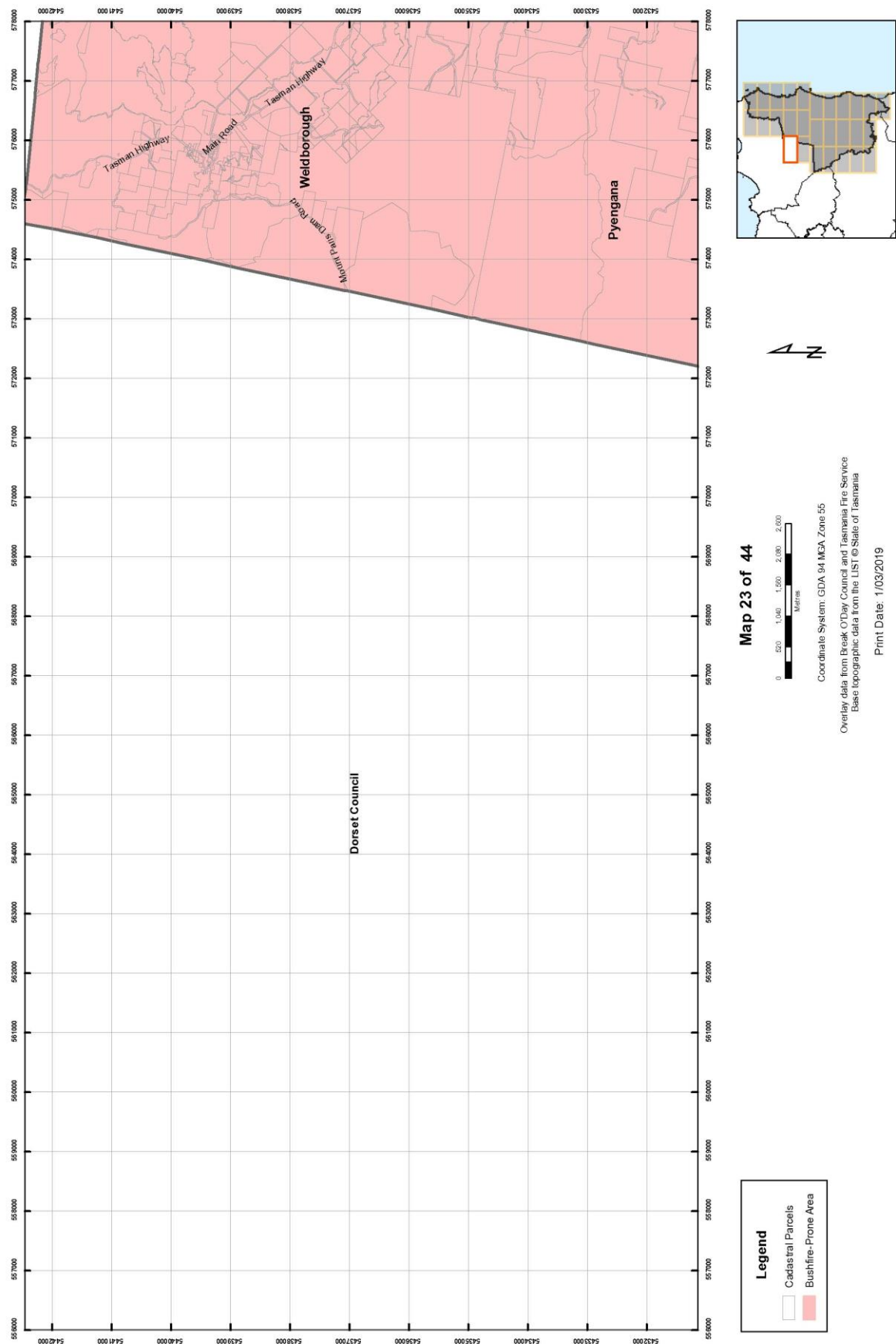
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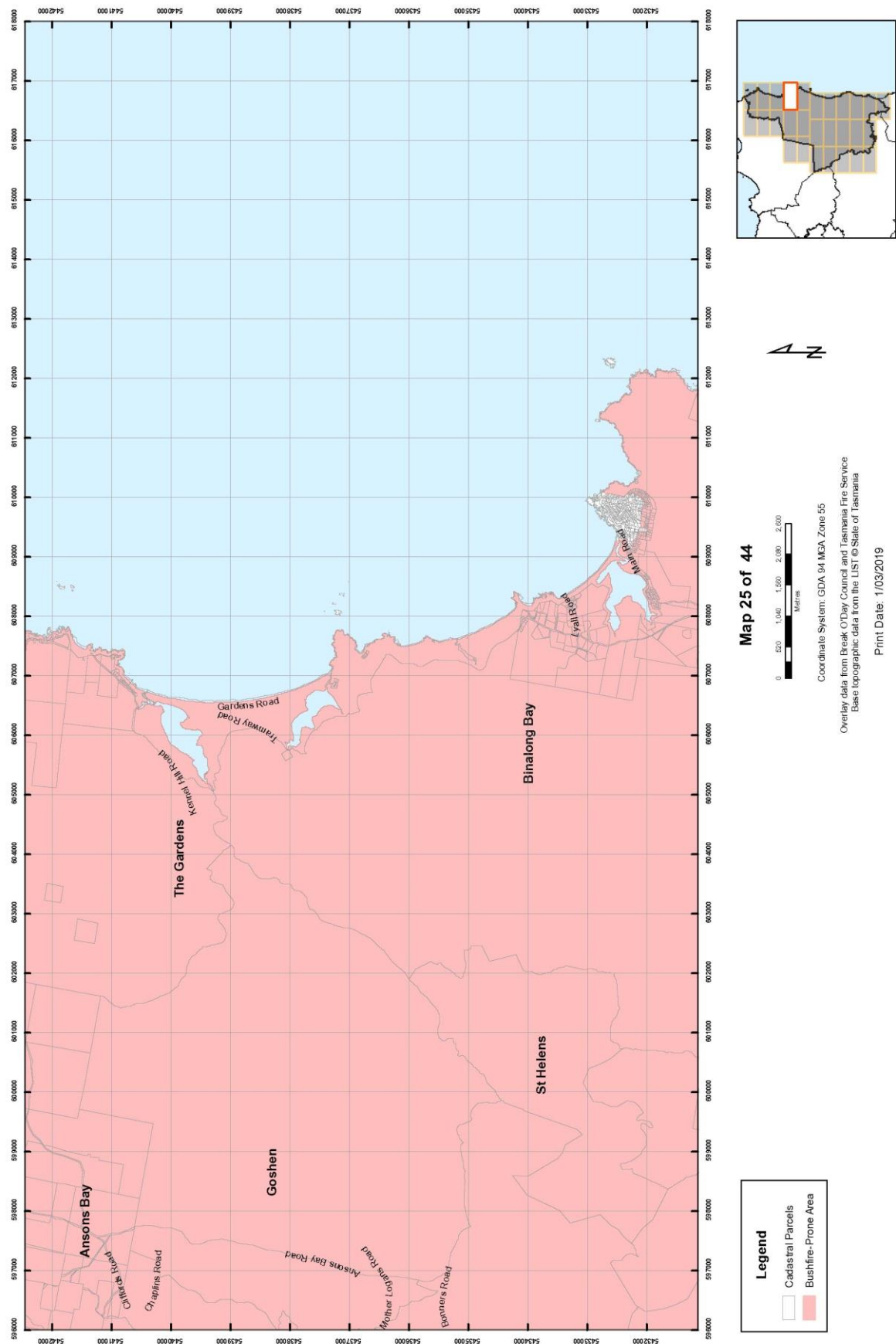
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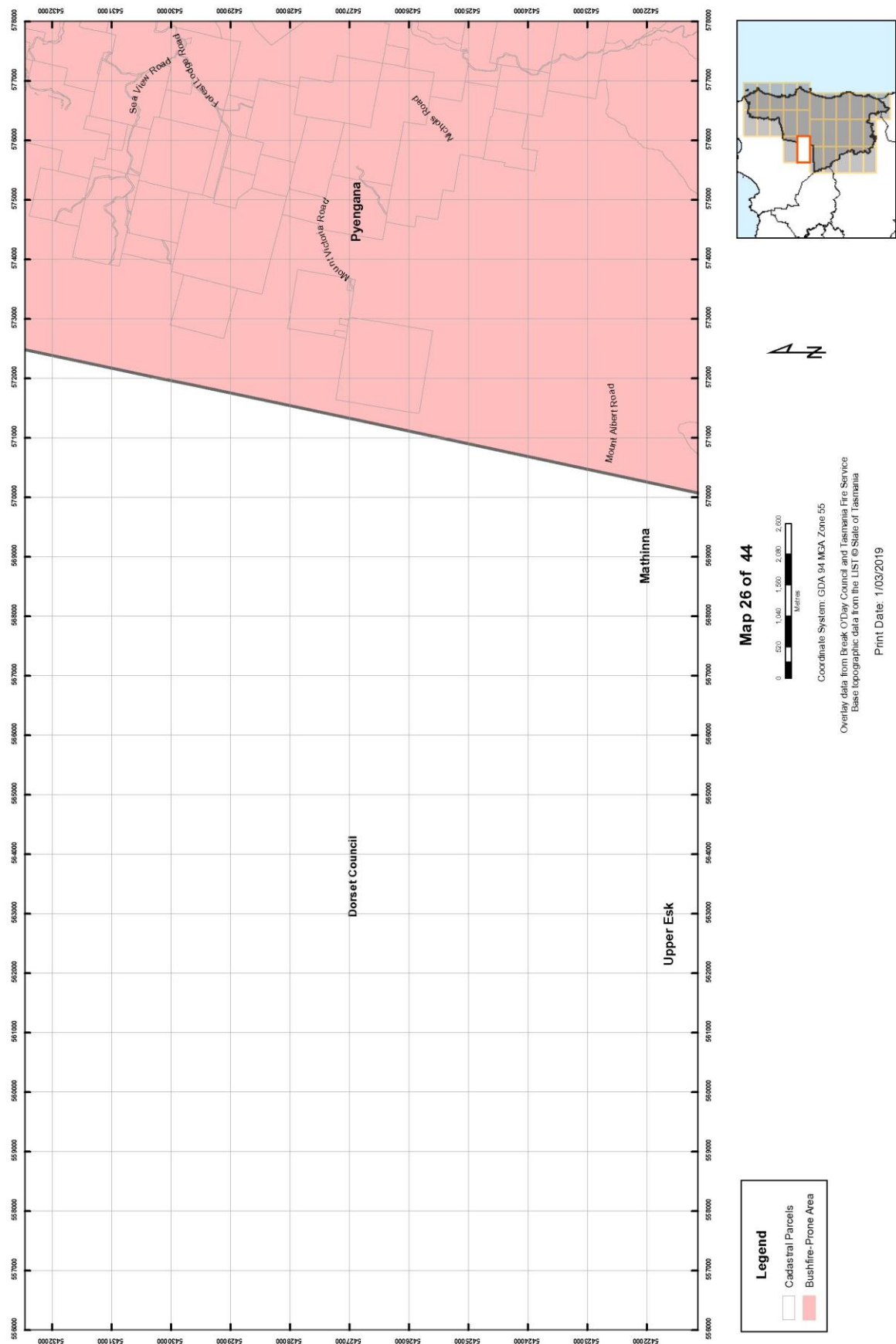
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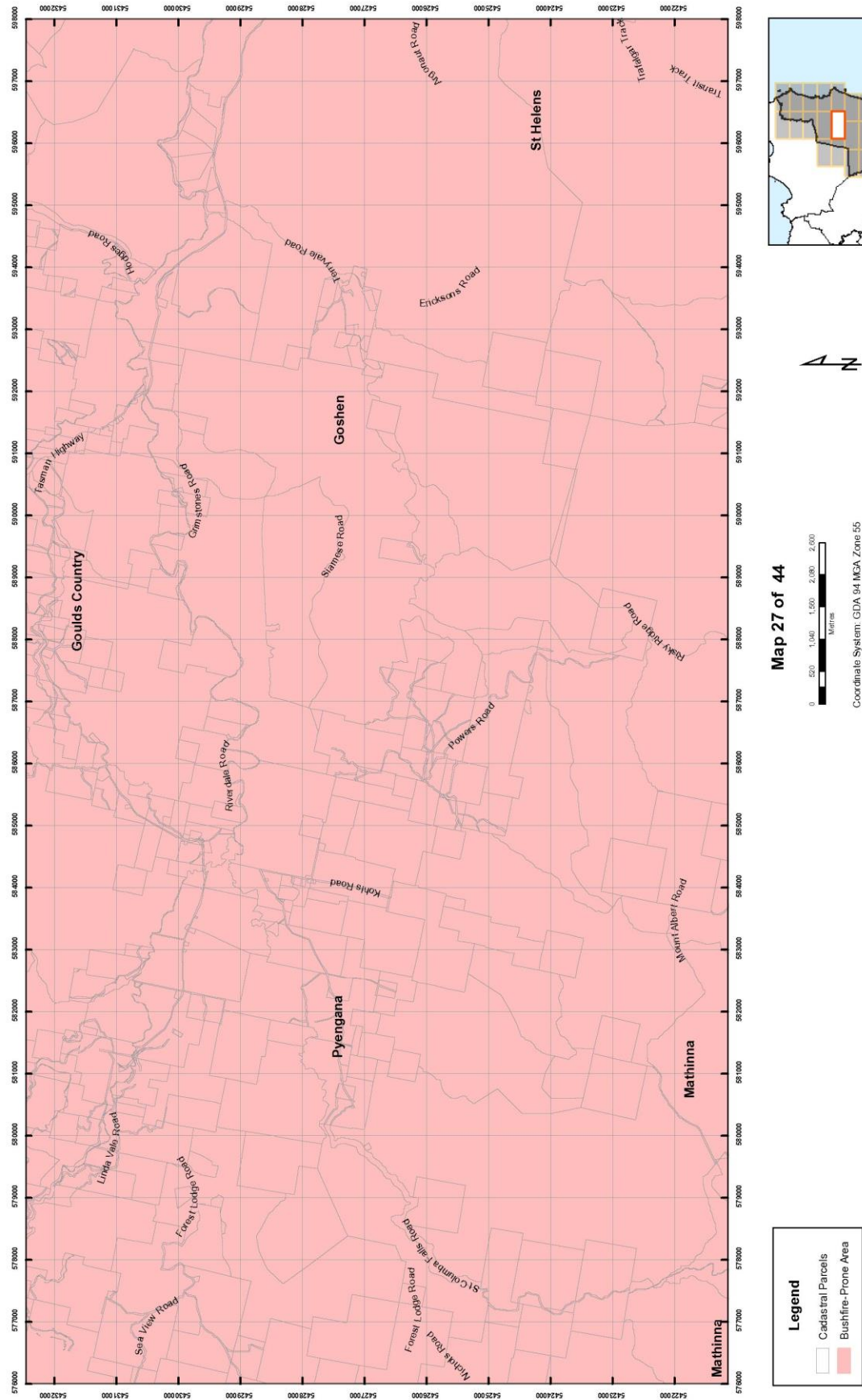
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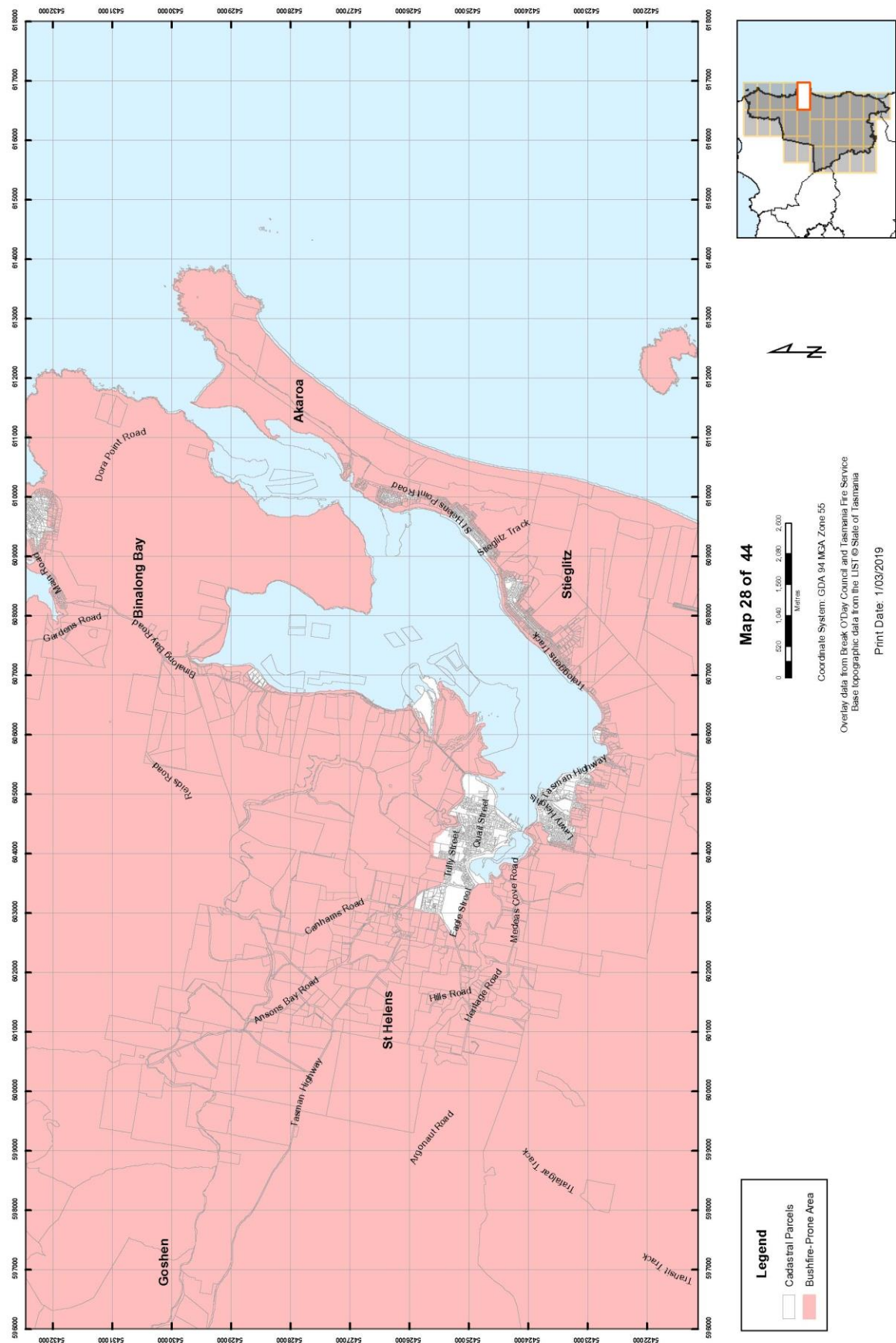
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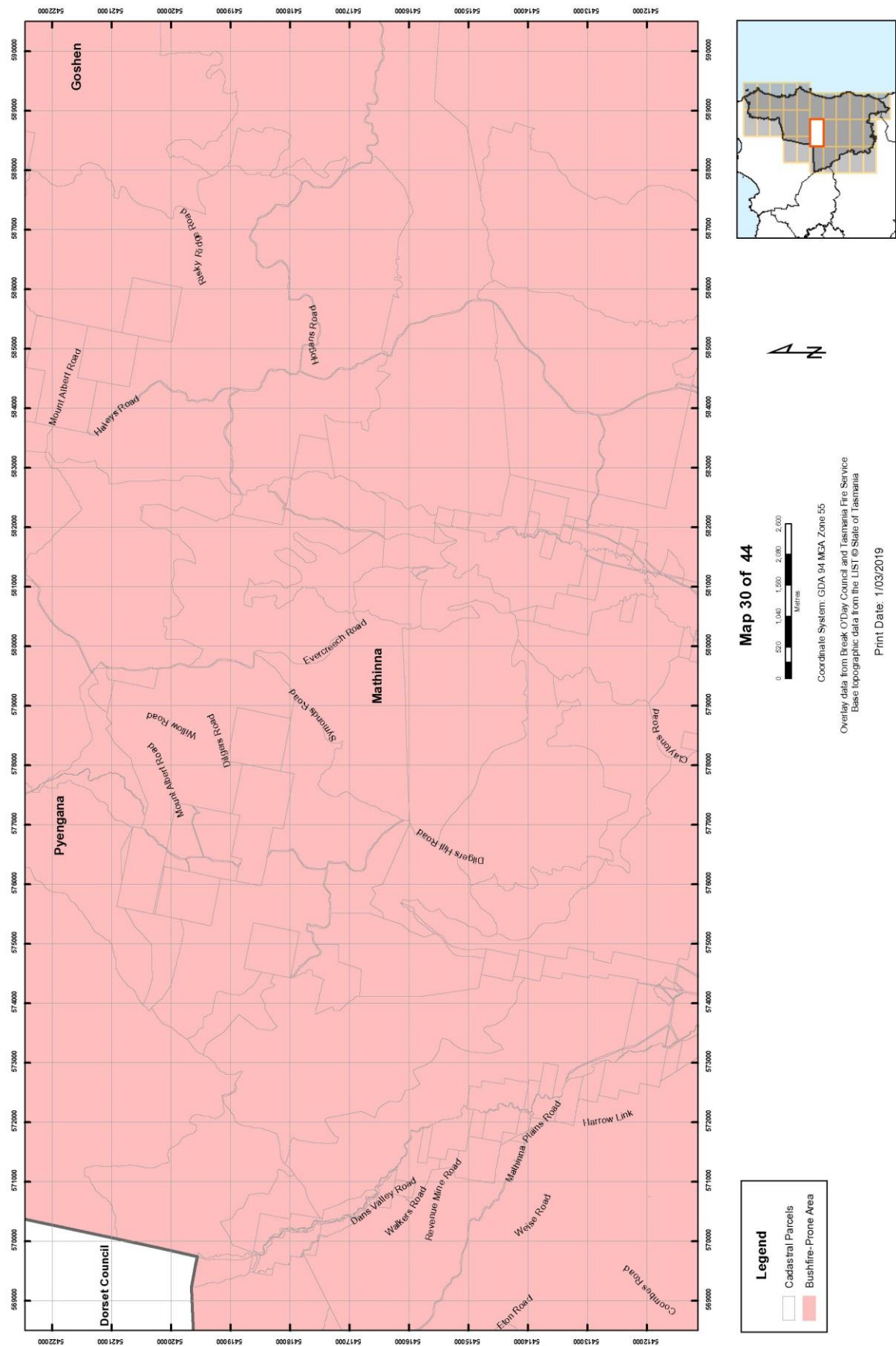
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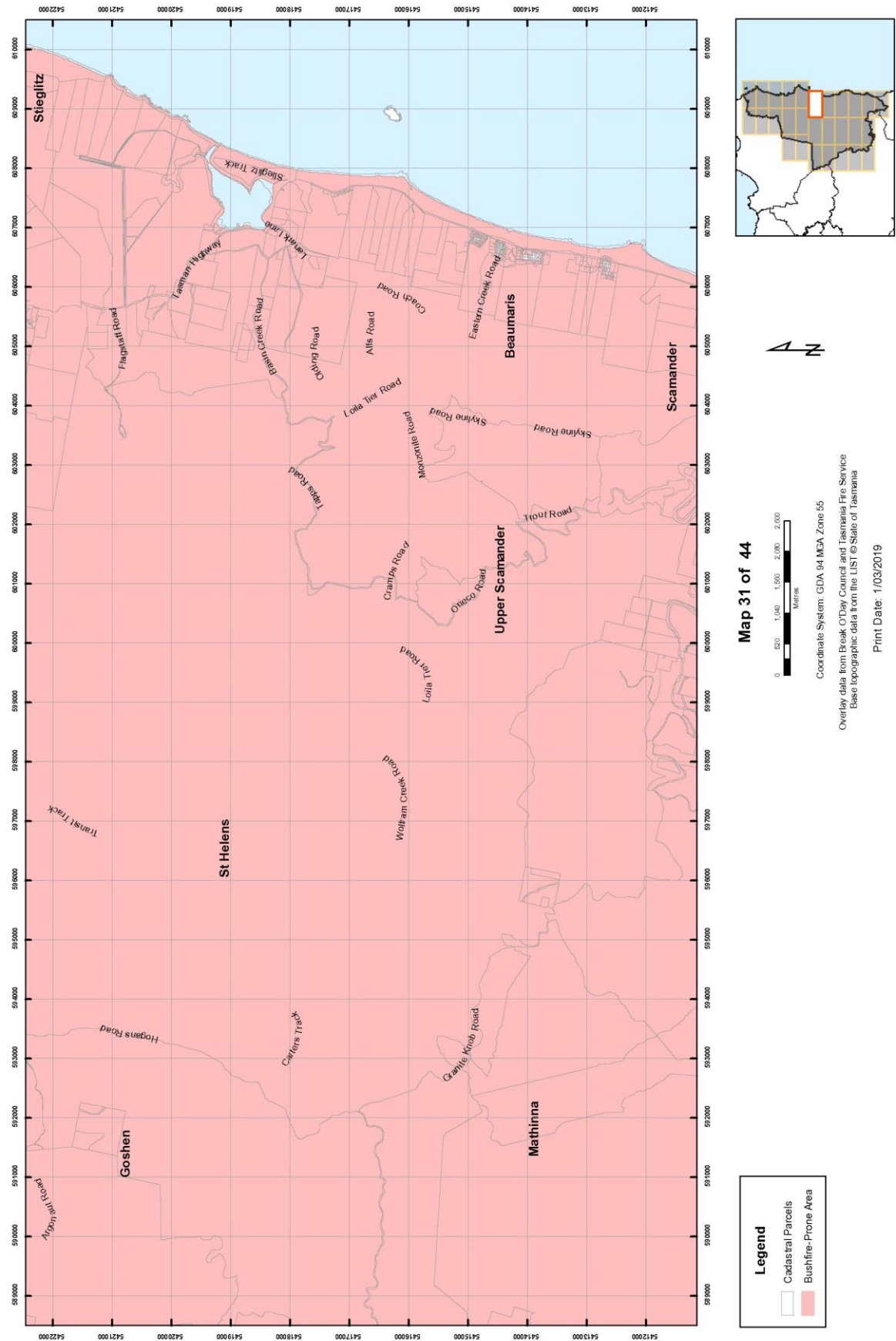
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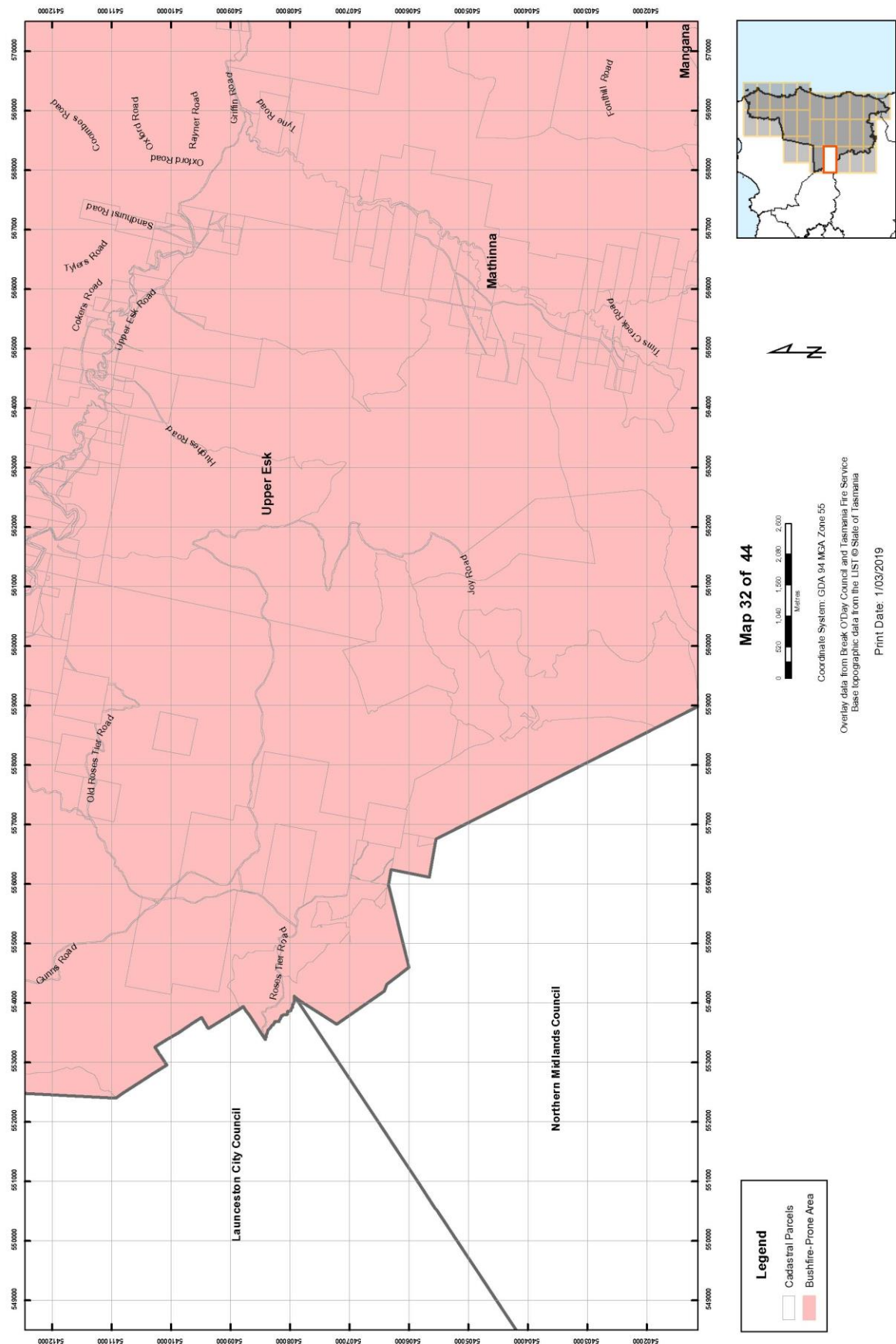
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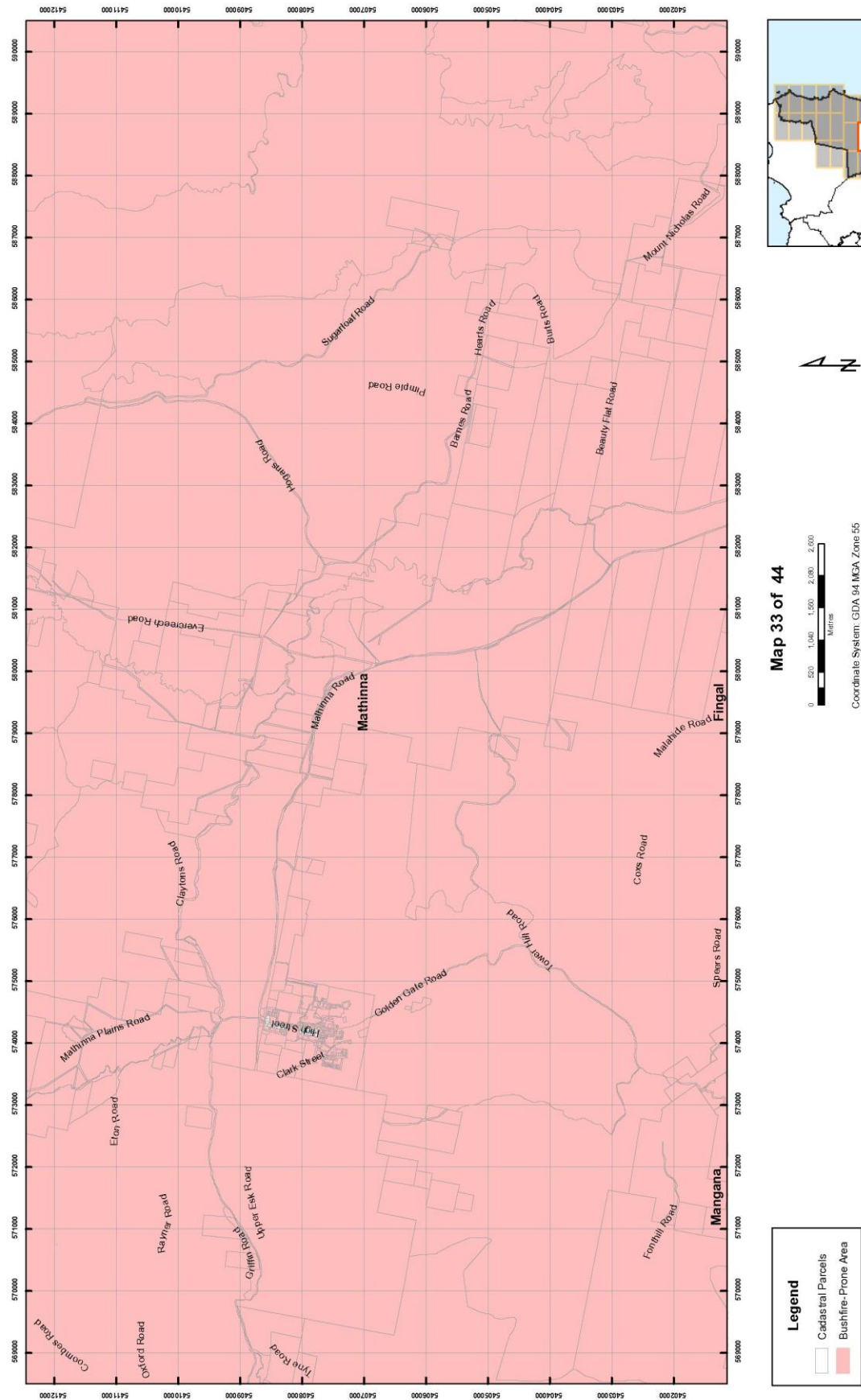
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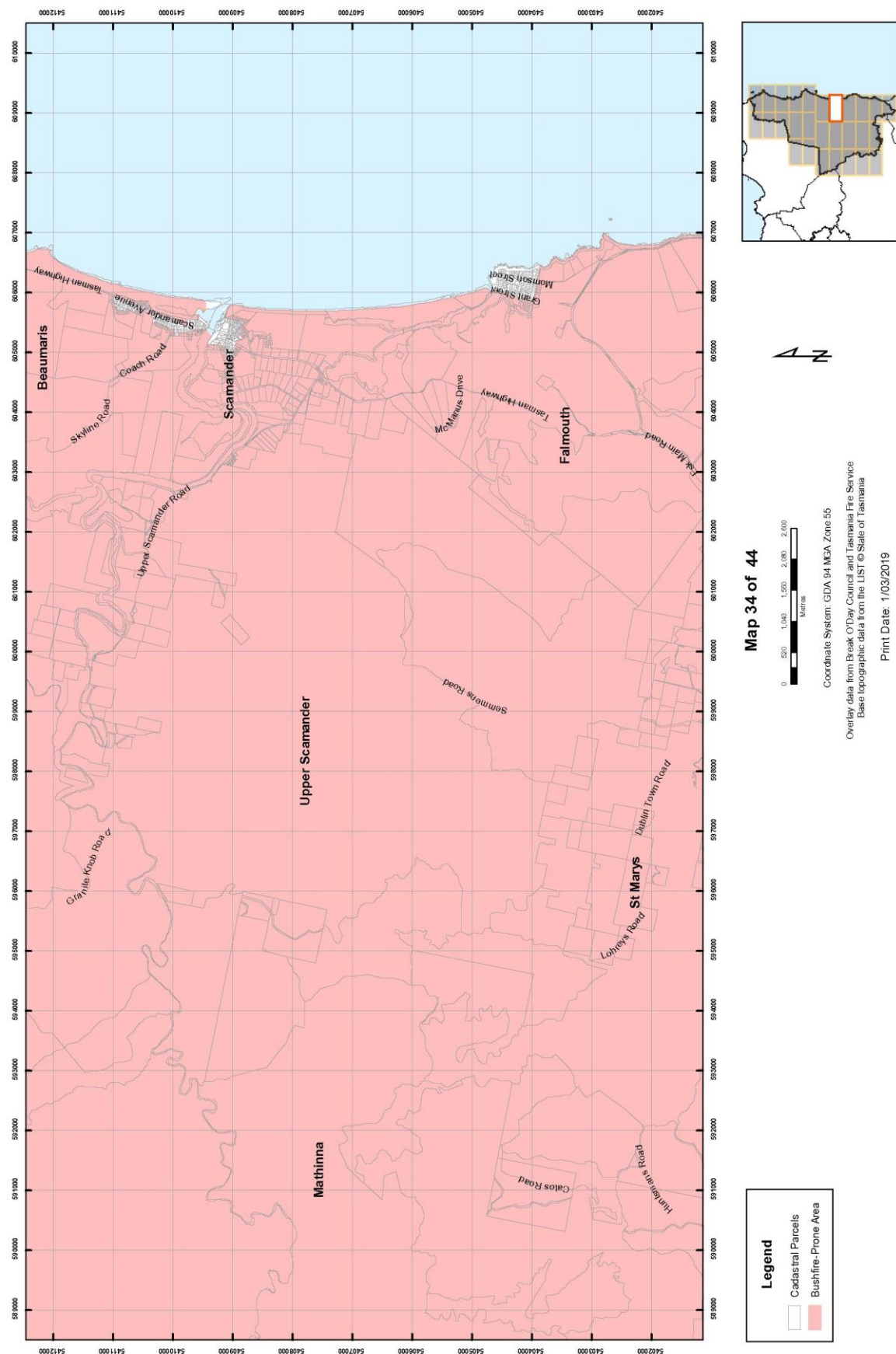
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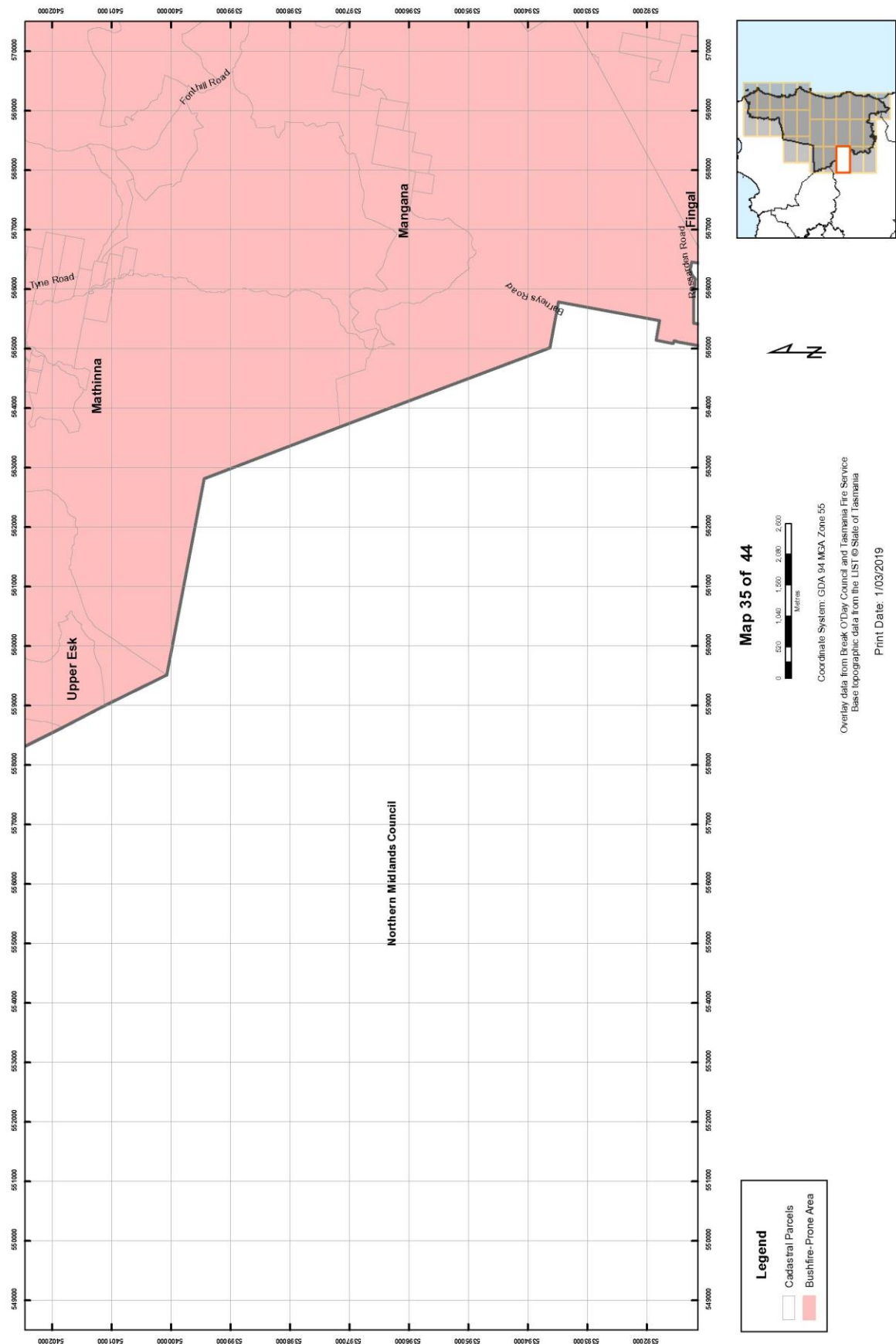
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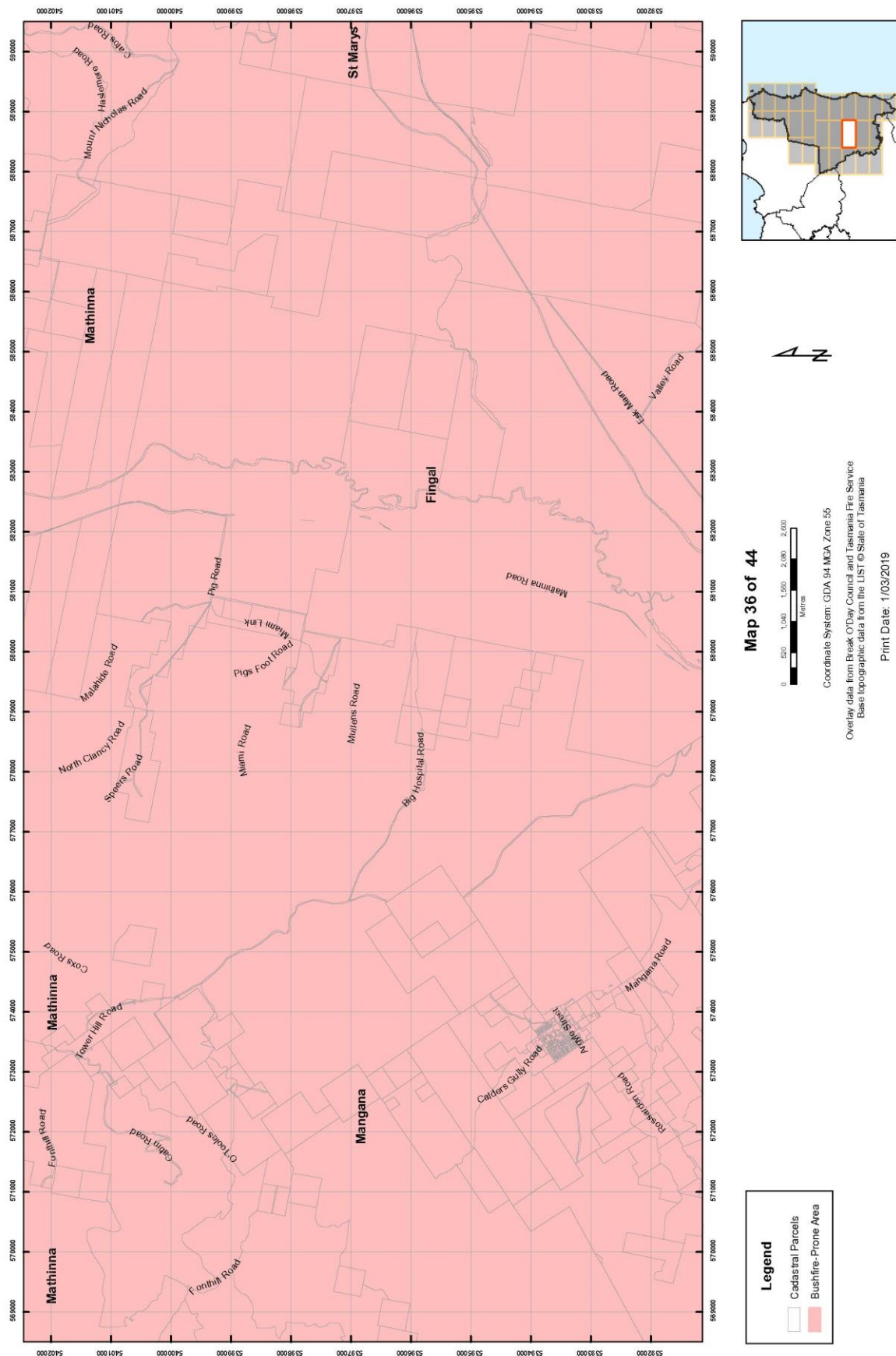
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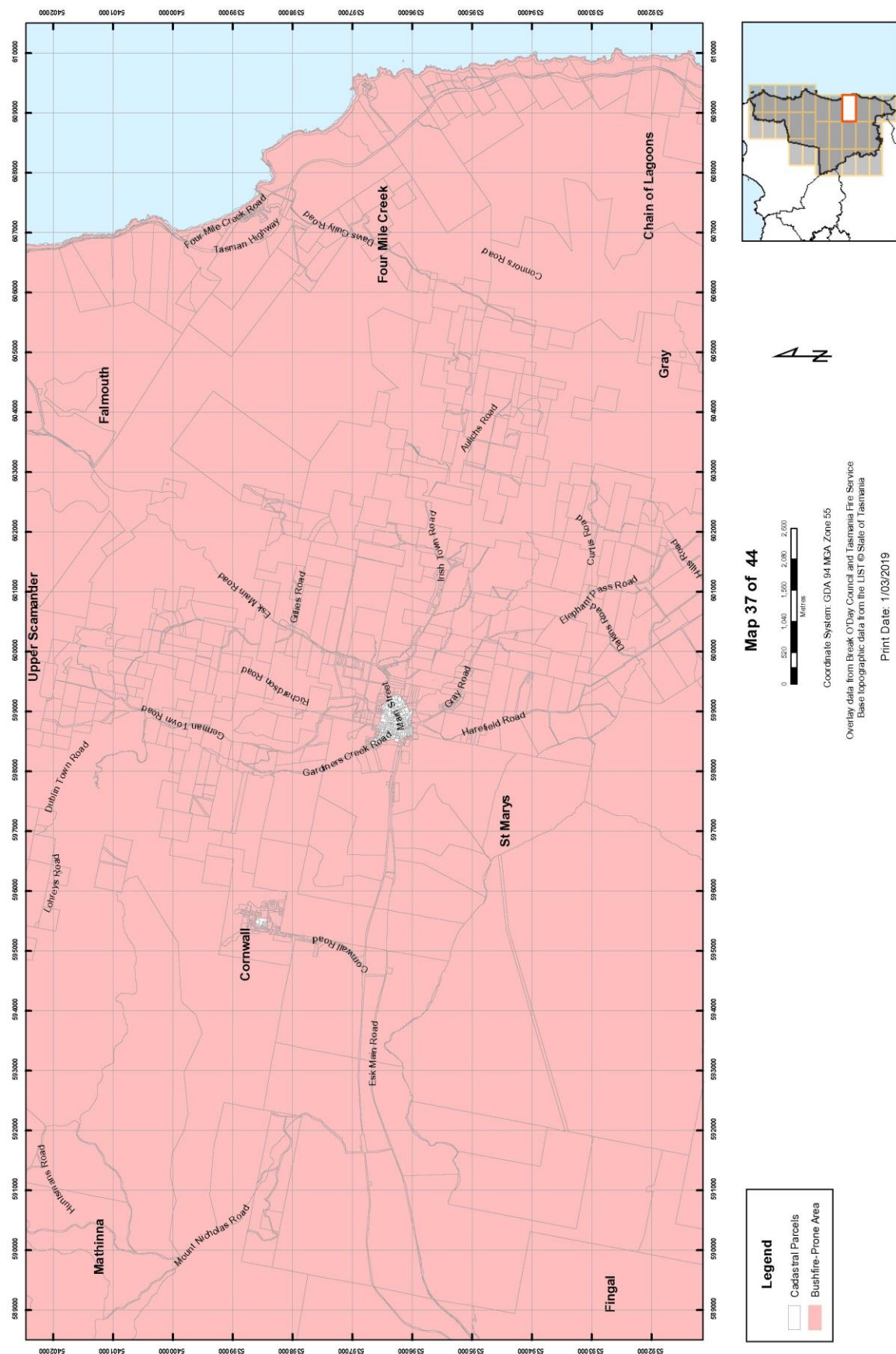
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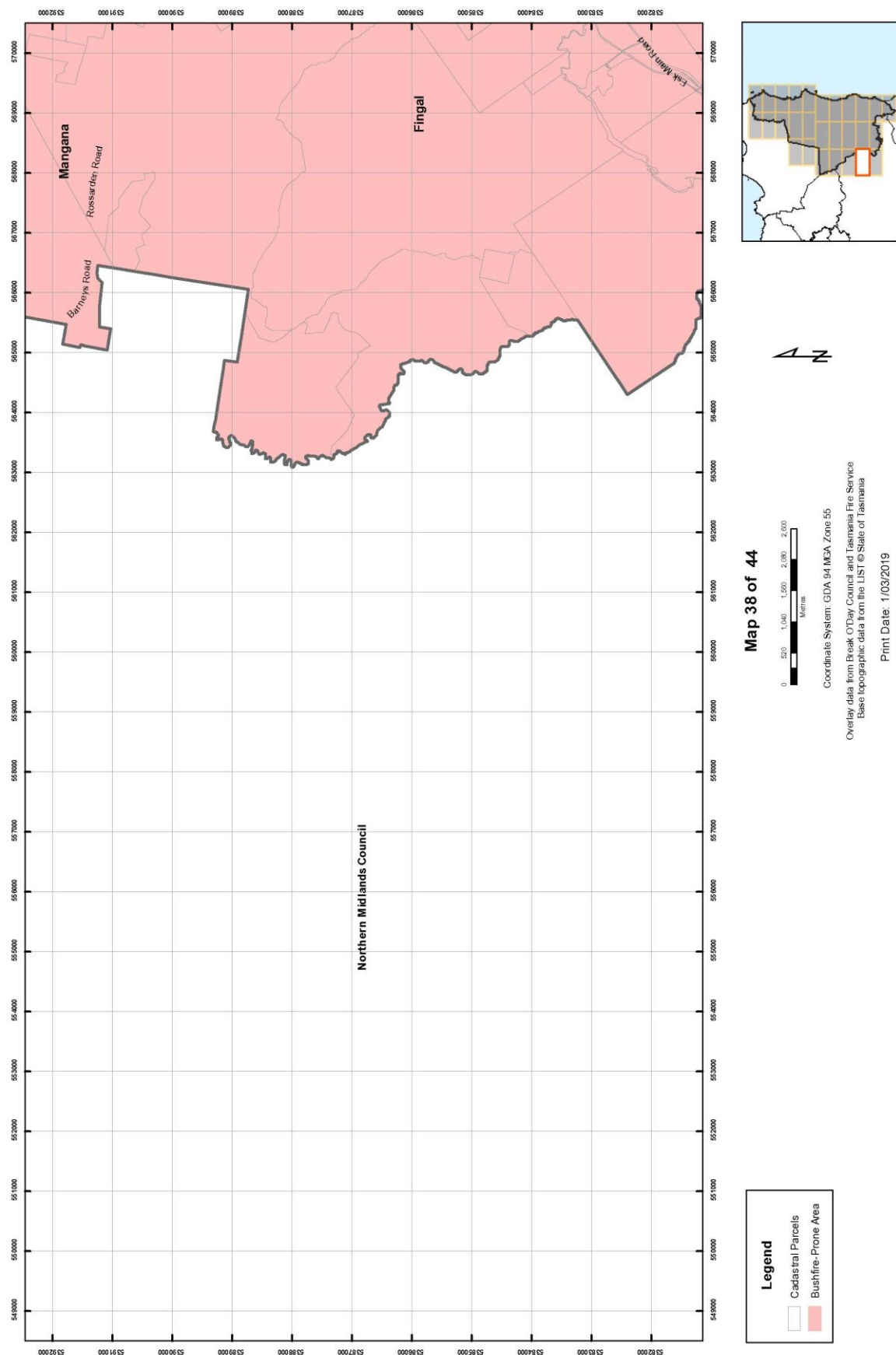
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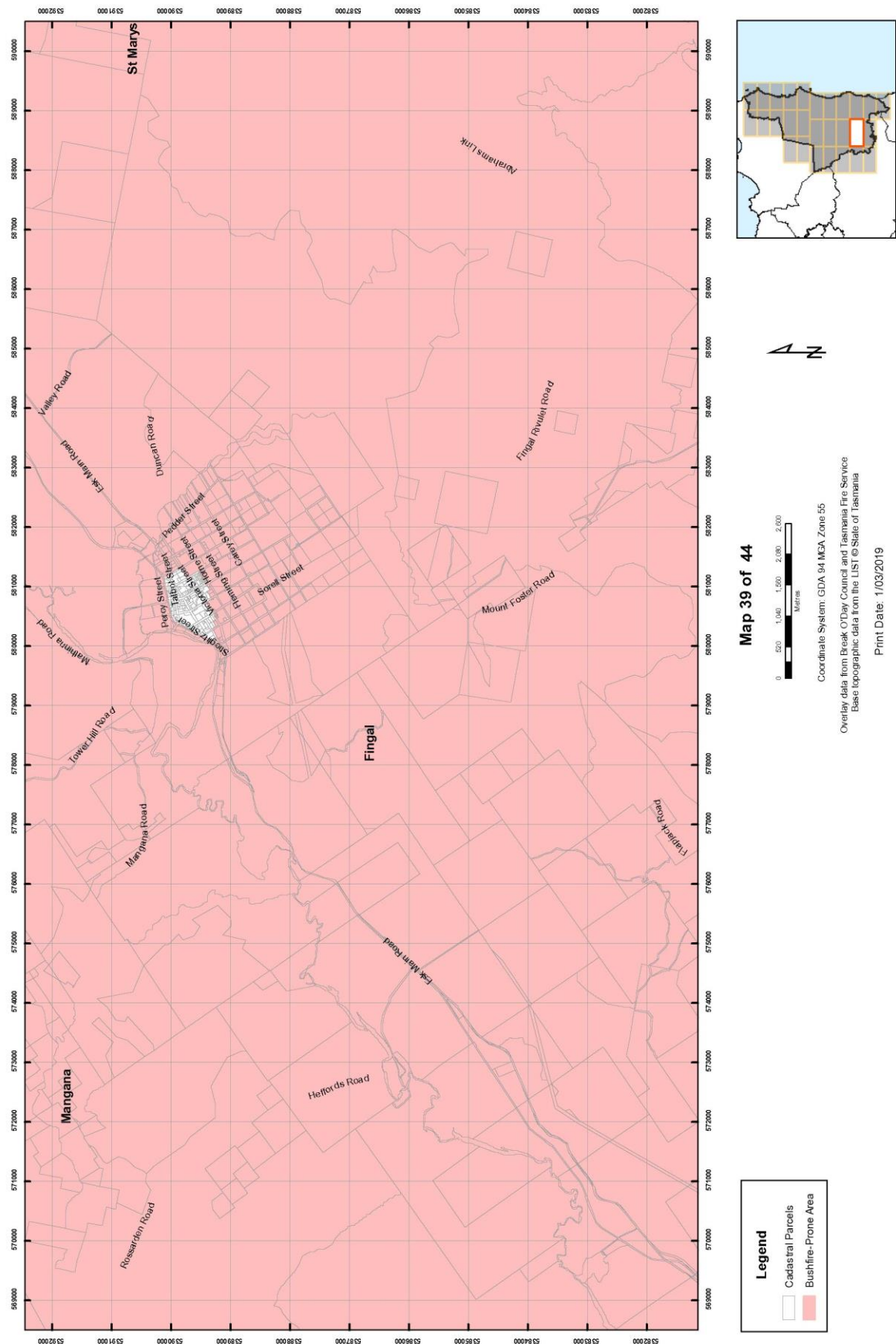
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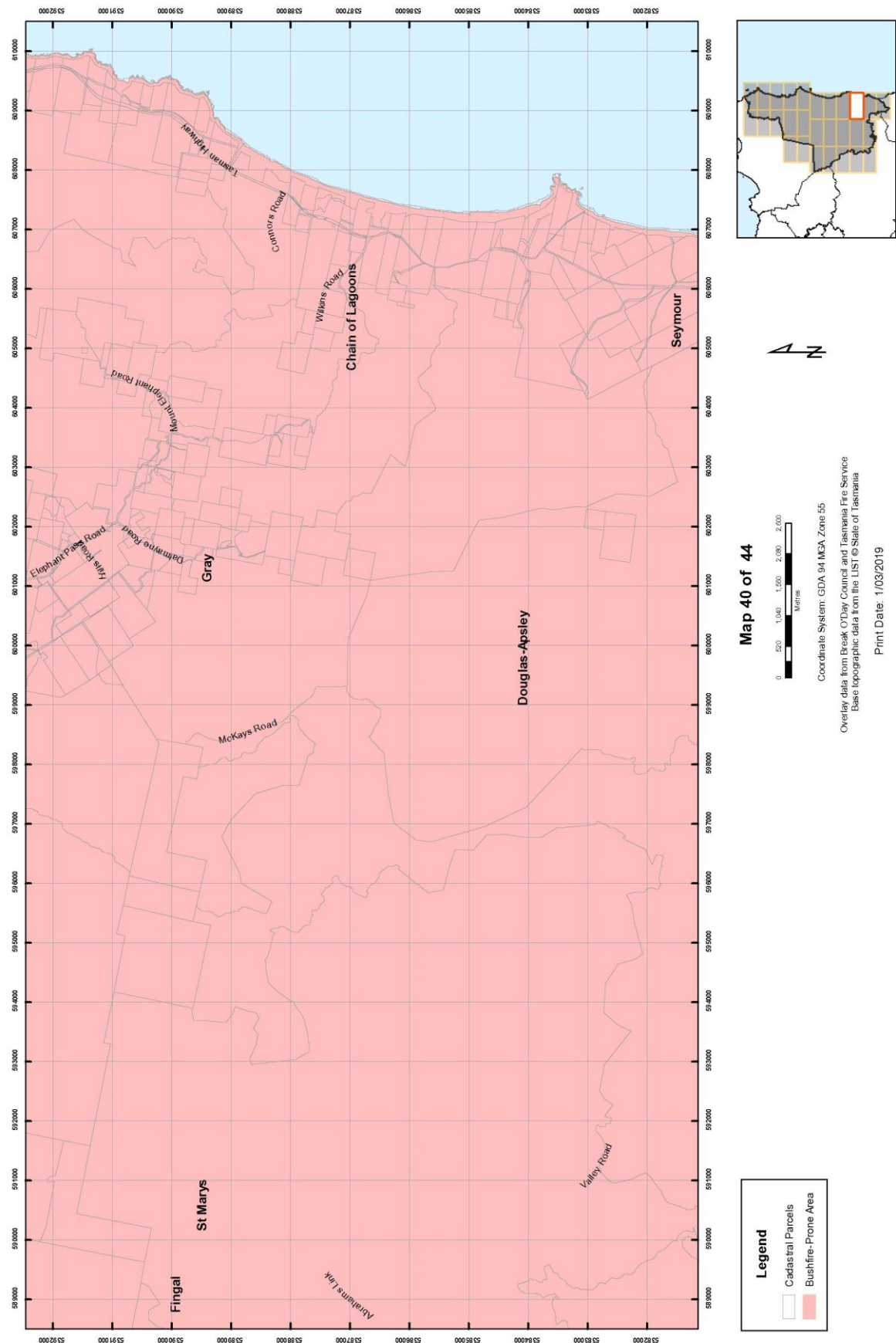
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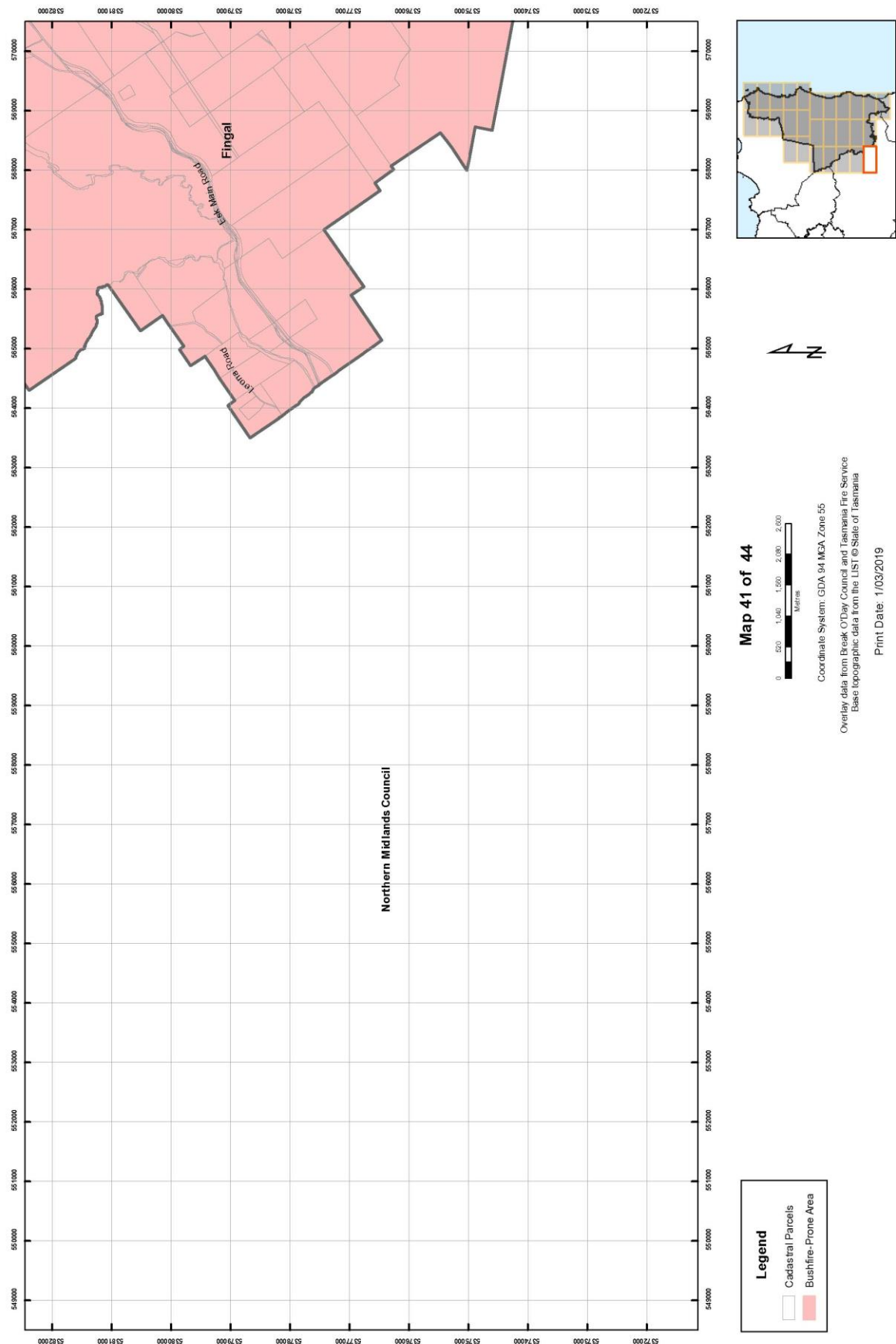
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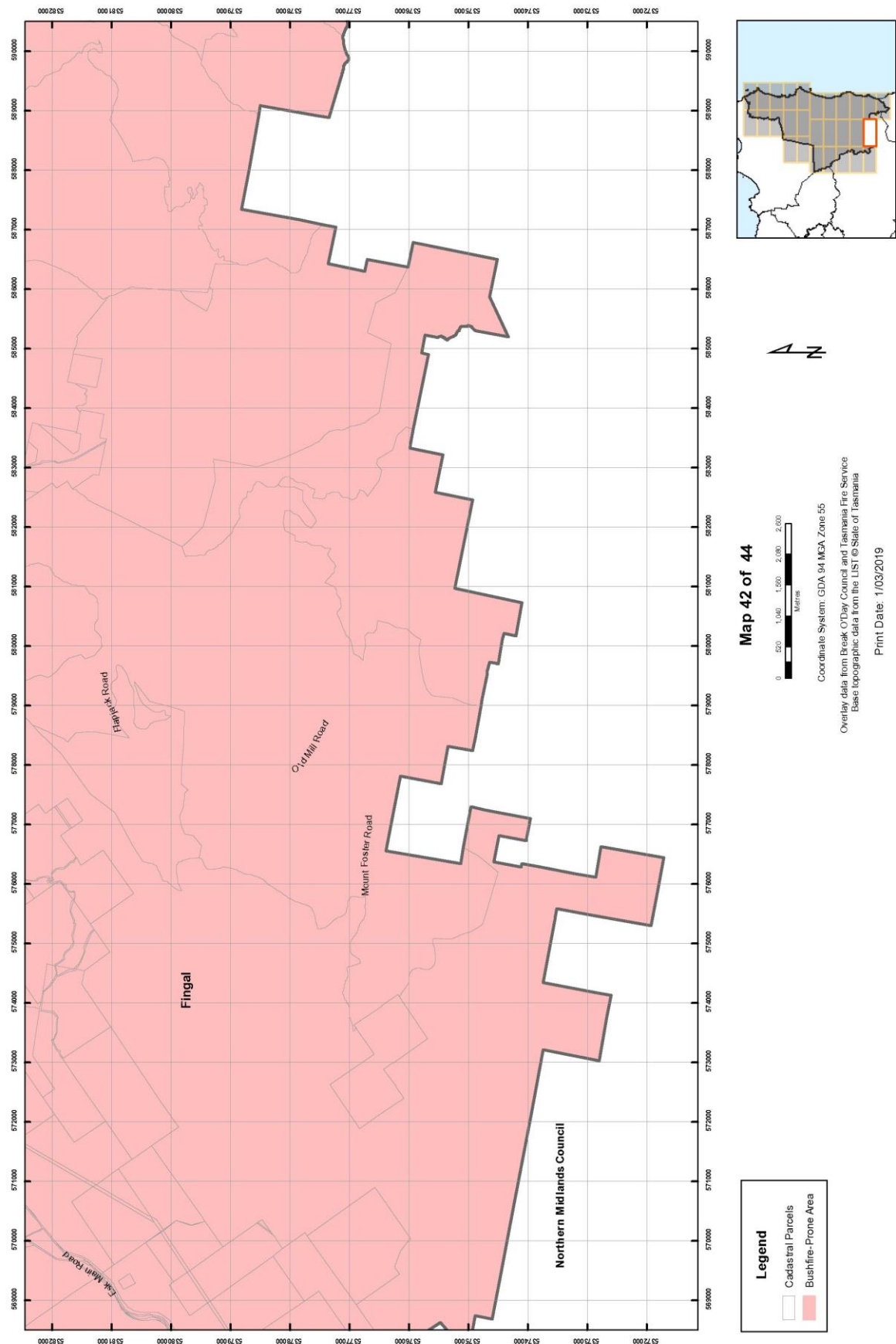
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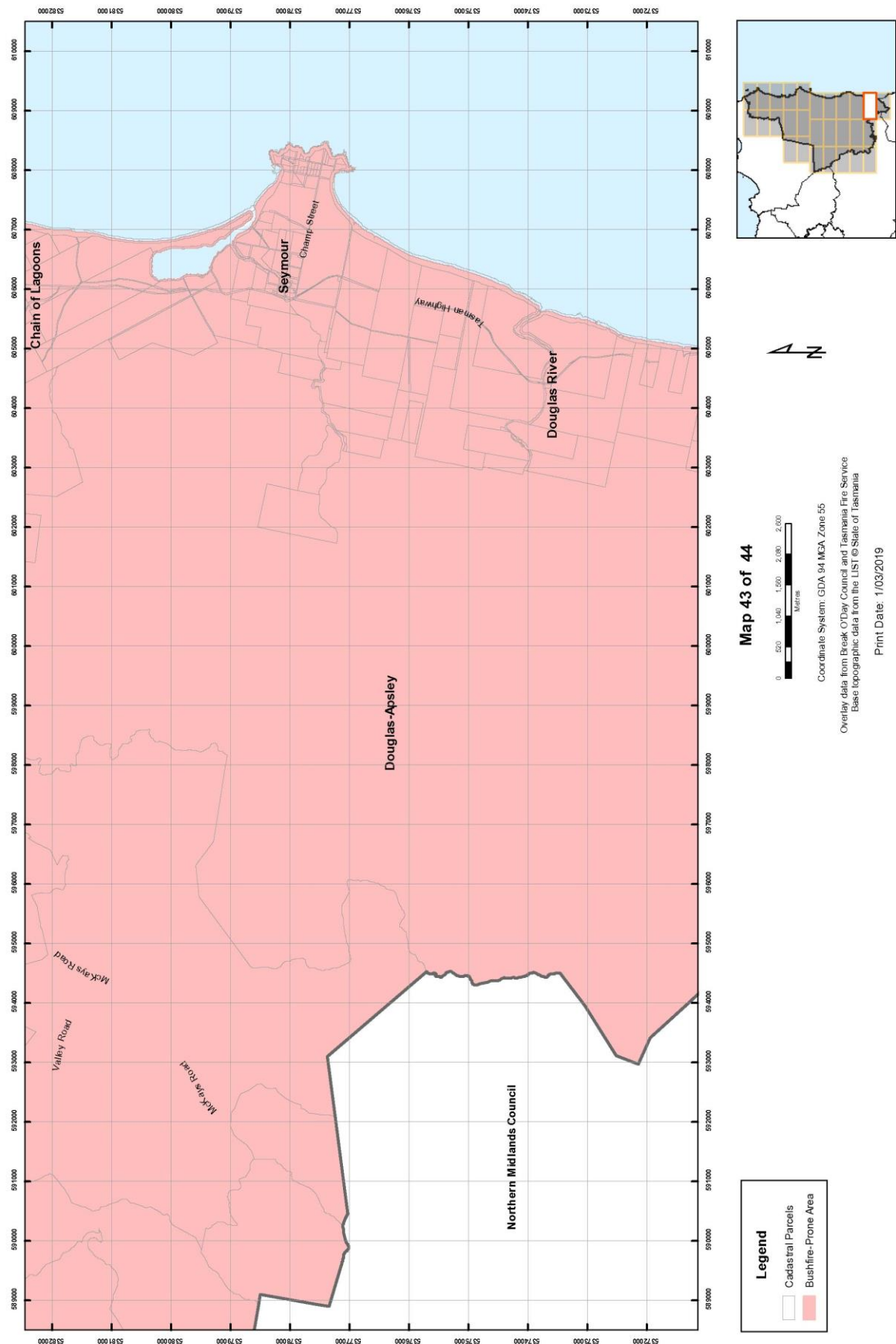
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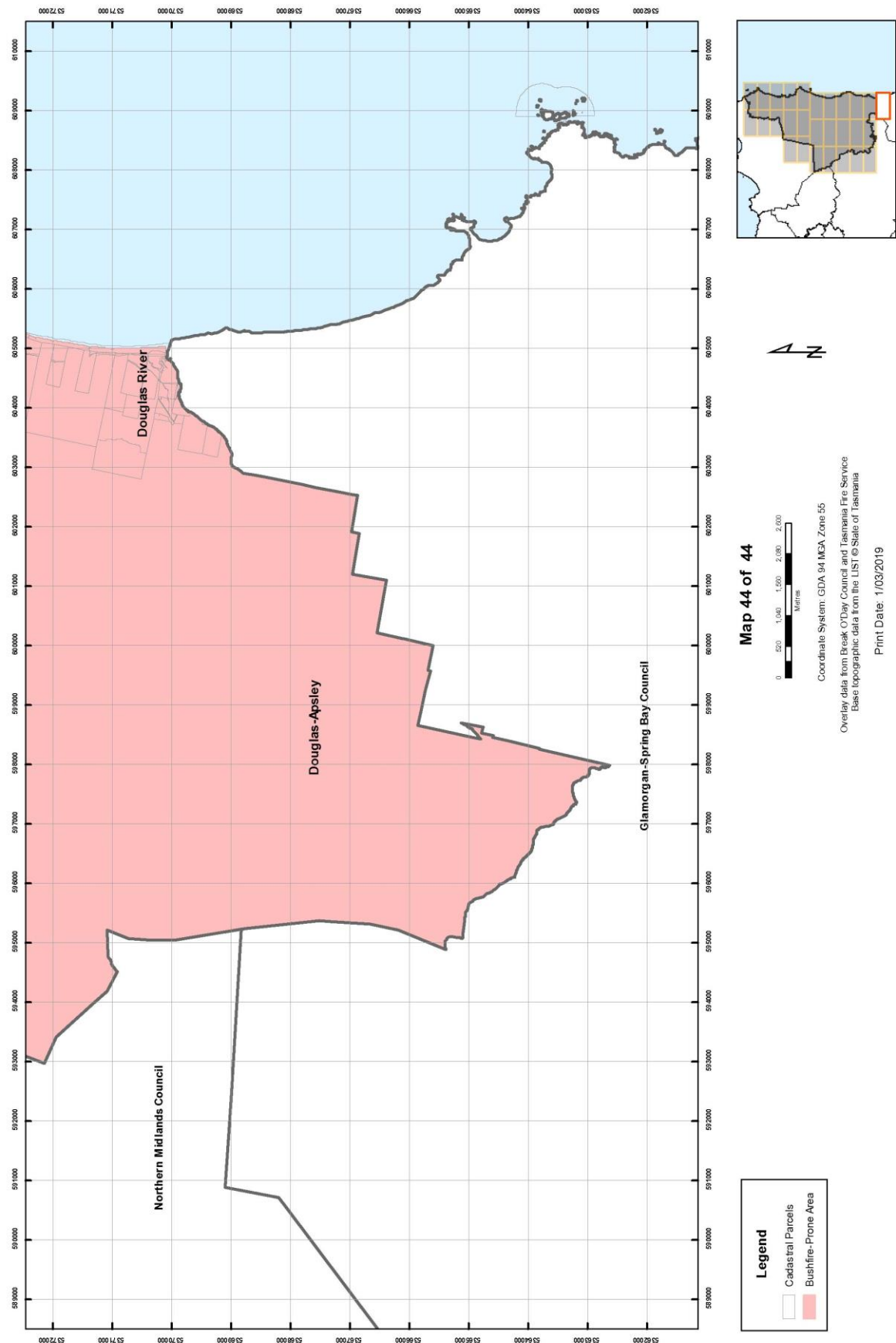
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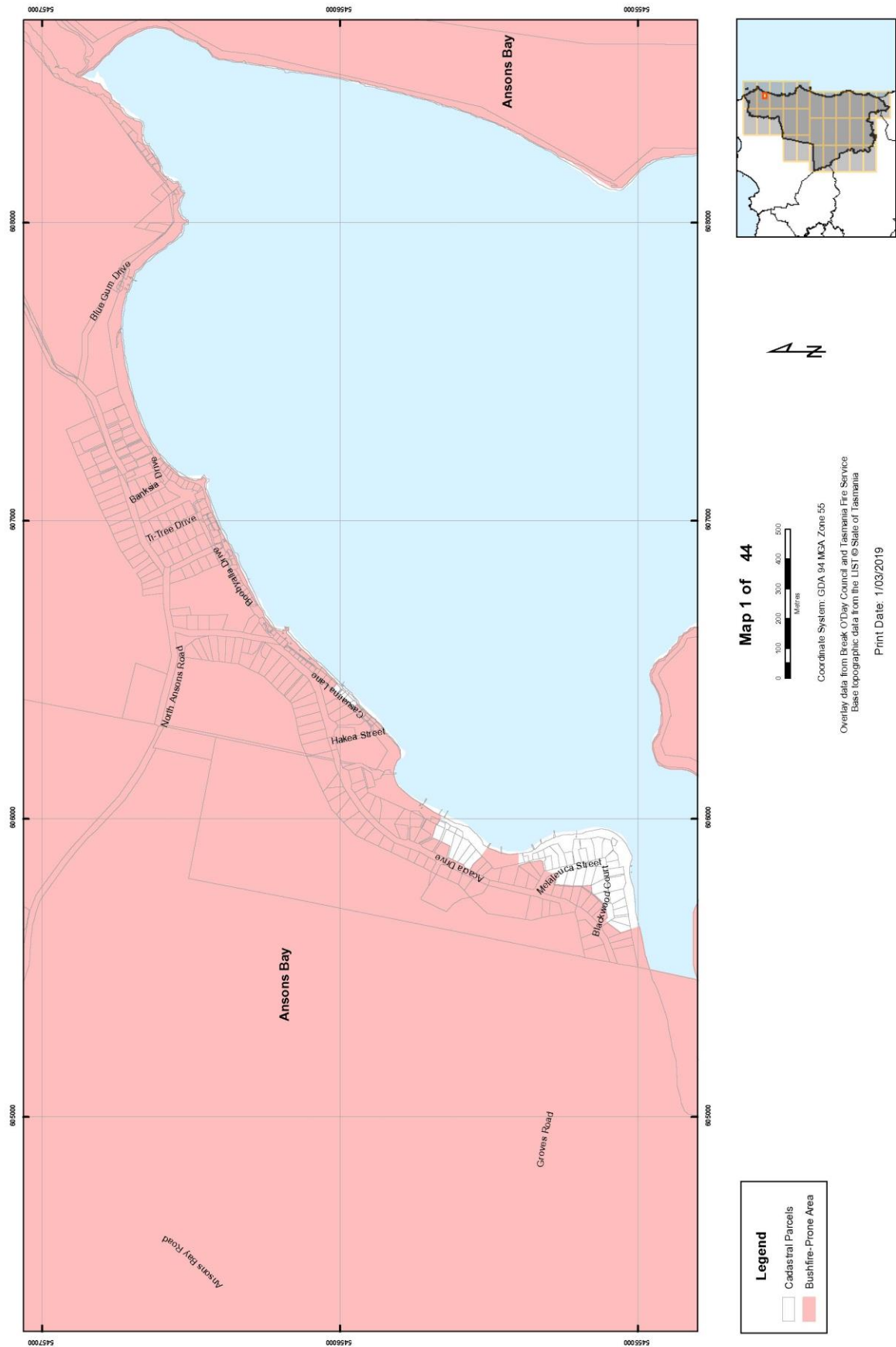
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BREAK O'DAY INTERIM PLANNING SCHEME 2013 - BUSHFIRE-PRONE AREAS OVERLAY



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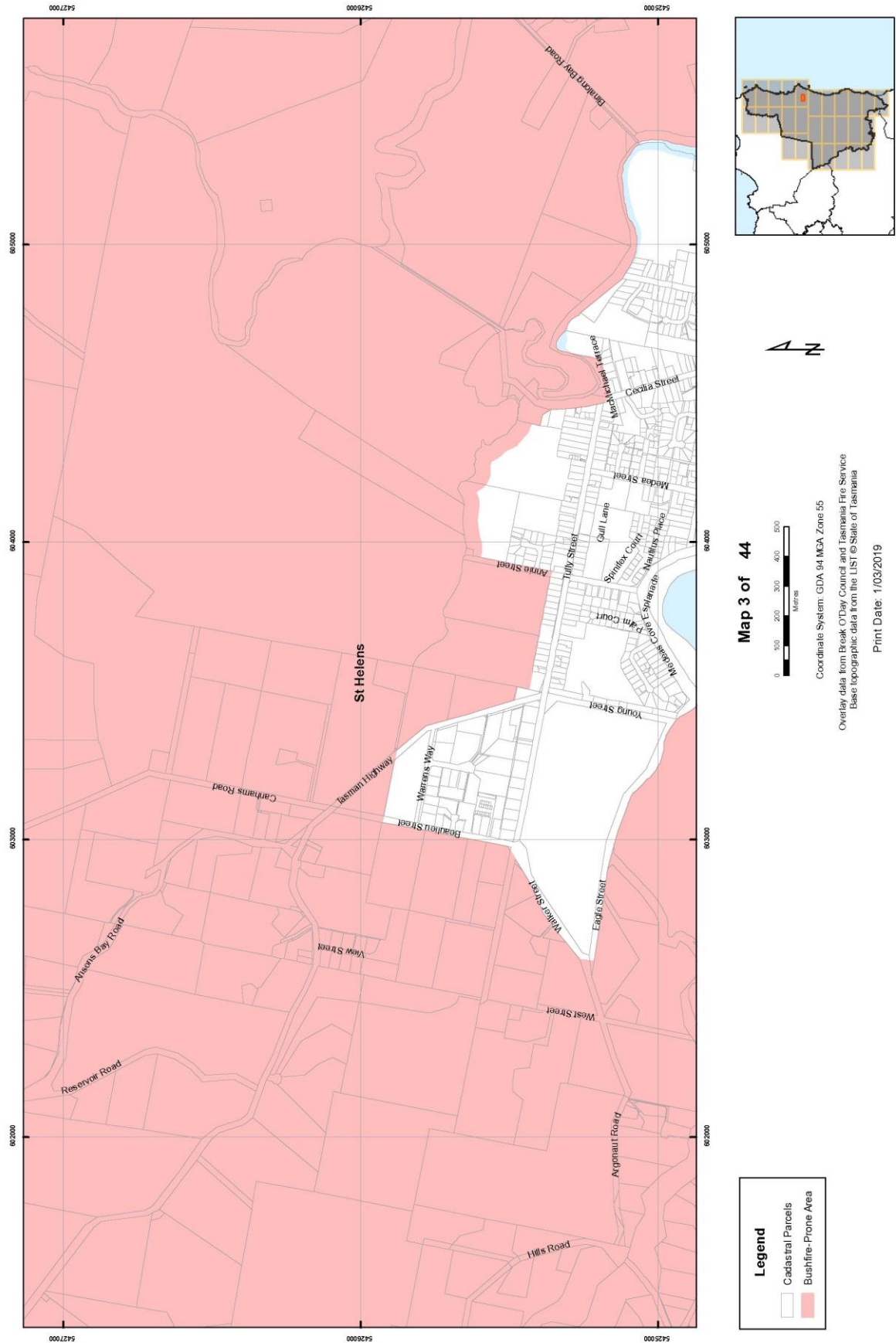
Coordinate System: GDA 94 MGA Zone 55

Overlay data from Break O'Day Council and Tasmania Fire Service
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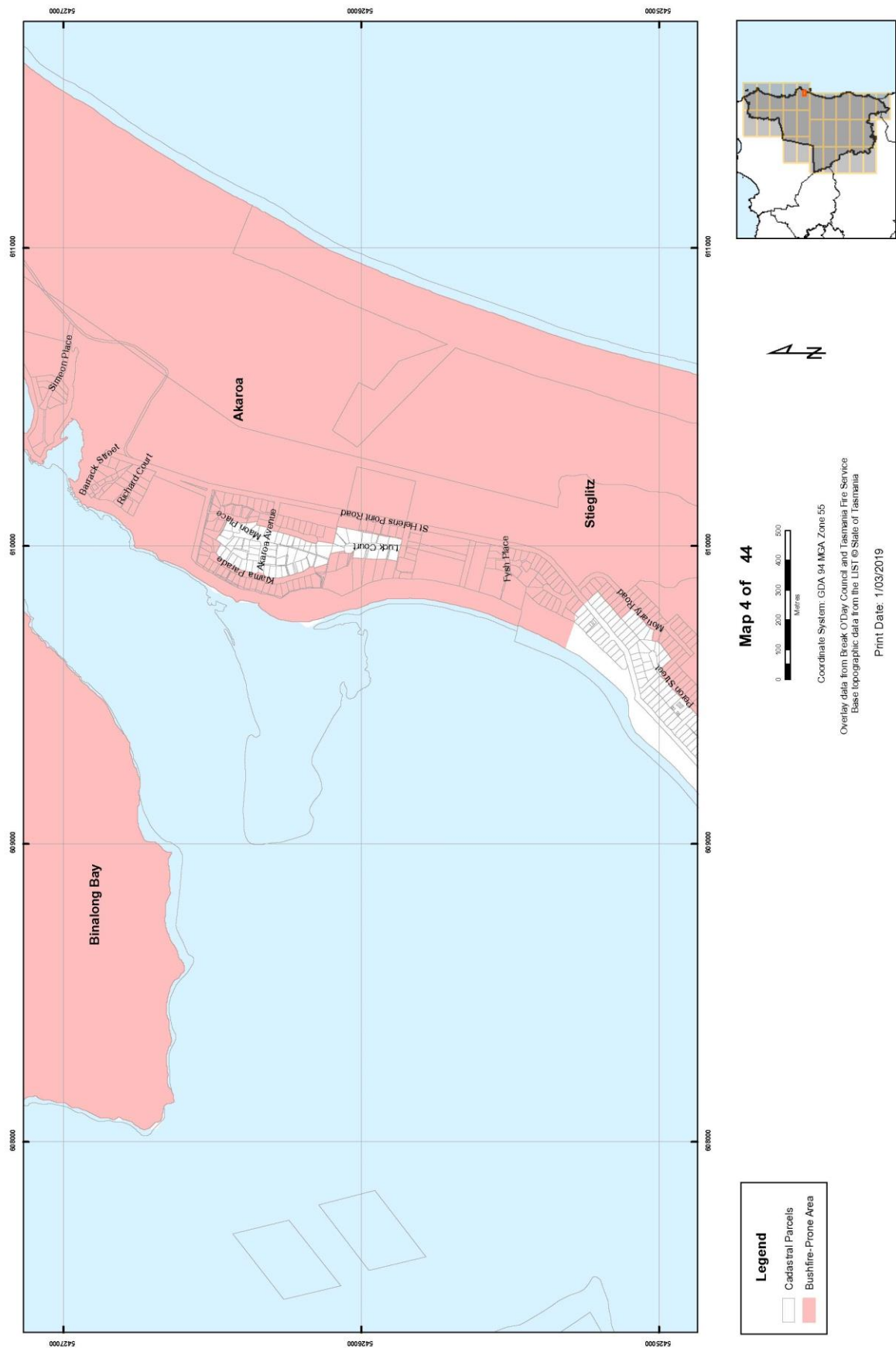
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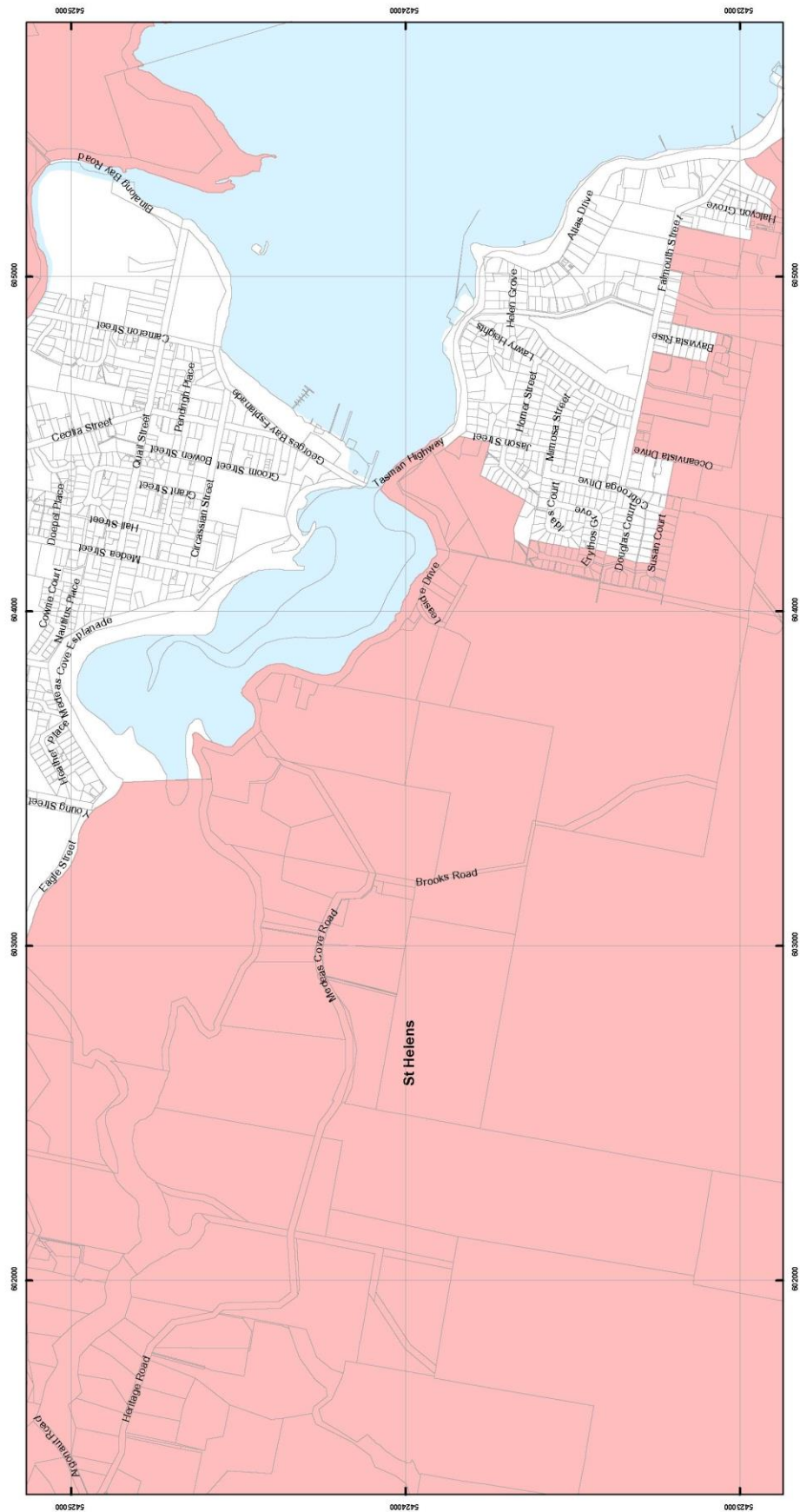
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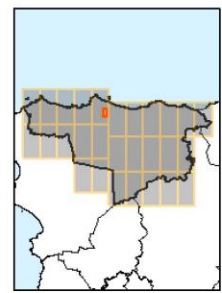


Legend

- Cadastral Parcels
- Bushfire-Prone Area

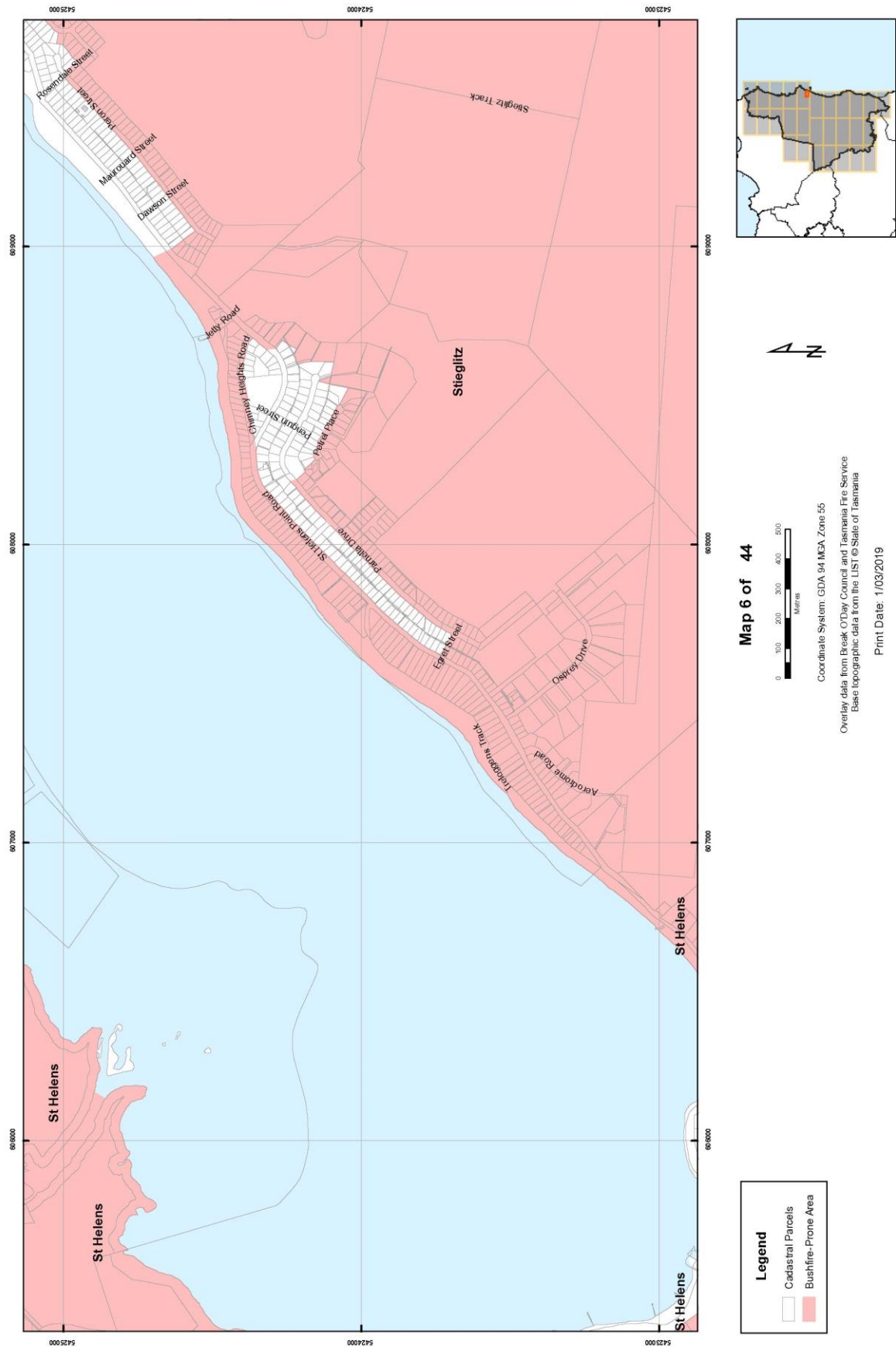
Map 5 of 44

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Metres

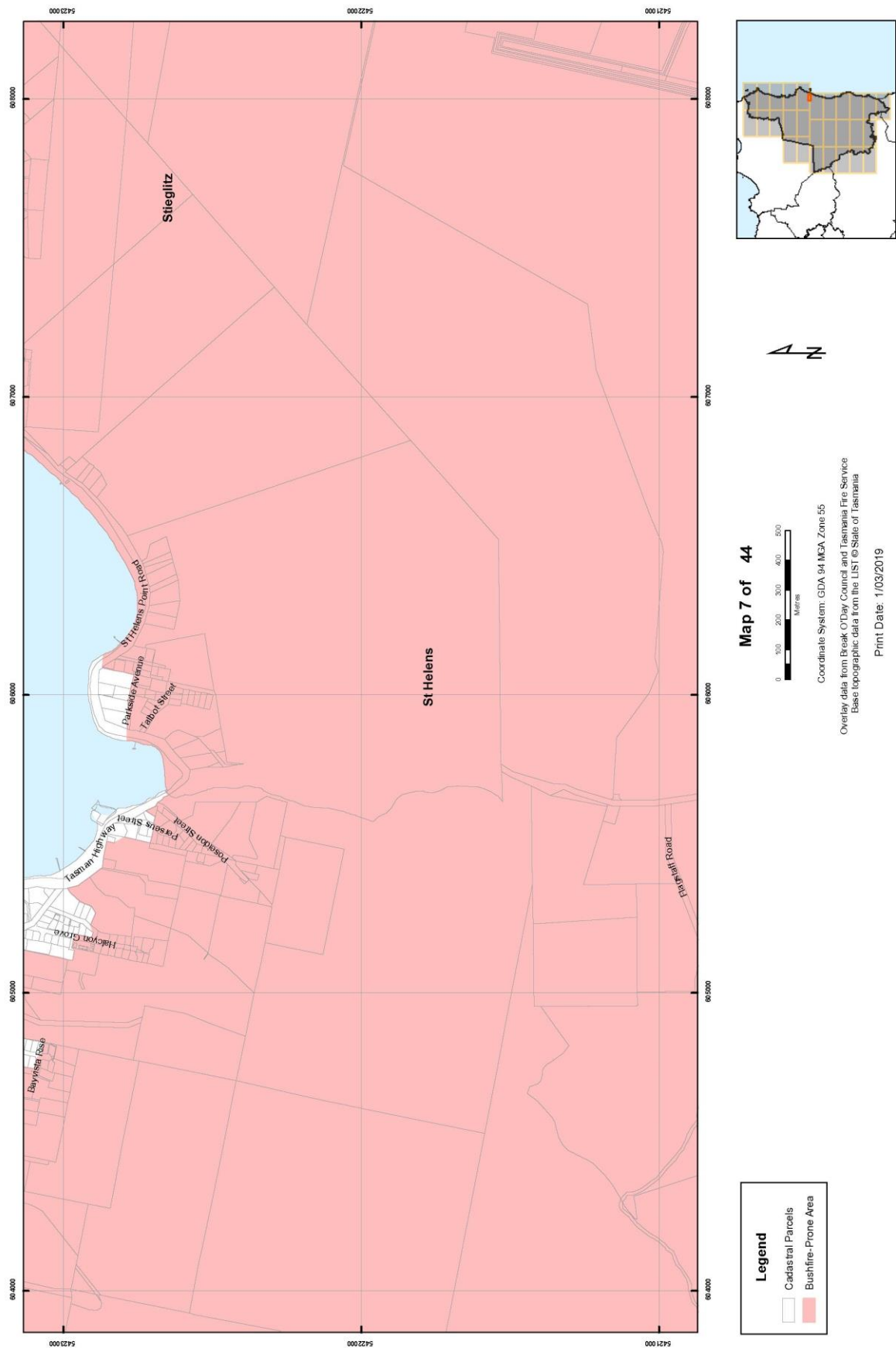


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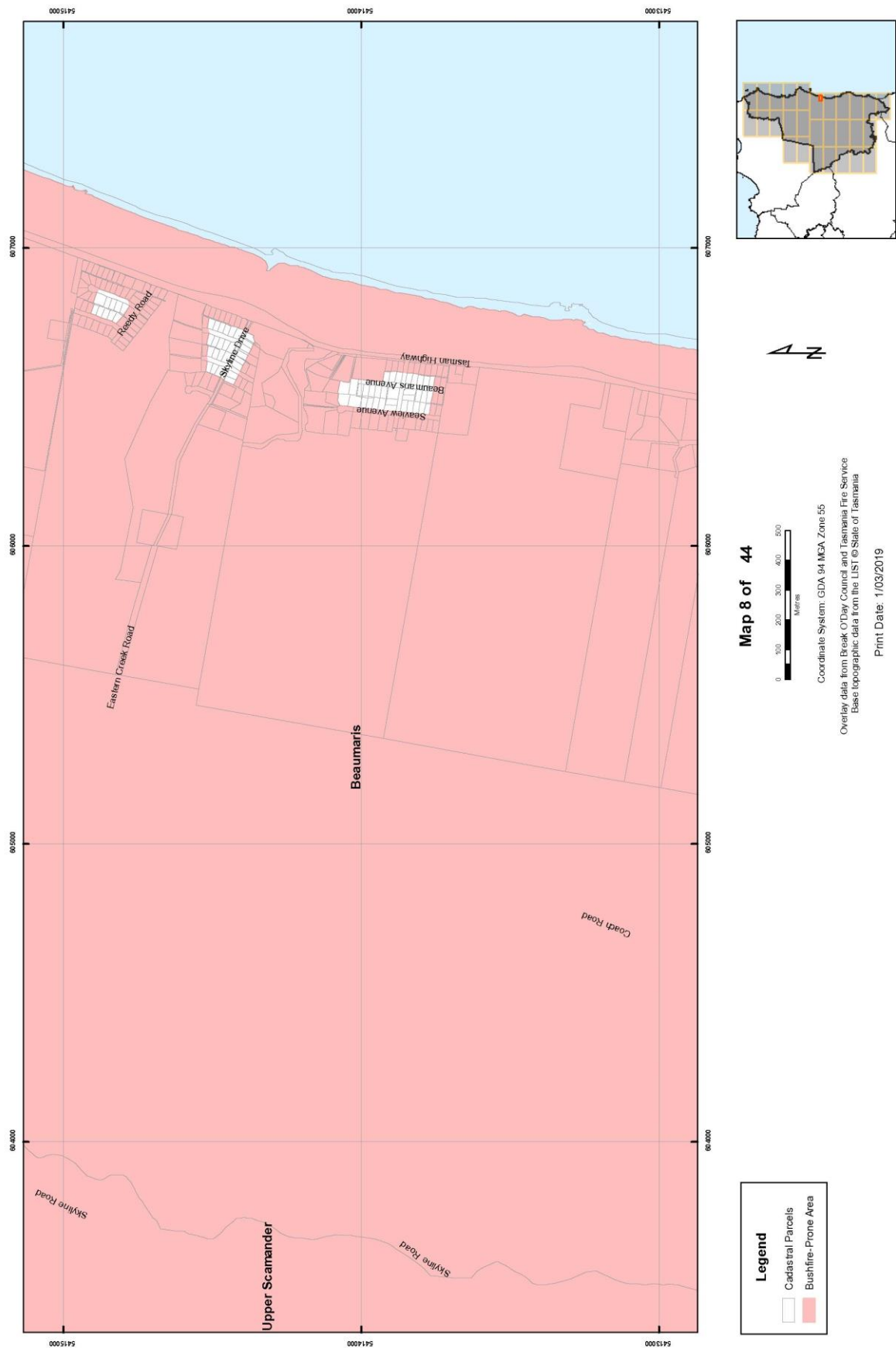
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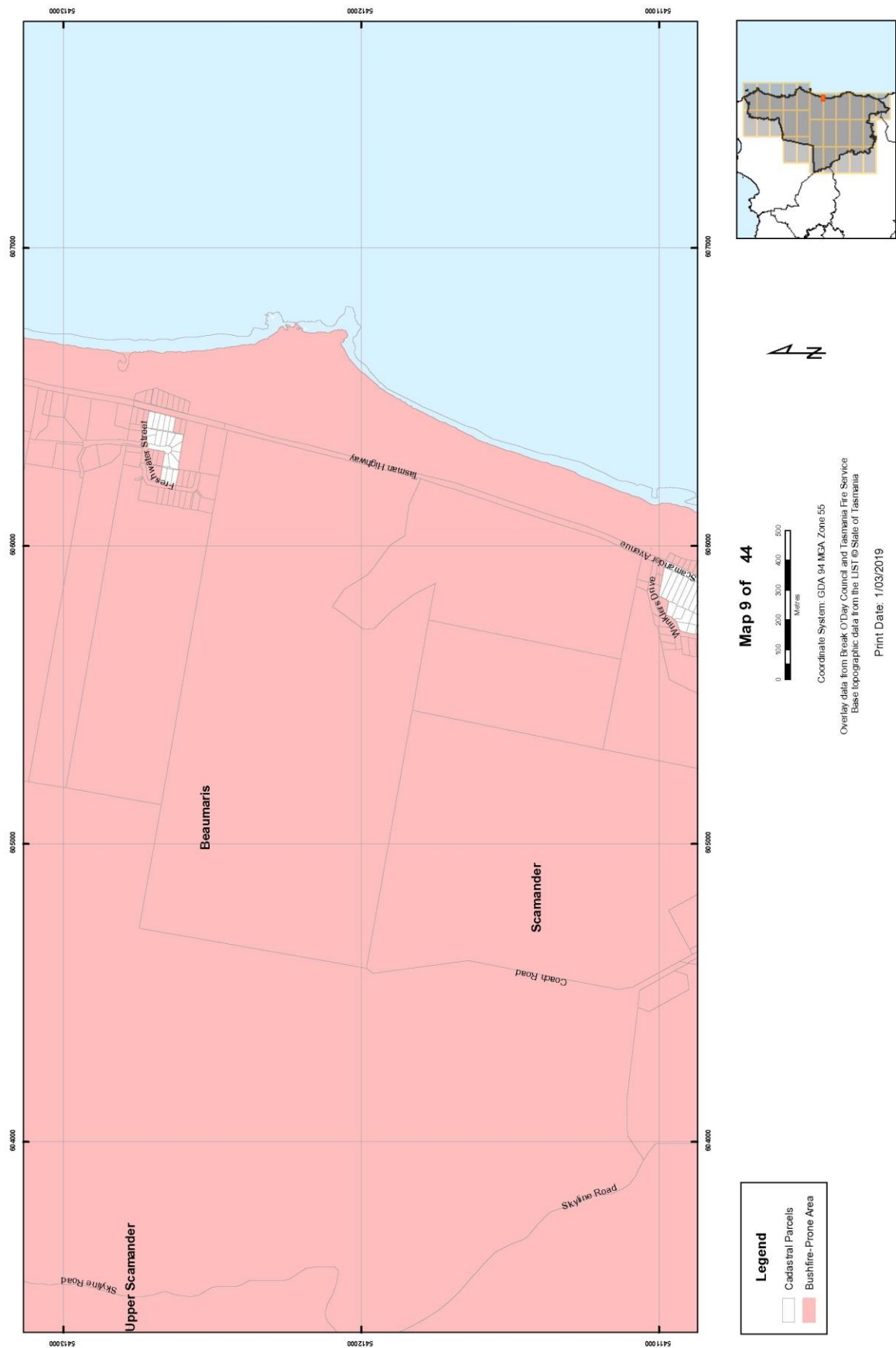
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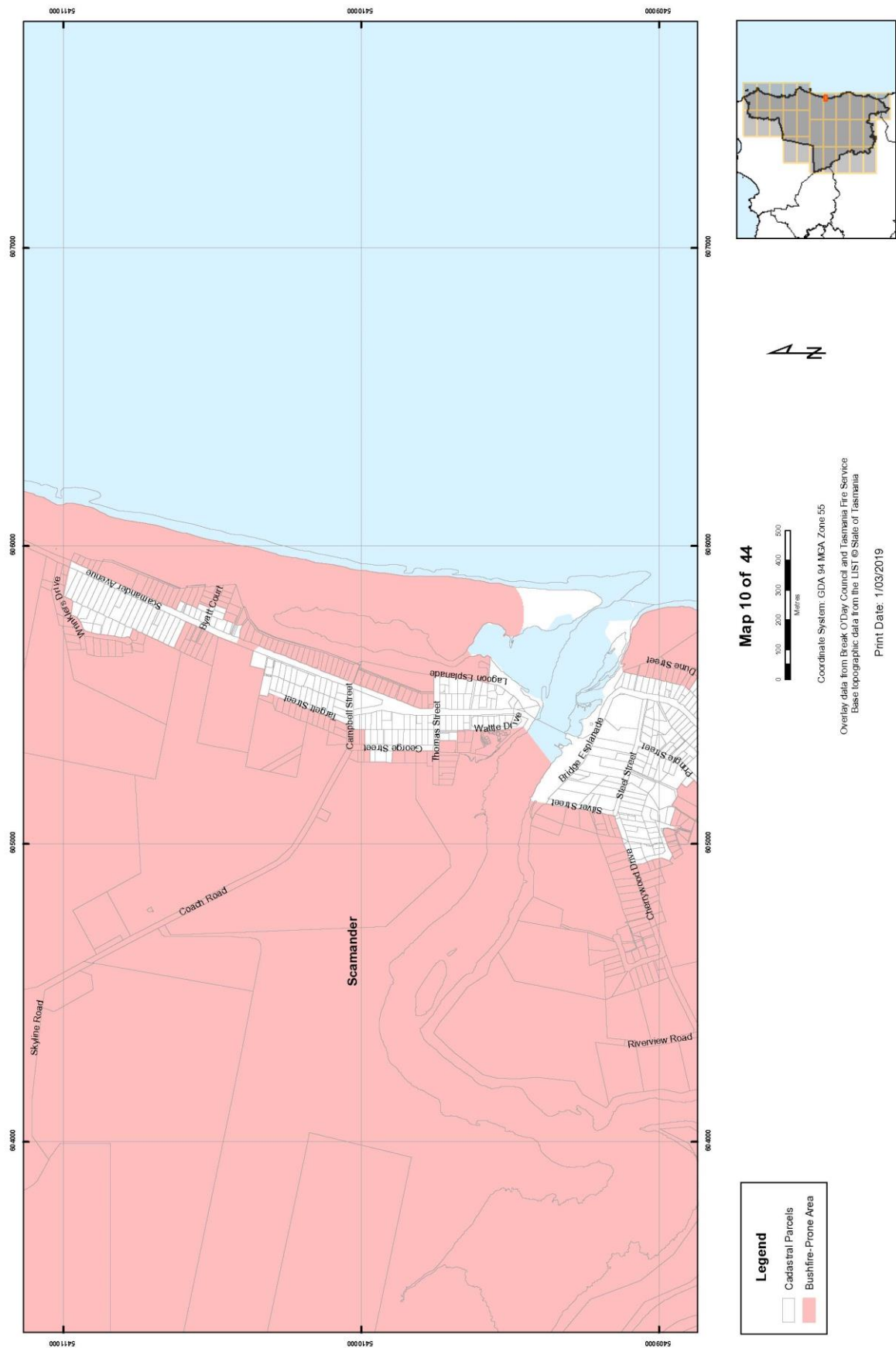
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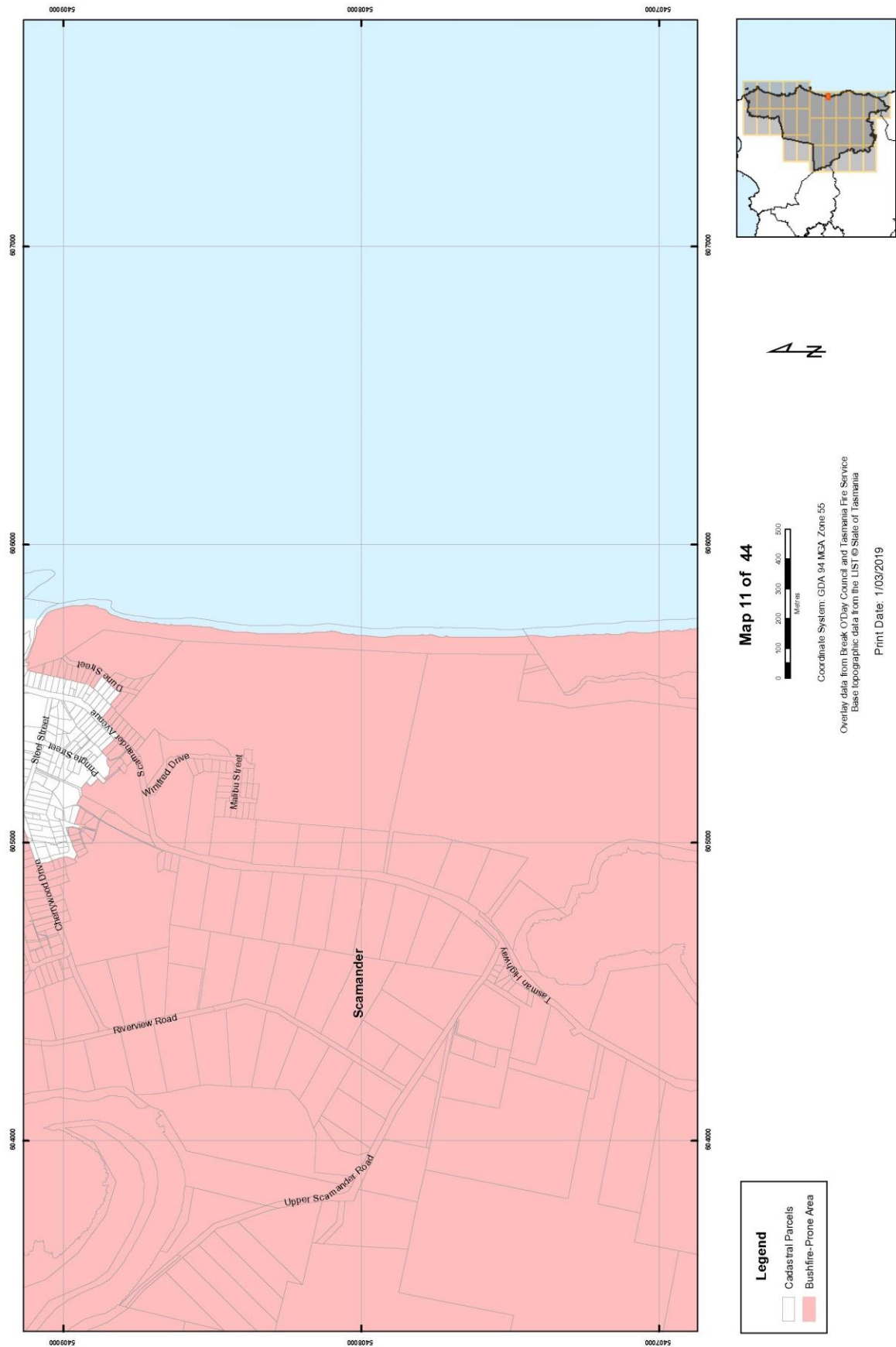
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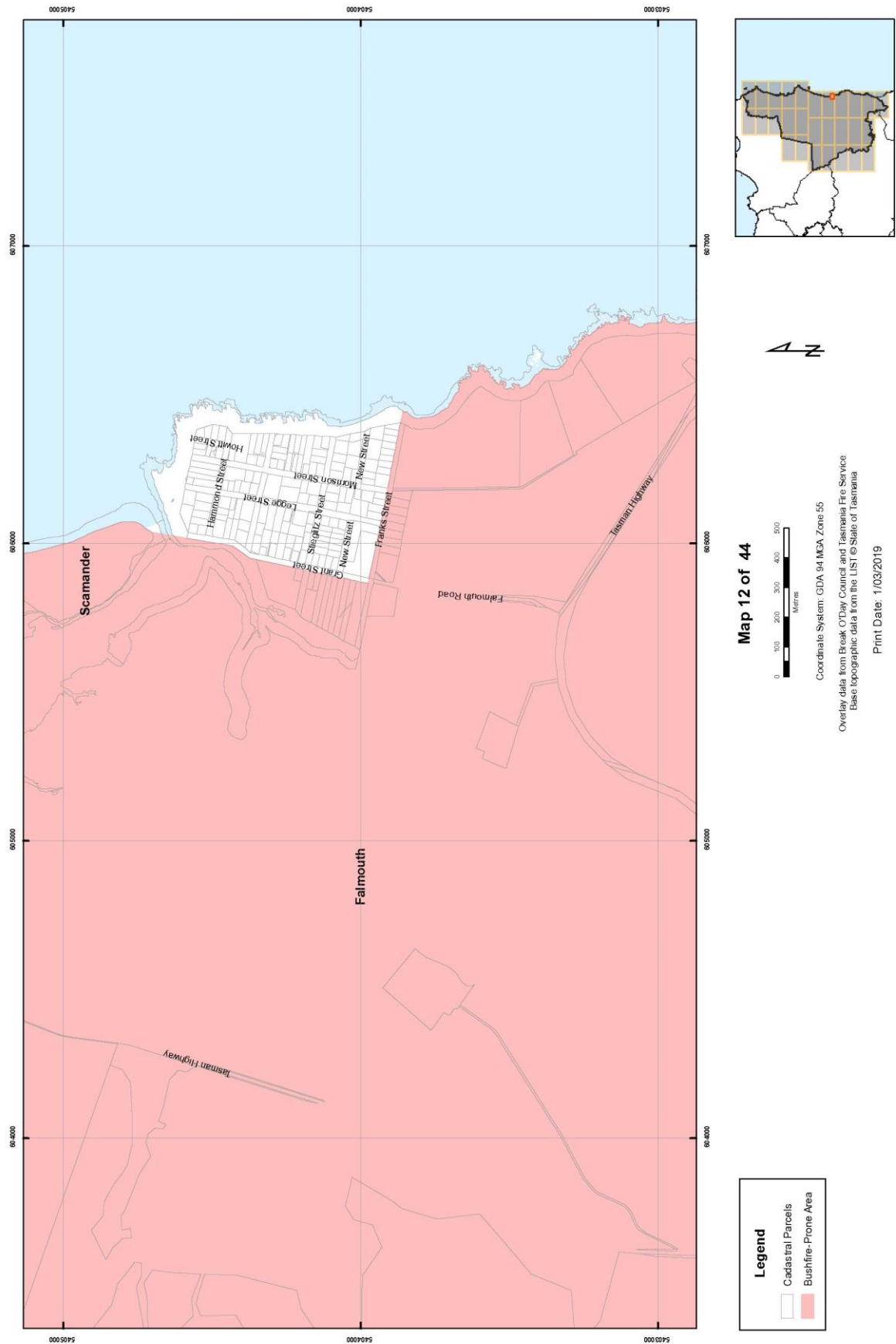
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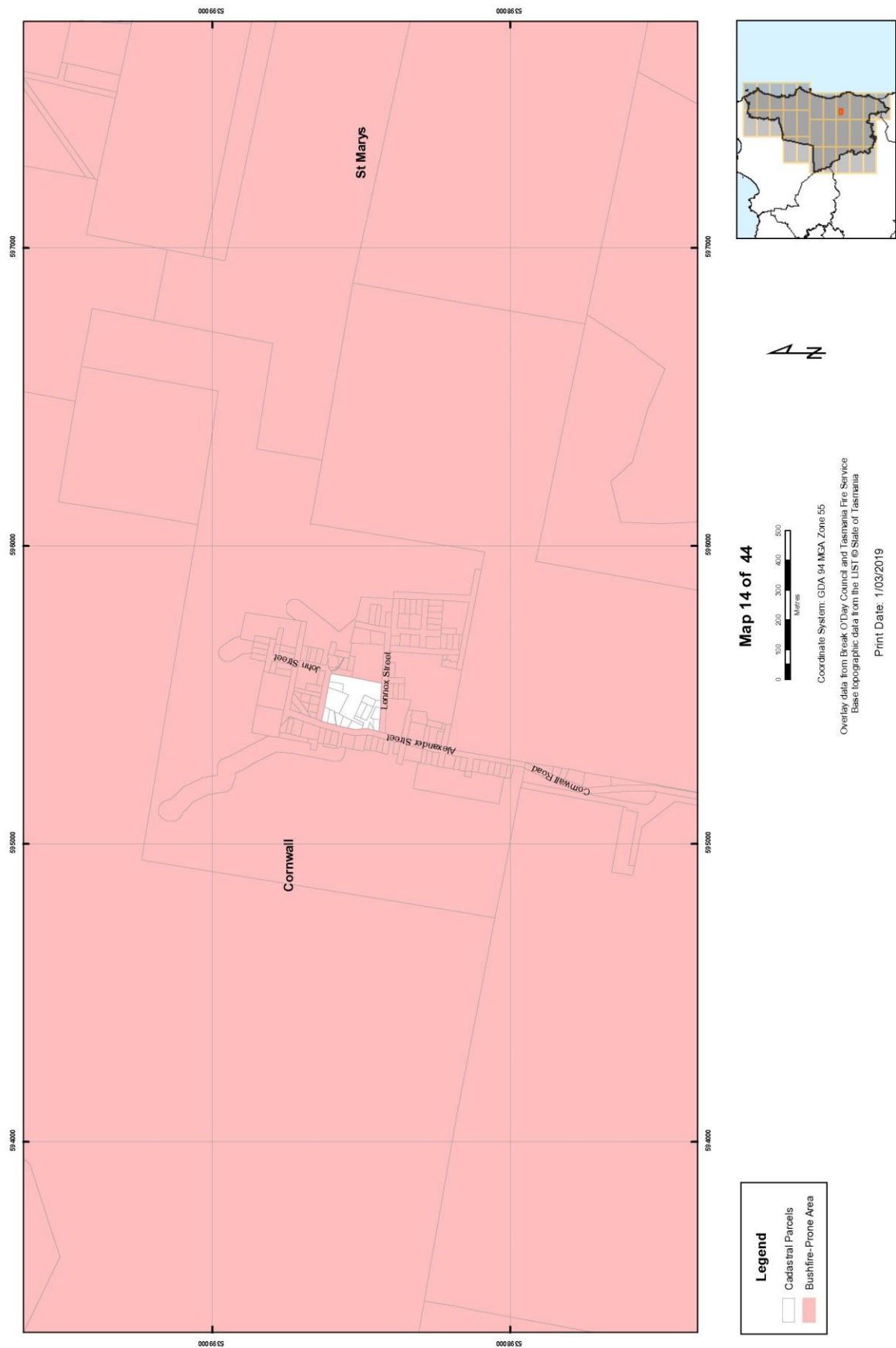
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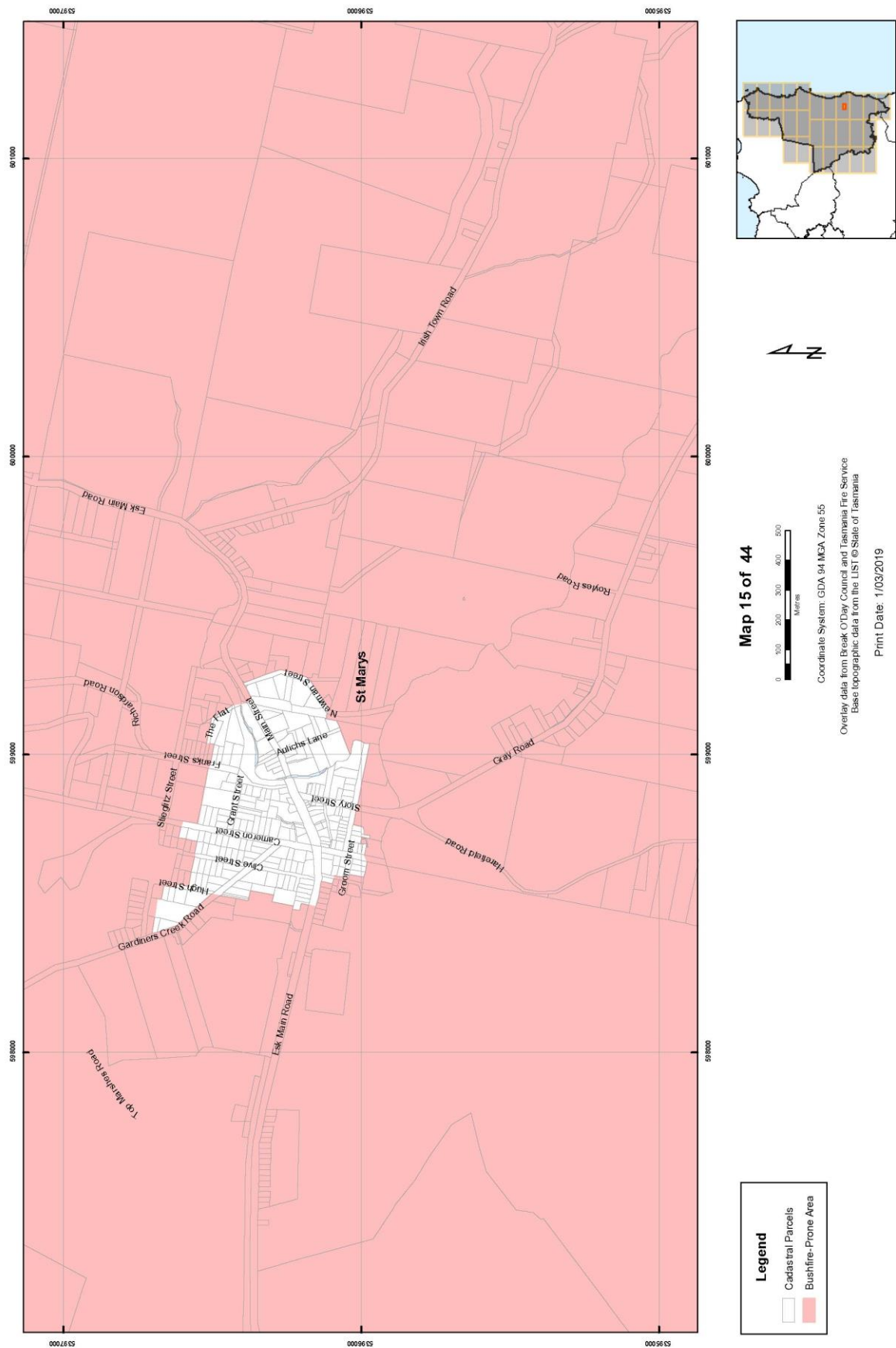
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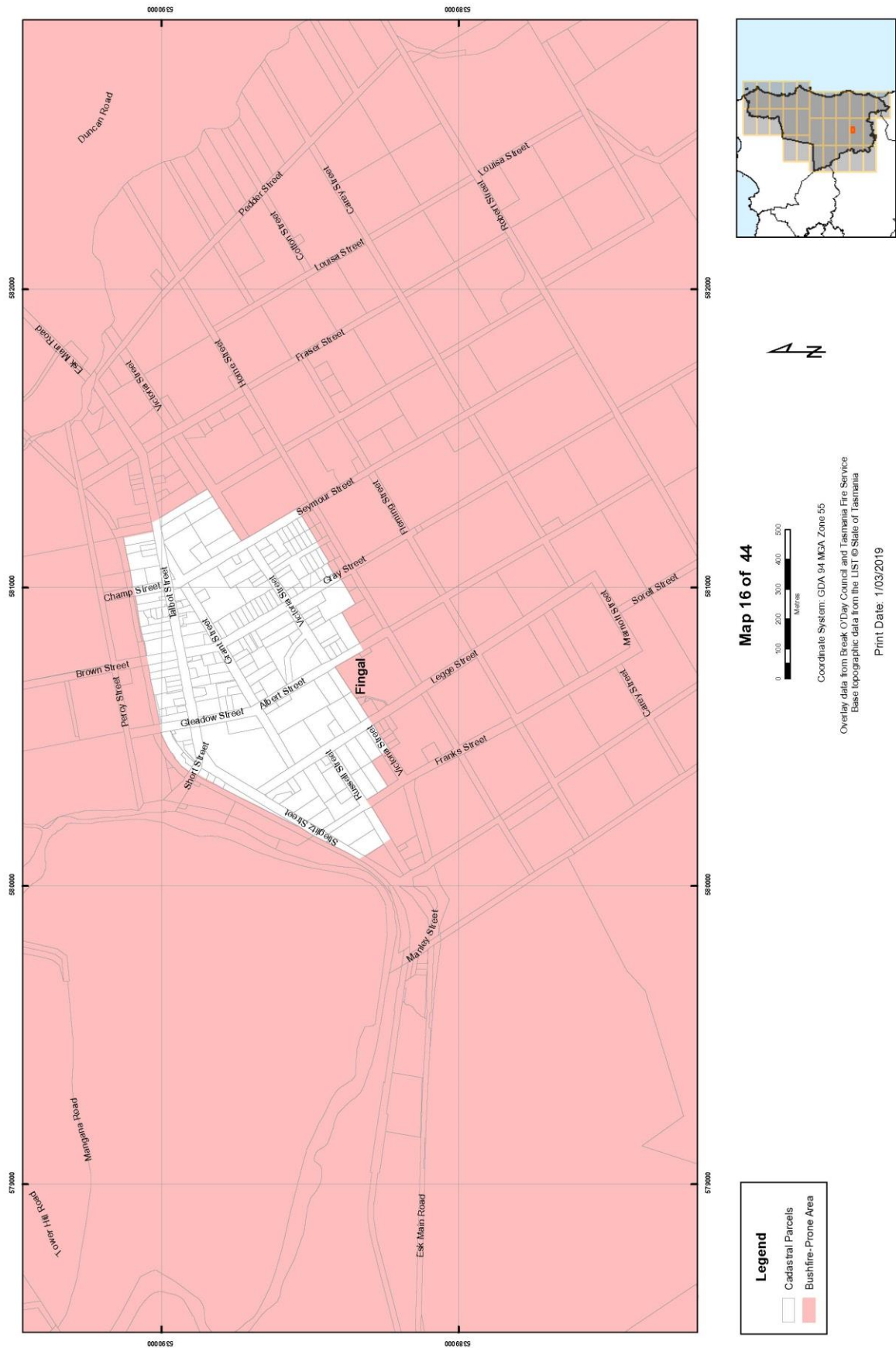
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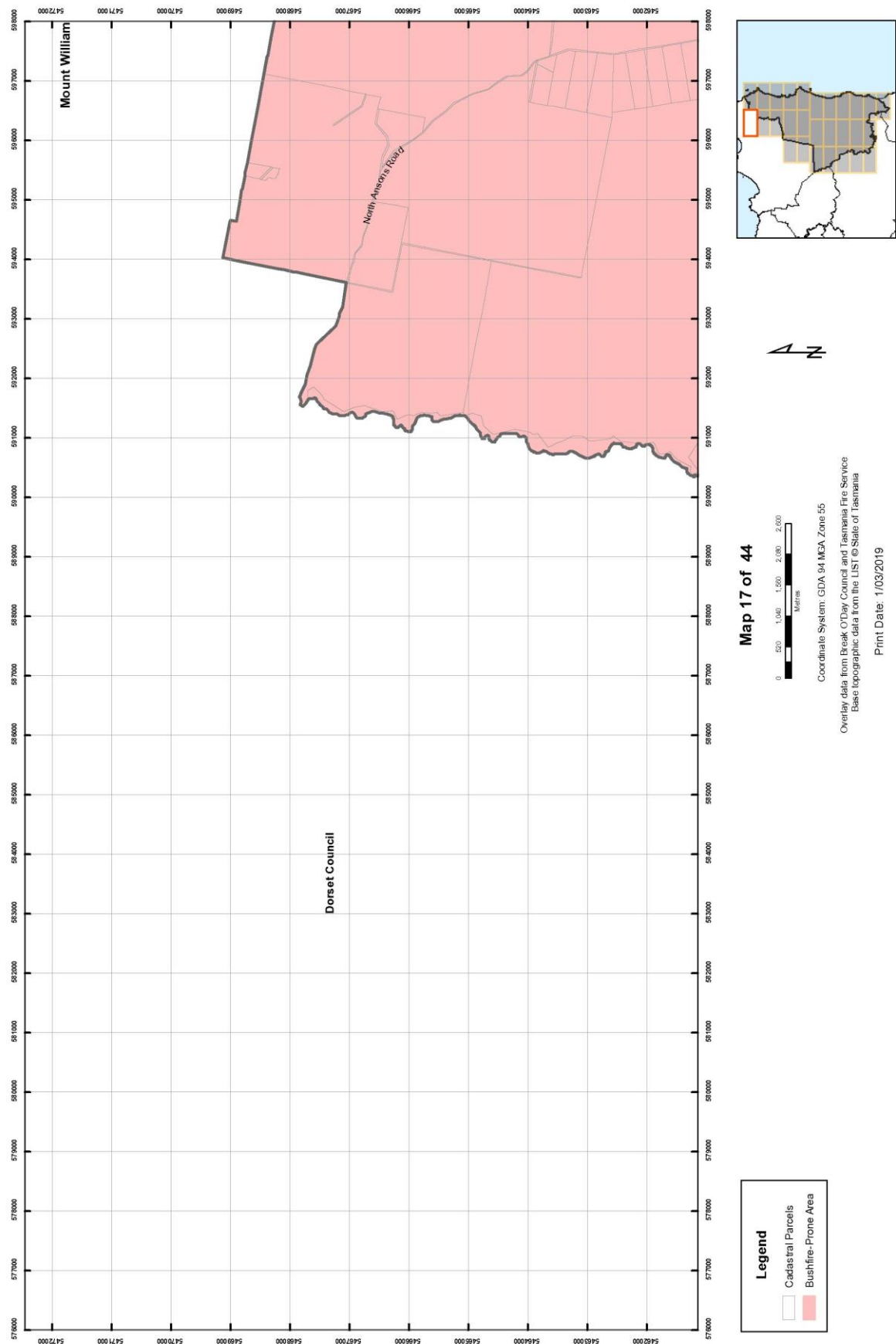
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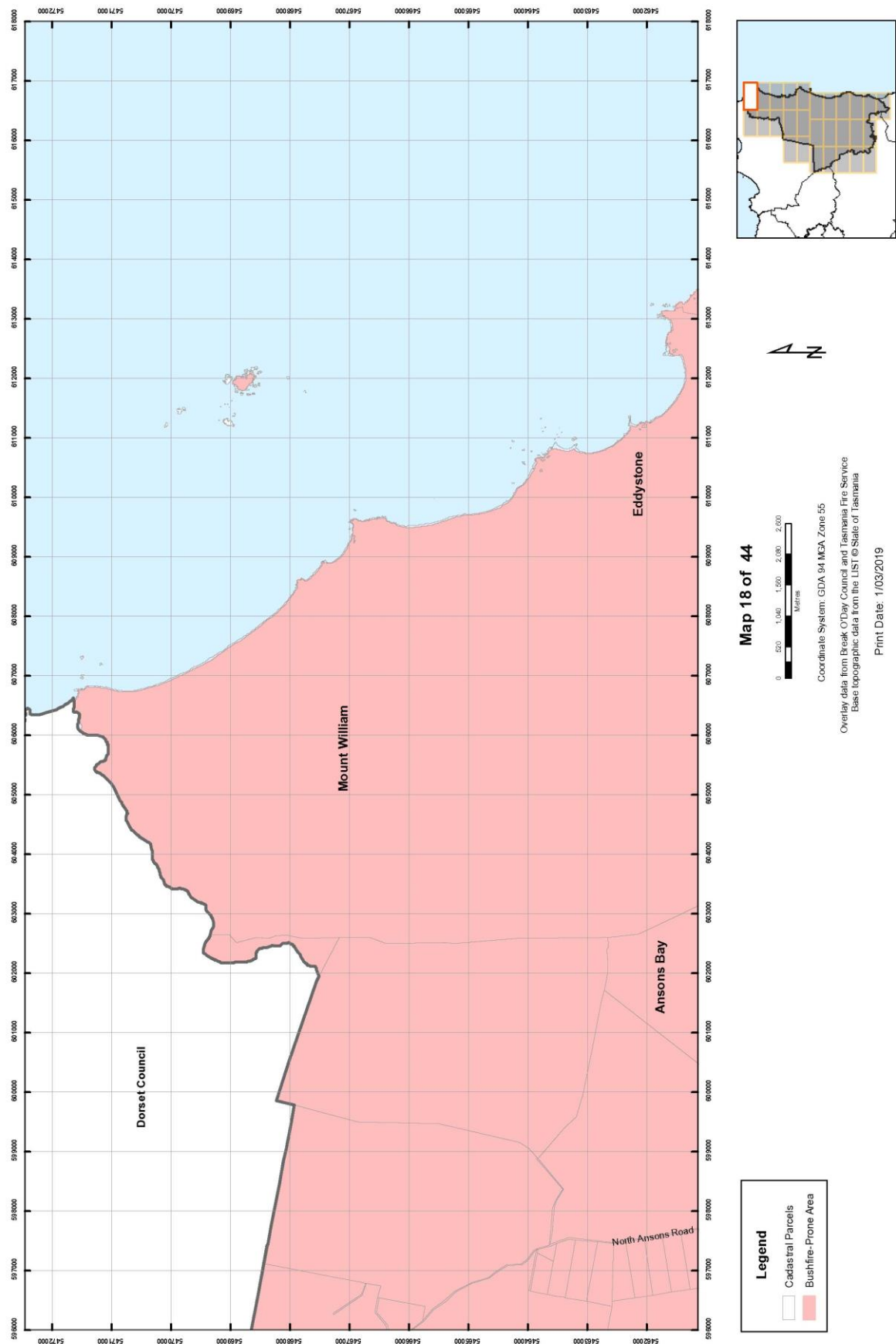
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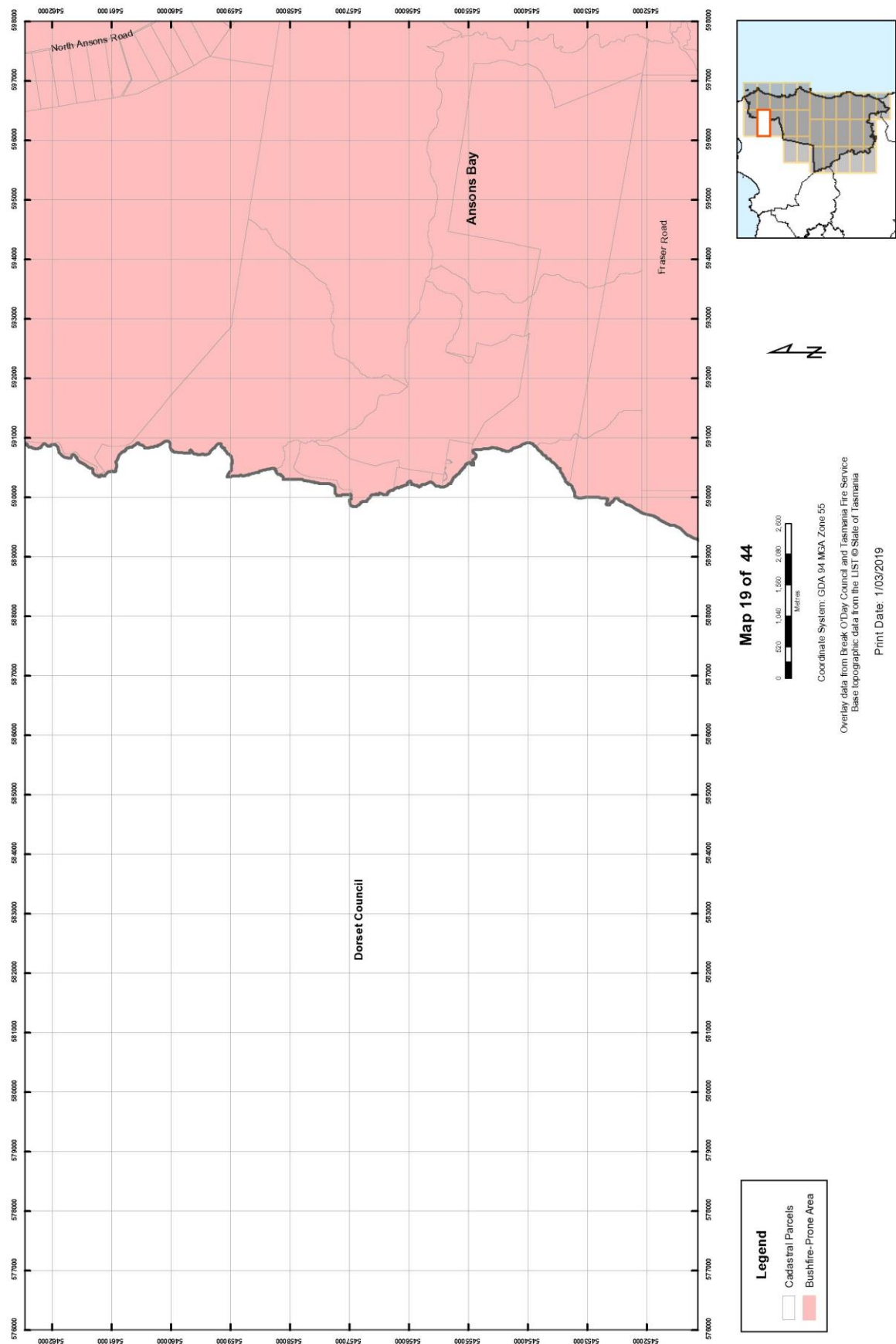
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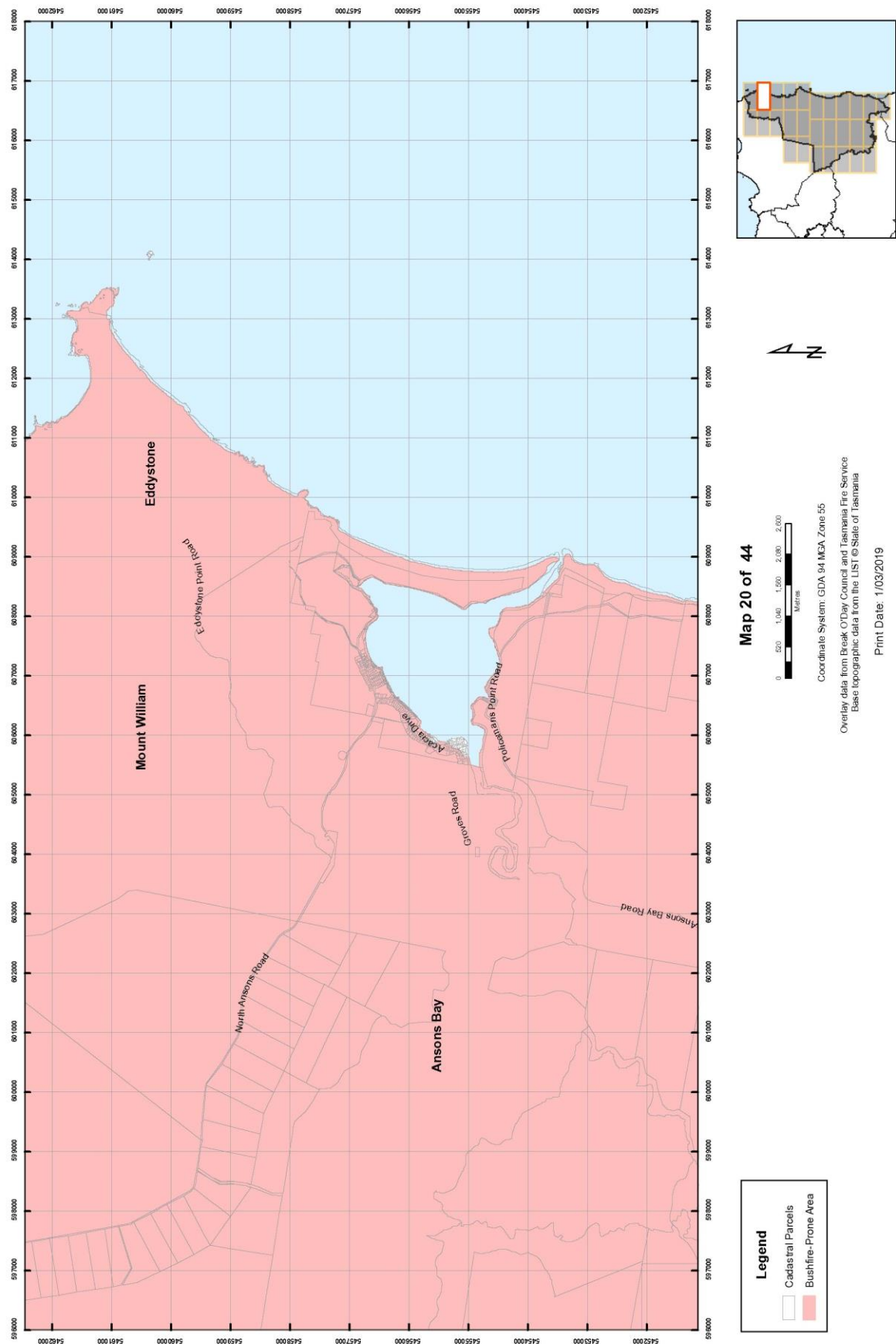
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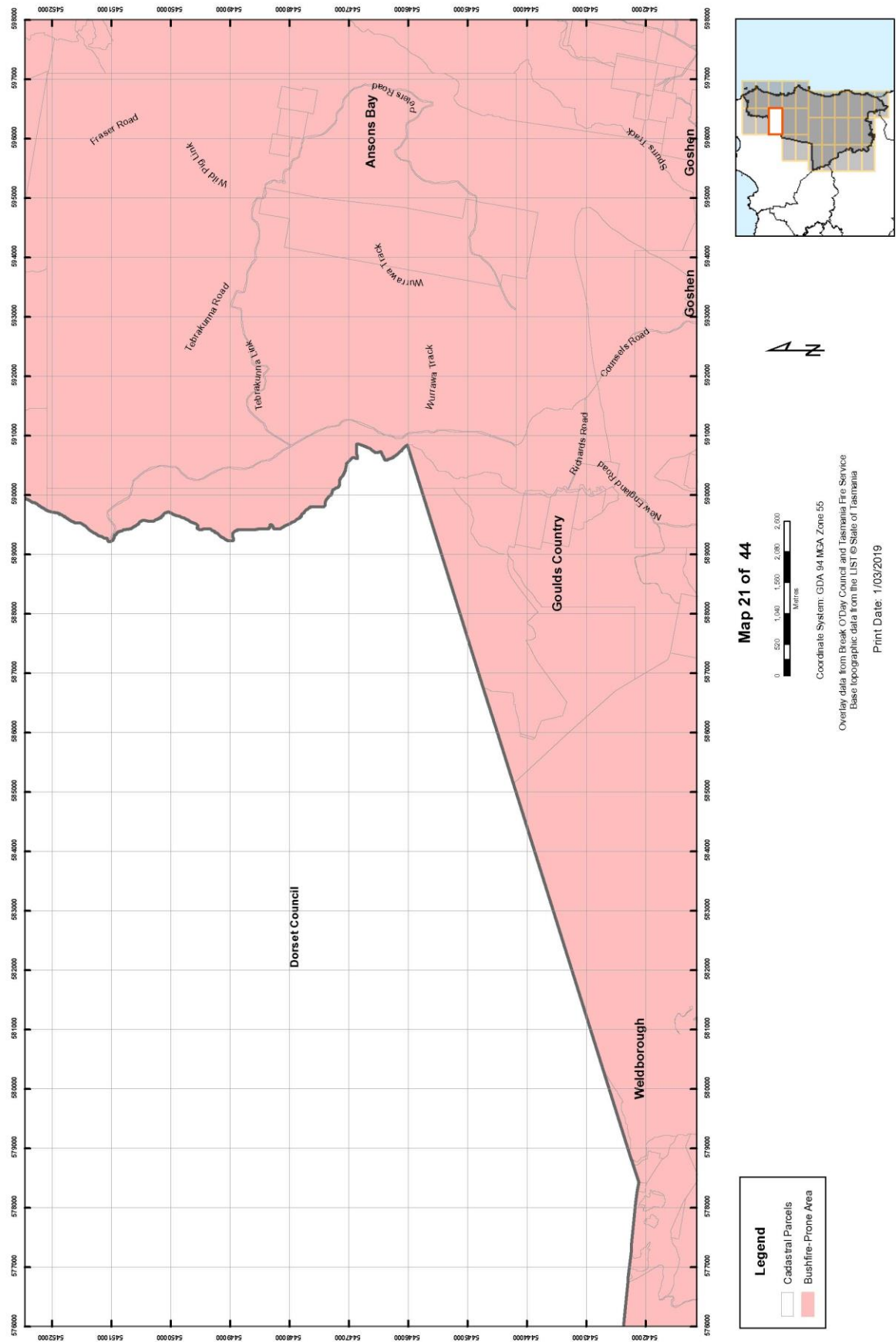
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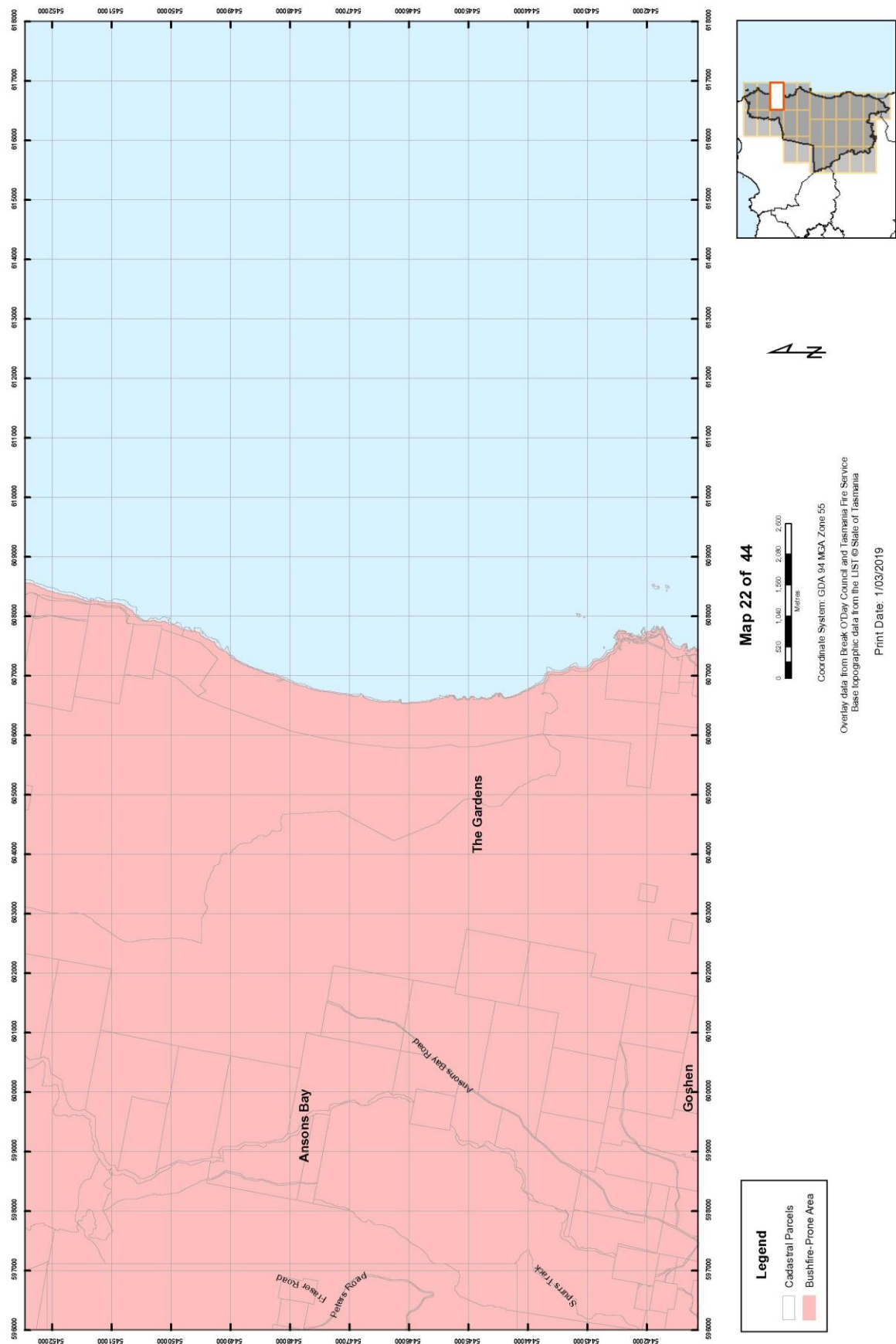
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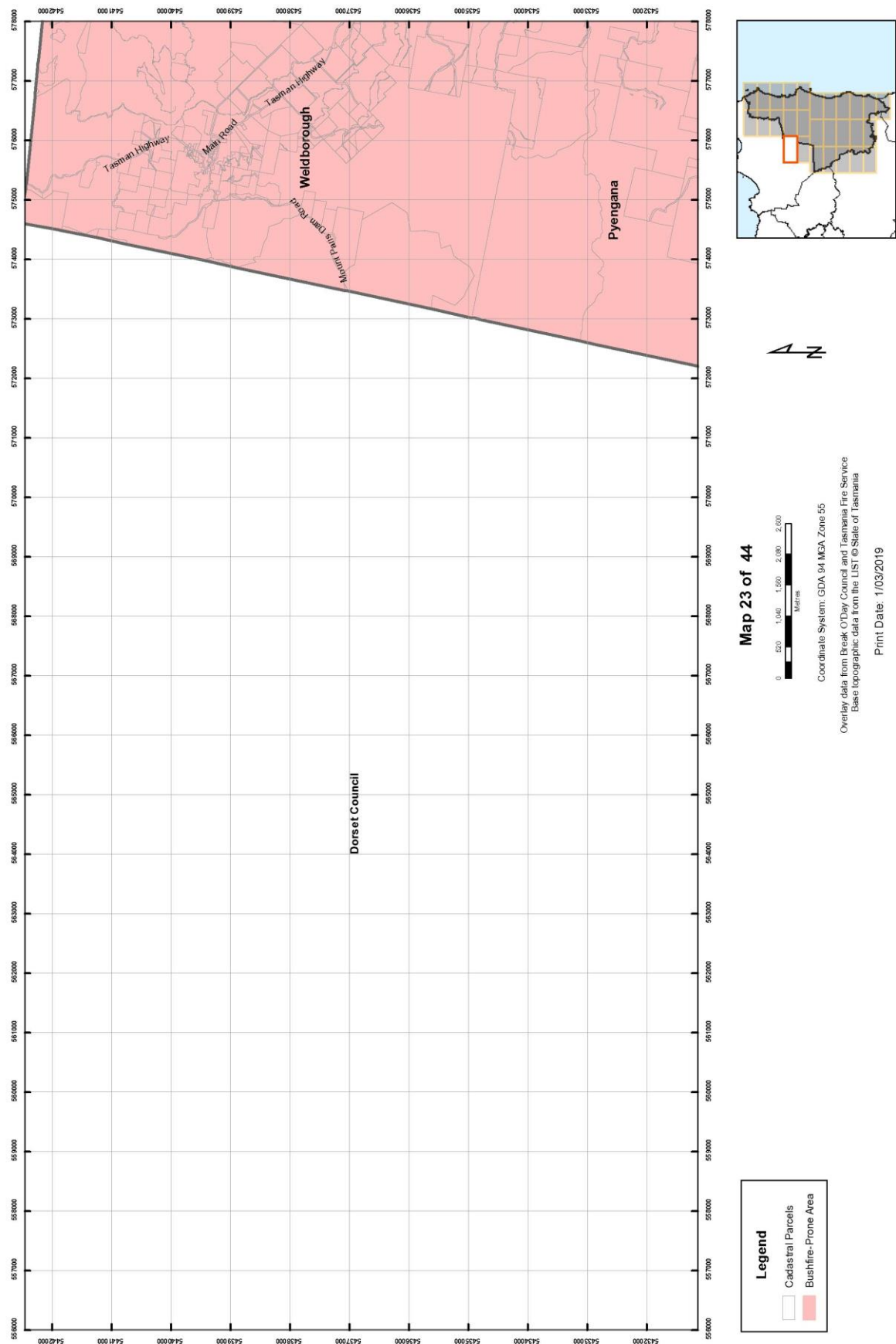
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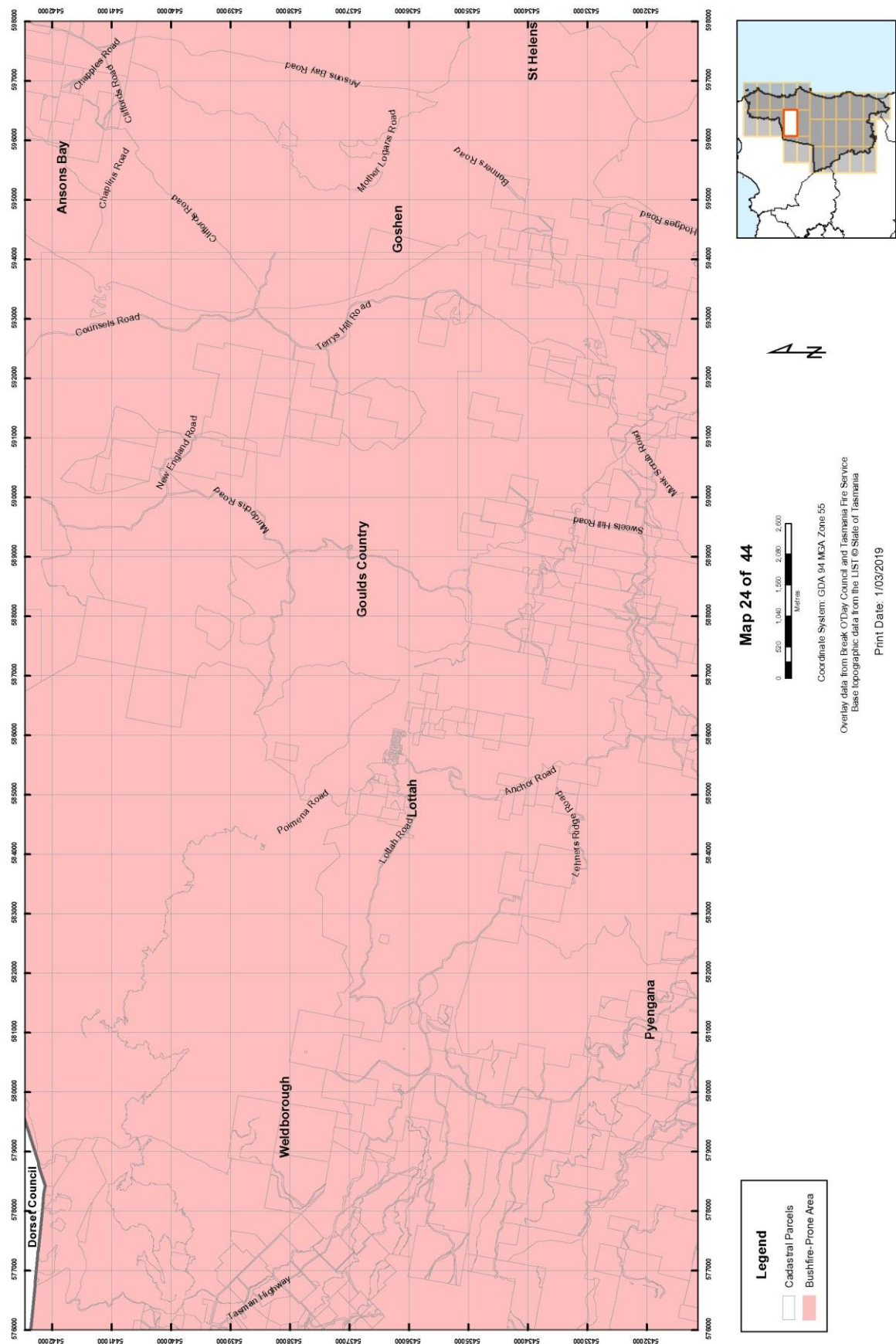
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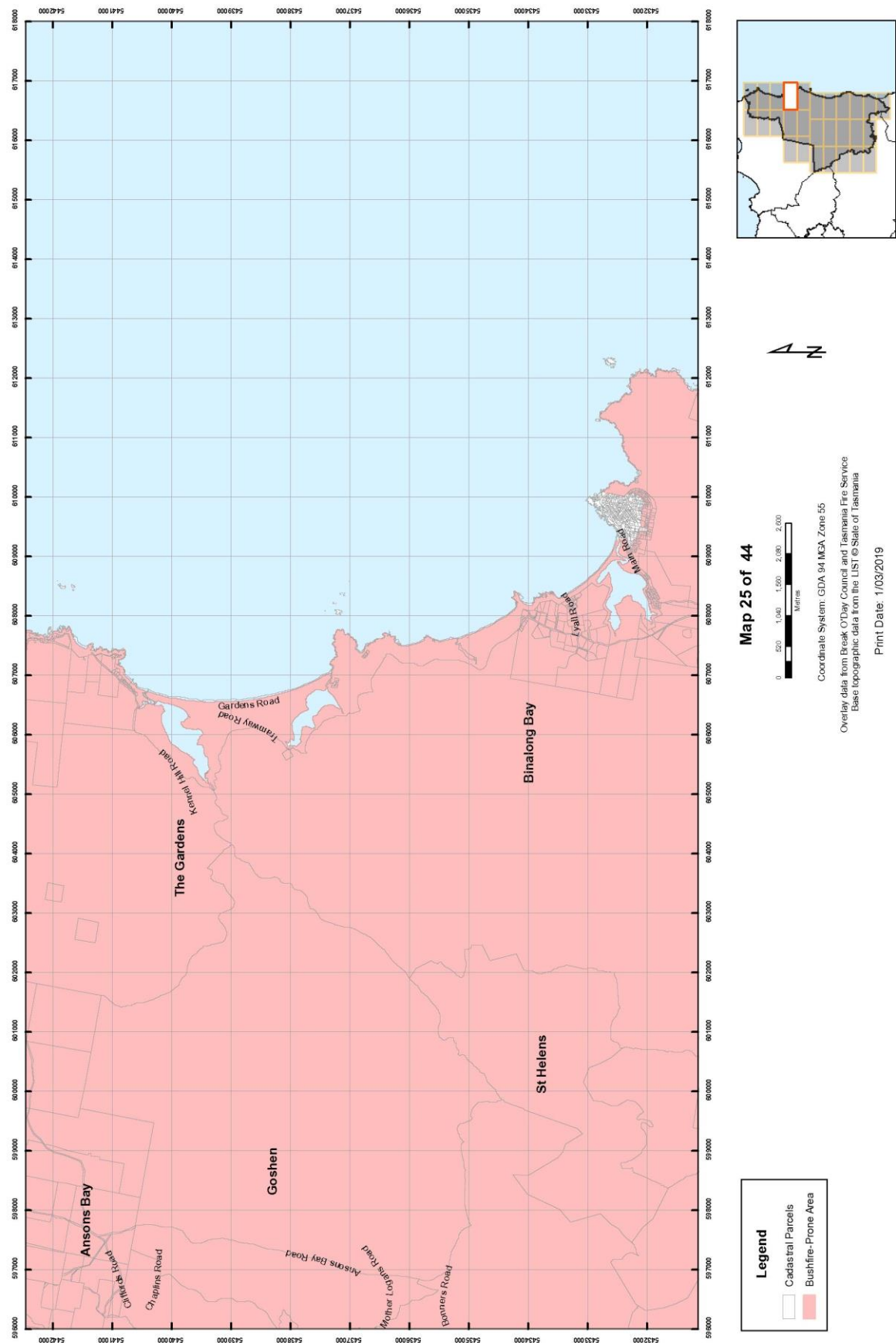
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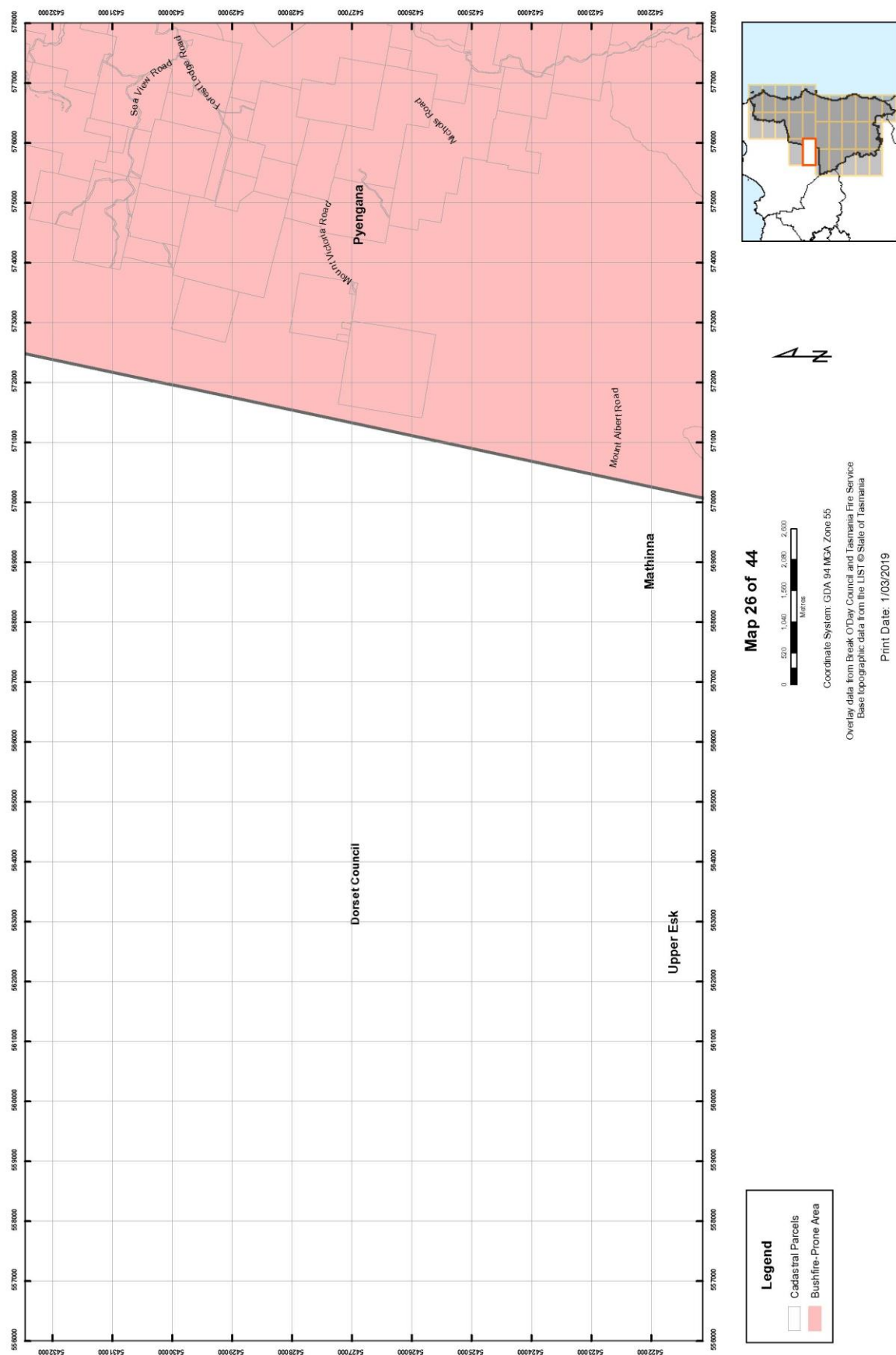
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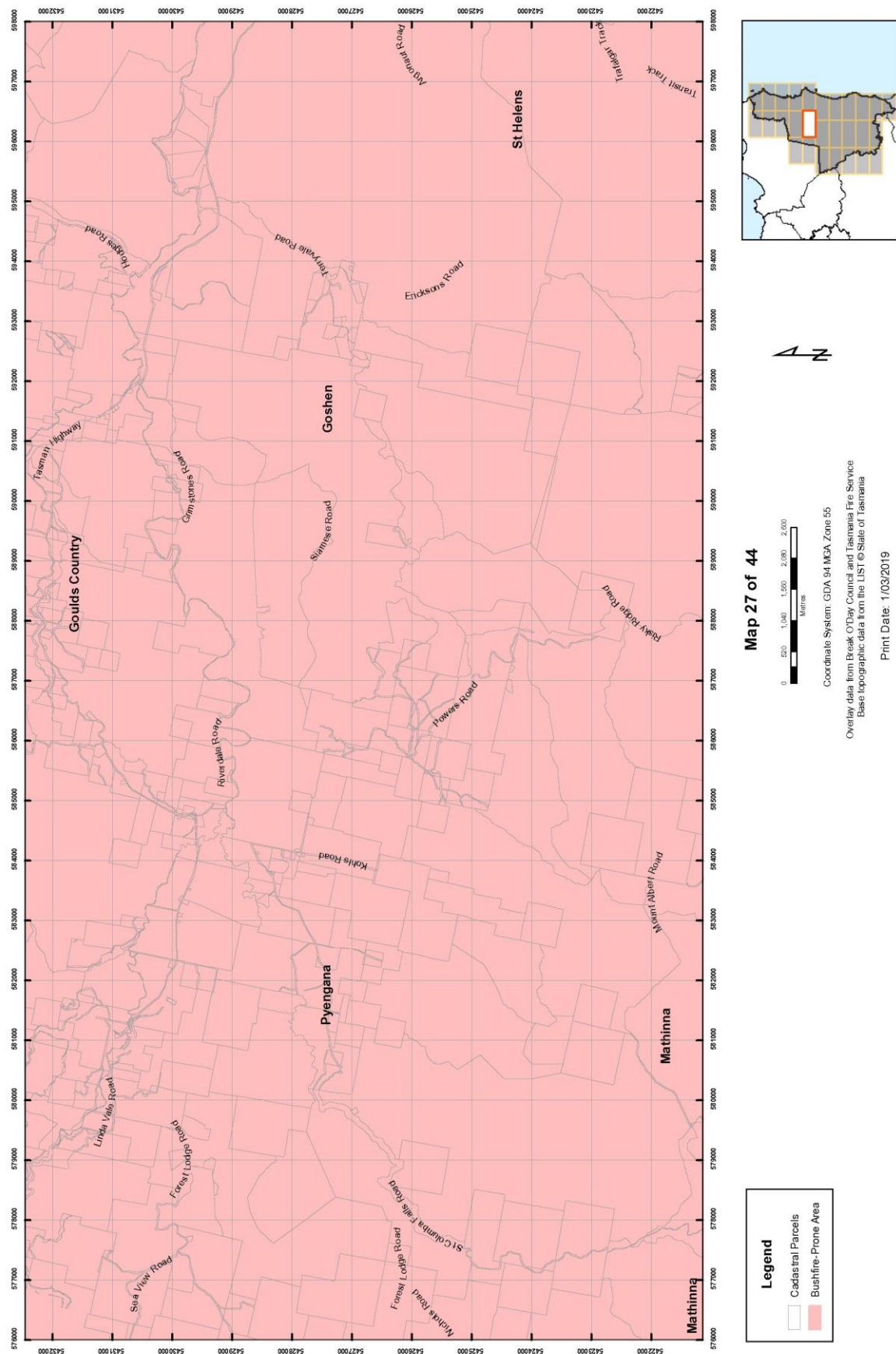
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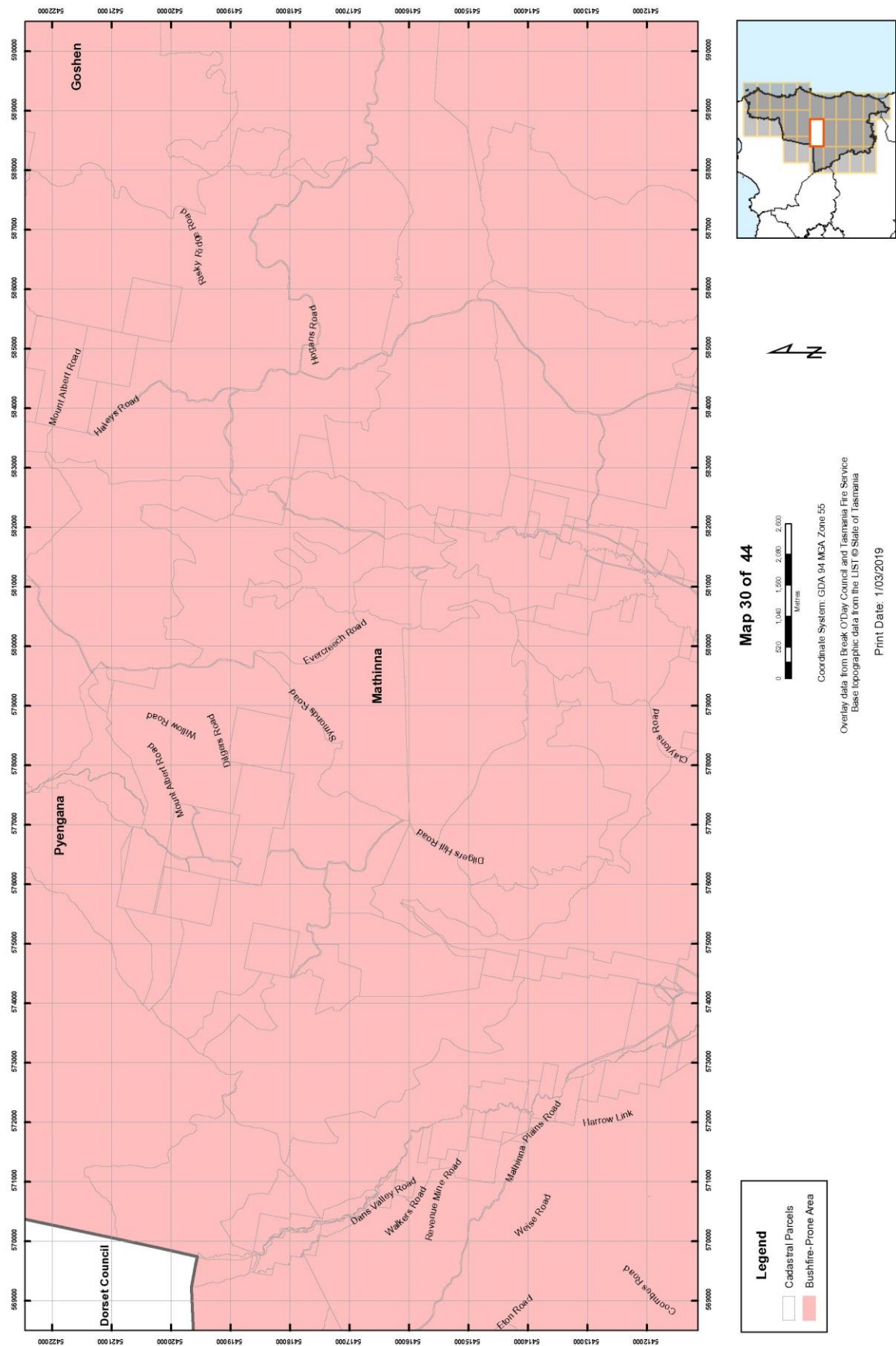
The map displays the Binalong Bay area, showing the coastline and surrounding land. Key features include:

- Coastline:** The bay is bounded by a rugged coastline with several inlets and points.
- Roads:** Major roads are labeled, including Dora Point Road, Main Road, Garden Road, Binalong Bay Road, Ricks Road, Centhame Road, Ansons Bay Road, Tasman Highway, Anson Road, Hills Road, Macleay Road, and Modjes Cove Road.
- Locations:** The map identifies several locations, including Akaroa, St Helens, and Stiegitz.
- Grid:** The map is overlaid with a grid of latitude and longitude coordinates, ranging from 151°00'00" to 151°22'00" East and 34°00'00" to 34°22'00" South.

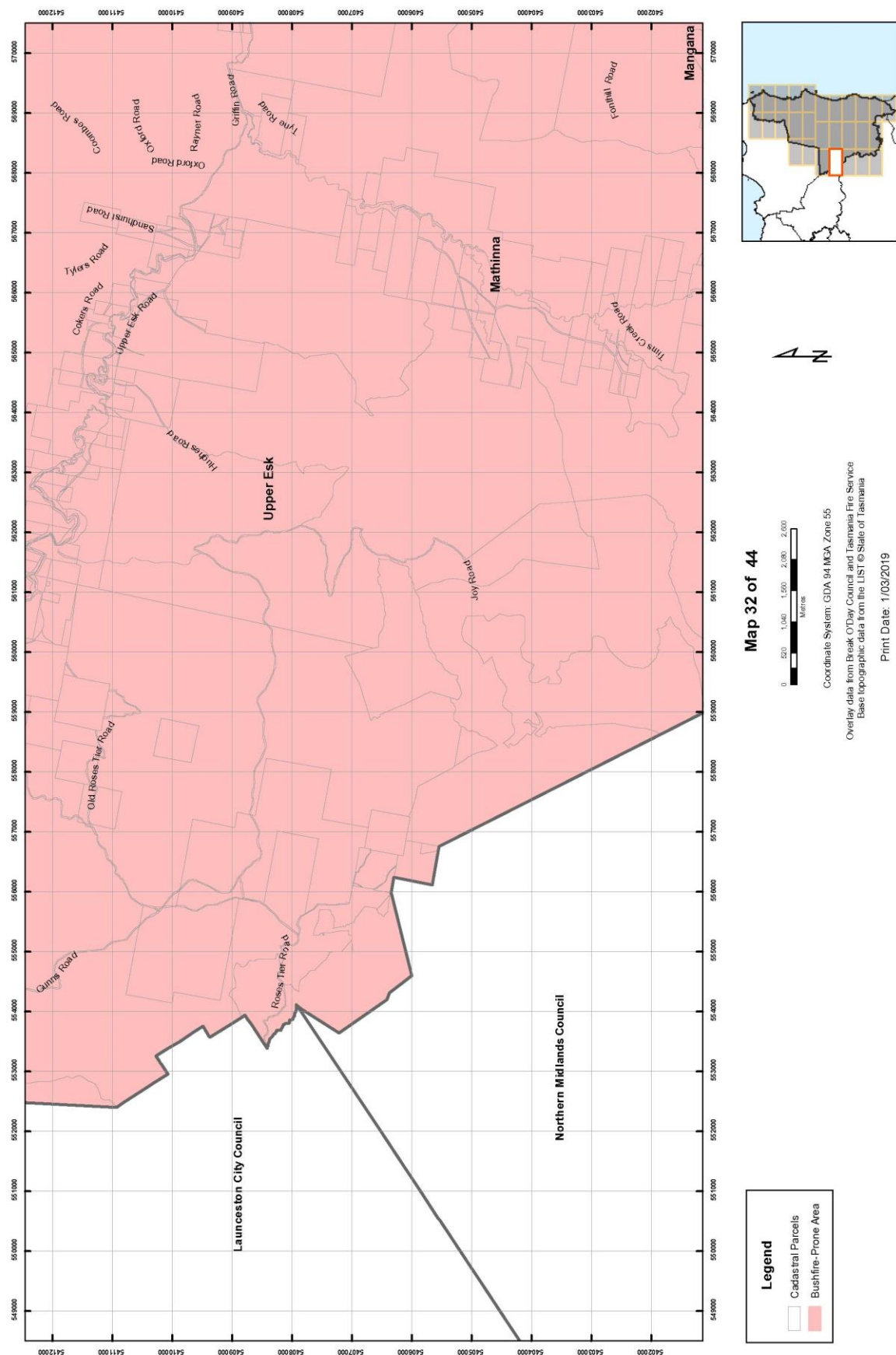


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BREAK O'DAY INTERIM PLANNING SCHEME 2013 - BUSHFIRE-PRONE AREAS OVERLAY



BREAK O'DAY INTERIM PLANNING SCHEME 2013 - BUSHFIRE-PRONE AREAS OVERLAY



The map displays the Mathinna area, characterized by a network of roads and the Mathinna River. The central feature is Mathinna Road, which runs north-south. To the west, Mathinna Plains Road and Elton Road are visible. To the east, Beauty Flat Road and Mount Nicholas Road are shown. The Mathinna River flows from the north towards the center. Other roads include Sugarloaf Road, Pimple Road, Baines Road, Harris Road, Blisset Road, and Beauty Flat Road. The map is labeled 'Mathinna' in the center. The area is surrounded by a grid of coordinates, with the x-axis ranging from 5402000 to 5412000 and the y-axis ranging from 5700000 to 5810000.



Map 33 of 44

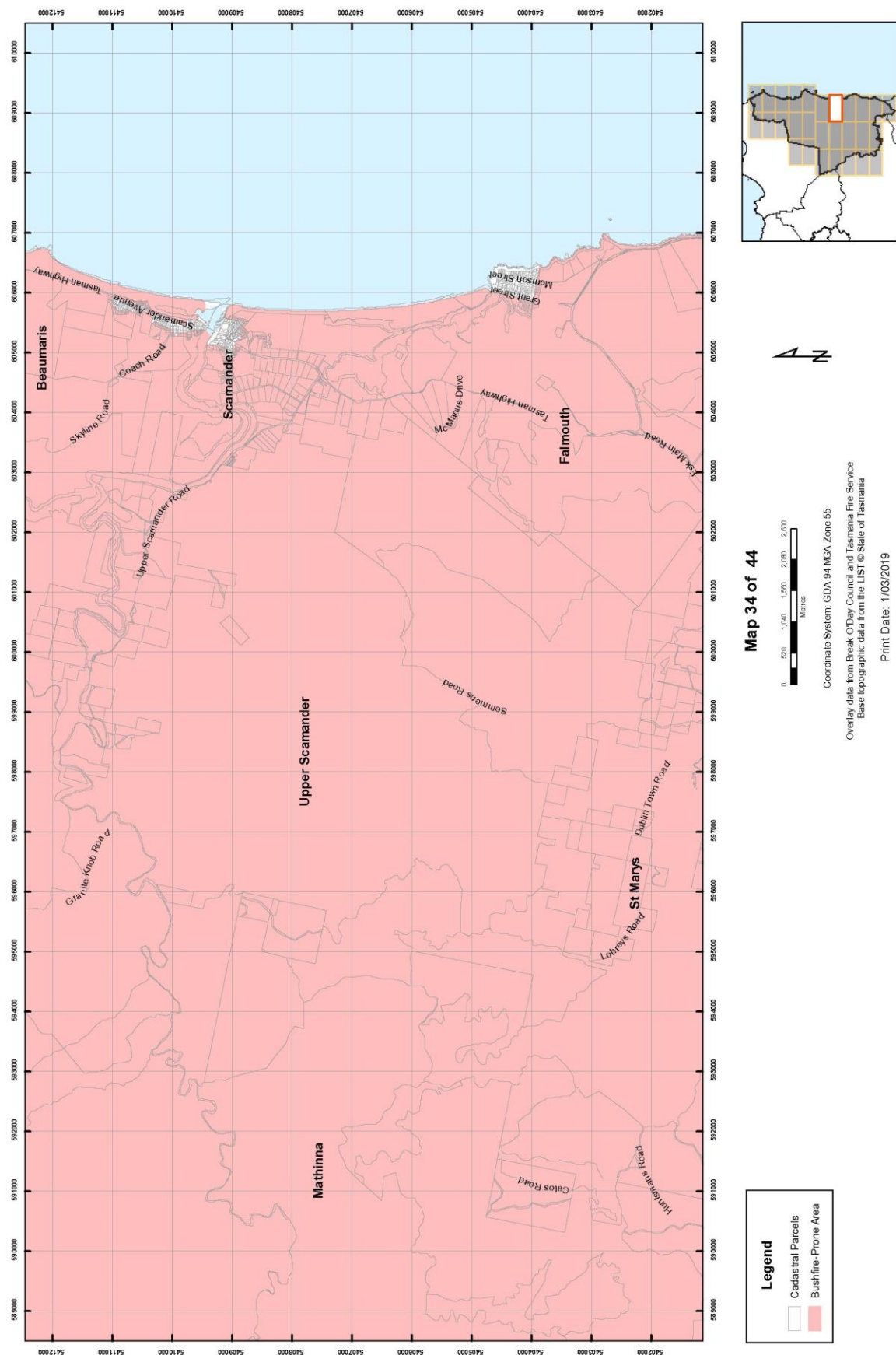
Coordinate System: GDA 94 MGA Zone 55

Overlay data from Break O'Day Council and Tasmania Fire Service
Base topographic data from the LIST © State of Tasmania

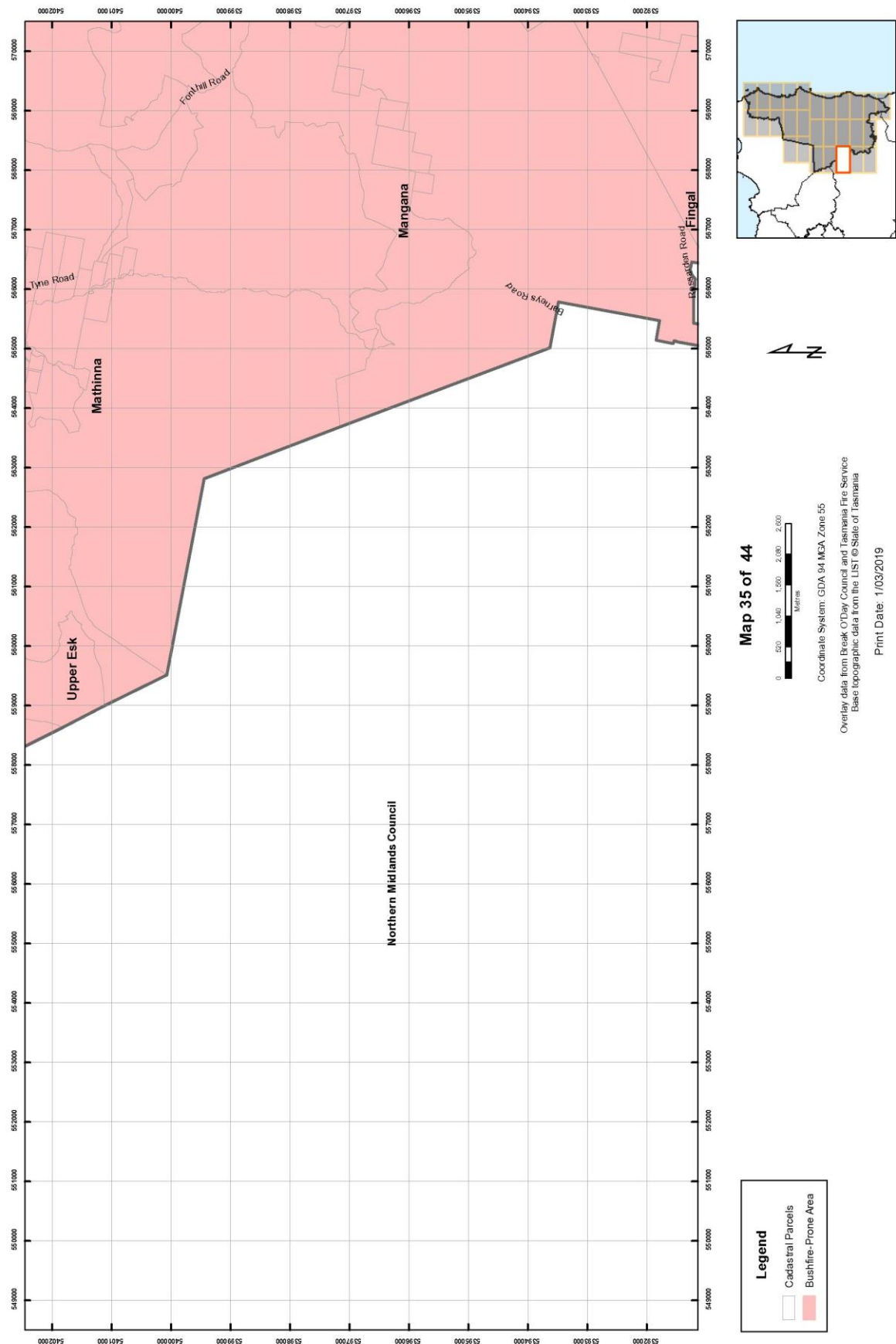
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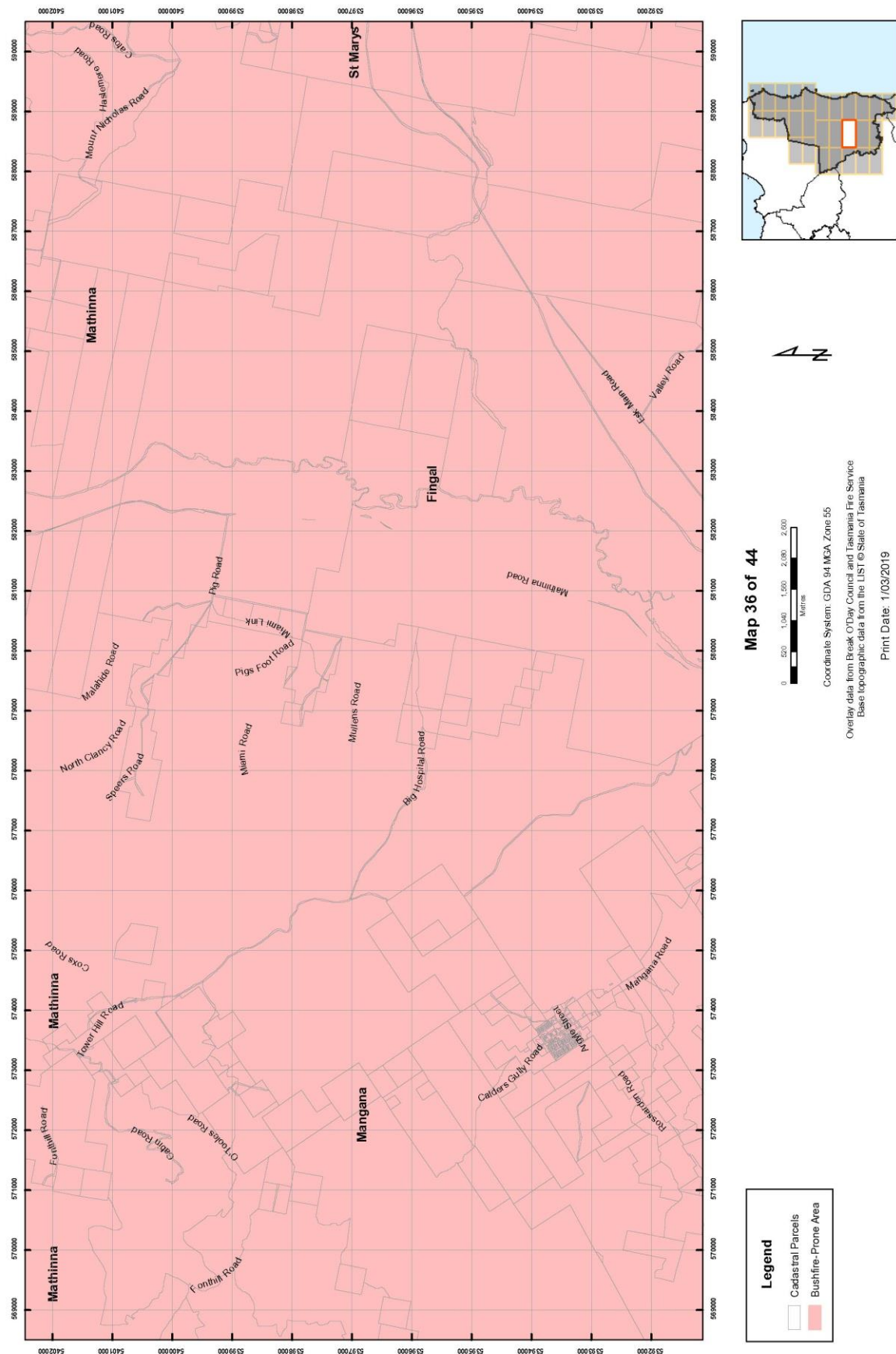
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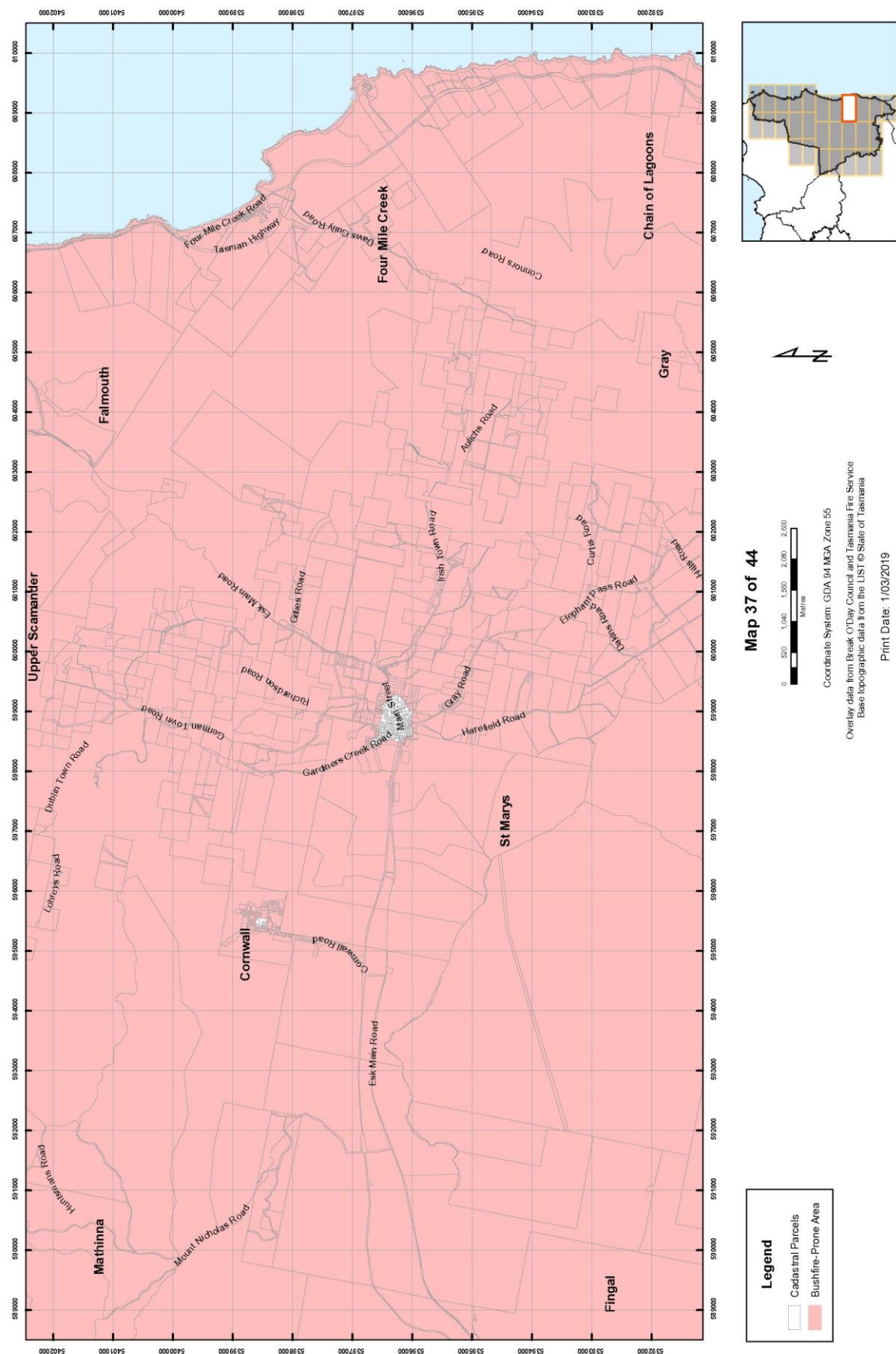
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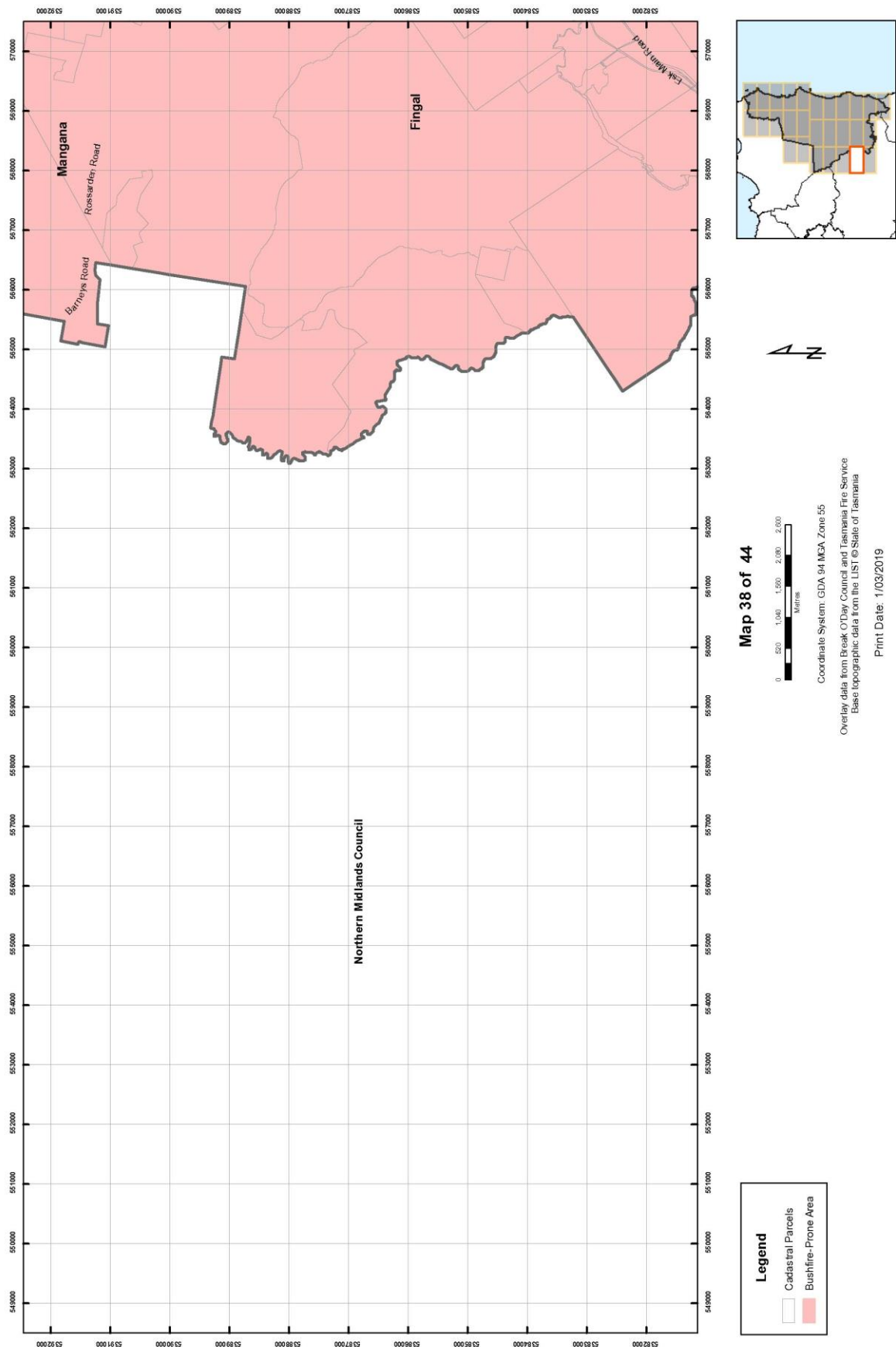
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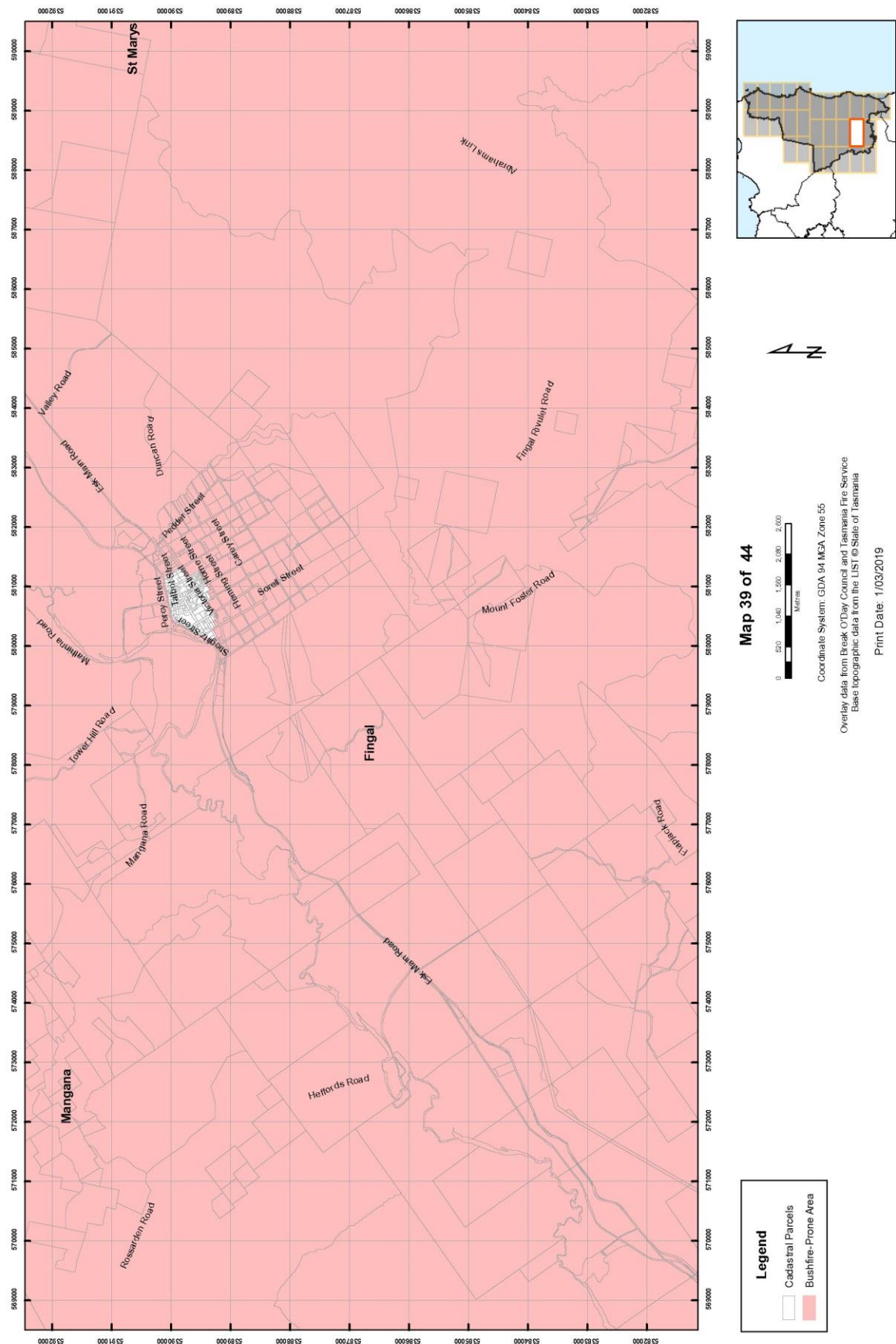
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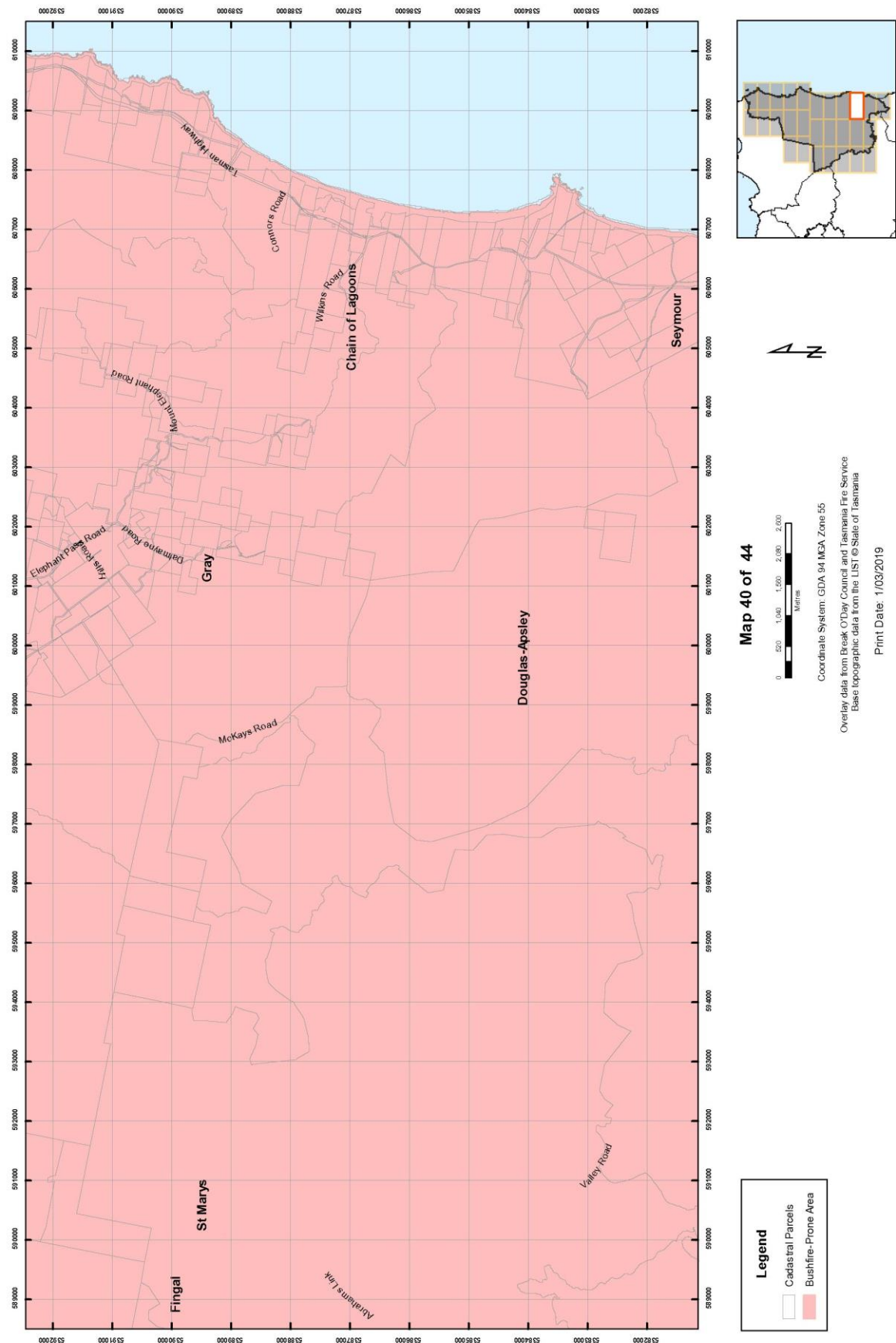
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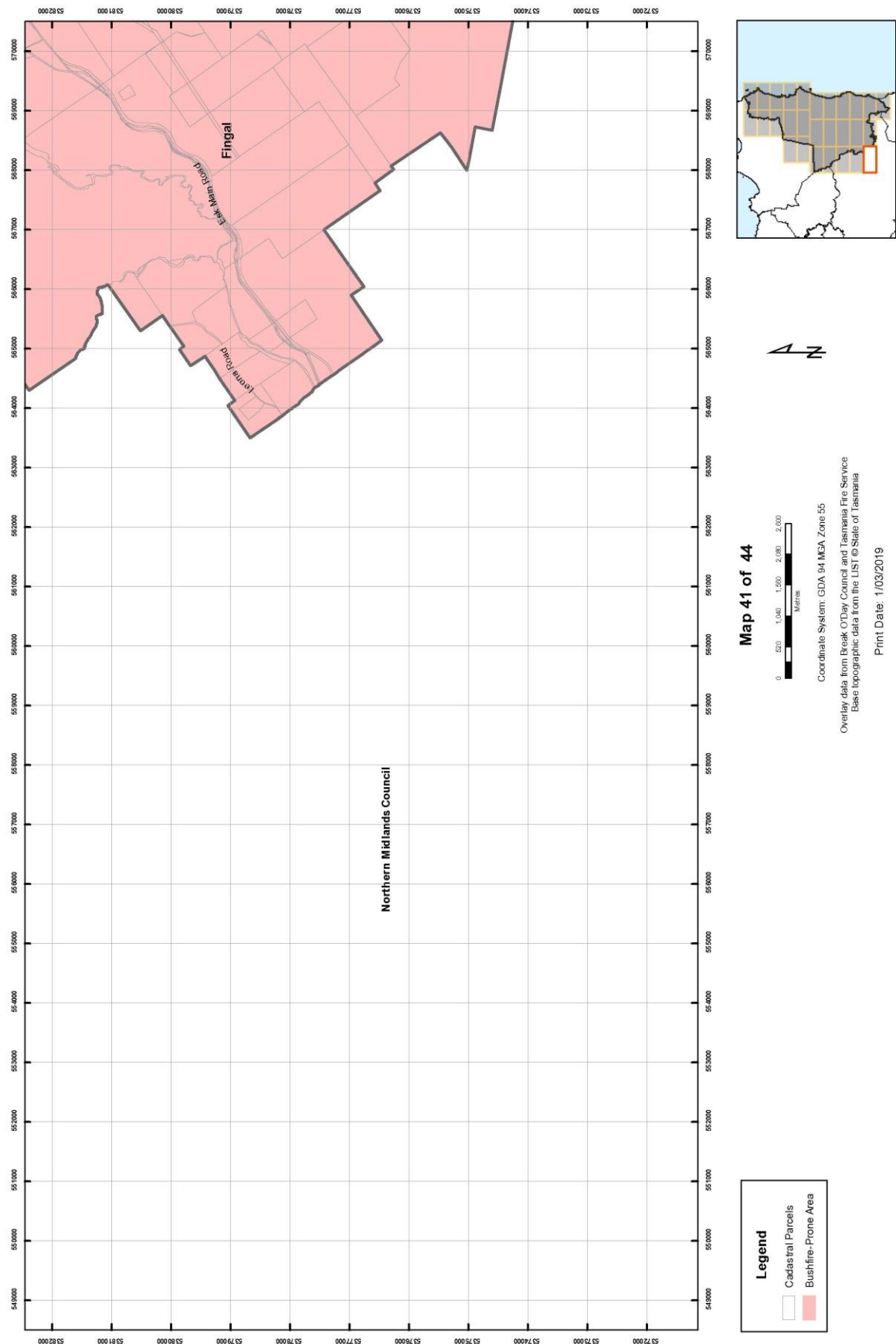
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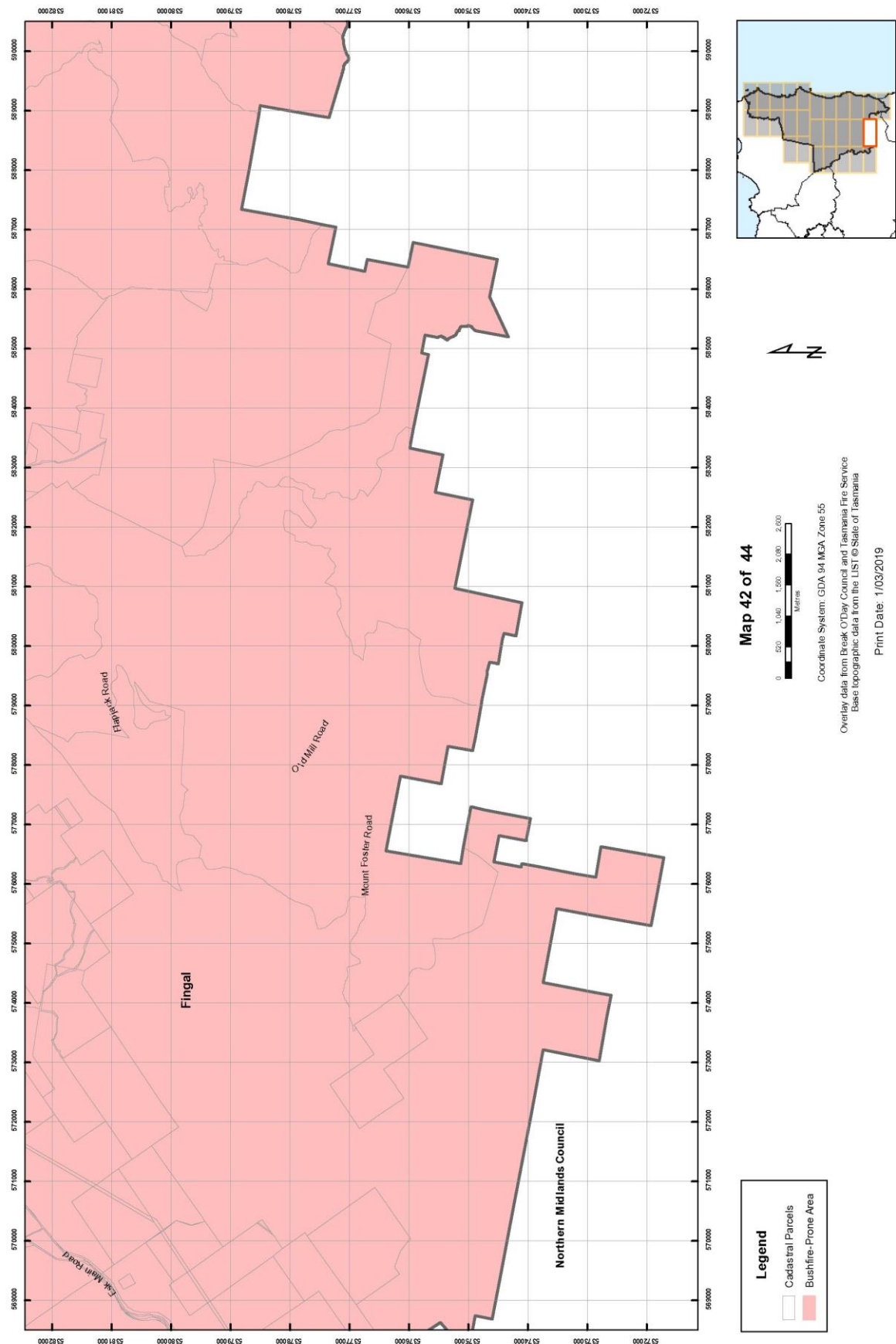
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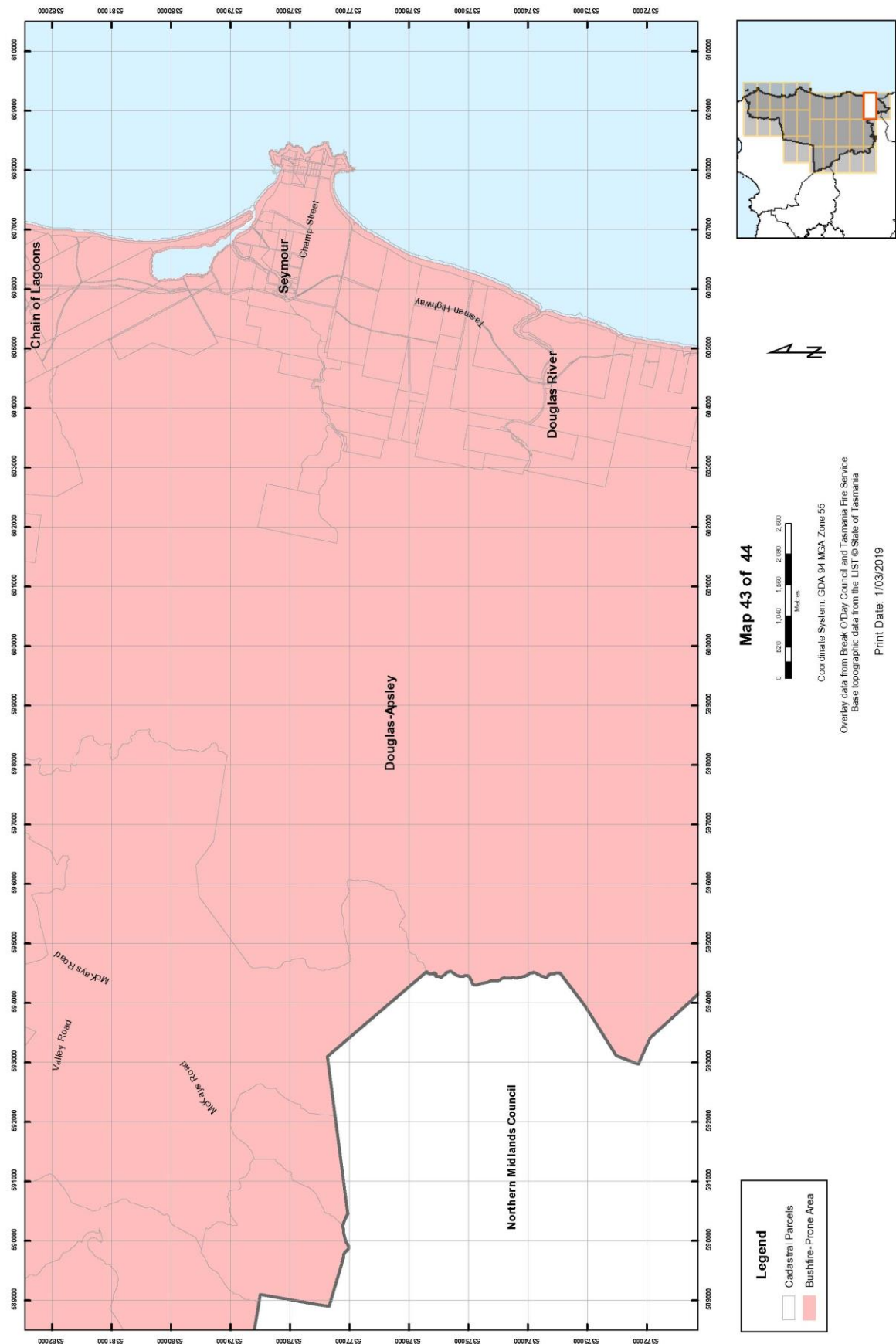
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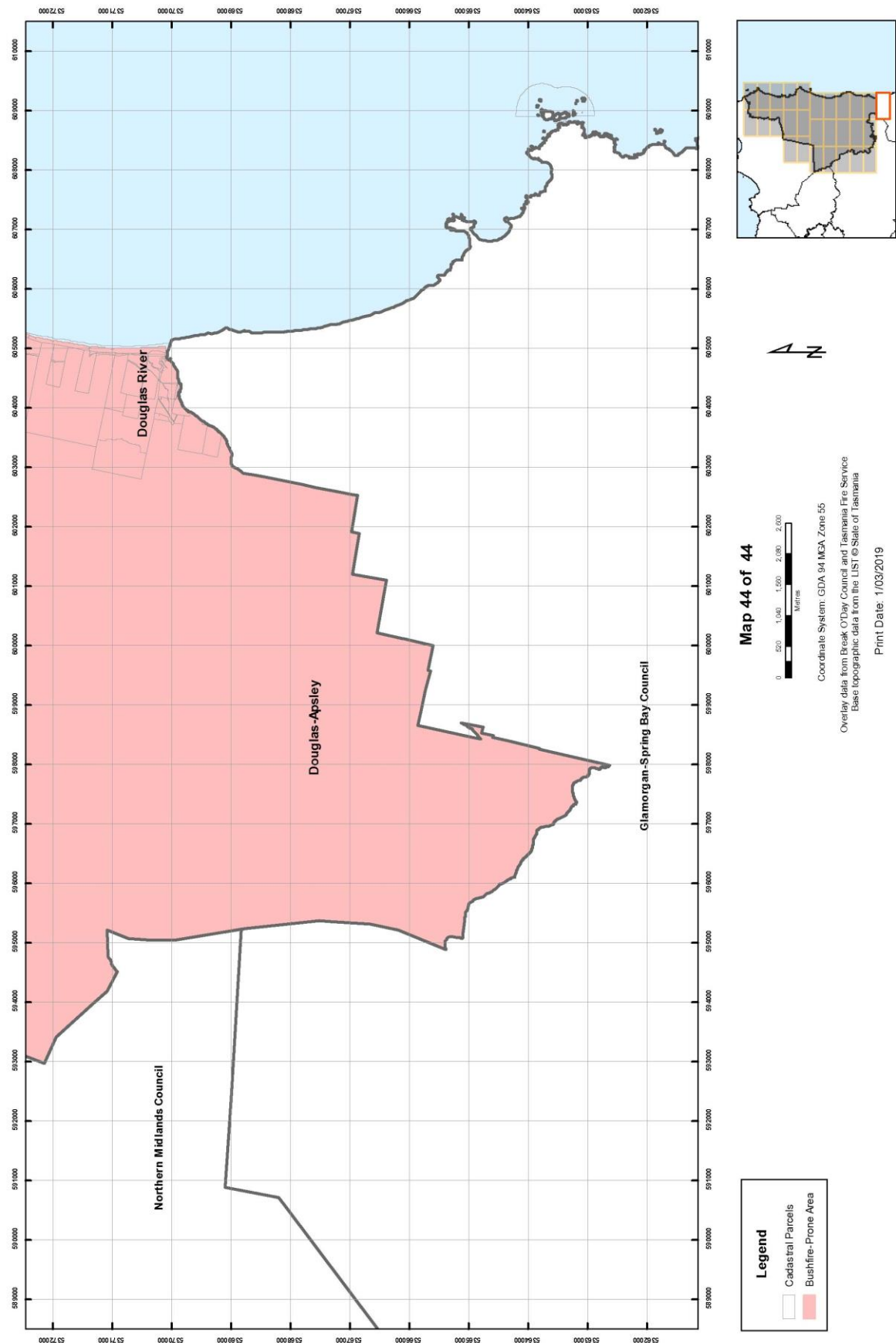
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BREAK O'DAY INTERIM PLANNING SCHEME 2013 - BUSHFIRE-PRONE AREAS OVERLAY



BREAK O'DAY INTERIM PLANNING SCHEME 2013 - BUSHFIRE-PRONE AREAS OVERLAY



The Mayor advised the Council that it had now concluded its meeting as a Planning Authority under Section 25 of the Local Government (Meeting Procedures) Regulations.

03/19.7.0

PETITIONS

03/19.7.1

Petition – Seal and Reduce Speed Limit of the Upper Scamander Road, Upper Scamander

ACTION	INFORMATION
PROPONENT	Residents/Ratepayers
OFFICER	John Brown, General Manager
FILE REFERENCE	19/3697
ASSOCIATED REPORTS AND DOCUMENTS	Petition

OFFICER'S RECOMMENDATION:

That Council receive the petition and write to the Department of State Growth requesting the speed limit be reduced on Upper Scamander Road, Scamander.

INTRODUCTION:

The petition which was received was signed in February 2019 and the following was proposed on the petition:

We, the undersigned, are concerned citizens who urge our Council to act now to seal the Upper Scamander Road and to reduce the speed limit to 60kph and to erect signs accordingly.

PREVIOUS COUNCIL CONSIDERATION:

No previous Council consideration.

OFFICER'S REPORT:

The petition was proposed by Mr Semmens and does not meet the requirements of Section 57 of the *Local Government Act 1993*.

As per Section 57(2)(e)(i) the petition does not meet the legislative requirements as there are a total of 19 signatures which form this part of the petition and therefore a cross check with the Electoral Roll dated 13 September 2018 was not undertaken.

The total number of signatories required under Section 57 of the *Local Government Act 1993* is "5% of the electors of the Municipal area or 1,000 of those electors whichever is the lesser". The current number on the Electoral Roll as at the 13 September 2018 is 5,330 on the electoral roll which calculates to a minimum of 266 signatories for the 5%.

STRATEGIC PLAN & ANNUAL PLAN:

Strategic Plan 2017 – 2027

Goal

Infrastructure – To provide quality infrastructure which enhances the liveability and viability of our communities for residents and visitors.

Strategy

- Be proactive infrastructure managers by anticipating and responding to the growing and changing needs of the community and the area.
- Work with stakeholders to ensure the community can access the infrastructure necessary to maintain their lifestyle.

LEGISLATION & POLICIES:

Section 57, *Local Government Act 1993*.

57. Petitions

- (1) *A person may lodge a petition with a council by presenting it to a councillor or the general manager.*
- (2) *A person lodging a petition is to ensure that the petition contains –*
 - (a) *a clear and concise statement identifying the subject matter and the action requested; and*
 - (b) *in the case of a paper petition, a heading on each page indicating the subject matter; and*
 - (c) *in the case of a paper petition, a brief statement on each page of the subject matter and the action requested; and*
 - (d) *a statement specifying the number of signatories; and*
 - (e) *at the end of the petition –*
 - (i) *in the case of a paper petition, the full name, address and signature of the person lodging the petition; and*
 - (ii) *in the case of an electronic petition, the full name and address of the person lodging the petition and a statement by that person certifying that the statement of the subject matter and the action requested, as set out at the beginning of the petition, has not been changed.*
- (3) *In this section –*
electronic petition *means a petition where the petition is created and circulated electronically and the signatories have added their details by electronic means;*
paper petition *means a petition where the petition is created on paper which is then circulated and to which the signatories have added their details directly onto the paper;*
petition *means a paper petition or electronic petition;*
signatory *means –*
 - (a) *in the case of a paper petition, a person who has added his or her details to the paper petition and signed the petition; and*
 - (b) *in the case of an electronic petition, a person who has added his or her details to the electronic petition.*

BUDGET; FUNDING AND FINANCIAL IMPLICATIONS:

No financial implications to Council.

VOTING REQUIREMENTS:

Simple Majority.

Barry Semmens 0418 895 788

RECEIVED

1 MAR 2019

Petition to seal & reduce speed limit of the Upper Scamander Road, Upper Scamander 7215.

Petition summary and background
The unsealed road is graded twice a year by Council however it is always deeply rutted, damages cars and creates dust. The speed limit is set by Council at 80kmh which is totally unreasonable and unsafe. It should be set at 60kph in keeping with the Tasman Highway end where other residents live.

Action petitioned for
We, the undersigned, are concerned citizens who urge our Council to act now to seal the Upper Scamander Road and to reduce the speed limit to 60kph and to erect signs accordingly.

Printed Name	Signature	Address	Comment	Date
W. HEGEMAN	<i>W. Hegeman</i>	408. UPPER SCAM RD		22.2.2019
Rob Oakley	<i>Rob Oakley</i>	491 Upper Scamander Rd	cars drive to fast many dead native animals constantly getting covered in dust with danger	22.2.2019
ROD. NIVEN	<i>R. Niven</i>	516 UPPER SCAMANDER RD	See many animals killed to many collisions/NOT destroys everyone cars	22.2.2019
ASHLEY VAN STIEGHE	<i>Ashley van Stiegh</i>	587 UPPER SCAMANDER RD		22.2.2019
S.D. VON STIEGHE	<i>S.D. von Stiegh</i>	587 UPPER SCAMANDER RD	DANGER/SAFETY CAR. Dan got out with all the large rocks already spent \$135 on a new tyre wrecked your cars. dead animals	22.2.19
TONYA SARGEANT	<i>Tonya Sargeant</i>	846 UPPER SCAMANDER RD		22.2.19
John Moore	<i>John Moore</i>	445 UPPER SCAMANDER RD	SLOWER SPEED 60-70	22/2/19
John Moore	<i>John Moore</i>	35 Eskin Ck Scamander	MUST GO SLOWER	22/2/19
PAX BEGAN	<i>Pax Began</i>	436 Upper Scam.	Road needs to be sealed	22/2/19
Virginia Dickson	<i>Virginia Dickson</i>	172 Scamander Ave. Scam.	I'd like to see it sealed	22.2.19
Alice Cordwell	<i>Alice Cordwell</i>	421 Upper Scamander Rd	We need it sealed!	22.2.19
Glen Cordwell	<i>Glen Cordwell</i>			22.2.19

03/19.8.0

NOTICES OF MOTION

03/19.8.1

Notice of Motion – Single Use Plastics – Cllr M Tucker

MOTION:

A report is sought providing advice in accordance with the requirements of Section 65 of the Local Government Act 1993 for the information of Council at a future meeting and consider any advice given by a person who has the qualifications or experience necessary to give such advice, information or recommendation:

The Break O'Day Council request that LGAT lobby the State Government to take the leadership in developing a consistent statewide approach to banning the use of single use plastics in takeaway food packaging

SUBMISSION IN SUPPORT OF MOTION:

I completely agree with the initiative of the Hobart City Council to ban single use plastics but think that having up to 29 Council By-Laws which could be different or only having some Councils doing this is confusing. A more logical way to go is for a statewide approach which sends a message from Tasmania on this issue.

03/19.8.2

Notice of Motion – Mountain Bike Track in the Fingal Valley – Cllr J Tucker

MOTION:

A report is sought providing advice in accordance with the requirements of Section 65 of the Local Government Act 1993 for the information of Council at a future meeting and consider any advice given by a person who has the qualifications or experience necessary to give such advice, information or recommendation:

That council look at building a mountain bike track in the Fingal Valley, and have it shovel ready for funding at the next State election.

SUBMISSION IN SUPPORT OF MOTION:

We need projects in all of Break O Day to create jobs, wealth and enjoyment.

MOTION:

A report is sought providing advice in accordance with the requirements of Section 65 of the Local Government Act 1993 for the information of Council at a future meeting and consider any advice given by a person who has the qualifications or experience necessary to give such advice, information or recommendation:

That Council support the Hobart Council motion to be presented to the Local Government Association Tasmania in July 2019 and work with Hobart Council and our own community to seek sector and State government support for a state-wide ban on single-use plastics.

SUBMISSION IN SUPPORT OF MOTION:

The City of Hobart has integrated the banning of single-use plastics into their current by-laws. I believe there is community support for this to happen in our municipality, and that this Council should support the Hobart Council in their motion to LGAT and commence our own lobbying of sector businesses and State government.

I believe many of our community members are increasingly concerned about plastics entering the Tasmanian marine environment, and the impacts of micro-plastics on both human health and the environment.

I believe that this Council should tackle the distribution of single-use, petroleum based plastic packaging, like straws, cutlery, lids and containers, from takeaway food outlets, working with local businesses.

I believe this Council should lobby the State Government to broaden the scope of its current plastic bag legislation to include non-compostable single-use takeaway food packaging.

A number of our local food outlets have already commenced on this pathway to reduce waste and have joined the Responsible Café movement (<https://responsiblecafes.org>) to eliminate disposable coffee cups. Disposable coffee cups are lined with plastic polyethylene, which is tightly bonded to the paper making the cups waterproof and therefore able to contain liquid. In St Marys we have 3 cafes who are participating and in St Helens there are 2 participating cafes.

03/19.9.0 COUNCILLOR'S QUESTIONS ON NOTICE

03/19.9.1 Proposal for a Bus Stop and Seating on Story Street, St Marys – Cllr J Drummond

I have been approached by community members who wait for the bus daily on the western side of Story Street, St Marys, to request a bus stop seat in a dry area.

Would Council consider placing a seat under the existing rotunda on the corner of Story Street and Main Road to allow community members to remain comfortable and dry whilst waiting for a bus. This would work to assist everyone, including those living with mobility issues, whilst waiting for the bus. It could also add to the amenity and visual appeal of the upgraded streetscape.

Reply

Councillors may consider the seeking of broader community comment in relation to Cllr Drummond's question on notice.

The rotunda is used for an event display once per year for the bike and car show.

Removable seating can be installed to cater for such events. Purchase and installation costs may be considered for inclusion in the 2019-2020 budget.

03/19.9.2 YouCamp – Cllr J Drummond

With the increase of listings of local properties on YouCamp. What is the position of Council with regard to properties being listed on the YouCamp site? What are the requirements in our Local Government Area? Are we able to provide a fact sheet containing information that could be made readily available to community members interested in using their property in this way.

Reply

Visitor Accommodation use as defined in the Break O'Day Interim Planning Scheme 2013 is 'use of land for providing short or medium term accommodation for persons away from their normal place of residence. Examples include a backpackers hostel, bed and breakfast establishment, camping and caravan park, holiday cabin, holiday unit, motel, **overnight camping area**, residential hotel and serviced apartment. The scheme requires that a Planning Permit for Visitor Accommodation Use is to be approved prior to the commencement of such a use.

As the requirements would differ for each application (depending on zone etc), specific details for each enquiry would be more suitable than a fact sheet.

03/19.10.0

COUNCILLOR'S QUESTIONS WITHOUT NOTICE

Regulation 29 of the Local Government (Meeting Procedures) Regulations 2005 specifies that in putting a Question Without Notice a Councillor must not offer an argument or opinion, draw any inference or make any imputations except so far as may be necessary to explain the question.

The Chairperson must not permit any debate of a Question without Notice or its answer.

03/19.11.0

MAYOR'S & COUNCILLOR'S COMMUNICATIONS

03/19.11.1

Mayor's Communications for Period Ending 18 March 2019

19.02.2019	Hobart	– Local Government Association Tasmania (LGAT) Stakeholder event
20.02.2019	Hobart	– Local Government Association Tasmania (LGAT) General Management Committee
24.02.2019	St Helens	– St Helens Point Progress Association Meeting
25.02.2019	St Helens	– Councillor Strategic Priorities Workshop
03.03.2019	St Helens	– Break O'Day Community Triathlon Presentation Awards
04.03.2019	St Helens	– Council Workshop
06.03.2019	St Helens	– Northern Tasmania Development Corporation (NTDC) – Federal Election Regionally Significant Priorities
07.03.2019	Swincart Beach	– Turning the Sod – MTB media event with Senator Jonathon Duniam
07.03.2019	St Helens	– St Helens Neighbourhood House – With One Voice Launch
10.03.2019	St Helens	– St Helens Game Fishing Classic dinner
11.03.2019	St Helens	– St Helens Probus Club annual meeting
16.03.2019	St Helens	– East Coast Swans season launch
18.03.2019	St Helens	– Council Meeting

03/19.11.2

Councillor's Reports for Period Ending 18 March 2019

This is for Councillors to provide a report for any Committees they are Council Representatives on and will be given at the Council Meeting.

- St Helens and Districts Chamber of Commerce and Tourism –Clr Kylie Wright
- NRM Special Committee – Clr Janet Drummond
- Barway Committee – Clr John McGiveron
- Regional Tourism Organisation (RTO) – Clr Glenn McGuinness
- Mental Health Action Group – Clr Barry LeFevre
- Disability Access Committee – Clr Janet Drummond

03/19.12.0 BUSINESS AND CORPORATE SERVICES

03/19.12.1 Corporate Services Department Report

ACTION	INFORMATION
PROPONENT	Council Officer
OFFICER	Bob Hoogland, Manager Corporate Services
FILE REFERENCE	018\018\001\
ASSOCIATED REPORTS AND DOCUMENTS	Nil

OFFICER'S RECOMMENDATION:

That the report be received.

INTRODUCTION:

The purpose of this report is to provide Councillors with an update of various issues which have been dealt with in the Business and Corporate Service Department since the previous Council Meeting.

PREVIOUS COUNCIL CONSIDERATION:

Provided as a monthly report – Council consideration at previous meetings.

OFFICER'S REPORT:

OUTSTANDING REPORTS:

Motion Number	Meeting Date	Council Decision	Comments
02/19.12.4.26	18 February 2019	That Council petition for the removal of notations relating to Public Open Space/Set Apart for Public Recreation on properties identified for disposal.	No action yet.

COMPLETED REPORTS:

Motion Number	Meeting Date	Council Decision	Comments
02/19.16.2.37	18 February 2019	To adopt the reviewed LG15 Intellectual Property Confidentiality Policy.	Documents and website updated.
02/19.16.5.40	18 February 2019	That LG04 – Elected Member Seeking Involvement in Operational Employment Matters Protocol as amended, be adopted.	Documents and website updated.

Staff Movements:

Administration officer (rates/payroll) is taking leave for the full month of March. Part time administration officer (customer service) is taking maternity leave from early March. No additional staffing is being recruited, other staff are covering tasks, some additional part time hours are being accessed from existing staff.

Meetings Attended:

Regular meetings with corporate service team members, individually and together.

Attended regional Visitor Information Network meeting in Swansea.

Attended meetings with GM and MIDS, and with them by skype with representatives of JJ Richards with respect to recycling collection contractual arrangements.

By phone, initial meeting with Tasmanian Audit Office with respect to 2018/2019 audit.

With Work Health & Safety Coordinator, attended phone meeting with Insurance Broker with respect to testing Council's Business Continuity Plan

Other Issues:

Investments – Term Deposits

BENDIGO:

\$1,012,738.94	2.65%	Maturing 18/03/19
\$1,036,833.22	2.60%	Maturing 29/04/19
\$1,012,738.94	2.60%	Maturing 29/04/19
\$ 500,000.00	2.60%	Maturing 03/05/19
\$1,012,863.02	2.60%	Maturing 14/05/19

CBA:

\$1,000,000.00	2.62%	Maturing 12/03/19
\$1,000,000.00	2.63%	Maturing 19/03/19
\$1,000,000.00	2.70%	Maturing 04/04/19
\$1,000,000.00	2.66%	Maturing 06/05/19

Right to Information (RTI) Requests

Nil.

132 and 337 Certificates

	132	337
February 2019	53	32
January 2019	50	23
February 2018	83	40

Debtors/Creditors @ 6 March 2019

DEBTORS INFORMATION

Invoices Raised

Current		Previous Year	
Month	YTD 18/19	Month	YTD 17/18
73	611	71	604

CREDITORS INFORMATION

Payments Made

Current		Previous Year	
Month	YTD 18/19	Month	YTD 17/18
353	2805	296	2818

Work Health & Safety Coordinator

The Work Health & Safety Coordinator attended various internal meetings related to risk management, internal customer service charter audit, WHS induction of new trainee and consultation with outdoor workers regarding new safe operating procedure.

Regular meetings with the Corporate Service Manager, indoor council staff meetings and WHS /Risk Management Committee meeting.

Work health and safety inspection of several contractors companies, their workers and council teams were conducted on site.

Work health and safety inspection of Fingal Valley Festival event undertaken on Saturday 2 March 2019.

During the period of **8 February to 5 March 2019** there was no vandalism was reported to Council.

RATES INFORMATION as at 6 March 2019						
This financial Year						
2018/2019	Rates Levied	Additional Rates (Sup Val)	Total Rates	Penalties	Interest	Rate Remissions
General	7,141,391.88	21,668.85	7,163,060.73	49,419.32	9,727.74	55,546.40
Waste	1,151,304.00	4,159.18	1,155,463.18			
Wheelie	411,595.00	527.69	412,122.69			
Recycling	231,894.00	1,138.32	233,032.32			
Fire	346,194.93	988.52	347,183.45			
TOTAL	9,282,379.81	28,482.56	9,310,862.37	49,419.32	9,727.74	55,546.40
Last Financial Year						
2017/2018	Rates Levied	Additional Rates (Sup Val)	Total Rates	Penalties	Interest	Rate Remissions
General	6,847,751.29	-1,193.74	6,846,557.55	56,082.25	13,929.18	55,065.05
Waste	1,101,260.00	-2,736.30	1,098,523.70			
Wheelie	391,067.10	-7,479.64	383,587.46			
Recycling	103,225.00	3,625.27	106,850.27			
Fire	333,669.22	2,244.81	335,914.03			
TOTAL	8,776,972.61	-5,539.60	8,771,433.01	56,082.25	13,929.18	55,065.05
Instalments						
2018/2019		Instalment \$	Outstanding \$	Outstanding %		
11 September 2018	Instalment 1	2,321,833.55	66,396.71	2.86%		
13 November 2018	Instalment 2	2,320,182.09	103,288.21	4.45%		
5 February 2019	Instalment 3	2,320,182.09	200,883.93	8.66%		
7 May 2019	Instalment 4	2,320,182.08	935,863.36	40.34%		
	TOTAL:	9,282,379.81	1,306,432.21	14.07%		
2017/2018		Instalment \$	Outstanding \$	Outstanding %		
12 September 2017	Instalment 1	2,192,572.61	65,608.20	2.99%		
14 November 2017	Instalment 2	2,194,800.00	91,713.78	4.18%		
6 February 2018	Instalment 3	2,194,800.00	175,597.20	8.00%		
1 May 2018	Instalment 4	2,194,800.00	869,888.58	39.63%		
	TOTAL:	8,776,972.61	1,202,807.76	13.70%		
Discount						
	Discount	No. of	Total Ratable	% of total		
2018/2019	139,554.41	3,232	6,470	49.95%		
2017/2018	130,618.89	3,160	6,461	48.91%		

LEGISLATION / STRATEGIC PLAN & POLICIES:

Strategic Plan 2017-2027

Goal

Services – To have access to quality services that are responsive to the changing needs of the community and lead to improved health, education and employment outcomes.

Strategy

- Work collaboratively to ensure services and service providers are coordinated and meeting the actual and changing needs of the community.
- Ensure Council services support the betterment of the community while balancing statutory requirements with community and customer needs.

BUDGET AND FINANCIAL IMPLICATIONS:

Not applicable.

VOTING REQUIREMENTS:

Simple Majority.

ACTION	INFORMATION
PROPONENT	Council Officer
OFFICER	David Doyle, Finance Manager
FILE REFERENCE	018\018\001\
ASSOCIATED REPORTS AND DOCUMENTS	Financial Reports

OFFICER'S RECOMMENDATION:

That the following reports for the month ending 28 February 2019 be received:

1. Trading Account Summary
2. Income Statement
3. Profit and Loss Statements
4. Financial Position
5. Cash Flow
6. Capital Expenditure

INTRODUCTION:

Presented to Council are the monthly financial statements.

PREVIOUS COUNCIL CONSIDERATION:

Council considers financial reports on a monthly basis.

OFFICER'S REPORT:

The financial statements as shown below show the financial position of Council as at 28 February 2019.

Trading Account Summary

Council's current position for the month ending 28 February 2019 is summarised as follows:-

CASH AT BEGINNING OF PERIOD	10,222,324
TOTAL INCOME FOR PERIOD	1,034,216
TOTAL AVAILABLE FUNDS	11,256,540
LESS TOTAL EXPENDITURE	1,188,349
CASH AT END OF PERIOD	10,068,190
OUTSTANDING SUNDRY DEBTORS 60 DAYS & OVER	18,217

N.B. Cashflows in the short term are not equivalent to accounting surplus or deficit and therefore cash flows in the above statement will not necessarily equal figures shown elsewhere in this report.

Income Statement				
2018-2019				
	2017-2018 Actual	Year to Date Actual	Year to Date Budget	2018-2019 Budget
INCOME				
Rates and Charges	8,913,111	9,269,507	9,192,064	9,234,097
User Charges	959,093	598,971	544,477	825,091
Grants	3,052,197	1,158,514	1,109,152	2,855,798
Reimbursements	38,997	38,236	4,667	7,000
Other Income	140,673	192,455	103,333	145,000
Investment Income	852,137	340,815	323,833	538,000
Total Income	13,956,208	11,598,499	11,277,526	13,604,986
Capital Income				
Capital grants	2,300,487	337,671	317,300	5,059,400
Profit or Loss on Sale of Assets	(252,588)	35,623	30,000	40,000
Total Income	16,004,107	11,971,792	11,624,826	18,704,386
EXPENSES				
Employee Expenses	4,314,353	3,043,619	3,188,309	4,998,145
Materials and Services	4,479,416	3,105,104	2,755,302	4,209,874
Depreciation and amortisation	3,546,098	2,291,848	2,302,565	3,457,248
Other expenses	729,092	466,187	469,173	769,772
Total Expenses	13,068,959	8,906,758	8,715,350	13,435,039
FAGs in advance	(85,425)			
Net Operating Surplus\ (Deficit)	801,824	2,691,741	2,562,176	169,947
Net Surplus\ (Deficit)	2,849,723	3,065,034	2,909,476	5,269,347

Profit & Loss Statement

2018-2019

		Month Actual	Year to Date Actual	Year to Date Budget	Revised 2018-2019 Budget	% of Annual Budget used	Comments
1600	Revenues						
1611	General Rate	18,072	7,154,281	7,105,820	7,105,820	101%	
1612	Waste Charges	500	1,154,471	1,150,592	1,150,592	100%	
1613	Fire Levy	755	346,788	344,585	344,585	101%	
1614	Tips & Transfer Stations	12,997	108,976	84,064	126,097	86%	
1615	Recycling Charges	224	232,838	230,256	230,256	101%	
1616	Early Settlement Discounts	206	(139,664)	(130,000)	(130,000)	107%	
1617	Wheelie Bin Charges	(251)	411,817	406,747	406,747	101%	
	Total Rates	32,504	9,269,507	9,192,064	9,234,097	100%	
	Environmental Health						
1622	Inspection Fees	-	-	4,000	6,000	0%	
1623	Health/Food Licence Fees and Fines	445	1,437	1,000	14,000	10%	
1624	Immunisations	-	524	-	1,000	52%	
1626	Place of Assembly Licence	-	50	-	-		
	Total Environmental Health	445	2,011	5,000	21,000	10%	
	Municipal Inspector						
1631	Kennel Licences	-	10	-	1,200	1%	
1632	Dog Registrations	721	15,438	12,000	50,100	31%	
1633	Dog Impoundment Fees & Fines	45	1,713	1,667	2,500	69%	
1634	Dog Replacement Tags	10	100	-	-		
1635	Caravan Fees and Fines	395	56,582	50,000	50,000	113%	
1636	Fire Abatement Charges	-	-	2,000	2,000	0%	
1637	Infringement Notices	2,282	7,707	11,667	17,500	44%	
	Total Municipal inspector	3,453	81,549	77,333	123,300	66%	
	Building Services						
1641	Building Fees	4,765	28,710	20,000	30,000	96%	
1643	Building Search Fees	60	480	800	1,200	40%	
1644	Permit Administration	4,050	36,591	23,333	35,000	105%	Change in legislation resulted in conservative budget estimates
	Total Building Services	8,875	65,781	44,133	66,200	99%	
	Plumbing Services						
1642	Plumbing	2,555	32,935	33,333	50,000	66%	
	Total Plumbing Services	2,555	32,935	33,333	50,000	66%	

		Month Actual	Year to Date Actual	Year to Date Budget	Revised 2018-2019 Budget	% of Annual Budget used	Comments
	Building Surveying						
1645	Building Inspections	3,627	36,973	26,667	40,000	92%	
1647	Certificates of Likely Compliance	2,834	24,749	14,667	22,000	112%	Change in legislation resulted in conservative budget estimates
	Total Building Surveying	6,461	61,722	1,333	62,000	100%	
	Planning Services						
1651	Development Application Fees	4,038	45,416	33,333	50,000	91%	
1653	Subdivision Fees	300	1,610	2,333	3,500	46%	
1654	Advertising Fee	4,100	35,000	28,000	42,000	83%	
1655	Adhesion Orders	-	210	333	500	42%	
1656	Engineering Fees	-	4,280	1,333	2,000	214%	
1657	Public Open Space	-	2,843		-		
	Total Planning Services	8,438	89,359	65,333	98,000	91%	
	Total Planning and Building Control Fees	26,329	249,797	184,133	276,200	90%	
	Government Fees Levies						
1661	B.C.I Training Levy	2,420	22,847	20,000	30,000	76%	
1662	Building Permit Levy	1,254	11,468	11,333	17,000	67%	
1663	132 & 337 Certificates	9,027	78,754	53,333	80,000	98%	
1664	Section 137 Property Sales	-	12,179		-		
	Total Government Fees Levies	12,701	125,248	84,667	127,000	99%	
	Investment Income						
1671	Interest Income	17,827	173,322	95,500	150,000	116%	
1674	Guarantee Fees - TasWater	-	25,903	13,000	20,000	130%	
1675	Tax Equivalents - TasWater	-	132,110	73,333	73,333	180%	Higher Tax Equivalents but dividends will be lower
1676	Dividends - TasWater	9,480	9,480	142,000	294,667	3%	
	Total Investment Income	27,307	340,815	323,833	538,000	63%	
	Sales Hire and Commission						
1681	Sales	11,496	57,072	88,468	130,100	44%	Gravel sales are recognised at end of year
1682	Commission	127	7,866	12,559	16,491	48%	
1683	Equipment Hire	614	749	-	-		
1684	Facilities and Hall Hire	2,757	23,917	40,150	55,000	43%	
1685	Facilities Leases	3,039	49,941	51,500	75,000	67%	

		Month Actual	Year to Date Actual	Year to Date Budget	Revised 2018-2019 Budget	% of Annual Budget used	Comments
1687	History Room Other Income	162	821	667	1,000	82%	
	Total Sales Hire and Commission	18,194	140,366	193,343	277,591	51%	
	Other Income						
1761	Late Payment Penalties inc Interest	17,698	74,336	73,333	100,000	74%	
1763	Heavy Vehicle Contributions	-	72,642	-	-		Not budgeted for as we were advised that no payment was due
1765	Private Works	150	16,474	13,333	20,000	82%	
1766	Cemetery	1,027	10,158	16,667	25,000	41%	
1768	Miscellaneous Income	8,672	18,845	-	-		ONS event funding
	Total Other Income	27,548	192,455	103,333	145,000	133%	
	Reimbursements						
1772	Insurance Recoveries	-	4,923	-	-		
1773	Workers Comp. Recoveries	-	-	1,333	2,000	0%	
1775	Roundings	(0)	(654)	-	-		
1776	Miscellaneous Reimbursements	1,140	26,856	3,333	5,000	537%	Various including reimbursement of Cat Tracker contribution
1778	GST free reimbursements	-	7,111	-	-		
	Total Reimbursements	1,140	38,236	4,667	7,000	546%	
					-		
	Gain or Loss on Sale of Assets						
1781	Profit or Loss on Sale of Assets	6,318	35,623	30,000	40,000	89%	
	Total Gain or Loss on Sale of Assets	6,318	35,623	30,000	40,000	89%	
	Grant Income						
	Operating Grants			-			
1792	Financial Assistance Grant	363,073	1,089,219	1,090,152	2,836,798	38%	To be adjusted at end of year due to prepayment of grant
1794	State Grants - Other	-	484	-	-		
1794	Regional Workforce Development Plan	-	12,500				
1794	Youth Week Tasmania Grant	-	2,000				
1794	Learner Driver Mentor Grant	-	19,311	19,000	19,000	102%	
1794	Event Funding - Triple J One Night Stand	-	35,000				
	Total Operating Grants	363,073	1,158,514	1,109,152	2,855,798	41%	

		Month Actual	Year to Date Actual	Year to Date Budget	Revised 2018-2019 Budget	% of Annual Budget used	Comments
	Capital Grants						
1791	Roads to Recovery	-	305,169	305,000	761,900	40%	
1791	Old Tasman Hotel			-	25,000	0%	c/f from 2017/18
1791	Mountain Bike Trails - Federal			-	1,600,000	0%	c/f from 2017/18
1791	Mountain Bike Trails - RJIP		12,379	12,300	1,537,500	1%	
1793	LDMP vehicle grant	-	20,123	-	-		
1793	Mountain Bike Trails	-	-	-	1,000,000	0%	c/f \$500k from 2017/18
1795	MAST funding of Cunningham St Jetty Upgrade	-	-	-	110,000		
1795	Medea Cove Footpath - Community Contribution	-	-		25,000		
	Total Capital Grants	-	337,671	317,300	5,059,400	7%	
	Total Revenue	519,012	11,971,792	11,624,826	18,704,386	64%	
	Expenses						
	Employee Costs						
1811	Salaries and Wages	248,249	2,081,494	2,216,649	3,451,345	60%	
1812	On Costs	110,629	940,567	956,527	1,524,100	62%	
1813	Overtime Payments	2,211	21,558	15,133	22,700	95%	Response to floods early in financial year
	Total Employee Costs	361,089	3,043,619	3,188,309	4,998,145	61%	
	Energy Costs						
1851	Electricity	7,343	91,401	127,729	160,375	57%	
	Total Energy Costs	7,343	91,401	127,729	160,375	57%	
	Materials and Contracts						
1861	Advertising	110	37,235	26,900	40,350	92%	
1863	Bank Charges - GST	1,916	18,984	16,133	24,200	78%	
1864	Books Manuals Publications	-	1,052	3,193	4,790	22%	
1865	Catering	30	13,669	9,400	14,100	97%	ONS costs
1866	Bank Charges - FREE	59	337	1,333	2,000	17%	
1867	Computer Hardware Purchase	379	15,308	8,000	12,000	128%	
1868	Computer Software Purchase	-	9,357	-	-		
1869	Computer Internet Charges	-	10,073	1,700	2,550	395%	ONS costs
1870	Computer Licence and Maintenance Fees	3,270	124,164	138,750	203,000	61%	
1872	Corporate Membership	-	123,074	138,790	147,990	83%	
1873	Debt Collection	431	25,890	10,667	16,000	162%	Higher than budgeted activity

		Month Actual	Year to Date Actual	Year to Date Budget	Revised 2018-2019 Budget	% of Annual Budget used	Comments
1876	Stock Purchases for Resale	1,856	37,577	42,000	45,000	84%	
1890	Equipment Hire and Leasing	-	64,793	25,333	38,000	171%	ONS costs
1891	Equipment Maintenance and Minor Purchases	440	7,196	11,800	17,700	41%	
1893	Internet Billpay Costs	388	4,300	4,667	7,000	61%	
1895	Licensing and Licence Costs	11,863	34,278	21,150	39,379	87%	
1896	Land and Building Rental or Leasing Costs	-	4,628	7,100	17,600	26%	
1897	Materials	10,346	217,876	180,533	270,800	80%	ONS costs and new lock system
1898	Phone Calls Rental Fax	3,435	25,527	26,871	40,306	63%	
1899	Postage/Freight	2,687	20,485	16,007	24,010	85%	
1900	Printing/Laminating	99	12,518	11,867	17,800	70%	
1901	Property Insurance	-	91,284	83,500	83,500	109%	
1902	Room Hire	-	818	467	700	117%	
1904	Royalties and Copyright Licences	-	-	3,333	5,000	0%	
1905	Stationery	564	5,714	5,333	8,000	71%	
1906	Water and Property rates Payable	-	54,214	46,240	54,400	100%	
	Total Materials and Contracts	37,874	960,350	841,068	1,136,175	85%	
	Contractor Costs						
1971	Contractors	52,118	541,684	437,933	619,400	87%	ONS costs and MTB track maintenance
1972	Cleaning Contractors	3,425	120,409	121,900	182,850	66%	
1973	Waste Management Contractors	97,025	738,293	686,375	1,156,000	64%	
	Total Contractor Costs	152,568	1,400,386	1,246,208	1,958,250	72%	
	Professional Fees						
1991	Analysis Fees	-	168	-	-		
1992	Audit Fees	-	21,670	30,664	36,000	60%	
1993	Legal Fees	-	15,057	19,000	28,500	53%	
1994	Internal Audit Fees	-	2,924	4,667	7,000	42%	
1995	Revaluation Fees- Municipal only	11,450	14,350	16,333	28,000	51%	
1996	Professional Fees - Grant funded	-	28,328	15,000	-		
1997	Professional Fees - Strategic Projects	2,000	2,000	-	100,000	2%	
1998	Other Professional Fees	(5,487)	199,017	131,736	197,604	101%	ONS costs, website development and asset management project
	Total Professional Fees	7,963	283,514	217,400	397,104	71%	

		Month Actual	Year to Date Actual	Year to Date Budget	Revised 2018-2019 Budget	% of Annual Budget used	Comments
	Plant Hire						
2101	Plant Hire - Internal	29,493	288,747	640,333	960,500	30%	
2102	Plant Hire - External	-	2,243	3,667	5,500	41%	
2103	Registration and MAIB	-	30,589	34,378	34,378	89%	
2104	Insurance Premiums	-	20,607	23,200	23,200	89%	
2105	Plant Repairs and Maintenance	13,745	76,140	66,533	99,800	76%	
2140	Plant Hire Recovered	(32,058)	(361,395)	(755,000)	(1,132,500)	32%	
2141	Fuel	9,538	97,625	98,667	148,000	66%	
2142	Fuel Credit	-	(9,889)	(10,000)	(15,000)	66%	
	Total Plant Hire	20,717	144,668	101,778	123,878	117%	
	Government Fees and Levies						
2255	Fire Levy	-	172,289	166,140	332,279	52%	
2257	Building Permit Levy	1,147	9,599	10,000	15,000	64%	
2258	Land Tax	871	22,853	24,980	56,813	40%	
2259	Training Levy	2,384	20,043	20,000	30,000	67%	
	Total Government Fees and Levies	4,401	224,784	221,120	434,092	52%	
	Depreciation						
2304	Depreciation Historical Assets	-	-	112	168	0%	
2305	Depreciation Buildings	17,991	144,075	142,141	213,211	68%	
2306	Depreciation Roads and Streets	143,882	1,151,056	1,151,056	1,726,584	67%	
2307	Depreciation Bridges	36,708	293,664	293,664	440,496	67%	
2308	Depreciation Plant & Equipment	28,208	214,804	220,420	330,629	65%	
2310	Depreciation Stormwater Infrastructure	27,658	221,264	221,264	331,896	67%	
2311	Depreciation Furniture	17,439	140,114	142,271	213,406	66%	
2312	Depreciation Land Improvements	13,918	112,470	117,238	175,858	64%	
2313	Amortisation of Municipal Valuation	1,800	14,400	14,400	25,000	58%	
	Total Depreciation	287,604	2,291,848	2,302,565	3,457,248	66%	
	Other Expenses						
2401	Interest Payable	27,822	197,276	214,177	335,328	59%	
2403	Bad & Doubtful Debts	-	234		-		
2404	Grants and Community Support Given	6,700	78,212	78,100	196,600	40%	
2405	Rate Remissions	-	55,546	55,000	55,000	101%	
2407	Waiver of Fees and Lease etc	451	964	-	-		
2408	Refunds/Reimbursements	791	2,888	-	-		
2409	Council Member Expenses	1,077	20,467	12,000	18,000	114%	
2410	Council Member Allowances	14,003	110,600	109,896	164,844	67%	
	Total Other Expenses	50,843	466,187	469,173	769,772	61%	

		Month Actual	Year to Date Actual	Year to Date Budget	Revised 2018-2019 Budget	% of Annual Budget used	Comments
	Total Expenses	930,402	8,906,758	8,715,350	13,435,039	66%	
	FAG's received prior year in advance						
	Net Surplus\ (Deficit) before Capital amounts	(417,709)	2,691,741	2,562,176	169,947		
	Capital Grants	-	337,671	317,300	5,059,400		
	Profit or Loss on Sale of Assets	6,318	35,623	30,000	40,000		
	Net Surplus\ (Deficit)	(411,390)	3,065,034	2,909,476	5,269,347		

Profit And Loss Statement				
2018-2019				
	Month Actual	Year to Date Actual	2018-2019 Budget	Comments
Business & Corporate Services				
Total Investment Income	27,307	340,815	538,000	
Total Sales Hire and Commission	883	4,014	6,000	
Total Reimbursements	-	1,087	-	
Total Operating Grants	-	484	-	
Total Capital Grants	-	123	-	
Total Revenue	28,190	346,523	544,000	
Total Employee Costs	64,879	505,573	847,646	
Total Energy Costs	61	3,639	5,800	
Total Materials and Contracts	10,036	377,200	475,450	
Total Contractor Costs	291	4,396	7,900	
Total Professional Fees	-	29,748	13,000	
Total Plant Hire	23	8,830	12,200	
Total Government Fees and Levies	-	91	180	
Total Depreciation	17,284	136,744	219,712	
Total Expenses	92,574	1,066,221	1,581,888	
Net Surplus\ (Deficit) before Capital Income	(64,384)	(719,820)	(1,037,888)	
Net Surplus\ (Deficit)	(64,384)	(719,698)	(1,037,888)	
Development Services				
Total Environmental Health	445	2,011	21,000	
Total Municipal inspector	2,025	58,212	59,500	
Total Planning And Building Control Fees	26,329	245,517	274,200	
Total Government Fees Levies	12,701	113,069	127,000	
Total Sales Hire and Commission	557	1,188	1,300	
Total Reimbursements	-	3,661	-	
Total Revenue	56,102	437,702	483,000	
Total Employee Costs	60,514	457,125	941,191	
Total Materials and Contracts	178	29,614	37,910	
Total Contractor Costs	13,010	13,815	20,000	
Total Professional Fees	(12,842)	69,759	87,100	
Total Plant Hire	-	8,074	14,128	
Total Government Fees and Levies	3,531	29,642	45,000	
Total Depreciation	1,196	9,568	20,148	
Total Other Expenses	791	2,808	1,000	
Total Expenses	66,378	620,404	1,166,477	
Net Surplus\ (Deficit) before Capital Income	(10,276)	(182,702)	(683,477)	
Net Surplus\ (Deficit)	(10,276)	(182,702)	(683,477)	

	Month Actual	Year to Date Actual	2018-2019 Budget	Comments
Community Services				
Total Sales Hire and Commission	150	240	-	
Total Other Income	945	10,945	-	
Total Reimbursements	-	5,830	-	
Total Operating Grants	-	56,311	19,000	
Total Capital Grants	-	32,379	-	
Total Revenue	1,095	105,705	19,000	
Total Employee Costs	13,869	136,152	294,166	
Total Energy Costs	-	419	-	
Total Materials and Contracts	469	88,675	18,950	
Total Contractor Costs	-	38,727	30,000	
Total Professional Fees	-	12,615	8,000	
Total Plant Hire	-	10,687	10,750	
Total Depreciation	1,719	16,115	24,311	
Total Other Expenses	6,700	78,212	195,600	
Total Expenses	22,758	381,601	581,776	
			-	
Net Surplus\ (Deficit) before Capital Income	(21,663)	(308,275)	(562,776)	
Net Surplus\ (Deficit)	(21,663)	(275,896)	(562,776)	
Works and Infrastructure				
Total Rates	13,470	1,908,102	1,913,692	
Total Municipal inspector	1,428	23,338	63,800	
Total Planning And Building Control Fees	-	4,280	2,000	
Total Sales Hire and Commission	6,551	88,697	175,000	
Total Other Income	1,177	99,274	45,000	
Total Reimbursements	136	7,796	2,000	
Total Gain or Loss on Sale of Assets	-	29,305	40,000	
Total Operating Grants	199,044	597,132	1,531,366	
Total Capital Grants	-	305,169	5,059,400	
Total Revenue	221,807	3,063,092	8,832,258	
Total Employee Costs	157,087	1,361,939	2,076,787	
Total Energy Costs	7,282	84,130	149,575	
Total Materials and Contracts	23,866	306,635	405,099	
Total Contractor Costs	139,237	1,339,803	1,895,500	
Total Professional Fees	7,355	32,684	109,004	
Total Plant Hire	20,695	113,218	81,500	
Total Government Fees and Levies	871	20,584	52,354	
Total Depreciation	265,234	2,115,342	3,170,330	
Total Other Expenses	28,273	201,998	335,328	
Total Expenses	649,900	5,576,334	8,275,477	
			-	
Net Surplus\ (Deficit) before Capital Income	(428,093)	(2,818,410)	(4,502,619)	
Net Surplus\ (Deficit)	(428,093)	(2,513,241)	556,781	

	Month Actual	Year to Date Actual	2018-2019 Budget	Comments
Visitor Information Centre, History Room and Tourism				
Total Sales Hire and Commission	10,054	39,335	82,000	
Total Reimbursements	-	864	-	
Total Revenue	10,054	40,199	82,000	
Total Employee Costs	9,474	84,142	119,523	
Total Energy Costs	-	3,214	5,000	
Total Materials and Contracts	1,976	39,692	49,700	
Total Contractor Costs	30	3,646	4,850	
Total Professional Fees	-	9,718	9,000	
Total Plant Hire	-	47	-	
Total Government Fees and Levies	-	817	1,600	
Total Depreciation	706	5,648	10,446	
Total Expenses	12,186	146,923	200,119	
			-	
Net Surplus\ (Deficit) before Capital Income	(2,132)	(106,724)	(118,119)	
Net Surplus\ (Deficit)	(2,132)	(106,724)	(118,119)	
Governance and Members Expenses				
Total Rates	19,033	7,361,406	7,320,405	
Total Government Fees Levies	-	12,179	-	
Total Sales Hire and Commission	-	6,892	13,291	
Total Other Income	17,698	74,509	100,000	
Total Reimbursements	1,004	18,999	5,000	
Total Operating Grants	164,029	504,587	1,305,432	
Total Revenue	201,764	7,978,571	8,744,128	
Total Employee Costs	55,265	498,689	718,832	
Total Materials and Contracts	1,348	118,533	149,066	
Total Professional Fees	13,450	128,990	171,000	
Total Plant Hire	-	3,813	5,300	
Total Government Fees and Levies	-	173,651	334,958	
Total Depreciation	1,465	8,430	12,302	
Total Other Expenses	15,079	183,169	237,844	
Total Expenses	86,607	1,115,275	1,629,302	
			-	
Net Surplus\ (Deficit) before Capital Income	115,157	6,863,296	7,114,826	
Net Surplus\ (Deficit)	115,157	6,863,296	7,114,826	

	Month Actual	Year to Date Actual	2018-2019 Budget	Comments
Council Total				
Total Rates	32,504	9,269,507	9,234,097	
Total Environmental Health	445	2,011	21,000	
Total Municipal inspector	3,453	81,549	123,300	
Total Planning And Building Control Fees	26,329	249,797	276,200	
Total Government Fees Levies	12,701	125,248	127,000	
Total Investment Income	27,307	340,815	538,000	
Total Sales Hire and Commission	18,194	140,366	277,591	
Total Other Income	27,548	192,455	145,000	
Total Reimbursements	1,140	38,236	7,000	
Total Gain or Loss on Sale of Assets	6,318	35,623	40,000	
Total Operating Grants	363,073	1,158,514	2,855,798	
Total Capital Grants	-	337,671	5,059,400	
Total Revenue	519,012	11,971,792	18,704,386	
Total Employee Costs	361,089	3,043,619	4,998,145	
Total Energy Costs	7,343	91,401	160,375	
Total Materials and Contracts	37,874	960,350	1,136,175	
Total Contractor Costs	152,568	1,400,386	1,958,250	
Total Professional Fees	7,963	283,514	397,104	
Total Plant Hire	20,717	144,668	123,878	
Total Government Fees and Levies	4,401	224,784	434,092	
Total Depreciation	287,604	2,291,848	3,457,248	
Total Other Expenses	50,843	466,187	769,772	
Total Expenses	930,402	8,906,758	13,435,039	
Net Surplus\ (Deficit) before Capital Income	(411,390)	2,691,741	169,947	
Capital Income	-	373,293	5,099,400	
Net Surplus\ (Deficit)	(411,390)	3,065,034	5,269,347	

Financial Position					
2018-2019					
	2017-2018 Actual	Year to Date Actual	Year to Date Budget	2018-2019 Budget	Comments
Current Assets					
Cash	9,664,903	10,068,191	6,957,379	3,564,755	
Receivables	552,207	1,690,101	1,840,978	600,000	
Inventories	92,540	150,863	120,000	120,000	
Other Current Assets	75,699	-2,562	30,000	30,000	
Total Current Assets	10,385,349	11,906,592	8,948,357	4,314,755	
Non Current Assets					
Property Plant and Equipment	141,085,812	142,826,396	139,122,142	141,267,981	
Investment in TasWater	33,717,915	33,717,915	33,717,915	33,285,899	
Other Non Current Assets	44,392	63,800	74,000	74,000	
Total Non -Current Assets	174,848,119	176,608,111	172,914,057	174,627,880	
Total Assets	185,233,468	188,514,703	181,862,413	178,942,635	
Current Liabilities					
Payables	880,114	1,356,169	827,616	850,000	
Interest Bearing Liabilities	326,296	139,964	139,964	326,296	
Provisions	765,525	711,541	584,822	664,164	
Total Current Liabilities	1,971,935	2,207,675	1,552,402	1,840,460	
Non Current Liabilities					
Interest Bearing Liabilities	8,825,315	8,825,315	8,825,315	7,651,610	
Provisions	537,805	537,805	382,913	520,964	
Total Non Current Liabilities	9,363,120	9,363,119	9,208,228	8,172,574	
Total Liabilities	11,335,055	11,570,794	10,760,630	10,013,034	
Net Assets	173,898,413	176,943,909	171,101,783	168,929,601	
EQUITY					
Accumulated surplus	30,216,738	31,401,551	25,559,426	24,949,575	
Asset revaluation reserve	142,659,838	145,025,360	145,025,360	143,813,516	
Other reserves	1,021,837	516,998	516,998	166,510	
TOTAL EQUITY	173,898,413	176,943,909	171,101,783	168,929,601	
Other Reserves - detailed separately	1,021,837	516,998	516,998	166,510	
Employee Provisions	1,303,330	1,249,346	967,735	1,185,128	
Unallocated accumulated surplus	7,339,736	8,301,847	5,472,646	2,213,117	
Total cash available	9,664,903	10,068,191	6,957,379	3,564,755	
Note: This reflects the cash position and does not include Payables and Receivables					

Other Reserves				
2018-2019				
	Other Reserves 1/7/2018	Reserves new 2018-2019	Reserves used 2018- 2019	Remaining 30/6/2018
Public Open Space				
Binalong Bay	3,362			3,362
Ansons Bay	2,229			2,229
Beaumaris	4,907			4,907
Scamander	23,398			23,398
St Helens	32,510			32,510
St Marys	3,750			3,750
Stieglitz	6,752			6,752
Total Public Open Space	76,908	-	-	76,908
General Reserves				
Community Development	12,500			12,500
137 Trust Seizures	261,080			261,080
Total General Reserves	273,580	-	-	273,580
Grant Proceeds Reserve				
Roads to recovery	568,242		(465,612)	102,630
Regional Workforce Development Plan	36,720		(23,510)	13,210
Learner Driver	22,387		(15,717)	6,670
Projectors for Stadium	14,000			14,000
Community Infrastructure Fund Grant	30,000			30,000
Total Grant Reserves	671,349	-	(504,839)	166,510
Total Other Reserves	1,021,837	-	(504,839)	516,998

Estimated Cash Flow					
2018-2019					
	2017-2018 Actual	Year to Date Actual	Year to Date Budget	Revised 2018-2019 Budget	Comments
CASH FLOWS FROM OPERATING ACTIVITIES					
RECEIPTS					
Operating Receipts	15,020,889	11,126,681	11,069,991	13,604,986	
Less FAGs received in advance				(1,462,513)	Received June 2018
PAYMENTS					
Operating payments	10,627,090	6,823,286	7,151,861	9,977,791	
NET CASH FROM OPERATING	4,393,799	4,303,395	3,918,130	2,164,682	
CASH FLOWS FROM INVESTING ACTIVITIES					
RECEIPTS					
Proceeds from sale of Plant & Equipment	155,926	35,623	30,000	182,000	
Capital Grants	2,300,487	337,671	317,300	5,059,400	
PAYMENTS					
Payment for property, plant and equipment	5,604,078	4,087,069	6,786,623	13,179,934	
Payments for financial assets					
NET CASH FROM INVESTING ACTIVITIES	(3,147,665)	(3,713,776)	(6,439,323)	(7,938,534)	
CASH FLOWS FROM FINANCING ACTIVITIES					
RECEIPTS					
Proceeds from borrowings	1,500,000	-	-	-	
PAYMENTS					
Repayment of borrowings	312,292	186,332	186,332	326,296	
NET CASH FROM FINANCING ACTIVITIES	1,187,708	(186,332)	(186,332)	(326,296)	
NET INCREASE (DECREASE) IN CASH HELD	2,433,842	403,288	(2,707,524)	(6,100,148)	
CASH AT BEGINNING OF YEAR	7,231,061	9,664,903	9,664,903	9,664,903	
CASH AT END OF PERIOD	9,664,903	10,068,191	6,957,379	3,564,755	

Capital Expenditure							
2018-2019							
Project Code	Details	Month Actuals	Year to Date Actual	2017-2018 Budget C/F	2018-2019 Budget	Total Budget New + C/f	Comments
	PLANT & EQUIPMENT						
	Replacement of the following vehicles						
CG005	White Kia Sportage Si Premium	-	-		36,000	36,000	
CG007	Hyundai I30 PD Hatch 2.0 Auto - Learner Driver	-	19,538				Grant funded \$22,000
CG010	1013 Bomag Roller	-	-		160,000	160,000	
CF023	Renault Traffic LWB 103Kw Manual	-	-	27,000	33,000	60,000	#1226 no action on this vehicle @ 7/3/19
CG015	D-Max 4x4 Crew Cab Manual SX	-	38,353		40,000	40,000	
CG017	Captiva LTZ AWD 7 Seat A2.2D	-	32,214			-	
CG020	White Kia Sportage Si Premium with Tow Bar	-	-		36,000	36,000	
CF022	Holland Backhoe	-	146,773	155,000		155,000	
CF011	1019 Stirling 10 Yrd	-	179,757	180,000		180,000	
	Other plant	-	-				
CG025	4" Water Pump	-	1,855		3,500	3,500	
CG026	Hydraulic Unit & Post Rammer	-	14,391			-	
CG045	GM360 Toro Mower 72in	-	35,445		34,000	34,000	
CG046	Ferris IS 3200Z Mower	-	18,885		34,000	34,000	
CG030	Small plant	-	5,252		6,500	6,500	
CG035	Vacuum Excavator	-	47,808		75,000	75,000	
CG040	Steam Weeder	-	26,335		26,000	26,000	
CG047	RoadPod VT 5900 Plus Inc RC (x2)	-	8,175			-	
CF030	Virtual Fence	-	1,438			-	
CF032	Loader for St Helens WTS	-	-	180,000		180,000	
CG048	ABR - Airband Broadcast Recorder	-	-			-	Receiver & Antenna Aerodrome Avdata
	TOTAL PLANT & EQUIPMENT	-	576,219	542,000	484,000	1,026,000	
	FURNITURE & IT						
CG055	Ricoh MP4055SP A3 Copier/Printer	-	5,392		7,000	7,000	
CD730	Hall Furniture Replacement	9,228	9,228	4,000	6,000	10,000	
CE085	Additional sit down/stand up desks	-	1,916		2,500	2,500	
CG070	IT - Server Upgrades	-	32,193		32,500	32,500	Replace server and NAS
CG060	IT - Major Software Upgrades	-	19,577		17,500	17,500	Exchange and Mail Marshall upgrades
CG065	Desktop/Laptops/Monitors	-	7,791		20,000	20,000	
CF060	St Marys Hall Projector System	-	-	10,000		10,000	
CE075	Asset Management Software	-	-	35,000		35,000	

Project Code	Details	Month Actuals	Year to Date Actual	2017-2018 Budget C/F	2018-2019 Budget	Total Budget New + C/f	Comments
CE056	Break O'Day Community Stadium - Projectors	-	-	14,000		14,000	
	TOTAL FURNITURE & IT	-	76,097	59,000	85,500	148,500	
						-	
	BUILDINGS						
CE755	BBQ Shelter at St Marys Rec Ground & Demolition Conceptual considerations for existing buildings that have reached end of useful life	-	86,812	35,000	50,000	85,000	Design, Construct BBQ and Storage Facility, Power Improvements etc.
	Pacing Club Shed - St Marys Rec Ground		6,000		6,000	6,000	\$6k contribution from Pacing Club
CG720	St Marys Sports Centre - Roof Over Deck	2,904	9,933		20,000	20,000	
CG740	St Helens Aerodrome - Airport Hangers	6,000	6,000		6,000	6,000	Alterations to Hanger as per Tim Gowans Quote provided
CG725	Scamander Sports Complex Disabled Toilet & Improvement Works	-	-		30,000	30,000	New Disabled Toilet, Baby Change table and Exit doors as proposed by Committee
CG705	Fingal Online Access Centre - Floor Covering Replacements	-	5,000		5,500	5,500	Replace Carpet at Online Access Centre - \$500 contribution offered
CG730	St Helens Foreshore Toilet Block	-	32,191		50,000	50,000	Renovation
CE710	Break O Day Community Stadium - Renovation of Existing Change rooms/Kiosk Fit Out	-	3,530			-	
CE720	Break O Day Community Centre - Kiosk Design	164	500			-	
CG715	St Marys Toilet Block BBQ Shelter	-	32,447		35,000	35,000	Design & Construct New BBQ
CC730	Old Tasmanian Hotel Upgrades in Accordance with Conservation Management Plan	1,457	30,179	25,000	25,000	50,000	Annual commitment to Heritage upgrades and renovations
CE705	Portland Hall Upgrades	-	-	13,959		13,959	
CG735	Replacement Fence Scamander Sports Complex - Bowls Green	-	7,431		8,000	8,000	
CF705	Weldborough Amenities	-	-	110,000		110,000	
CD815	Wrinklers Lagoon, Scamander - toilet block	-	-	89,400		89,400	
CE735	Fingal Sports Complex Toilet Block Demolition	-	194			-	
CE740	Council & Depot - Solar Panels Installation	-	27,459	27,000		27,000	

Project Code	Details	Month Actuals	Year to Date Actual	2017-2018 Budget C/F	2018-2019 Budget	Total Budget New + C/f	Comments
CE770	Workspace Renovations - History Rooms	-	-	30,000		30,000	Grant funded
	TOTAL BUILDINGS	10,525	247,675	330,359	235,500	565,859	
						-	
	PARKS, RESERVES & OTHER						
CE715	Break O Day Community Stadium - External Upgrades	-	56	10,000		10,000	Construction Phase
CF810	Fingal Cemetery Master Plan	-	-	20,000	20,000	40,000	
CE815	Mathinna Cemetery Master Plan	-	-		20,000	20,000	
CE820	Street furniture & signage	691	11,149		20,000	20,000	
CG805	Falmouth Playground equipment replacement program	-	-		50,000	50,000	Falmouth
CG810	St Helens rec ground	-	-		50,000	50,000	Water Systemwater system & mains upgrade - possibly grant \$35k
CG820	Foreshore Power Upgrade	-	-		12,000	12,000	
CG815	Reseed lawn at St Helens foreshore BBQ	-	7,321		7,500	7,500	
CG825	Street lighting - LED Implementation - SOLAR 2018/19	-	13,801	36,500		36,500	
CF820	Mountain Bike Trails - Poimena to Bay of Fires	316,575	582,330	1,600,000		1,600,000	
CF820A	Mountain Bike Trails - Stacked Loops-St Helens	3,500	46,808	750,000	2,407,500	3,157,500	
CD805	Blue Derby Mountain bike trail - minor works	113	3,656			-	
CE805	Jetty Upgrades - Kirwans	-	7,705	7,500		7,500	
CG830	Jetty Upgrades - Beauty Bay	-	7,030			-	
CD830 A	Jetty Upgrades - Talbot Street	-	1,292	13,500		13,500	
CD830 B	Jetty Upgrades - Cunningham Street	-	62,031		110,000	110,000	MAST funded
CF825	Parnella foreshore protection works	-	-		50,000	50,000	
1088	St Marys Rivulet Flood Prevention Works near Flat Bridge		991				Included in operating expenditure
	TOTAL PARKS, RESERVES & OTHER	320,879	744,171	2,437,500	2,747,000	5,184,500	
	ROADS						
	STREETSCAPES						
CC140	Cecilia Street (St Helens)	-	1,256	15,000		15,000	Bayside section (Circassian St down) and intersection with esplanade

Project Code	Details	Month Actuals	Year to Date Actual	2017-2018 Budget C/F	2018-2019 Budget	Total Budget New + C/f	Comments
CE140	Main Street & Story Street St Marys	5,412	27,435		30,000	30,000	
CF105	Fingal	23,586	38,467	20,000	480,000	500,000	
CE110	Scamander entrance at Wrinklers	-	200	95,000		95,000	
	TOTAL STREETSCAPES	28,998	67,357	130,000	510,000	640,000	
	FOOTPATHS						
CG105	Binalong Bay - Main Road (Cray Court to link with existing path 146 Main Road) (0.52km)	407	98,507		100,000	100,000	Listed last year but not included. Estimated 520m of 1.5m wide concrete footpath.
CG115	Annual replacement of damaged footpaths	-	-	8,000	7,000	15,000	
CG110	Story St, St Marys	-	-		50,000	50,000	widen footpath to school
CF110	Stieglitz - St Helens Point Road (Chimney Heights to Jetty Road link) (0.08km)	-	12,636	14,000		14,000	
CF115	St Helens - Penelope Street (Tasman Highway to Big4 Caravan Park)	-	1,511	13,000		13,000	
CF125	Medea Cove Footpath/Road options	-	-	18,000	25,000	43,000	
CF130	Parnella/Foreshore Walkway	-	2,052		250,000	250,000	
	TOTAL FOOTPATHS	407	114,706	53,000	432,000	485,000	
						-	
	KERB & CHANNEL						
CG155	Cameron St, St Helens (south of Quail St intersection) (0.16km)	-	-		9,000	9,000	width to be checked for on street parking options
CF660A	Annie Street, St Helens	4,302	131,060		287,000	287,000	associated with Hospital
CE165	Treloggen Drive, Binalong Bay	-	46	50,400	-	50,400	Install K&G on high-side to stop stormwater flow across road and damaging road pavement - Stage 3
CG160	Penelope St St Helens	-	-		30,000	30,000	replace 50mt kerb & channel on western side of Penelope St, St Helens - starting at intersection of Lawry Heights
CG165	Helen Grove - northern side	-	-		25,000	25,000	100m of new Kerb

Project Code	Details	Month Actuals	Year to Date Actual	2017-2018 Budget C/F	2018-2019 Budget	Total Budget New + C/f	Comments
CG170	Aerodrome Rd	-	-		35,000	35,000	extend K&C
CD165	Tully St, St Helens Kerb	-	1,667	5,000		5,000	
	TOTAL KERB & CHANNEL	4,302	132,773	55,400	386,000	441,400	
						-	
	RESHEETING						
CF310	Anchor Road, Pyengana	-	7,798			-	
CF315	Ansons Bay Township Roads	-	8,373	30,000		30,000	
CF305	Ansons Bay Road, Ansons Bay	-	-		80,000	80,000	
CF320	North Ansons Bay Road, Ansons Bay	-	-		80,000	80,000	
CF325	Upper Scamander Road, Scamander	-	-		40,000	40,000	
CF335	Old Highway, Seymour	-	-	4,600	20,000	24,600	
CG305	Champ St, Seymour	-	16,971			-	
	Falmouth Streets	-	-		40,000	40,000	
CF355	Lottah Road, Pyengana	-	3,726	37,500		37,500	
CG310	Reids Road	-	1,188		10,000	10,000	
CG315	Medeas Cove Road	-	11,031		10,000	10,000	
CG320	Deals Road, Seymour	-	-		15,000	15,000	
CG325	Matsons Road, Seymour	-	-			-	
	Fingal Streets	-	-		23,000	23,000	
CG355	Marriot Street, Fingal	-	4,761			-	
CG360	Sorrell Street, Fingal	-	8,021			-	
CG365	Pedder Street, Fingal	-	3,676			-	
	St Marys Roads	-	-			-	
CG340	Gardiners Creek Road, St Marys	-	7,591		25,000	25,000	
CG345	German Town Road, St Marys	-	8,027		15,000	15,000	
CG350	Dublin Town Road, St Marys	-	1,040		15,000	15,000	
	Mathinna Plains/Upper Esk/Roses Tier/Tyne Roads	-	-			-	
CF330	Upper Esk Road, Mathinna	-	18,437			-	
CD305	Mathinna Plains Road	-	-	9,000	30,000	39,000	
CD310	Tyne River Road	-	29,745	49,770		49,770	
CD315	Roses Tier Road	-	79,001	15,000	50,000	65,000	
	TOTAL RESHEETING	-	209,386	145,870	453,000	598,870	
						-	
	RESEALS						Segment ID
CG405	Byatt Crt	-	3,557		7,059	7,059	522
CG410	Cherrywood Dve	-	15,380		6,380	6,380	555
CG410	Cherrywood Dve				5,289	5,289	572
CG410	Cherrywood Dve				9,237	9,237	554
CG415	Coach Rd	-	10,554		2,947	2,947	1224
CG415	Coach Rd				7,317	7,317	532
CG420	Falmouth St	-	3,191		2,423	2,423	339
CG420	Falmouth St	-	-		7,468	7,468	340

Project Code	Details	Month Actuals	Year to Date Actual	2017-2018 Budget C/F	2018-2019 Budget	Total Budget New + C/f	Comments
CG425	Gardens Rd	-	8,586		5,790	5,790	941
CG430	Grant St Falmouth	-	9,633		5,507	5,507	591
CG430	Grant St Falmouth				4,571	4,571	592
CG435	Hammond St	-	3,454		2,894	2,894	586
CG435	Hammond St				1,984	1,984	585
CG440	Highcrest Ave	-	6,907		8,845	8,845	767
CG445	Kirwans Beach C/P	-	4,207		8,570	8,570	355
CG450	Medeas Cove Esp	-	18,927		4,627	4,627	393
CG450	Medeas Cove Esp	-	-		12,284	12,284	388
CG455	Parnella Dr	-	-		10,644	10,644	752
CG460	Powers Rd	-	3,882		1,637	1,637	106
CG465	Reids Rd	-	9,822		8,372	8,372	942
CG470	Rossarden Rd	-	73,866		32,346	32,346	318
CG470	Rossarden Rd				19,117	19,117	314
CG470	Rossarden Rd				9,603	9,603	313
CG470	Rossarden Rd				15,722	15,722	1246
CG475	Scamander Ave	-	9,963		17,004	17,004	544
CG480	Silver St	-	3,615		7,890	7,890	566
CG485	St Columba Falls Rd	-	73,721		37,311	37,311	67
CG485	St Columba Falls Rd	-			36,065	36,065	68
CG490	Steel St	-	7,820		752	752	556
CG490	Steel St				7,667	7,667	557
CG495	Tasman Hwy S/R	-	6,798		10,302	10,302	399
CF485	Medeas Cove Esp/Annie Street Intersection	-	34,310			-	
CG496	Viney Court, St Helens	-	3,602			-	
	TOTAL RESEALS	-	308,196	-	317,625	317,625	
	ROADS OTHER						
	Reconstruction/Dig Outs	-	-	-		-	
CG515	Annie Street, St Helens Water Mains	-	-	-		-	
CG520	Beaumaris Ave	-	-		15,000	15,000	
CG525	St Helens Pt Rd, between Egret St & Treloggens Dr	-	-		64,000	64,000	500m widen & seal shoulders on both sides between Egret St & Treloggens Dr
CG530	Kismet Place	1,690	2,309		85,000	85,000	
CF510	West Street	928	39,474	40,000	15,000	55,000	
CF520	St Helens Pt Rd Upgrade inc Stabilisation	-	2,505				

Project Code	Details	Month Actuals	Year to Date Actual	2017-2018 Budget C/F	2018-2019 Budget	Total Budget New + C/f	Comments
CG505	St Helens Pt Rd, between Cunningham and Talbot Street	1,519	17,047		200,000	200,000	Road & drainage Works between Cunningham and Talbot Street
CG510	St Helens Pt Rd, Cunningham St Intersection	-	78		-	-	Sight distance improvement - Cunningham St Intersection
CF505	Atlas Drive Retaining Wall	-	4,400	5,500		5,500	
CF515	The Gardens Road RTR	7,727	8,065	200,000	231,000	431,000	RTR
CC555	Parnella Landslip	619	19,631			-	
CG535	Parnella Drive - Additional Dig out Works	-	29,760		30,000	30,000	
CG540	Ansons Bay Road - dig out	-	-		30,000	30,000	
CG545	Rex Court - dig out	1,927	1,927		30,000	30,000	
CG550	St Helens Point Road - dig out	-	-		50,000	50,000	
	TOTAL ROADS OTHER	12,482	93,510	245,500	610,000	995,500	
						-	
	ROADS TOTAL	48,116	961,215	629,770	2,848,625	3,478,395	
	BRIDGES						
CG205	B185 Gillies Road, St Marys	-	-		25,000	25,000	replace deck & runners
CG210	B760 Bent St, Mathinna	-	-		5,500	5,500	replace failed abutment & pothole approaches
CG215	B1675 Lower Germantown Road, St Marys	-	-		18,000	18,000	renew deck & runners
CG220	B2293 Cecilia St, St Helens	-	-		22,000	22,000	renew deck & runners & pothole approaches
CG225	B2792 Four Mile Creek Road	-	113		30,000	30,000	renew coating
CG230	B2809 Argyle St, Mangana	-	-		30,000	30,000	renew deck & runners, replace asphalt to both approaches
CG235	B3765 Argonaut Road, St Helens (Upper Golden Fleece)	-	-		18,000	18,000	repair erosion to road shoulder Abutment A (50 tonne of large rock)
CG240	B7004 Richardson Road, St Marys	-	-		38,000	38,000	renew deck & runners

Project Code	Details	Month Actuals	Year to Date Actual	2017-2018 Budget C/F	2018-2019 Budget	Total Budget New + C/f	Comments
CG245	B7032 Davis Gully Road, Four Mile Creek	-	-		31,000	31,000	renew deck & runners, repair erosion to road shoulder and bedlogs Abutment A (10 tonne of rock)
CG250	B7027 Mathinna Plains Road	-	-		15,000	15,000	extend upstream headwall to retain gravel road shoulder
CF220	B2805 Otway Ck, Rossarden Road	46	43,023		212,000	212,000	R2R funded
CF205	B1244 Ransons River (Fitzgeralds Rd, Goulds Country) RTR	-	43,855	210,700	8,300	219,000	
CF215	B4650 - Forester Creek (Ansons Bay Road) RTR	-	223,084	287,000	(60,000)	227,000	R2R funded
	Install/upgrade traffic barriers to 3 bridges	-	-	130,000		130,000	
CG260	B2434 Gardens Road - Installation of W-Beam	28,347	28,347				
	TOTAL BRIDGES	28,393	338,422	627,700	392,800	1,020,500	
	STORMWATER						
CG660	High Street Mathinna (Main St)	-	-		50,000	50,000	
CG665	Freshwater Street / Lade Court (Beaumaris)	-	-		30,000	30,000	Install new stormwater pipe rear of Freshwater Street properties to prevent Lade Court properties flooding.
CG670	Hall St to Medea St (runs parallel to Doepel PI)	-	-		40,000	40,000	115m of open drain
CG655	St Columbia Falls Rd, Pyengana	-	6,293		-	-	0
CE655	Minor stormwater Jobs	-	2,400	34,000		34,000	
CF665	Beauty Bay Access Track Improvements	-	-	6,000		6,000	
CF657	Parnella Stormwater Stage 2	-	1,002,058	1,000,000		1,000,000	
CF660	Annie St, St Helens Stormwater	1,238	2,074			-	
CE660	Alexander St, Cornwall (installation of main & connection of side entry pits)	-	9,955	15,000		15,000	
CD655	Implement SWMP priorities	-	1,511	37,500	125,000	162,500	
	TOTAL STORMWATER	1,238	1,024,291	1,092,500	245,000	1,337,500	
	WASTE MANAGEMENT						
CG605	Reconstruction & seal entrance to St Helens WTS	6,330	14,016		60,000	60,000	
CG610	Recycling facilities	-	5,573		20,000	20,000	

Project Code	Details	Month Actuals	Year to Date Actual	2017-2018 Budget C/F	2018-2019 Budget	Total Budget New + C/f	Comments
CF610	Fingal WTS Retaining Wall Replacement	-	2,617	130,000		130,000	
CE610	St Marys WTS Retaining Wall Replacement	-	96,774	154,000		154,000	
CE615	Scamander WTS Retaining Wall Reinforcement	-	-	52,000		52,000	
CE625	Rehabilitation of former Binalong Bay Tip	-	-	2,680		2,680	
	WASTE MANAGEMENT TOTAL	6,330	118,980	338,680	80,000	418,680	
						-	
	Total Capital expenditure	424,707	4,087,069	6,061,509	7,118,425	13,179,934	

ACTION	INFORMATION
PROPONENT	Council Officer
OFFICER	Bob Hoogland, Manager Corporate Services
FILE REFERENCE	040\028\002\
ASSOCIATED REPORTS AND DOCUMENTS	Nil

OFFICER'S RECOMMENDATION:

That the report be received.

INTRODUCTION:

The purpose of this report is to provide Councillors with an update of various issues which are being dealt with by the Visitor Information Centre.

PREVIOUS COUNCIL CONSIDERATION:

Provided as a monthly report – Council consideration at previous meetings.

OFFICER'S REPORT:**Staff Movements:**

Nil.

Meetings Attended/Other information:

I attended the six (6) monthly meeting of the east coast regional Visitor Information Network meeting in Swansea, the customer service staff attend the meeting held in the off season. As usual, the meeting discussed issues relevant to the network and compared performance, etc, between the four (4) east coast centres. As well as representatives of the centres, the meeting was attended by the executive officer of the network, a representative of the Regional Tourism Organisation and a representative of Sealink, the company running ferries to Bruny Island.

As we expect at this time of year, there are now almost no quiet days although there was one (1) day with fewer than 100 visitors and several days with nearer 300 visitors.

The History Room Curator provided the following additional information:

- **'Story of Scouting in St Helens' Exhibition:** Is currently being worked on. This should be completed by end of week. Huge archive with much work done on this.
- **Maritime Section:** This has been revamped to include the 'Jane' display.
- **Premier's Discretionary Fund:** This shelving unit has been erected and now in use, giving the Backroom valuable platform space in the Large Compactus.
- **Valley Voice Archive:** Met with former editor, Wendy Dawson, and Glyn Johnson at St Marys to view this archive. Decided that the best option would be to donate the archive to the St Helens History Room so that it can be worked on archivally in the Backroom. A form has been forwarded to Glyn so that this can proceed. Once this signed form is returned, then the archive will be collected from Glyn Johnson's home where it is currently being stored and worked on by him in the Backroom of the St Helens History Room.
- **Public Trustee Office:** Been contacted by the Senior Genealogist of this office regarding a local family (Mary Johnston) member's estate. This has been through the courts and has finally been resolved with personal papers and effects coming to the St Helens History Room.
- **Volunteer Recruitment:** I plan to do some media calling for volunteers for the St Helens History Room. Unfortunately in the last edition of the Valley Voice, many local groups were also calling for volunteers, so their services are in high demand by the whole of the community.
- **Bay of Fires Winter Arts Festival Exhibition:** Currently working on this special exhibition for the Festival. The display will be called 'The Changing Face of St Helens' a historical retrospective on St Helens built landscape.
- **ACFS (Australia China Friendship Society):** Contacted by the Tasmanian representative, Jan Everett, on behalf of the Australia China Friendship Society for a formal visit to the St Helens History Room July/August 2019. An informal visit will be held next month by committee members to work out logistics of this tour.
- **Meeting with Monty East of Design.East, Hobart:** This went very well (Friday 22nd February 2019) and Monty will be drawing up a new set of plans for the Backroom extension that will incorporate the inspection opening in the main sewer line that has stymied any progress to date.
- **Statistics:** Takings for Feb 2019 was \$936.65 consisting of \$881 in entry and \$55.65 donations. Visitation was 195, both of these figures compare favourably with the previous 3 years. Voluntary hours totalled 117.2 hours averaging out to 29.3 hours per week. This is the lowest voluntary hours recorded and is reflective of the drop off with some of our senior volunteers retiring.

Statistics:**Door Counts:**

Month/Year	Visitor Numbers	Daily Average	History Room
February 2007	5,483	195.82	
February 2008	5,667	202.39	
February 2009	4,912	175.43	
February 2010	4,261	152.18	
February 2011	4,147	148.11	
February 2012	4,746	169.50	474
February 2013	5,371	169.50	396
February 2014	6,053	216.17	430
February 2015	6,739	240.67	529
February 2016	6,943	239.41	203
February 2017	5,707	203.82	182
February 2018	4,529	161.75	209
February 2019	5,290	188.93	195

Revenue 2018/2019:

Month	VIC Sales	HR Entry	HR Donations
July	\$2,065.20	219.00	79.10
August	2,418.45	176.00	76.15
September	5,711.75	352.00	121.00
October	5,759.40	478.00	136.75
November	6,182.01	560.00	200.00
December	6,938.21	490.00	45.60
January	10,386.85	799.00	106.45
February	10,940.75	881.00	55.65

Revenue 2017/2018:

Month	VIC Sales	HR Entry	HR Donations
July	\$2,892.45	176.00	0.00
August	1,519.80	119.00	59.70
September	3,917.25	334.00	59.65
October	6,234.31	479.00	64.65
November	6,716.31	403.00	84.70
December	6,300.25	276.00	96.30
January	10,817.80	518.00	112.05
February	10,908.30	831.00	620.45
March	11,484.50	930.00	278.30
April	6,217.10	508.00	135.00
May	2,765.00	357.00	90.45
June	1,486.86	213.00	51.40

LEGISLATION / STRATEGIC PLAN & POLICIES:

Strategic Plan 2017-2027

Goal

Economy - To foster innovation and develop vibrant and growing local economies which offer opportunities for employment and development of businesses across a range of industry sectors.

Strategies

Create a positive brand which draws on the attractiveness of the area and lifestyle to entice people and businesses' to live and work in BOD.

Annual Plan 2018-2019

Goal

Economy - To foster innovation and develop vibrant and growing local economies which offer opportunities for employment and development of businesses across a range of industry sectors.

Key Focus Area 2.1.2

Tourism – Broadening, lengthening and improving the visitor experience through development of attractions and activities; promotion and signage; and great customer service.

Action 2.1.2.9

Assess and improve the customer experience delivered through the St Helens Visitor Information Centre.

BUDGET AND FINANCIAL IMPLICATIONS:

Not applicable.

VOTING REQUIREMENTS:

Simple Majority.

ACTION	DECISION
PROPONENT	Secretary to the Audit Panel
OFFICER	Bob Hoogland, Manager Corporate Services
FILE REFERENCE	018\005\024\
ASSOCIATED REPORTS AND DOCUMENTS	Minutes of Audit Panel Meeting 18 February 2019

OFFICER'S RECOMMENDATION:

That Council receive the minutes of the Audit Panel 18 February 2019.

INTRODUCTION:

Council's Audit Panel meets every three (3) months and the minutes of each meeting are required to be provided to Council.

PREVIOUS COUNCIL CONSIDERATION:

Minutes of Audit Panel meetings are provided to and considered by Council following those meetings, four (4) times per year. This specific report has not previously been considered by Council.

OFFICER'S REPORT:

As per the minutes, the Audit Panel received and reviewed various elements of Council's financial performance, internal and external audit activities, management of risk and review of policies. Legislation requires these minutes to be provided to Council.

STRATEGIC PLAN & ANNUAL PLAN:

Strategic Plan 2017 – 2027

Goal

Services – To have access to quality services that are responsive to the changing needs of the community and lead to improved health, education and employment outcomes.

Strategy

- Work collaboratively to ensure services and service providers are coordinated and meeting the actual and changing needs of the community.
- Ensure Council services support the betterment of the community while balancing statutory requirements with community and customer needs.

LEGISLATION & POLICIES:

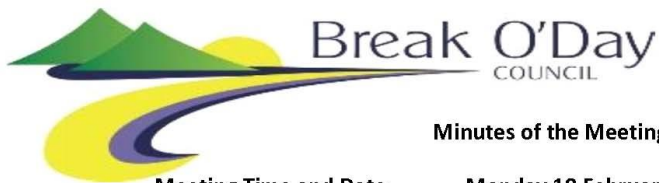
Local Government (Audit Panels) Order 2014.
Division 4 – Audit Panels of Local Government Act 1993.

BUDGET; FUNDING AND FINANCIAL IMPLICATIONS:

Not Applicable.

VOTING REQUIREMENTS:

Simple Majority.



Minutes of the Meeting of the Audit Panel

Meeting Time and Date: Monday 18 February 2019 8.30 am

Meeting Venue: Break O'Day Council Library

Present: S J Hernyk (Chair); Clr J McGiveron; Clr H J Drummond (alternate)

In attendance: General Manager – J Brown (GM); Manager Corporate Services – B Hoogland (MCS)

Apologies: Clr J Tucker, Tasmanian Audit Office representative

Order of Business:

Item 1 – Declaration of Pecuniary Interests/Conflict of Interests

Nil

Item 2 – Adoption of Previous Minutes

Minutes of the Meeting 17 December 2018 were accepted as circulated, having been received by Council at the January 2018 Monthly Meeting

Item 3 – Business Arising

Nil

Item 4 - Outstanding from Previous Meetings – Action Sheet

Nil

Order of Business – Governance and Strategy:

Item 5 – Review Long Term Financial Plan

The Manager Corporate Services noted that the Long Term Financial Plan had been updated and reviewed by management but had not been presented to Council as a significant review of road infrastructure assets was being undertaken which may alter the Plan. The contractor undertaking the review had presented a draft report and therefore it is expected that the matter should be resolved relatively soon.

The Audit Panel requested that the Long Term Financial Plan be presented to Council promptly and distributed to the Panel out of session when completed

Item 6 - Review of Financial Management Strategy

The Panel reviewed the circulated Financial Management Strategy 2015 – 2023. The Chair noted that the Strategy had not been reviewed since adoption and was significantly different, in terms of the period covered, from the Long Term Financial Plan.

The Chair noted that he thought this should be reviewed, although not necessarily amended, annually. Legislation requires a review “at least” each 4 years.

GM noted that, due to the long term nature of the strategy, that he did not necessarily agree that annual reviews were appropriate.

The Panel recommended that the Financial Management Strategy be considered by Council in the near future and distributed to the Panel out of session when completed.

Item 7 – Review preliminary Budget parameters and assumptions

The Chair queried the status of budget preparation for 2019/2020 and any significant changes to parameters or assumptions or other significant matters compared with the budget preparation for 2018/2019.

GM and MCS noted budget preparation generally commences in March and no significant changes have been identified. GM noted, subsequent to the recent local government elections, a special Workshop of Council has been arranged to consider any Annual Plan/Budget matters arising from the election platforms of Councillors. MCS noted the full municipal revaluation underway (undertaken every six years) which could result in significant rating variations for individual rate payers but not for the overall Council budget.

Item 8 - Review Policies and Procedures

The Panel considered the circulated Policy Review Schedule. The Chair asked about Council recruitment, whether Council had sufficient staff now. MCS confirmed recruitment had been successful and recruitment was complete. GM confirmed that Works & Infrastructure policy review was now up to date and Human Resources policy reviews were now underway. The Chair also noted the Envisio planning and reporting system and queried if this was utilised for policy review. GM confirmed that, although policy review was not part of Council’s adopted Strategic Plan, it was incorporated into annual planning and reporting including reporting on overdue/outstanding policy reviews.

Order of Business – Financial Reporting

Item 9 - Financial Reports

The Panel noted the circulated end of month financial report. The Chair noted and approved the comments included in the report and clarified a few items. The Chair noted identifying those capital items that were complete in the comment section could be of benefit to Council. The Panel recommended management consider reporting complete capital projects in the comments section of the monthly financial report.

Item 10 – Special Reports

Nil

Order of Business – Internal Audit (Items 11 – 14)

The Panel received the circulated Schedule for Internal Audits. MCS noted that Council had accepted the recommendation of the consideration of inclusion of contracted external audit of elements of the internal audit schedule in the 2019/2020 budget. Subject to this being included in the budget, the schedule would be reviewed accordingly.

The Audit Panel requested that the Internal Audit Register, including outstanding action items, be provided to each Panel meeting.

Order of Business – External Audit (Items 15 – 17)

MCS confirmed contact with Tasmanian Audit Office and that no reports, comments or actions required attendance of a representative of TAO or any reporting. MCS also noted that there were no current performance audits relating to Break O'Day Council.

The Panel considered the circulated Final Memorandum of Audit Findings for the year ended 30 June 2018. The Chair noted that the only outstanding item was a minor matter relating to documenting of reviews of asset registers and depreciation rates. MCS confirmed it was management's intention to complete this matter, this financial year.

Order of Business – Risk Management and Performance

Item 18 – Risk Management Reports

The Panel received verbal reports from MCS confirming standard monthly risk management reporting.

Item 19 – Legislative Compliance

GM confirmed participation with LGAT's legislative review and compliance advice process advising recent updates received by Council.

Item 20 – Internal Controls/Fraud Management

MCS reported verbally no changes or issues

Item 21 – Insurance review

MCS reported verbally that the insurance review process commences in March

Item 22 – Review Delegations

GM noted that, arising from Item 19, specific delegations were being reviewed arising from legislative amendments. The Panel requested a copy of the Register of Delegations be circulated for the next meeting.

Item 23 – Tendering Arrangements

GM noted that no general changes had been made to Council's tendering policies or processes. GM further noted that specific elements identified through the MTB trail tendering process were identified relating to documenting Conflicts of Interest and this has been incorporated into broader tendering and recruitment procedures.

Item 24 – Claims/Law Suits/Fraud

MCS advised verbally there had been no reportable incidents

Order of Business – Other Business

Item 25 – National Competition Policy

GM noted issues arising from guidelines provided by the state government relating to the competition of Councils in provision of free camping. Management is undertaking a review of how Break O'Day Council's provision of free camping areas aligns with the guidelines. In particular, there is an opportunity for a ministerial statement confirming exemption from application of competitive arrangements and would see this as a valuable option to take up.

Item 26 – Other Business

The Chair noted LGAT Audit Panel training in Launceston on 7 March 2019. The Panel noted the planned attendance of the Chair and Cllrs McGiveron and Drummond.

Item 27 - Meeting Close/Next meeting Date

The meeting closed at 9.30am, the next meeting has been scheduled for 24 June 2019

ACTION	DECISION
PROPONENT	Council Officer
OFFICER	Bob Hoogland, Manager Corporate Services
FILE REFERENCE	018\007\001\
ASSOCIATED REPORTS AND DOCUMENTS	Nil

OFFICER'S RECOMMENDATION:

That Council receive the Budget Estimates 2018-2019 Review as at 31 January 2019 and the following variances be applied to the original 2018-2019 budget as set by Council Minute:

Amend Capital Expenditure (brackets denote an adverse variance)	\$
IT – server upgrades	(15,000)
St Marys Rec Grounds (through Pacing Club contribution)	(6,000)
St Helens foreshore toilet block	(15,000)
St Helens foreshore power upgrade	10,000
Jetty upgrades – Cunningham Street (MAST funded)	(110,000)
St Marys streetscape	12,000
Reseal – Cherrywood Drive	5,000
– Coach Road	5,000
- Parnella Drive	5,000
- Rossarden Road (4 segments)	17,000
- St Columba Falls Road (2 segments)	68,000
Widen & seal St Helens Point Road (CG525)	(29,000)
Kismet Place roadworks	15,000
Roadworks St Helens Point Road (CG510)	10,000
Digout St Helens Point Road (CG535)	(30,000)
Gardens Roadworks (RTR)	(113,000)
Ansons Bay Road seal failure	(30,000)
Digout Rex Court St Helens	(30,000)
Digout St Helens Point Road	(50,000)
Otway Creek Bridge, Rossarden Road	8,000
Ransoms River Bridge, Fitzgerald Road	31,700
Forester Creek Bridge, Ansons Bay Road	60,000
TOTAL CAPITAL ADJUSTMENT	(181,300)
Amend Operating Revenue	
MAST funding of Cunningham Street jetty upgrades	110,000
TOTAL OPERATING ADJUSTMENT	110,000
TOTAL BUDGET ADJUSTMENT	(71,300)

INTRODUCTION:

The 2018/2019 budget has been reviewed by management, particularly noting additional capital activities being undertaken and compensating savings.

PREVIOUS COUNCIL CONSIDERATION:

The original 2018/2019 budget was presented to Council and adopted by Council. Monthly financial statements have been reported to Council. This matter has been considered at a recent Council Workshop.

OFFICER'S REPORT:

The 2018/2019 budget has been reviewed by management, particularly noting additional capital activities being undertaken and compensating savings. These changes primarily relate to Works & Infrastructure projects either approved by Council or separately advised to Council as being added, deferred, amended or savings identified.

STRATEGIC PLAN & ANNUAL PLAN:

Strategic Plan 2017 – 2027

Goal

Infrastructure - To provide quality infrastructure which enhances the liveability and viability of our communities for residents and visitors.

Strategy

Develop and maintain infrastructure assets in line with affordable long-term strategies.

Goal

Services - To have access to quality services that are responsive to the changing needs of the community and lead to improved health, education and employment outcomes.

Strategy

Ensure Council services support the betterment of the community while balancing statutory requirements with community and customer needs.

LEGISLATION & POLICIES:

Section 82 of the *Local Government Act 1993*.

BUDGET; FUNDING AND FINANCIAL IMPLICATIONS:

As identified in the report.

VOTING REQUIREMENTS:

Absolute Majority.

03/19.13.0 WORKS AND INFRASTRUCTURE

03/19.13.1 Works and Infrastructure Report

ACTION	INFORMATION
PROPONENT	Council Officer
OFFICER	David Jolly, Manager Infrastructure and Development Services
FILE REFERENCE	014\002\001\
ASSOCIATED REPORTS AND DOCUMENTS	Nil

OFFICER'S RECOMMENDATION:

That the report be received by Council.

INTRODUCTION:

This is a monthly summary update of the works undertaken through the Works and Infrastructure Department for the previous month and a summary of the works proposed for the coming month, and information on other items relating to Council's infrastructure assets and capital works programs.

PREVIOUS COUNCIL CONSIDERATION:

Provided as a monthly report – Council consideration at previous meetings.

OFFICER'S REPORT:

OUTSTANDING REPORTS:

Motion Number	Meeting Date	Council Decision	Comments
05/17.13.3.115	15 May 2017	That Council authorises the Works Department to make an application to the Department of State Growth (DSG) to change the line-marking on St Helens Point Road between Aerodrome Road and Chimney Heights to a single continuous white line using thermoplastic lines, including cats eye reflectors and that Council allocates the budget to undertake the work if it is approved by DSG.	Funded by DoSG, the department's contractor has line marked St Helens Point Road including the painting of a continuous white line between Aerodrome Road and Chimney Heights. Thermoplastic line marking is not funded by DoSG on council roads. Council will need to allocate funding in the 2019/2020 budget for the provision of road pavement reflectors.

Motion Number	Meeting Date	Council Decision	Comments
03/18.8.1.51	19 March 2018	A report is sought providing advice in accordance with the requirements of <i>Section 65 of the Local Government Act 1993</i> for the information of Council at a future meeting and consider any advice as required from relevant State Agencies: That Council investigate all options for the walking path at Fingal.	In progress. A service request has been placed with Telstra to relocate an existing pit from the outflow of the road culvert that prevents any footpath develop from being considered on the old alignment. There is a 3m clearance between the edge of the existing state highway and the culvert wall that provides an alternative and existing path option. Telstra has not addressed the matter at this stage.
04/18.16.4.102	16 April 2018	<ol style="list-style-type: none"> Pursuant to section 14 of the <i>Local Government (Highways) Act 1982</i> (the Act), for the Council to discuss and consider the closure of the following assets for the public benefit due to "lack of use". <ol style="list-style-type: none"> The closure of Bridge 3462 over the George River providing current access to Yosts Flat. The closure of Grimstones Road from chainage 910m to end of road at chainage 4,680m. resolves that the part of Grimstones Road, Goshen as marked on the plan annexed and marked "A" should be closed to all traffic for the public benefit. Council delegates its functions and powers pursuant to section 14(1)(b) of the Act to the General Manager and authorises the General Manager to take such steps as may be necessary to comply with each of the requirements of that section in relation to the closure of Bridge 3462 over the George River providing current access to Yosts Flat and the closure of Grimstones Road from chainage 910m to end of road at chainage 4,680m. 	In-progress. Refer to Closed Council Resolution 11/18.17.3.
08/18.8.1.181	20 August 2018	A report is sought providing advice in accordance with the requirements of <i>Section 65 of the Local Government Act 1993</i> for the information of Council at a future meeting and consider any advice as required from relevant State Agencies: That Council investigate a full traffic management plan for the St Helens CBD including: <ul style="list-style-type: none"> Roundabout at the intersection of Quail Street Parking Diverting traffic on the bay Esplanade 	In progress. Council were provided with a briefing on the councils St Helens Urban Design and Traffic Management Strategy – BODC Municipal Management Plan February 2015 at the February 2019 Councillor Workshop.

Motion Number	Meeting Date	Council Decision	Comments
11/18.8.5.247	19 November 2018	<i>A report is sought providing advice in accordance with the requirements of Section 65 of the Local Government Act 1993 for the information of Council at a future meeting and consider any advice as required from relevant State Agencies:</i> That Council explore opportunities of providing 2 - 6 free rubbish vouchers or something similar to every ratepayer to be used throughout that rateable year.	In progress. Item to be presented for discussion at a future workshop.
11/18.13.5.260	19 November 2018	That Council defer a decision to extending the free green waste days to all year-round at all waste disposal sites that are set up to accept green waste until green waste composting is validated and a cost benefit model determined and reported to Council.	In-progress.
11/18.13.8.263	19 November 2018	<ol style="list-style-type: none"> That Council provides in-principle support to the St Helens Football Club to seek external funding to install an in-ground irrigation system at the St Helens Football Ground. That Council give consideration to confirming a financial commitment for the installation of an in-ground irrigation system and the St Helens Football Ground in the 2019 – 2020 financial year, subject to favourable asset life-cycle cost modelling and receipt of a report on the health of playing field. 	<p>Item 1. Completed.</p> <p>Item 2. To be actioned on receipt of irrigation system information from the football club. Information has been requested repeatedly.</p> <p>Note that the club received confirmation during Feb 2019 of AG funding for the project for 2019-2020.</p>
12/18.8.2.292	17 December 2018	<i>A report is sought providing advice in accordance with the requirements of Section 65 of the Local Government Act 1993 for the information of Council at a future meeting and consider any advice given by a person who has the qualifications or experience necessary to give such advice, information or recommendation:</i> That Council consider when building new structures in public places making water refilling stations available at those places; also, to investigate the cost of providing water refilling stations at some existing public venues, to make tap water more readily available in public places. Further, that Council enter into a partnership with local businesses and possibly TasWater to provide water bubblers and water refill stations in our towns and settlements and to promote this service through our usual media channels.	In progress.

Motion Number	Meeting Date	Council Decision	Comments
01/19.8.1.4	21 January 2019	<i>A report is sought providing advice in accordance with the requirements of Section 65 of the Local Government Act 1993 for the information of Council at a future meeting and consider any advice given by a person who has the qualifications or experience necessary to give such advice, information or recommendation:</i> Council to urgently address the need for another Dump Point station. It needs to have drive through ability up alongside the existing one at the Sports Complex.	To be actioned.
01/19.13.3.14	21 January 2019	That Council receive the Groom Street School Crossing Assessment prepared by Midson Traffic Pty Ltd and approve the installation of kerb outstands at the existing temporary crossing location.	Completed. Kerb outstands under construction at end February 2019.

COMPLETED REPORTS:

Motion Number	Meeting Date	Council Decision	Comments
03/18.13.3.64	19 March 2018	That Council receives the Flood Risk Management Report – St Marys Flood Risk Study report produced by its St Marys Flood Risk Management project. That Council staff progress investigation of the implementation and costs of the flood mitigation options recommended by the Flood Risk Management Report of vegetation reduction, modification of The Flat road bridge and a Groom Street levee bank, to enable decisions on initial flood mitigation works to be undertaken and future works priorities.	Completed.

Facilities Maintenance

Facility maintenance is an ongoing activity. During January 2019 facility maintenance included the following tasks:

- Preventative Maintenance (PM) inspections of Council owned buildings and playgrounds.
- Maintenance identified during PM inspection and notified via Customer Service Requests.
- Boat ramp inspections and water pressure cleaning.

Towns and Parks Maintenance

- Mowing/ground maintenance – all areas and a focus on St Helens events.
- Garden/tree maintenance and weeding where required.
- Edge trimming and gutter cleaning

Road Maintenance

- Sealed road patching – all areas
- Unsealed road Maintenance – Upper Scamander and Seymour
- Footpath repairs and edging works
- Traffic Signage replacement – damaged and removed signs
- Road side slashing in-progress
- Roadside tree maintenance – removal of dead limbs

Waste Management

- Routine operations
- Refrigerator degassing

Asset Management

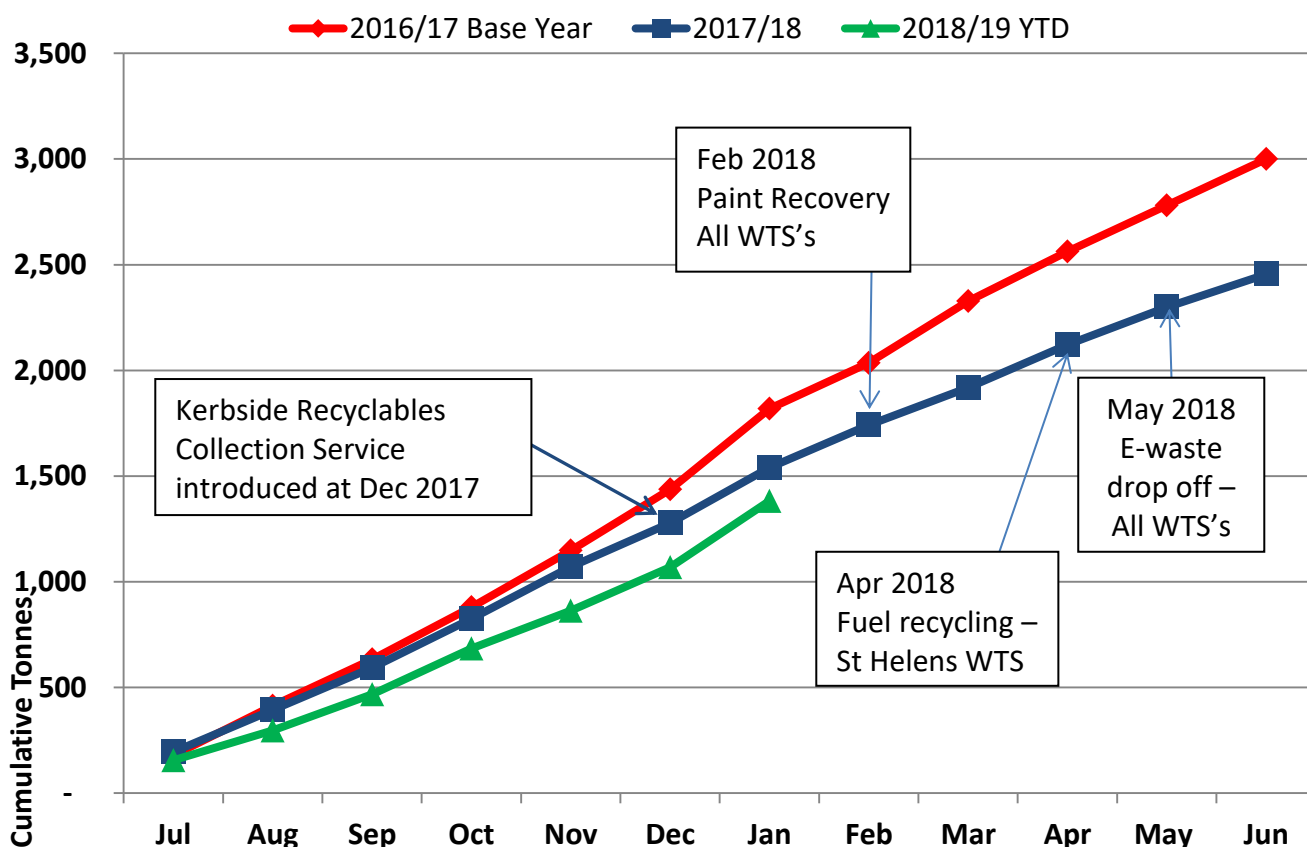
- Playground Asset Management Plan under draft
- Audit of bridge signage completed

Other

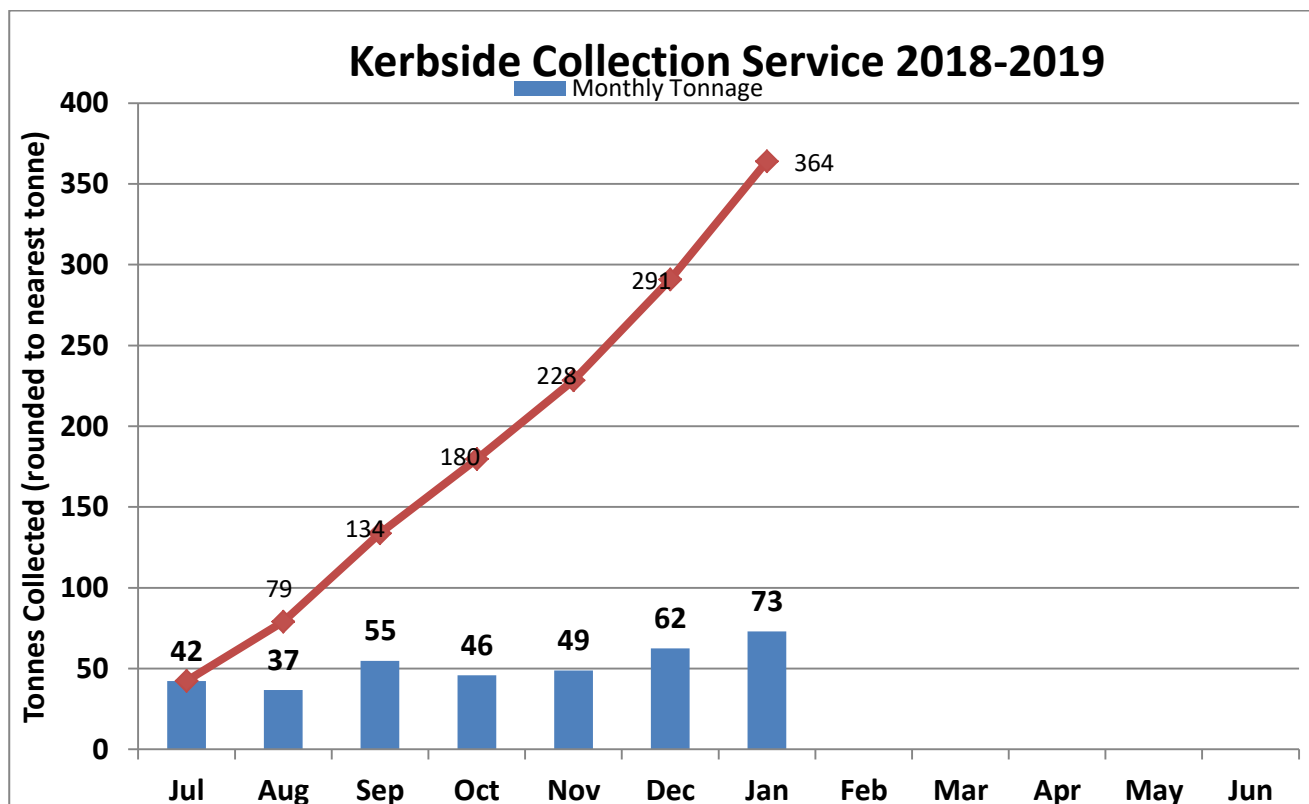
- Tully Street Trees – root barriers installed at two property locations, one dead tree removed, second tree requiring inspection (arborist inspection booked).

General Waste to Copping Landfill

Note: February 2019 data not available at the time of preparing this report.



Collected Kerbside Recyclables transported to JJ Richards, Launceston



CAPITAL WORKS

Project Code	Details	2018-2019 Budget	Project Update – January 2019
CC140	Cecilia Street - Streetscape	15,000	Concept developed – Public review completed – Changes being considered.
CD655	Implement SWMP priorities	162,500	Modelling Activity in progress.
CD830B	Jetty Upgrade – Cunningham Street		Project pending Crown Land Services approval and permit issue.
CE160	St Helens Point Road (Parkside)	200,000	Detailed costing being finalised.
CF032	Loader for St Helens WTS	180,000	To be tendered under the Local Government Buying Scheme
CF105	Fingal Streetscape	500,000	Construction Stage
CF205	Bridge 1244 Ransoms River Replacement	250,700	Installation rescheduled - March 2019.
CF220	Bridge 2805 – Otway Creek Replacement	220,000	Installation rescheduled for March 2019.
CF510	West Street (Reconstruction – Part of)	55,000	Completed

CF515	The Gardens Road	318,000	Construction Stage
CF610	Fingal WTS Retaining Wall Replacement	130,000	Materials ordered. Project rescheduled to commence May 2019.
CF657	Parnella Stormwater Stage 2	1,000,000	Catchment 2 – at Practical Completion Inspection Stage Catchment 4 – Completed
CG010	1013 BOMAG Roller	160,000	Tenders under assessment
CG530	Kismet Place	100,000	Construction Stage
END OF REPORT			

LEGISLATION / STRATEGIC PLAN & POLICIES:

Strategic Plan 2017-2027

Goal

Infrastructure - To provide quality infrastructure which enhances the liveability and viability of our communities for residents and visitors.

Strategy

- Be proactive infrastructure managers by anticipating and responding to the growing and changing needs of the community and the area.
- Work with stakeholders to ensure the community can access the infrastructure necessary to maintain their lifestyle.
- Develop and maintain infrastructure assets in line with affordable long-term strategies.

BUDGET AND FINANCIAL IMPLICATIONS:

Not applicable.

VOTING REQUIREMENTS:

Simple Majority.

ACTION	INFORMATION
PROPONENT	Council Officer
OFFICER	Municipal Inspector
FILE REFERENCE	003\003\018\
ASSOCIATED REPORTS AND DOCUMENTS	Nil

OFFICER'S RECOMMENDATION:

That the report be received by Council.

INTRODUCTION:

This is a monthly update for animal control undertaken since the last meeting of Council.

PREVIOUS COUNCIL CONSIDERATION:

Provided as a monthly report – Council consideration at previous meetings.

OFFICER'S REPORT:

This is a monthly update of the complaints and work that has been done and the action that has been taken for each complaint for the month of February 2019:

1 February 2019

- Animal Control Officer had a meeting with a resident from Mimosa Street, St Helens about previous weeks issue leaving her dog unattended for two (2) days and constant barking and advised infringements will be issued for further breaches – monitor.
- Animal Control Officer received a complaint from a lady about a barking dog in Tully Street, St Helens that barks every time she comes outside.
- Conducted a bark monitor at a property in Argonaut Road, St Helens from 9.30am to 10.15am – no barking.
- Animal Control Officer went to a property in Beaumaris Avenue, Beaumaris to discuss barking dog – no one home again.
- Conducted a property inspection in Mathinna for unregistered dogs – four (4) dogs found.
- Animal Control Officer spoke to a man in Grant Street, Fingal about registering his dog and gave him the registration forms with one (1) month to complete.
- St Marys Patrol – no barking in Cameron Street.
- Animal Control Officer called into properties around Cherrywood Drive and Riverview Road, Scamander to ask people about if they have seen any wandering dogs (tan Mastiff type and a shorn English Sheep dog type) – no one has seen anything. Spoke to owner of the chickens that were previously attacked and explained haven't been able to track down the dogs responsible. She suggested that Animal Control Officer go to a property in Tasman Highway, Scamander where new people had moved in and their dogs apparently got out about the same time as her chicken was taken. Spoke to the resident at this address who has two (2) dogs registered and he admitted that the dogs had got out about the same time as the complainant had witnessed two (2) dogs on her property with one (1) of them running off

with the chicken in its mouth. He has since found out where the dogs are getting out and repaired the spot. He advised he found it hard to believe it was his dogs as they had grown up with chickens. Animal Control Officer explained that the owner of the chicken didn't want infringement issued or compensation just didn't want it to happen again. Photos were taken of the dogs to show the complainant to confirm that they are the dogs responsible. The dog owner was very sorry and ensured that it will not happen again. The photos were shown to the complainant and her husband and it was confirmed that it was the dogs. She advised she wants nothing more done now that Council has spoken to the owner and made them aware. Dog owner wanted to contact complainant to apologise – monitor.

- Scamander Mouth Patrol 2.15pm to 2.30pm – no dogs present.
- Bark letters to be sent out to properties in Beaumaris Avenue, Telemon Street and two (2) properties in Tully Street.
- Animal Control Officer received a call from the resident at Telemon Street, St Helens wanting to discuss the complaint about his barking dog. It was explained the process that Council follows when a complaint is received and he was advised not to worry too much as it is believed the main problem was another dog which has now been resolved.

6 February 2019

- Conducted a bark monitor from 8am to 8.30am at a property in Cameron Street, St Marys – no barking.
- Infringements issued, \$163 plus \$150 pound fees, for a dog at large wandering in Mimosa Street, St Helens. Dog was impounded 4 February at 8pm. Another infringement issued, \$163 plus \$100 pound fees, for dog at large and wandering in Quail Street, St Helens. Dog was impounded 4 February at 8pm.
- Notices to register dogs sent out to properties in High Street, Mangana Street and Giblin Streets, Mathinna. Also to a property in Riverview Road, Scamander.
- Two (2) dogs were impounded by Dorset Council belonging to owners that lived in Weldborough. Registration was arranged and paid in Break O' Day and dogs released.
- Animal Control Officer received a complaint from residents in Heritage Road, St Helens about sheep coming through a neighbouring fence and eating their garden. Animal Control Officer advised them they needed to discuss sorting out the boundary fence with their neighbours.
- St Helens Patrol.
- Animal Control Officer warned a lady walking a Labrador off lead on the foreshore.
- Stieglitz Patrol.
- Animal Control Officer went to a property in Chimney Heights, Stieglitz to talk to the owners about their dog being aggressive on a chain when people walk past using walking path at the side/rear of property – no one home again.
- Conducted a property inspection in Peron Street, Stieglitz to follow up on a complaint about a little white dog tied up in the back yard out in the sun. Found the a little white dog present on a run with a trampoline as a sun shelter.
- Animal Control Officer received a complaint about a black Labrador coming from a building site in Coffey Drive, Binalong Bay and harassing people. The dog owner abused the complainant when her and her husband asked the owner to confine the dog to the building site. Patrolled the area at 2.55pm and the dog was tied up at the building site under a car.
- Binalong Bay Patrol.
- Received complaints about barking dogs from two (2) properties in Seaview & one (1) in Beaumaris Avenues, Beaumaris. Sent out bark letters and issued abatement notices to one (1)

of the Seaview Avenue properties and the Beaumaris Avenue, Beaumaris property. Bark collars will need to be purchased and worn.

- St Helens Patrol.
- Animal Control Officer received another complaint about sheep in Heritage Road, St Helens. Went to the area and found three (3) sheep on side of the road near the owner's property. Sheep ran back into the paddock when car approached. Call back next week and speak to the owners about fences.

13 February 2019

- Scamander Mouth Patrol – no dogs present.
- Animal Control Officer received a further complaint about a dog from Mimosa Street, St Helens still barking a lot. Went to the property but no one home and no dog present – bark monitor next week and speak to the owner.
- St Marys Patrol.
- Ocean Drive and Seaview Avenue, Beaumaris patrol 12.10pm – no barking.
- Heritage Road, St Helens sheep patrol. All sheep enclosed in small paddock, looks like fencing has been repaired.
- St Helens Patrol.
- Animal Control Officer met with residents from Erythos Grove, St Helens about barking dogs in the area. Complainants provided another bark diary. Dogs seem to bark at random times most days between 7am – 7pm. Animal Control Officer to investigate and speak to other residents over the next week and if the feedback suggests the dogs are a problem will issue a bark abatement notice where both dogs will need to wear bark collars whilst outside between 7am to 7pm – further investigations next week.
- Animal Control Officer met with a resident from Tully Street, St Helens regarding his barking dog. He claims the dog doesn't bark when he is home. It was explained that it is when he isn't home that the dog barks. He state that his daughter had been living with him for the last couple of months and her dog was a little noisy, she has now moved – monitor.

20 February 2019

- Animal Control Officer followed up on a call to Council regarding two (2) dogs breaking their lead when complainant was walking past along the road. The two (2) dogs then went to the complainants property and ran around her yard she tried to catch both her dogs but was struggling without a lead so called her mother to assist and they were able to gain control. This is the second incident with the dogs breaking their lead and going into the complainants property. Spoke with both parties and it was agreed the complainant would walk in another area and stronger chain leads will be purchased to keep the other dogs secure.
- Stieglitz/Akaroa Patrol.
- Conducted a bark monitor at a property in Mimosa Street, St Helens – no barking and no sight of dogs outside.
- Animal Control Officer investigated a barking dogs complaint from Erythos Grove, St Helens. Eleven people were interviewed and fourteen properties visited in and around the area. Nine (9) people claim the dogs are a problem, one (1) person doesn't hear them but they are not often home during the day and the eleventh person didn't want to comment. Bark abatement notices were sent out with the following conditions:

1. Owner of Nuisance Dogs must purchase quality Bark Collar within 21 days of this notice

2. Owner of Nuisance Dogs must have collar fitted and working on dogs within 21 days of this notice

3. Bark Collar must be correctly fitted and working on nuisance dog, if owner places dogs outside for any length of time (this also includes decking area)

- Animal Control Officer went to a property in Cobrooga Drive, St Helens and spoke to the resident about her dogs. It was explained that interviews were being conducted around the area regarding barking dogs from Erythos Grove, St Helens and some of the people that had been interviewed claim the dogs from her address also bark really bad a t times and are very relentless. She claimed they are not that bad and the property next door has dogs that bark too – monitor.
- St Helens Patrol.
- Animal Control Officer received a complaint from a resident in Cornwall of sheep getting through a fence and wrecking her garden. She was advised to talk to the neighbour to help with the cost of repairing the boundary fence and it was explained that Council did not get involved with fence issues unless they were the land owner.
- Scamander Mouth Patrol – 11.50am and found no dogs present.
- Conducted a bark monitor at a property in Beaumaris Avenue, Beaumaris from 12noon to 1pm, no barking. Met with the complainant to discuss the issue. He advised the dog has been really quiet the last few days but it barked all day on 13 February and the morning of 14 February and all weekend 16 and 17 February. Animal Control Officer advised complainant that a bark abatement notice had been issued to the dog owner and he was happy with Councils actions – monitor.
- Animal Control Officer went to a property in Chimney Heights, Stieglitz to discuss with owner the complaint received of their dog showing signs of aggression to people walking their dogs along the track. The owner will move the kennel up the back yard away from the track. Check again next week.

LEGISLATION / STRATEGIC PLAN & POLICIES:

Strategic Plan 2017-2027

Goal

Environment - To balance our use of the natural environment to ensure that it is available for future generations to enjoy as we do.

Strategy

Ensure the necessary regulations and information is in place to enable appropriate use and address inappropriate actions.

BUDGET AND FINANCIAL IMPLICATIONS:

Not applicable.

VOTING REQUIREMENTS:

Simple Majority.

03/19.14.0 COMMUNITY DEVELOPMENT

03/19.14.1 Community Services Report

ACTION	INFORMATION
PROPONENT	Council Officer
OFFICER	Chris Hughes, Manager Community Services
FILE REFERENCE	011\034\006\
ASSOCIATED REPORT AND DOCUMENTS	Nil

OFFICER'S RECOMMENDATION:

That the report be received.

INTRODUCTION:

The purpose of this report is to provide Councillors with an update of various issues which are being dealt with by the Community Services Department.

PREVIOUS COUNCIL CONSIDERATION:

Provided as a monthly report – Council consideration at previous meetings.

OFFICER'S REPORT:

OUTSTANDING REPORTS:

Motion Number	Meeting Date	Council Decision	Comments
05/15.13.4.135	18 May 2015	1. Increase General Manager's delegation for waiver of fees from \$350 to \$750. 2. That a review of the leased facilities is undertaken within the next financial year with a view to charges being applied.	Delegations updated. To be reviewed in 2018.
06/17.14.3.139	26 June 2017	That Council extend their current lease area of the Binalong Bay Foreshore to include Grants Lagoon and Skeleton Bay to the high tide water mark.	Draft lease currently being drawn up by Crown Land Services.
05/18.14.2.117	21 May 2018	Council to take over ownership of the toilet block to be built at The Gardens with Council entering into an agreement with Parks & Wildlife (PWS) who will maintain and service the toilet block.	PWS currently looking at temporary toilet facility whilst a new facility is further investigated.

Motion Number	Meeting Date	Council Decision	Comments
08/18.8.2.182	20 August 2018	A report is sought providing advice in accordance with the requirements of <i>Section 65 of the Local Government Act 1993</i> for the information of Council at a future meeting and consider any advice as required from relevant State Agencies: That Council work with the Fingal Valley Neighbourhood House, the SES, local police and others to establish a Driver Reviver Site in Fingal at the Council owned Park and Public Toilet Facility on the Esk Highway. This site ideally should be operational before Christmas and operate through until after the Easter long weekend.	Council has been advised that hopefully a site will be identified and up and running by Easter – SES are handling same.
11/18.14.5.268	19 November 2018	That Council consider defining areas of Georges Bay Foreshore for specific purposes eg Beauty Bay swimming activities, grassed area in front of the Bayside – event space. The current jetty project which has been funded by the State Government is separate to this proposal.	Another follow up session to be held on 6 March, 2019.
12/18.14.5.308	17 December 2018	<ol style="list-style-type: none"> 1. That Council work with the Facilitator for this group to seek funding through the Community Funding Program which closes in February, 2019. 2. That Council sponsors this program by donating seed funding in the sum of \$5,200 to St Helens Neighbourhood House to auspice this program in 2019-2020 with a condition imposed that there is an increase in participation within this program. 3. That Council supports the Coordinator to apply for additional funding through the Tasmanian Community Fund to extend the scope and longevity of the program using the Council contribution to leverage these additional funds. 	Meeting held – Council working with Facilitator in relation to this program and also working together generally.
02/19.14.2.31	18 February 2019	The following areas have been identified as possible sites that could be suitable to house a basic toilet and shelter amenity to visitors whilst also creating an unexpected and memorable experience: <ul style="list-style-type: none"> • The Gardens • Scamander • Four Mile Creek (north of entry point) • South of Little Beach • St Helens • Burns Bay 	Ross Brewin has been advised of Council's preferred sites – meeting scheduled for March, 2019 to progress the project.

COMPLETED REPORTS:

Motion Number	Meeting Date	Council Decision	Comments
11/18.14.2.265	19 November 2018	That Council enter into an Agreement with Crown Land Services to lease the old cemetery located behind the Catholic Church at Mathinna on behalf of members of the Mathinna Community.	This has now been completed with Lease agreement signed by Council.

Council Community Grants/Sponsorship 2018-19:

Council Community Grants/Sponsorship	2018-19
Community Services	
Community Grants	30,000
Youth Services	8,000
Misc Donations & Events	7,500
School Prizes	1,000
Community Event Funding	
Seniors Day	3,000
Australia Day Event	4,000
Swimcart	1,000
St Helens Athletic Carnival	2,500
Carols by Candlelight	1,600
St Helens Car Show (including Woodchopping)	7,000
Fingal Valley Coal Festival	2,000
Pyengana Endurance Ride -	500
Game Fishing	2,000
Marketing Greater Esk Tourism	2,500
Volunteer Week	2,500
Break O'Day Woodcraft Guild	2,500
Bay of Fires Winter Arts Festival	14,000
St Marys Memorial Service funding	500
St Marys Community Car & Bike show	2,000
East Coast Masters Golf Tournament	1,500
Fun in the Sun	500
Triathlon	2,000
Council Sponsorship	
Funding for BEC Directory	2,000
Community car donation	2,500
St Helens Girl Guides - Sangaree	2,500
St Helens Marine Rescue	3,000
Suicide Prevention Golf Day	1,000
BEC	28,000

Updates on current projects being managed by Community Services:

Safer Community Meeting & Network Meeting- Standing Item

Minutes will be provided to Councillors on receipt of same – there has not been a meeting for a few months.

St Helens Mountain Bike Network

Development Approval

The Planning Permit has been issued and lodged with Crown Land Services to issue the permit to commence works.

Construction activities

World Trail will commence trail construction works in late March / April 2019.

Program of works

Due to the delay with Planning permit the program of works will require modification to now commence in March 2019, with a 12 month construction period, a likely end of March 2020 project completion timeframe is projected. All effort to have all trails completed by December 2019 will be taken but there are many constraints that are to be considered as well as unforeseen influences like weather and fire etc. that can impact on resources.

Upgrade of the intersections of the Tasman Highway at Flagstaff Road and intersection of Tasman Highway and Basin Creek Road are being programmed with State Growth. These upgrades are scheduled to go to Tender in April 2019 and funding has been provided in the 2019/20 financial year budget allocations.

Trailhead design for Flagstaff Road has continued in preparation to commence works in March / April 2019.

Tendering for the Boardwalk for the Town Link trail will be undertaken in February / March 2019 with planned completion by September / October 2019. Engineering design has been finalised during the current period and preparation of Tender documents commenced.

We are still considering including a water main as part of the Town Link Trail to ensure water supply at the Trailhead is sufficient to meet demand.

A '3 phase' power supply has been installed at the Trailhead which will ensure sufficient electrical supply for peak time like events and high demand times.

As there are a number of Eagle nests present in the area where trails are being proposed, some construction activities have been planned to occur at times to ensure we do not interfere with their breeding habits.

A design of the hygiene stations has been developed and fabrication of a prototype commenced which will be ready in March 2019. Prior to the opening of the trails a number of community workshops will be run as will a key focus on our Brand and Marketing strategy to inform, educate and place clear expectation of trail users of the importance of the use of hygiene stations.

The intention is to have as many resources on the project as possible once approval process are completed with the aim of completion of the trail network as close to the original program as possible.

Branding and Marketing

A report is currently being prepared on the workshop which we will receive by mid-March 2019.

Kingthing in collaboration with BODC staff will formulate a brand and marketing strategy. These documents will then become the framework for all marketing and brand building activities in this space including visual identity (logo etc), web and social media development etc.

Our current intention is to be in a position to commence promotion and marketing the trail network in the coming months with an objective to have a presence in Derby at the Enduro World Series in March 2019 when the world media and international spotlight will provide a great opportunity to start to place our brand out more broadly.

Poimena to Bay of Fires Trail

Tender process – construction activities

Trail construction commenced on 3 December 2018.
8 to 12 month construction period.

Program of works

World Trail have had four (4) crews operating on different sections of the trail and have progressed well working in harsh conditions and on days of Total Fire Ban which limited operations to working with hand tools only.

The crews have completed an estimated 14km of trail which is on target for the terrain they are working in.

We are looking to modify some of the top sections of trail from the original alignment which will greatly enhance the experience and satisfy key stakeholders. This will require some further reporting and approvals but aiming to have these sections ready for construction mid year to be on target for end of year opening.

An official sod turning event was held on Thursday 7 March 2019 with Senator Duniam and Mayor Mick Tucker which was postponed at short notice several month ago.

Tasmania's Iconic Walk – multi day walking experience in Tasmania

Council at the time of writing this report, has received no correspondence in relation to the submission that has been lodged.

Events

Delivery:

- 2 March - Fingal Valley Festival
- 3 March - Break O'Day Community Triathlon

Planning:

- 8 March – International Womens Day Luncheon
- 9-10 March - St Helens Game Fishing Classic
- 20 March - Laughs of Launnie International Comedy Festival

Township Plans

A second session was held at St Helens on Wednesday 6 March, 2019 – although we were down on numbers the feedback we received was incredible with some great ideas being listed.

We are currently finalising the Township Plans for Falmouth, Cornwall and St Marys, these will be listed at workshop in the near future.

Youth

Leaner Driver Mentor Program

Get In 2 Gear Statistics for February 2019.

This program has continued to support our youth and disengaged, unlicensed drivers in not only gaining their licences, but also addressing issues of social isolation, lack of self-confidence and self-worth. There are three (3) new Mentors who have commenced driving hours for the month of December. A big thank you to those in our community who volunteer their valuable time to assist with this program:

We currently have two (2) active Mentors on the books.

There were 13 active Leaners and one (1) now on the waiting list, with driving hours for February sitting at 70 hours.

Results for the month:

Two (2) Learners passed their P1 Licence.

One (1) Learner failed their L2 Licence.

Facebook posts for the month

Caz is now connected to the community reached 2,135 people's facebook pages, had six (6) people share the post and eight (8) encouraging comments.

Break O'Day Council
Published by Erica Smith [?] · February 21 at 2:55 PM · 🌐

Caz is now connected to the Community

Carolyn Maddocks (Caz) started in the Get In2 Gear Learner Driver Mentor Program back in 2016. Caz was referred to Get In2 Gear by her mother Lynsey, as she had also successfully obtained her Provisional licence through countless hours of being mentored by the Learner Driver Mentor program.

Caz was quite nervous at the beginning and carried a lot self-doubt throughout her time in the program. Even though she has always been a very safe driver, she would still believe that she was not good enough to share the road or pass a test.

Through her mentors guiding her into the positive power of thought patterns, she has today, finally passed her Provisional driving test.

As Caz resides in Cornwall, she and her little family were constantly relying on others to transport them to and from St Helens for access to medical and social services. But now, Caz and Jamie, along with their beautiful baby boy Alexander, are able to feel connected to the Break O'Day Community and today's success is completely life changing for them.

Get In2 Gear would like to congratulate Caz, for not only overcoming her fears and nervousness of driving and the test, she has now decided that she is going to be more confident as a person, rid herself of negative thoughts and continue with her positive self-growth!

If you see Caz walking down the street, give her a cheer!



Get More Likes, Comments and Shares
This post is performing better than 85% of other posts on your Page. Boost it to get more great results.

2,135 People Reached 799 Engagements [Boost Post](#)

👤 Dylan Newell, Kezia Crane and 43 others 8 Comments 8 Shares

Youth Advisory Group (YAG)

Youth Advisory has had most members relocate out of area, so we have decided to take a different approach and engage the youth in assisting with organising and delivering SCAMJAM – Youth Week event.

Currently Council's Community Service Project Officer is arranging meetings with both local schools to promote opportunities to assist with the event and has also emailed all community groups in Break O'Day, along with facebook posts calling for young legends to help.



The remaining members of Youth Advisory believe that a formal YAG group will not function well in Break O'Day as they fear putting their hand up, so we are going to lead Council initiated projects and events for 2019 and attract youth input, ownership and assistance this way, which will also achieve outcomes in the Youth Policy & Strategy.

LEGISLATION / STRATEGIC PLAN & POLICIES:

Strategic Plan 2017-2027

Goal

Community - To strengthen our sense of community and lifestyle through opportunities for people to connect and feel valued.

Strategy

- Build community capacity by creating opportunities for involvement or enjoyment that enable people to share their skills and knowledge.
- Foster a range of community facilities and programs which strengthen the capacity, wellbeing and cultural identity of our community.

BUDGET AND FINANCIAL IMPLICATIONS:

Not applicable.

VOTING REQUIREMENTS:

Simple Majority.

ACTION	DECISION
PROPONENT	Council Officer
OFFICER	Chris Hughes, Manager Community Services
FILE REFERENCE	018\019\065\
ASSOCIATED REPORTS AND DOCUMENTS	Nil

OFFICER'S RECOMMENDATION:

That Council approve the following projects for funding through the Community Grants Program 2018-2019:

Organisation or Group name	Description of Project	Amount Requested from Council	Contribution from Organisation or Group	Other Approved Grants	Unsecured	Total Budget for Project
Cornwall Community Development Group Inc.	Heritage Signage in Minors Wall and Soldiers Walk areas	\$3,322.00	\$0.00			\$3,322.00
East Coast Swans Football Club	Purchase of Dishwasher, Ceramic top stove, plastic container ware and initial installation & fitting	\$3,500.00	\$2,000.00	\$29,500.00		\$35,000.00
Falmouth Community Centre	Upgrade of Tennis Court	\$5,718.60	\$5,718.60			\$17,155.80
Fingal Neighbourhood House	Reticulated Watering System	\$2,000.00	\$500.00			\$2,500.00
Hub 4 Health	Display board for the Active 4 Life Gym in St Marys	\$585.00	\$65.00			\$650.00
Scamander Surf Lifesaving Club	Disabled Toilet	\$500.00	\$795.00			\$1,295.00
St Helens-St Marys RSL Sub Branch Inc.	Employing a Professional Painter to paint the mural on the southern wall of the Memorial Hall, St Helens & Upgrade anti-graffiti protection	\$4,000.00	\$1,000.00	\$15,380.00	\$1,010.00	\$21,390.00
St Helens Hospital Auxiliary	Purchase of Shipping Container for St Marys Recycling Centre	\$3,000.00	\$0.00			\$3,000.00
St Helens Point Progress Association	Sign for advertising bi-monthly meetings	\$123.00	\$20.00			\$143.00

Organisation or Group name	Description of Project	Amount Requested from Council	Contribution from Organisation or Group	Other Approved Grants	Unsecured	Total Budget for Project
St Marys Pacing Club	Renew carpet in Members Room	\$2,816.00				\$2,816.00
Wildcare Friends of Larapuna Coast		\$1,650.00	\$4200.00 (in Kind)	\$4,950.00	\$19,500.00	\$30,300.00
Ansons Bay Progress Association	Battery and 2 set of Pads for Community Defibrillator	\$514.75	\$0.00			\$514.75

\$27,729.35

INTRODUCTION:

Submissions for funding through the Community Funding Program closed on Monday 25 February, 2019.

PREVIOUS COUNCIL CONSIDERATION:

Previous March Council Workshop discussion.

OFFICER'S REPORT:

A list of projects was forwarded to Councillors for their consideration and discussed at the Council workshop held on Monday 4 March, 2019.

Council officers during this round have spent some time with the applicants ensuring that they provide the relevant information to assist Councillors in making formative decisions.

STRATEGIC PLAN & ANNUAL PLAN:

Strategic Plan 2017 – 2027

Goal

Community – To strengthen our sense of community and lifestyle through opportunities for people to connect and feel valued.

Strategy

Foster and support leadership within the community to share the responsibility for securing the future we desire.

LEGISLATION & POLICIES:

Not Applicable.

BUDGET; FUNDING AND FINANCIAL IMPLICATIONS:

Council has funding in the current budget (\$30,000) to be applied to the Community Grants

VOTING REQUIREMENTS:

Absolute Majority.

03/19.15.0 DEVELOPMENT SERVICES

03/19.15.1 Development Services Report

ACTION	INFORMATION
PROPONENT	Department
OFFICER	Development Services
FILE REFERENCE	031\013\003\
ASSOCIATED REPORTS AND DOCUMENTS	Nil

OFFICER'S RECOMMENDATION:

That the report be received.

INTRODUCTION:

The purpose of this report is to provide Councillors with an update of various issues which have been dealt with by the Development Services Department since the previous Council meeting.

PREVIOUS COUNCIL CONSIDERATION:

Provided as a monthly report – Council consideration at previous meetings.

OFFICER'S REPORT:

OUTSTANDING REPORTS:

Motion Number	Meeting Date	Council Decision	Comments
01/19.6.2.3	21 January 2019	DA021-2018 – Planning Scheme Amendment and Subdivision – Parkside Farm – St Helens Point Road, St Helens	In progress.
01/19.8.3.6	21 January 2019	<i>A report is sought providing advice in accordance with the requirements of Section 65 of the Local Government Act 1993 for the information of Council at a future meeting and consider any advice given by a person who has the qualifications or experience necessary to give such advice, information or recommendation:</i> Council to investigate and consult with relevant agencies (including but not limited to Parks & Wildlife, State Government and neighbouring Councils) to explore options for both educating the public about, and enforcing, the new 'Dog Management Policy'. This would include greater hours for the Animal Control Officer and increased signage.	A report will be prepared for Council to consider at a future meeting.

COMPLETED REPORTS:

Motion Number	Meeting Date	Council Decision	Comments
10/18.15.7.235	15 October 2018	That Council receive the draft St Marys Flood Risk Management Plan and consult with the community and stakeholders before adopting the Plan.	Completed.
07/18.8.1.151	16 July 2018	A report is sought providing advice in accordance with the requirements of <i>Section 65 of the Local Government Act 1993</i> for the information of Council at a future meeting and consider any advice as required from relevant State Agencies: That Council work with the Nomenclature Board of Tasmania to provide a name to a currently unnamed road whose junction is with Aulichs Road, St Marys TAS 7215 (off Irish Town Road, St Marys TAS 7215).	Completed.
02/19.6.1.22	18 February 2019	DA178-2017 – Shed and Two (2) Lot Subdivision – P3292 Medeas Cove Road, St Helens	Completed.
02/19.15.4.33	18 February 2019	That Council adopt the St Marys Flood Risk Management Plan 2018-2027. That Council develop the priority actions of the St Marys Flood Risk Management Plan according to availability of external funding and resources and allocation of Council resources.	Completed.
02/19.15.5.34	18 February 2019	That Council grant permission to lodge Planning and Building approvals for Stage 1 and 2 Upgrades to the Old Tasmanian Hotel only.	Completed.
02/19.15.6.35	18 February 2019	That Council approve the use of the name “Freeman Road” for the no through road off Irish Town Road currently recognised as Aulichs Road, St Marys. The road is 4740m south of the Irish Town Road intersection with Esk Main Road St Marys, runs for 100m in a south-east direction and 521m in a southern direction.	Completed.


RMPAT and TPC Cases:

Development Application 143-2018 – St Helens Stacked Loops Mountain Bike Track Planning Permit issued 10 September 2018, appeal has been resolved through mediation.

Development Application 198-2018 – Visitor Accommodation and Shed. Planning Permit issued 21 November 2018, appeal currently in mediation.

BUILDING SERVICES

Projects Completed in the 2018/2019 financial year

Description	Location	Updates
Replacement of Floor Coverings – Fingal Online Access Centre.	Fingal Online Access Centre.	Completed July 2018.
Prioritised Annual Asbestos Removal Program.	St Marys Recreation Ground Kiosk, Ladies (old) toilet block and Stewards room & Scamander Sports Complex.	Completed August 2018.
Solar Panels.	Portland Hall & Works Depot, St Helens.	Solar Panels completed to Portland Hall Solar Panels Completed – Works Depot.
New St Marys BBQ Facility.	Lions Park (Behind Library and adjacent to New Toilet Block).	Works Completed October 2018. 
Demolition Amenities building.	Fingal Sports Complex.	Works Completed October 2018.
St Marys Sports Centre – Upgrades (Veranda Roof).	St Marys Sports Centre (Golf/Bowls Clubhouse).	Completed February 2019.

Description	Location	Updates
St Marys Recreation Complex Master Planning & New BBQ Facility.	St Marys Recreation Complex.	<p>Works Completed December 2018.</p> 

Projects ongoing – Capital Works Program (Includes carried over projects previous financial years)

Description	Location	Updates
Old Tasmanian Hotel Redevelopment (Stage 1 – Re-stabilisation & Renovations).	Fingal	<ul style="list-style-type: none"> Proposed Plans Endorsed for Stage 1 & 2 by Council; Pending grant funding application; Application for Planning Permit submitted 18 February 2019.
Design Works for Future Upgrades to Portland Hall.	Portland Hall, St Helens	<ul style="list-style-type: none"> Currently awaiting finalised Concept Plans from Designer.
St Helens Foreshore Toilet Block Renovations.	St Helens Foreshore Toilet	<ul style="list-style-type: none"> Male Side Completed; Works to be scheduled on female side.
Design Plans for External Upgrades to Car park.	St Helens Sports Complex	<ul style="list-style-type: none"> Estimates and further details currently being completed by Councils Engineer prior to consideration by Council.

Description	Location	Updates
Scamander Sports Complex Internal Alterations.	Scamander Sports Complex	<ul style="list-style-type: none"> Meeting held 12 December 2018 with committee; Floor Plan Approved by Committee 1 March 2019; Works to proceed early March 2019 and to be completed prior to end April 2019.
St Helens Aerodrome Hanger Door Extensions	St Helens Aerodrome	<ul style="list-style-type: none"> Works Authorised to Proceed; Pending commencement date from contractor.
Community Notice Board	Cecilia Street, St Helens	<ul style="list-style-type: none"> Proposed location confirmed and owners permission received; Design currently being finalised with contractor; Works yet to be scheduled.

Approved Capital Works Program – Current Financial Year - not yet started

Description	Location	Updates
New Amenities building.	Wrinklers lagoon carpark.	<ul style="list-style-type: none"> Works scoping underway.
New Public Toilet Facility.	The Gardens.	<ul style="list-style-type: none"> Further Investigations underway. Temporary Amenity Solution currently being considered by Parks & Wildlife Service.

NRM

Officer on leave at time of publishing.

Environmental Health

No Report available.

Weed Management Progress Report

Continuing routine follow up treatments including:

- Pampas grass on Reids Road
- Pampas grass and Spanish heath on Reservoir Road
- Spanish heath on Mathinna plains road
- Thistles on Reids Road

Meeting with Tim Reid over upcoming treatments that include Waste Transfer Station, Irishtown quarry (part of the Management Plan for the quarry) and other various projects.

Visited Seymour to check on the gorse status. Reid Agricultural will be commissioned to treat the road side as the gorse is being to grow.

A trial of an organic herbicide that is glyphosate free will be trialled and treatment monitored. This may be a useful product for the more public areas in response to general concerns regarding glyphosate use and in support of Council's awareness of our environment.

A weed project has been developed to remove weeds from the bike/walking track St Helens. No herbicides will be used, however after the trial of the glyphosate free product; this may be suitable for use in this area.

Kunzea seed collected from the Ansons Bay road to use in the direct seeding around the Ansons Bay WTS as part of the screening project. Anticipated to be next week.

Routine meetings with manager and fielding call from landowners regarding identification and advice regarding treatment.

Weed of the month – African Boxthorn

Immunisations

The *Public Health Act 1997* requires that Councils offer immunisations against a number of diseases. The following table provides details of the rate of immunisations provided by Council through its school immunisation program.

MONTH	2017/2018		2018/2019	
	Persons	Vaccinations	Persons	Vaccinations
July - December	123	123	49	51
January - June	128	174	0	0
TOTAL	251	297	49	51

STRATEGIC PLAN & ANNUAL PLAN:

Strategic Plan 2017-2027

Goal

Environment – To balance our use of the natural environment to ensure that it is available for future generations to enjoy as we do.

Strategy

- Ensure the necessary regulations and information is in place to enable appropriate use and address inappropriate actions.

- Undertake and support activities which restore, protect and access the natural environment which enables us to care for, celebrate and enjoy it.

LEGISLATION & POLICIES:

Not applicable.

BUDGET; FUNDING AND FINANCIAL IMPLICATIONS:

Not applicable.

VOTING REQUIREMENTS:

Simple Majority.

INFORMATION

DA NO.	LOCATION	DESCRIPTION	SECTION	Day to Approve Gross	Days to Approve Nett
290-2018 FINAL	St Helens	2 Lot Staged Strata Development	S57	38	38
019-2017 AMEND	Ansons Bay	Minor Amendment to Dwelling	S56	8	8
292-2018	Scamander	Dwelling, Ancillary Dwelling and Shed	S57	63	46
279-2018	Stieglitz	Dwelling & Shed	S57	73	44
113-2018	Stieglitz	Shed	S57	231	50
019-2019	St Helens	Dwelling & Shed	NPR	18	18
012-2019	St Helens	Change of Use - Dwelling to Visitor Accommodation	S58	13	13
261-2018	Stieglitz	Boundary Adjustment	S57	90	43
297-2018	Scamander	Dwelling Additions, New Dwelling, Carport & Shed	S57	51	43
178-2017	St Helens	Shed & 2 Lot Subdivision	S57	176	87
014-2019	Scamander	Dwelling, Garage & Carport	NPR	29	17
002-2019	St Helens	Awning	S57	56	41
270-2018	St Marys	Projecting Wall Sign	S58	25	25

Development Services are reviewing the way statistics are reported to Council and what we report on. The new system will be introduced at the April Council meeting.

INFORMATION

Building Services Approvals Report February 2019				
No.	BA No.	Town	Development	Value
1	2018 / 00258	St Helens	New Dwelling	\$233,159.00
2	2018 / 00284	Scamander	New Dwelling incorporating Shed	\$168,000.00
3	2018 / 00093	St Marys	New Dwelling, Deck, Shed (Studio) & Shipping Container	\$220,000.00
4	2018 / 00149	Gray	New Dwelling, Shed & Shipping Container	\$150,000.00
5	2018 / 00223	St Marys	New Dwelling incorporating Deck & Veranda	\$119,000.00
6	2018 / 00121	St Marys	Additions - Carport, BBQ Shelter & Verandas x 3	\$40,000.00
7	2019 / 00031	Binalong Bay	New Solar Panels	\$2,000.00
8	2018 / 00203	Scamander	Two Storey Additions (Storeroom) & Alterations to Dwelling, Including Deck & Veranda & Storeroom	\$65,400.00
ESTIMATED VALUE OF BUILDING APPROVALS FINANCIAL YEAR TO DATE			2017/2018	2018/2019
			\$31,371,924.00	\$10,943,136.00
ESTIMATED VALUE OF BUILDING APPROVALS FOR THE MONTH		MONTH	2018	2019
		February	\$3,056,020.00	\$1,234,164.00
NUMBER BUILDING APPROVALS FOR FINANCIAL YEAR TO DATE		MONTH	2017/2018	2018/2019
		February	94	106

ACTION	INFORMATION
PROPONENT	Council Officer
OFFICER	John Brown, General Manager
FILE REFERENCE	002\012\001\
ASSOCIATED REPORTS AND DOCUMENTS	Nil

OFFICER'S RECOMMENDATION:

That the General Manager's report be received.

INTRODUCTION:

The purpose of this report is to provide Councillors with an update of various issues which are being dealt with by the General Manager and with other Council Officers where required.

PREVIOUS COUNCIL CONSIDERATION:

Provided as a monthly report – Council consideration at previous meetings.

OFFICER'S REPORT:**OUTSTANDING REPORTS:**

Motion Number	Meeting Date	Council Decision	Comments
04/16.16.6.104	18 April 2016	<ol style="list-style-type: none"> That Council's existing software systems be expanded to include Corporate Management software and Asset Management software which meets the current and foreseeable future needs of the organisation. Further investigation be undertaken to identify the most cost effective IT solutions to meet Council's requirements. Council consider appropriate funding to meet this need. 	<p>Planning/reporting software has been installed and is being used.</p> <p>Asset management software is a priority for the Shared Services project but an interim option is being considered for the shorter term.</p>
10/18.16.4.239	15 October 2018	Meeting Procedures - That Council defer this until after the election.	This will occur along with the review relating to audio recording decision of 21 January 2019.

Motion Number	Meeting Date	Council Decision	Comments
01/19.8.4.7	21 January 2019	<p><i>A report is sought providing advice in accordance with the requirements of Section 65 of the Local Government Act 1993 for the information of Council at a future meeting and consider any advice given by a person who has the qualifications or experience necessary to give such advice, information or recommendation:</i></p> <p>That Council develop a procedure based on the Local Government (Meeting Procedures) Regulations 2015 to provide audio recording of the public component of Council meetings. Past recordings could be listened to on a Council meeting stream channel for six (6) months, removing the onerous requirement (Part 33(b)) of a written request being submitted to Council. The recording would not include the part of a meeting when Council is 'closed' to the public.</p>	In progress.

COMPLETED REPORTS:

Motion Number	Meeting Date	Council Decision	Comments
02/19.16.6.41	18 February 2019	That Council review the Northern Tasmania Regional Economic Development Plan (REDP) and provide feedback to Northern Tasmania Development Corporation (NTDC).	Completed.
02/19.16.7.42	18 February 2019	<p>That Council provide a submission addressing:</p> <ol style="list-style-type: none"> 1. Support for the principles of general competency powers and avoidance of unnecessary prescription; 2. Points raised by Councillors which have been agreed that they should be included. 	Completed.

Meetings & Events Attended:

22.02.19	Launceston	– TasWater Economic Development Forum where TasWater outlined and discussed their approach to economic development within their serviced areas. A cooperative approach to infrastructure upgrades is a key part of their focus.
22.02.19	Launceston	– State Grants Commission, attended with the Corporate Services Manager as part of their annual program of hearings from Councils
25.02.19	St Helens	– Special Council Workshop – Key Strategic Priorities
01.03.19	Launceston	– Mountain Bike Projects, meeting with Department of State Growth (Greg House) and Craig Perkins (RDA Tas) to discuss progress with the Mountain Bike Projects and the increasing focus on the creation of a destination to support the experience.
01.03.19	Launceston	– Mountain Bike Projects, meeting with Sustainable Timber Tasmania (John McNamara) to discuss progress to the projects; minor changes with alignments which are resulting in the need to amend the Forest Practices Plan; and need to progress the St Helens Project through the Lease process so works can commence.
01.03.19	Launceston	– Regional General Managers Meeting, included a presentation from Mark Jones from Tourism Tasmania on T21. Very informative presentation which Councillors would find beneficial to listen to how this is operating and potential for future involvement. Meeting also focussed on Local Government Act review matters; regional procurement opportunities; the City Deal for Launceston and forthcoming review; NTDC Regional Economic Development Plan and the relationship between Councils and NTDC; and contributions to Regional Tourism Organisations
04.03.19	St Helens	– Council Workshop
06.03.19	St Helens	– St Helens Local Area Township – Community Drop In Session
07.03.19	St Helens	– Senator Jono Duniam – Turning the Sod – Bay of Fires Descent Mountain Bike Trail
07.03.19	St Helens	– Meeting with Senator Jono Duniam which focussed on MTB project and the Federal Election Priorities of Council
08.03.19	Hobart	– Skills Tasmania
08.03.19	Hobart	– Local Government Womens Excellence Awards

Meetings & Events Not Yet Attended:

14.03.19	St Helens	– ‘Loos with a View’ Project, initial meeting with Ross Brewin from Monash University
18.03.19	St Helens	– Council Meeting

General – regular meetings with Departmental Managers and individual staff when required addressing operational issues and project development. Meeting with community members and organisations included Brad Stewart & Nathan Burns (Austere Emergency Management), Peter George (Veolia), Emma Astley & Anita Paulsen, Andrew MacGregor & Steve Walley (Bendigo Community Bank), Glen Jacobs (World Trail).

Brief Updates:

State Grants Commission

An ongoing discussion point with the State Grants Commission has centred on the impact of Tourism on the infrastructure provided and the service delivery of Council. The SGC had decided that they could no longer access a reliable data source to compare the relative impact between different Council areas and they would be discontinuing the Tourism Disability Factor in future years. Council's management team have been arguing that there were alternative data sources available and explained what those sources were. We have also been arguing about the impact of the 'absentee population' on the BOD area as the ABS population is a key index used in determining grant levels. The SGC are now listening to Council's arguments and are examining options to assess the potential impact and what this means in terms of the relative impact across Council areas. Whether it results in an increase to our Financial Assistance Grant is unknown but we would hope so.

Regional Activities

Opportunities for procurement of materials and services on a regional approach is an ongoing focus through Regional General Manager meetings. We are currently finalising an arrangement in relation to legal services which will result in cost savings to Council on an hourly basis and also via a shared advice arrangement. The next opportunity being pursued relates to Road Sealing services, bitumen and asphalt sealing. BODC is taking the lead in managing this project which involves aggregating the estimated requirements for the 2019-20 year of participating Councils (7) to determine the scale, and then with the agreement of the Councils progressing to a form of joint Tender. As an indication of the potential size of this aggregated Tender, BODC budgeted for \$525k in the 2018-19 year. The combined Tender would potentially be in the range of \$7.5-10M given the fact BODC would be one of the smaller participants. We would expect that some reasonable savings could be achieved.

MTB Projects – Destination Focus

Whilst there has been a focus on construction, behind the scenes Council staff have been increasingly discussing the need to focus on the destination and the 'experience' had by visitors to St Helens and the area more broadly. After all, you can have the world's best trails but if the experience they receive at the destination is bad then this is what will impact through word of mouth and social media. If we look at the experience in Derby, it has grown 'organically' depending on what happens where. Council staff have started looking at how we can create a focal point, a hub, which guides how St Helens can develop as a desirable destination which delivers an 'experience' people enjoy and talk positively about. Linked to this is the activity within the business community and the role that it will play in making this happen. As Councillors have been aware a source of ongoing frustration for East Coast Regional Tourism Association has been the lack of progress with implementation of the St Helens Destination Action Plan. A well structured DAP focussed on mountain bike activity would greatly support a destination focus and the experience received, preparations are underway to make this occur.

Actions Approved under Delegation:

NAME/DETAILS	DESCRIPTION OF USE OF DELEGATION	DESCRIPTION	DELEGATION NO / ACT
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Nil.

General Manager's Signature Used Under Delegation for Development Services:

01.02.2019	337 Certificate	395 St Columba Falls Road, Pyengana	3538965
04.02.2019	337 Certificate	88 Tasman Highway, Beaumaris	2932872
08.02.2019	337 Certificate	Unit 2, 1 Vince Lane, Binalong Bay	3469920
08.02.2019	337 Certificate	217 St Helens Point Road, Stieglitz	6786147
08.02.2019	337 Certificate	34 Winifred Drive, Scamander	3059120
08.02.2019	337 Certificate	42 Kiama Parade, Akaroa	2242089
12.02.2019	337 Certificate	4 Melaleuca Street, Ansons Bay	7702195
13.02.2019	337 Certificate	Legge Street, Falmouth	3529313
13.02.2019	337 Certificate	20 Peron Street, Stieglitz	6785419
13.02.2019	337 Certificate	38 Morrison Street, Falmouth	7896348
13.02.2019	337 Certificate	5 Bay View Avenue, Binalong Bay	2186769
13.02.2019	337 Certificate	7 Felmingham Street, Binalong Bay	7206175
13.02.2019	337 Certificate	35 Franks Street, Falmouth	2761970
13.02.2019	337 Certificate	259 St Helens Point Road, Stieglitz	7440527
14.02.2019	337 Certificate	203 Binalong Bay Road, St Helens	1788987
15.02.2019	337 Certificate	8 Maori Place, Akaroa	2512607
19.02.2019	337 Certificate	7 Mill Court, St Helens	2988745
19.02.2019	337 Certificate	16 Pacific Drive, Binalong Bay	7097925
19.02.2019	337 Certificate	24177 Tasman Highway, Beaumaris	7631956
19.02.2019	337 Certificate	5 Byatt Court, Scamander	6782525
22.02.2019	337 Certificate	32 Scamander Avenue, Scamander	6783659
22.02.2019	337 Certificate	50 New Street, Falmouth	2023732
25.02.2019	337 Certificate	Hills Road, Gray	7495720
25.02.2019	337 Certificate	1 Pelican Court, Scamander	1555606
28.02.2019	337 Certificate	Mitchells Road, St Marys	1776097

Tenders and Contracts Awarded:

Tender Closing Date	Description of Tender	Awarded to
22 March 2019	St Helens MTB Trail Network – Boardwalk & Platforms	Not yet closed.

LEGISLATION / STRATEGIC PLAN & POLICIES:

Strategic Plan 2017-2027

Goal

Services - To have access to quality services that are responsive to the changing needs of the community and lead to improved health, education and employment outcomes.

Strategy

- Work collaboratively to ensure services and service providers are coordinated and meeting the actual and changing needs of the community.
- Ensure Council services support the betterment of the community while balancing statutory requirements with community and customer needs.

BUDGET AND FINANCIAL IMPLICATIONS:

Not applicable.

VOTING REQUIREMENTS:

Simple Majority.

ACTION	DECISION
PROPONENT	Council Officer
OFFICER	John Brown, General Manager
FILE REFERENCE	014\001\025\
ASSOCIATED REPORTS AND DOCUMENTS	Code of Conduct Panel Report <i>Circulated under separate cover</i>

OFFICER'S RECOMMENDATION:

Note tabling of the Code of Conduct Panel Determination Report.

INTRODUCTION:

The General Manager has received notification of determination of a Code of Conduct complaint made by Mayor Tucker in relation to Councillor Wright

PREVIOUS COUNCIL CONSIDERATION:

No previous Council consideration.

OFFICER'S REPORT:

The General Manager received the Code of Conduct Panel Report on Saturday 16 March 2018. *The Local Government Act 1993* section 28 ZK (4) states:

(4) If the general manager receives a determination report but no addendum, the general manager is to ensure that a copy of the determination report is included within an item on the agenda for the first meeting of the relevant council at which it is practicable to do so and which is open to the public;

Council is currently reviewing the Councillors Code of Conduct and this must be completed prior to 26 March 2019. A matter has been raised within the Determination which it is necessary that Council consider. Cllr Wright has requested that it be tabled due to the relevance to the Code of Conduct Review.

STRATEGIC PLAN & ANNUAL PLAN:

N/A

LEGISLATION & POLICIES:

Local Government Act 1993 Division 3A – Code of conduct, complaints and complaint resolution

BUDGET; FUNDING AND FINANCIAL IMPLICATIONS:

N/A

VOTING REQUIREMENTS:

Determination Report to be Tabled

CODE OF CONDUCT PANEL REPORT
BREAK O'DAY COUNCIL COUNCILLOR CODE OF CONDUCT

Complaint against Cr Kylie Wright

Date of Determination: 25 February 2019

Code of Conduct Panel: Lynn Mason (Chairperson), Penny Cocker, Steven Bishop (legal member)

Summary of the Complaint

The complaint from the Mayor of Break O'Day Council (*the Council*), Cr Mick Tucker, was submitted to the Executive Officer of the Code of Conduct Panel (*the Panel*) on 5 October 2018, and after assessment was provided to the Panel. The complaint related to a post on the community Facebook site 'Break O'Day Forum' which went onto the site on 4 October 2018. Cr Wright was the administrator of the Break O'Day Forum Facebook page at that time. The sections of the Code which Cr Tucker alleged Cr Wright breached are:

Part 3 - Use of Office

1. *The actions of a councillor must not bring the Council or the office of councillor into disrepute.*
2. *A councillor must not take advantage, or seek to take advantage, of his or her office or status to improperly influence others in order to gain an undue, improper, unauthorised or unfair benefit or detriment for himself or herself or any other person or body.*

Part 7, clause 1

A councillor –

- a) *must treat all persons with courtesy, fairness, dignity and respect; and*
- b) *must not cause any reasonable person offence or embarrassment; and*
- c) *must not bully or harass any person.*

Part 7, clause 2

A councillor must listen to, and respect, the views of other councillors in Council and committee meetings and any other proceedings of the Council, and endeavour to ensure that issues, not personalities, are the focus of debate.

Part 8 - Representation

1. *When giving information to the community, a councillor must accurately represent the policies and decisions of the Council.*
2. *A councillor must not knowingly misrepresent information that he or she has obtained in the course of his or her duties.*
4. *A councillor must clearly indicate when he or she is putting forward his or her personal views.*
5. *A councillor's personal views must not be expressed in such a way as to undermine the decisions of the Council or bring the Council into disrepute.*
6. *A councillor must show respect when expressing personal views publicly.*
7. *The personal conduct of a councillor must not reflect, or have the potential to reflect, adversely on the reputation of the Council.*

Cr Tucker also alleged that Cr Wright had breached Council's *Personal Use of Social Media* Policy. The Chairperson of the Panel informed Cr Tucker and Cr Wright that the Panel would not investigate the alleged breach of Council's *Personal Use of Social Media* policy, as the Panel may only undertake investigations into alleged breaches of the Code of Conduct.

The Complaint

On 27 September 2018 the *Valley and East Coast Voice* newspaper published a letter from then Councillor Hannah Rubenach-Quinn, announcing her intention to retire from Council, and citing some alleged behaviours by council colleagues which had influenced her decision to resign.

On 2 October 2018 both then Councillor Ms Rubenach-Quinn and Cr Tucker were interviewed on ABC Radio North.

On 4 October 2018 Mr Paul Wright shared a post by Mr Ross Quinn, a candidate in the upcoming council elections, on the Break O'Day Forum Facebook page. The post cited in the complaint read:

After Hannah's announcement on 15th September with a press release and on social media that she will not be standing at the next elections, you would think the reasons given would have sparked some concern from the management of the council? At the last council meeting on 17th September with the exception of Cllr Janel Drummond and Cllr Kylie Wright corresponding prior with Hannah not one word was mentioned, it was business as usual, although Hannah did mention the meeting seemed to have been run more professionally than in the past.

When ABC radio asked to interview Hannah on 2nd October, it is only natural they would ask the Mayor for a response, to feign innocence of knowledge (more than 2 weeks later) in this day and age is unacceptable!

The best Mayor Tucker could come up with was accusing Hannah of "sour grapes"!

Sour grapes for what? For trying to implement better transparency of Council.

This 'Trumpest' attitude has no place in our local government, to pretend there isn't a problem when the community knows otherwise is unacceptable. It is no secret that former Council employees and at least one former Councillor has left due to work place bullying.

The Council as a whole is responsible, the Councillors and the General Manager who have condoned this behaviour, whether out of support or fear of being targeted, it needs to change!

What of Council's employees? Not only do they have to deal with the vagaries of Councillors but when an environment of fear and intimidation is present do they have the peace of mind to perform their role without intimidation?

The BODC Code of Conduct is clear and if Mayor Tucker is unable or unwilling to enforce it then the code clearly states it is the General Managers [sic] role to enforce, if he is unwilling or unable to enforce the code then perhaps he needs to lift his game?

If any Council staff/Councillors, past or present would like to privately share their experiences, I would be more than willing to listen in the hope of weeding out this culture from our Council.

Procedure

Cr Wright responded to the complaint on 6 November 2018. In summary, Cr Wright made the following points:

- That removal of the Facebook post could have been deemed to be a breach of the Code clause 7.1.a, viz., *A councillor must treat all people with fairness dignity and respect;*
- That the subject of bullying in the council had already been part of public discourse, in the ABC radio interview with Cr Tucker and then Cr Rubenach-Quinn, aired on 2 October 2018, and that subsequent to that interview, the Mayor (Cr Tucker) had not advised councillors that alleged bullying within council was not an appropriate topic for public discussion; and that therefore a further public comment on the subject of bullying had not brought the council into disrepute, as alleged;
- That the issue of representation as a councillor was not applicable in her not having removed a post on a Facebook page on which she was an administrator, as she undertook this role as a private citizen;
- That had she been informed of the offence caused by the post, she could have removed it immediately.

The Panel met on 14 November 2018 to consider the complaint and response. As a result of this meeting, the Panel asked Cr Wright to provide further information,

including copies of the letters from both Cr Tucker and then Cr Rubenach-Quinn printed in the *Valley and East Coast Voice*.

On 19 November 2018 Cr Wright's response was sent to Cr Tucker, who was also told that Cr Wright had been asked to provide more information for the Panel.

On 23 November 2018 Cr Wright responded to the Panel's request for information, and provided copies of letters published in the *Valley and East Coast Voice* from both Hannah Rubenach-Quinn and Cr Tucker. Cr Wright also provided a copy of the radio interview conducted on 2 October 2018. Cr Wright told the Panel that she had first been aware of the post when she received notification of the Code of Conduct complaint against her on 3 November 2018, and that she had removed the post from the Facebook page on that day.

On 6 December 2018 Cr Wright's response and additional material were sent to Cr Tucker. On 10 December 2018 Cr Tucker was invited to respond to the material sent to him on 6 December, should he wish to do so.

On 10 December 2018 Cr Wright told the Panel that while Cr Tucker had stated that she had *allowed the post by Ross Quinn to be shown on the Facebook page*, she considered that she was *unaware of any means by which she could have prevented this from happening*, and furthermore, that she could have removed it had she been made aware of it.

On 11 December 2018 Cr Tucker responded to the Panel, stating in summary:

- That the General Manager had sent a copy of the council's social media policy to all councillors and staff on 17 September 2018;
- That the post 'allowed' by Cr Wright on 4 October 2018 had *allowed these false statements* (by Hannah Rubenach-Quinn on Facebook on an earlier date) *to be posted and shared many times*;
- That this was *a deliberate act to try to sway voters to vote for her as councillor Kylie Wright was standing against me as Mayor for Break O'Day and was the only other candidate for Mayor against me*.

On 19 January 2019 Cr Tucker and Cr Wright were advised that a hearing into the complaint would be conducted on 11 February 2019. Neither party called any witnesses, nor requested representation by an advocate. The hearing was duly conducted on 11 February with both parties attending.

At the hearing Cr Tucker alleged that as administrator of the Facebook page Cr Wright should have known that the item had been posted and as a councillor, should have removed it from the page.

Cr Wright told the Panel that she had taken over the page from a previous Break O'Day councillor, and had had no part in setting it up. She said that in accordance with the way the page was set up, she had no power as an administrator to vet posts prior to their appearing on the page. She reiterated that as soon as she had heard that the post caused some offence she had removed it, and that had she been informed of the purported problem at the time the complaint against her was made, she could have removed the post immediately; instead of which, the post remained in place from 4 October 2018 until 3 November 2018.

At the conclusion of the hearing both Cr Tucker and Cr Wright were given the opportunity to ask questions, and to provide any further comments about the complaint.

Following these statements, the Panel stated clearly that it had not reached any decision about whether or not to uphold or dismiss the complaint, and would not do so without further deliberation; but each party was asked that in the event the complaint was upheld, what sanction did he or she think would be appropriate. Cr Tucker provided his view in the hearing; Cr Wright, with the permission of the Panel, sent her view of sanction to the Panel by email on 14 February 2019.

The Chairperson of the Panel noted in the hearing that the time prescribed in s282D of the Act for investigation and hearing of a Code of Conduct complaint had been exceeded. The date set for the hearing was necessitated by the availability of a legal member to sit with the Panel, 11 February 2019 being the earliest date available. The Chairperson apologised to both parties for this unavoidable delay.

Material considered by the Panel

- Code of Conduct complaint submitted by Cr Tucker on 5 October 2018
- Post by Mr Ross Quinn placed on the Break O'Day Forum Facebook page on 4 October 2018
- Email from Cr Wright to the Executive Officer, sent 9.40 pm on 6 November 2018, with an attachment entitled 'Statutory Declaration witnessed'.
- Email from Cr Wright to the Executive Officer, sent 7.06 pm on 23 November 2018, with attachments
 - *Open letter to residents of Break O'Day* from Hannah Rubenach-Quinn, published 27 September 2018
 - *Response from Mayor Mick Tucker* published 11 October 2018
 - Recording of the interview of Hannah Rubenach-Quinn and Cr Tucker on ABC Radio, 2 October 2018
- Email from Cr Wright to the Executive Officer, sent 5.38 pm on 10 December 2018
- Email from Cr Tucker to the Executive Officer, sent 12.44 pm on 11 December 2018

Determination

The Code of Conduct Panel dismisses the complaint against Cr Wright.

Reasons for the Determination

Part 3 - Use of Office

- 1. The actions of a councillor must not bring the Council or the office of councillor into disrepute.*
- 2. A councillor must not take advantage, or seek to take advantage, of his or her office or status to improperly influence others in order to gain an undue, improper, unauthorised or unfair benefit or detriment for himself or herself or any other person or body.*

Cr Wright is alleged to have breached part 3.1 of the Break-O-Day Council Code of Conduct by 'allowing' as the administrator of the Break O'Day Forum Facebook page, a post that was characterised as critical of and damaging to the reputation of Councillors and the Council.

Part 3.1 of the Code of Conduct places an obligation on Councillors not to allow their actions to bring the Council or the office of Councillor into disrepute. The question before the Panel is therefore whether the failure or inaction of Cr Wright to remove the post amounted to an 'action' to bring Council or Councillor/s into disrepute. The Break O'Day Council Code of Conduct incorporates the *Local Government Model Code of Conduct* (the Model) that was introduced by the *Local Government (Model Code of Conduct) Order 2016* (the Order).

There is no definition section within the Model or Break O'Day Council Code of Conduct. Section 3(2) of the Order states that the *Acts Interpretation Act 1931* (Tas) applies to assist with interpretation. Section 15AA of the *Acts Interpretation Act 1931* (Tas) supports an interpretation that would best achieve the object of the enactment. Section 15AB of the *Acts Interpretation Act 1931* (Tas) also allows reference to extrinsic materials to obtain the common or ordinary meaning if ambiguous.

The natural meaning of the word 'action' is per the Oxford English Dictionary, '*a thing done, an act*' or '*a fact or process of doing something, typically to achieve an aim.*'

Ordinarily, for there to be a thing done, something positive must occur. Section 13 of the *Criminal Code* (Tas) treats the distinction as follows:

- (1) No person shall be criminally responsible for an act, unless it is voluntary and intentional; nor, except as hereinafter expressly provided, for an event which occurs by chance.*

(2) Except as otherwise expressly provided, no person shall be criminally responsible for an omission, unless it is intentional.

In *Criminal Law* by Her Excellency Kate Warner (at p 161, see attached extract), it was stated that:

Section 13(2) provides that no person shall be criminally responsible for an omission unless it is intentional except as otherwise expressly provided... Additionally, there can be no omission in law in the absence of a duty to act.

The ordinary and natural meaning of part 3.1 of the Code of Conduct does not suggest that it applies to inaction or omissions.

If it were intended to cover both acts and omissions, the provision may have instead said *Councillors must not bring the Council or the office of councillor into disrepute*, which would catch both action and inaction.

Interpretation of Penal Statutes

These penalties can result in notification to the Minister, who, in the event of a third suspension of a Councillor, may remove a Councillor from office. It is therefore properly characterised as a penal provision.

Traditionally statutes creating offences are to be strictly construed. Doubts and ambiguities are to be resolved in favour of the citizen so that he or she is not put at risk of penalties without a clear expression of that objective by the legislature (see for example, *Smith v Corrective Services of New South Wales* (1980) 147 CLR 134; *Piper v Corrective Services Commission of New South Wales* (1986) 6 NSWLR 352; *North Coast Grazing Pty Ltd v Commissioner of Taxation* (1987) 15 FCR 104; *Murphy v Farmer* (1988) 165 CLR 19; *Battaglini v Interfren Pty Ltd* (1989) 16 NSWLR 378; *Chew v The Queen* (1992) 173 CLR 626).

Application to the Code of Conduct

The Panel is of the view that the Code of Conduct only prohibits positive conduct. Part 3.1 makes no express reference to inaction or omissions. In applying the ordinary meaning of the word to present circumstances, there was no 'action.'

If Cr Wright had been aware of the post and not removed it, that decision may have fallen within the definition of an 'action.' However this is not the case. There was no voluntary and intentional act of Cr Wright to harm the reputation of Council or Councillor/s.

Had the drafter intended to catch conduct by omission, the drafter may have either omitted the word 'action' altogether or included the words 'any omission' to cover situations such as this one.

The Panel therefore finds that Cr Wright did not engage in actions that brought the Council or Councillor/s into disrepute.

The Panel finds that in unknowingly leaving the post by Mr Quinn on the Break O'Day Forum Facebook page, Cr Wright did not take advantage of her office as a councillor to improperly influence others in order to obtain an undue, improper, unauthorised or unfair benefit or detriment for herself or any other person.

Part 7, clause 1

A councillor –

- a) must treat all persons with courtesy, fairness, dignity and respect; and*
- b) must not cause any reasonable person offence or embarrassment; and*
- c) must not bully or harass any person.*

The Panel does not consider that failing to remove the Facebook post amounted to a failure to treat persons with courtesy, fairness, dignity and respect. The Panel finds that the allegations of bullying within the Council had already been aired publicly, and that therefore the post would not have caused any reasonable person offence or embarrassment, and saw no evidence that this had occurred. The Panel finds that Cr Wright's failure to remove the post did not constitute bullying or harassment of any person.

Part 7, clause 2

A councillor must listen to, and respect, the views of other councillors in Council and committee meetings and any other proceedings of the Council, and endeavour to ensure that issues, not personalities, are the focus of debate.

The Panel finds that the alleged offence did not occur in a council or council committee meeting, or in any proceeding of the council, and that therefore this section of the Code was not breached.

PART 8 – Representation

- 1. When giving information to the community, a councillor must accurately represent the policies and decisions of the Council.*
- 2. A councillor must not knowingly misrepresent information that he or she has obtained in the course of his or her duties.*
- 4. A councillor must clearly indicate when he or she is putting forward his or her personal views.*
- 5. A councillor's personal views must not be expressed in such a way as to undermine the decisions of the Council or bring the Council into disrepute.*
- 6. A councillor must show respect when expressing personal views publicly.*

7. *The personal conduct of a councillor must not reflect, or have the potential to reflect, adversely on the reputation of the Council.*

The Panel finds that Cr Wright was not giving information to the community, nor misrepresenting information she had obtained as a councillor, nor putting forward a personal view.

The Panel finds that Cr Wright's behaviour in not removing a Facebook post of which she had no knowledge did not constitute personal conduct which reflected, or had the potential to reflect, adversely on the reputation of the council.

Right to Review

Under s28ZJ of the Act, a person aggrieved by the determination of the Panel is entitled to apply to the Magistrates Court (Administrative Appeals Division) for a review of the determination on the ground that the Panel has failed to comply with the rules of natural justice.



Lynn Mason
(Chairperson)



Steven Bishop
(legal member)



Penny Cocker

03/19.16.3 Election of Committee Member of the General Management Committee (GMC) of the Local Government Association of Tasmania (LGAT)

ACTION	DECISION
PROPONENT	Council Officer
OFFICER	John Brown, General Manager
FILE REFERENCE	039\002\008\
ASSOCIATED REPORTS AND DOCUMENTS	2019 Election Timetable and Nomination Form

OFFICER'S RECOMMENDATION:

1. That Council nominate Mayor Mick Tucker for President of the Local Government Association of Tasmania (LGAT); and
2. Committee Member of the General Management Committee (GMC) of the Local Government Association of Tasmania (LGAT).

INTRODUCTION:

The Tasmanian Electoral Commission has called for nominations for President of the Local Government Association of Tasmania (LGAT) and Committee members of the General Management Committee of LGAT.

PREVIOUS COUNCIL CONSIDERATION:

No previous Council consideration.

OFFICER'S REPORT:

The Tasmanian Electoral Commission has been asked to conduct the 2019 election of President and four (4) members of the GMC for a two (2) year term in accordance with the rules of the Association (LGAT).

Nominations have been invited to be received at the electoral office no later than 5.00pm on Tuesday 30 April 2019 as per the timetable attached.

STRATEGIC PLAN & ANNUAL PLAN:

Strategic Plan 2017 – 2027

Leadership / Ownership – Council's Role

We will.....

... be visionary and accountable leaders who advocate and represent the views of our community in a transparent way.

LEGISLATION & POLICIES:

In accordance with the Rules of the Local Government Association of Tasmania (LGAT).

BUDGET; FUNDING AND FINANCIAL IMPLICATIONS:

No financial implications to Council.

VOTING REQUIREMENTS

Simple Majority.

Reference: F85.21

Level 3
169 Main Road
Moonah Tasmania 7009
PO Box 307
Moonah Tas 7009
Phone (03) 6208 8700
Fax (03) 6208 8791
ballot.box@tec.tas.gov.au
www.tec.tas.gov.au

Mayor Mick Tucker
Break O'Day Council
32-34 Georges Bay Esplanade
ST HELENS TAS 7216

Dear Mayor Mick Tucker

Local Government Association of Tasmania – 2019 General Management Committee election

The Tasmanian Electoral Commission has been asked to conduct the 2019 election of President and 6 members of the General Management Committee for a two-year term in accordance with the rules of the Local Government Association of Tasmania (LGAT) adopted at the AGM of the Association on 25 July 2018.

Nominations are now invited from LGAT members and must be received at my office by 5:00pm Tuesday 30 April 2019.

Candidates will be notified of receipt of their nomination by this office.

Election timetable

Nominations open..... Thursday 28 February 2019

Nominations close..... 5:00 pm Tuesday 30 April 2019

Ballot material posted (if a ballot is required) Friday 3 May 2019

Close of postal ballot..... 10:00 am Wednesday 19 June 2019

Declaration of the result..... Wednesday 19 June 2019

A nomination form and reply paid envelope are enclosed.

If you would like further information or assistance, please call Kristi Read of this office on 6208 8722.

Yours sincerely



Andrew Hawkey
ELECTORAL COMMISSIONER

27 February 2019

Local Government Association of Tasmania Nomination Form

Nomination of a candidate for election of President or Committee Member of the General Management Committee, Local Government Association of Tasmania.

Nominations are invited and must be lodged, posted or emailed to be received by the Returning Officer at the address shown below **before 5 pm on Tuesday 30 April 2019**. This nomination must be accompanied by a copy of the Resolution passed by the Council that lawfully nominated the candidate for election. Candidates will be notified of receipt of the nominations by this office.

It is the responsibility of the candidate to ensure that the nomination form is received by the Returning Officer before the close of nominations. Late nominations cannot be accepted.

Each member is entitled to:

- nominate one elected Councillor or Alderman of a Member Council for the position of President of the Local Government Association of Tasmania; and
- nominate one elected Councillor or Alderman of a Member Council for the position of Committee Member of the General Management Committee. Members can only nominate a Councillor or Alderman within their own electoral district and population category.

Candidate (please print)

Family Name:	Given names:	Member Council:
Position: <input type="checkbox"/> President <input type="checkbox"/> Committee Member		
Postal address:		Email address:
Given names for ballot paper: (if different from above)		Contact phone numbers:
		Mobile Other
• I accept the nomination as a candidate for election to the position shown above.		
Signature.....		Date.....

Nominator

Name of Member Council:	Hereby nominates the above-named candidate for election.
Name of person authorised to lodge nomination on behalf of Member Council	Contact phone numbers:
	Mobile Other
Endorsed at council meeting held on:	This nomination must be accompanied by a copy of the Resolution passed by the Council that lawfully nominated the candidate for election.
Date.....	
Signature of authorised person	Date.....

The address for lodgement at the Tasmanian Electoral Commission is:

Level 3, TasWater Building, 169 Main Road, MOONAH TAS 7009 Phone: (03) 6208 8722

Postal Address: PO Box 307, MOONAH TAS 7009

Email: nominations@tec.tas.gov.au

Electoral Districts

(for the purpose of electing members to the General Management Committee)

NORTH WEST AND WEST COAST ELECTORAL DISTRICT

Members within the electoral district having a population less than 20,000 – **one position**

Burnie City Council
Circular Head Council
King Island Council
Waratah-Wynyard Council
Kentish Council
Latrobe Council
West Coast Council

Members within the electoral district having a population of 20,000 or more – **one position**

Devonport City Council
Central Coast Council

NORTHERN ELECTORAL DISTRICT

Members within the electoral district having a population less than 20,000 – **one position**

Break O'Day Council
Flinders Council
Meander Valley Council
Dorset Council
George Town Council
Northern Midlands Council

Members within the electoral district having a population of 20,000 or more – **one position**

Launceston City Council
West Tamar Council

SOUTHERN ELECTORAL DISTRICT – NO ELECTION FOR EITHER CATEGORY

Members within the electoral district having a population less than 20,000 – **one position**

Brighton Council
Glamorgan-Spring Bay Council
Derwent Valley Council
Southern Midlands Council
Central Highlands Council
Huon Valley Council
Sorell Council
Tasman Council

Members within the electoral district having a population of 20,000 or more – **one position**

Clarence City Council
Glenorchy City Council
Kingborough Council

03/19.16.4 Review – LG03 – Councillors Code of Conduct Policy

ACTION	DECISION
PROPONENT	Council Officer
OFFICER	John Brown, General Manager
FILE REFERENCE	002\024\003\
ASSOCIATED REPORTS AND DOCUMENTS	Draft Policy – LG03 – Councillors Code of Conduct Policy – Fact Sheet – Amendments to <i>Local Government Act 1993</i> and <i>Local Government (Model Code of Conduct) Order 2016</i>

OFFICER'S RECOMMENDATION:

That Policy LG03 Councillors Code of Conduct as amended, be adopted.

INTRODUCTION:

As per the legislative requirements Council is required to review the Councillors Code of Conduct Policy within three (3) months after each ordinary election and/or within three (3) months of the Minister making any amendments available therefore this Policy is now due for revision.

The review of the policy also incorporated amendments made by the Minister which were gazetted on the 26 December 2018 which are also required to be included.

PREVIOUS COUNCIL CONSIDERATION:

Adopted 19 March 2012 – Minute No 03/12.15.4.069.
Amended 21 August 2014 – Minute No 12/14.15.5.256.
Amended 16 May 2016 – Minute No 05/16.3.131.
Amended 27 June 2016 – Minute No 06/16.16.3.162.
March Council Workshop discussion.

OFFICER'S REPORT:

This Policy was previously reviewed in June 2016 and as per the review schedule is due for revision following a Council Election and/or amendments made by the Minister.

One minor amendment is recommended to the policy, recognising that Council's Strategic Plan has changed since the Policy was adopted.

The other amendments that have been made are in line with the Minister's Review of the Model Councillors Code of Conduct. These amendments are highlighted in the attached reviewed policy and include changes in Model Code of Conduct as well as other legislative changes where other requirements have been included as per the "Fact Sheet".

STRATEGIC PLAN & ANNUAL PLAN:

Strategic Plan 2017 - 2027

Achieving the Vision - ...be visionary and accountable leaders who advocate and represent the views of our community in a transparent way.

LEGISLATION & POLICIES:

Local Government Act 1993.

Local Government (Model Code of Conduct) Order 2016.

BUDGET; FUNDING AND FINANCIAL IMPLICATIONS:

Not Applicable.

VOTING REQUIREMENTS:

Simple Majority.



POLICY NO LG03 COUNCILLORS CODE OF CONDUCT POLICY

DEPARTMENT:	Governance
RESPONSIBLE OFFICER:	General Manager
LINK TO STRATEGIC PLAN: be visionary and accountable leaders who advocate and represent the views of our community in a transparent way. Ensure Council fulfils its legislative and governance responsibilities and its decision making, supported by sustainable policies and procedures.
STATUTORY AUTHORITY:	Local Government Act 1993 Local Government (General) Regulations 2005
OBJECTIVE:	<p>This Code of Conduct sets out the standards of behaviour expected of the councillors of the Break O'Day Council, with respect to all aspects of their role.</p> <p>As leaders in the community, councillors acknowledge the importance of high standards of behaviour in maintaining good governance. Good governance supports each councillor's primary goal of acting in the best interests of the community.</p> <p>Councillors therefore agree to conduct themselves in accordance with the standards of behaviour set out in the Code of Conduct.</p> <p>This Code of Conduct incorporates the Model Code of Conduct made by Order of the Minister responsible for local government.</p>
POLICY INFORMATION:	Adopted 19 March 2012 – Minute No 03/12.15.4.069 Amended 21 August 2014 – Minute No 08/14.15.6.256 Amended 16 May 2016 – Minute No 05/16.16.3.131 Amended 27 June 2016 – Minute No 06/16.16.3.162

POLICY

MODEL CODE OF CONDUCT

PART 1 - Decision Making

1. A councillor must bring an open and unprejudiced mind to all matters being decided upon in the course of his or her duties, including when making planning decisions as part of the Council's role as a Planning Authority.
2. A councillor must make decisions free from personal bias or prejudgement.



3. In making decisions, a councillor must give genuine and impartial consideration to all relevant information known to him or her, or of which he or she should have reasonably been aware.
4. A councillor must make decisions solely on merit and must not take irrelevant matters or circumstances into account when making decisions.

PART 2 - Conflict of Interests that are Not Pecuniary

1. When carrying out his or her public duty, a councillor must not be unduly influenced, nor be seen to be unduly influenced, by personal or private interests that he or she may have.
2. A councillor must act openly and honestly in the public interest.
3. A councillor must uphold the principles of transparency and honesty and declare actual, potential or perceived conflicts of interest at any meeting of the Council and at any workshop or any meeting of a body to which the councillor is appointed or nominated by the Council.
4. A councillor must act in good faith and exercise reasonable judgement to determine whether he or she has an actual, potential or perceived conflict of interest.
5. A councillor must avoid, and remove himself or herself from, positions of conflict of interest as far as reasonably possible.
6. A councillor who has an actual, potential or perceived conflict of interest in a matter before the Council must –
 - (a) declare the conflict of interest and the nature of the interest before discussion on the matter begins; and
 - (b) act in good faith and exercise reasonable judgement to determine whether a reasonable person would consider that the conflict of interest requires the councillor to removed ~~is so material that it requires removing~~ himself or herself physically from any Council discussion and remaining out of the room until the matter is decided by the Council.

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7. This Part does not apply in relation to a pecuniary interest.

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PART 3 - Use of Office

1. The actions of a councillor must not bring the Council or the office of councillor into disrepute.
2. A councillor must not take advantage, or seek to take advantage, of his or her office or status to improperly influence others in order to gain an undue, improper, unauthorised or unfair benefit or detriment for himself or herself or any other person or body.
3. In his or her personal dealings with the Council (for example as a ratepayer, recipient of a Council service or planning applicant), a councillor must not expect nor request, expressly or implicitly, preferential treatment for himself or herself or any other person or body.

PART 4 - Use of Resources

1. A councillor must use Council resources appropriately in the course of his or her public duties.



2. A councillor must not use Council resources for private purposes except as provided by Council policies and procedures.
3. A councillor must not allow the misuse of Council resources by any other person or body.
- ~~4. A councillor must avoid any action or situation which may lead to a reasonable perception that Council resources are being misused by the councillor or any other person or body.~~

PART 5 - Use of Information

- ~~1. A councillor must protect confidential Council information in his or her possession or knowledge, and only release it if he or she has the authority to do so.~~
- ~~2.1. A councillor must only access or use Council information needed to perform his or her role and not for personal reasons or non-official purposes.~~
- ~~3. A councillor must not use Council information for personal reasons or non-official purposes.~~
42. A councillor must only release Council information in accordance with established Council policies and procedures and in compliance with relevant legislation.

PART 6 - Gifts and Benefits

1. A councillor may accept an offer of a gift or benefit if it directly relates to the carrying out of the councillor's public duties and is appropriate in the circumstances and is not in contravention of any relevant legislation.
2. A councillor must avoid situations in which a reasonable person would consider that any person or body the appearance may be created that any person or body, through the provisions of gifts or benefits of any kind, is securing (or attempting to secure) influence or a favour from the councillor or the Council.
- ~~3. A councillor must carefully consider—
(a) the apparent intent of the giver of the gift or benefit; and
(b) the relationship the councillor has with the giver; and
(c) whether the giver is seeking to influence his or her decisions or actions, or seeking a favour in return for the gift or benefit.~~
- ~~4. A councillor must not solicit gifts or benefits in the carrying out of his or her duties.~~
- ~~5. A councillor must not accept an offer of cash, cash like gifts (such as gift cards and vouchers) or credit.~~
- ~~6. A councillor must not accept a gift or benefit if the giver is involved in a matter which is before the Council.~~
- ~~7. A councillor may accept an offer of a gift or benefit that is token in nature (valued at less than \$50) or meets the definition of a token gift or benefit (if the Council has a gifts and benefits policy).~~



- ~~8. If the Council has a gifts register, a councillor who accepts a gift or benefit must record it in the relevant register.~~

PART 7 - Relationships with Community, Councillors and Council Employees

1. A councillor –
 - (a) must treat all persons ~~with courtesy, fairness, dignity and respect~~ fairly; and
 - (b) must not cause any reasonable person offence or embarrassment; and
 - (c) must not bully or harass any person.
2. A councillor must listen to, and respect, the views of other councillors in Council and committee meetings and any other proceedings of the Council, and endeavour to ensure that issues, not personalities, are the focus of debate.
- ~~3. A councillor must not influence, or attempt to influence, any Council employee or delegate of the Council, in the exercise of the functions of the employee or delegate.~~
4. A councillor must not contact or issue instructions to any of the Council's contractors or tenderers, without appropriate authorisation.
5. A councillor must not contact an employee of the Council in relation to Council matters unless authorised by the General Manager of the Council.

PART 8 - Representation

1. When giving information to the community, a councillor must accurately represent the policies and decisions of the Council.
2. A councillor must not knowingly misrepresent information that he or she has obtained in the course of his or her duties.
3. A councillor must not speak on behalf of the Council unless specifically authorised or delegated by the Mayor or Lord Mayor.
4. A councillor must clearly indicate when he or she is putting forward his or her personal views.
5. A councillor's personal views must not be expressed publicly in such a way as to undermine the decisions of the Council or bring the Council into disrepute.
6. A councillor must show respect when expressing personal views publicly.
7. The personal conduct of a councillor must not reflect, or have the potential to reflect, adversely on the reputation of the Council.
8. When representing the Council on external bodies, a councillor must strive to understand the basis of the appointment and be aware of the ethical and legal responsibilities attached to such an appointment.

PART 9 - Variation of Code of Conduct



1. Any variation of this model code of conduct is to be in accordance with section 28T of the Act.



SUPPLEMENTARY INFORMATION TO ACCOMPANY THE MODEL CODE OF CONDUCT

1. INTRODUCTION

Purpose of Code of Conduct

This Code of Conduct sets out the standards of behaviour of the councillors of the Break O'Day Council, with respect to all aspects of their role.

As leaders in the community, councillors acknowledge the importance of high standards of behaviour in maintaining good governance. Good governance supports each councillor's primary goal of acting in the best interests of the community.

Councillors therefore agree to conduct themselves in accordance with the standards of behaviour set out in the Code of Conduct.

This Code of Conduct incorporates the Model Code of Conduct made by Order of the Minister responsible for local government.

Application of Code of Conduct

This Code of Conduct applies to a Councillor whenever he or she:

- conducts Council business, whether at or outside a meeting;
- conducts the business of his or her office (which may be that of Mayor, Deputy Mayor or Councillor); or
- acts as a representative of the Council.

A complaint of failure to comply with the provisions of the Code of Conduct may be made where the Councillor fails to meet the standard of conduct specified in the Code of Conduct.

Section 28S of the Local Government Act 1993 - Contents of model code of conduct

- (1) The model code of conduct as made, amended or substituted under section 28R must be consistent with this Act and is to provide for the following matters:
- (a) what constitutes a conflict of interest for a councillor and the procedure to be followed if a councillor has a conflict of interest;
 - (b) the proper and improper use by a councillor of his or her office with the council;
 - (c) the proper and improper use by a councillor of council resources;
 - (d) the proper and improper use by a councillor of information obtained in his or her office with the council;
 - (e) the right of a councillor to receive gifts and benefits and the procedure to be followed by a councillor when receiving gifts and benefits in the situations specified in the model code of conduct;
 - (f) the appropriate or inappropriate behaviour of a councillor in his or her relationships with the community, other councillors and council employees;
 - (g) the proper and improper manner in which a councillor represents himself or herself as a councillor, and represents the council, to the community;
 - (h) any prescribed matter.

Standards of conduct prescribed under the Model Code of Conduct

The model code of conduct provides for the following eight standards of conduct:

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1. ~~Decision making~~

~~A councillor is to bring an open and unprejudiced mind to all matters being considered in the course of his or her duties, so that decisions are made in the best interests of the community.~~

2. ~~Conflict of interest~~

~~A councillor effectively manages conflict of interest by ensuring that personal or private interests do not influence, and are not seen to influence, the performance of his or her role and acting in the public interest.~~

3. ~~Use of office~~

~~A councillor uses his or her office solely to represent and serve the community, conducting himself or herself in a way that maintains the community's trust in the councillor and the Council as a whole.~~

4. ~~Use of resources~~

~~A councillor uses Council resources and assets strictly for the purpose of performing his or her role.~~

5. ~~Use of information~~

~~A councillor uses information appropriately to assist in performing his or her role in the best interests of the community.~~

6. ~~Gifts and benefits~~

~~A councillor adheres to the highest standards of transparency and accountability in relation to the receiving of gifts or benefits, and carries out his or her duties without being influenced by personal gifts or benefits.~~

7. ~~Relationships with community, councillors and council employees~~

~~A councillor is to be respectful in his or her conduct, communication and relationships with members of the community, fellow councillors and Council employees in a way that builds trust and confidence in the Council.~~

8. ~~Representation~~

~~A councillor is to represent himself or herself and the Council appropriately and within the ambit of his or her role, and clearly distinguish between his or her views as an individual and those of the Council.~~

Principles of Good Governance

By adopting this Code of Conduct, Councillors commit to the overarching principles of good governance by being:

Accountable – *Explain, and be answerable for, the consequences of decisions made on behalf of the community.*

Transparent – *Ensure decision making processes can be clearly followed and understood by the community.*

Law-abiding – *Ensure decisions are consistent with relevant legislation or common law, and within the powers of Local Government.*

Responsive – *Represent and serve the needs of the entire community while balancing competing interests in a timely, appropriate and responsive manner.*

Equitable – *Provide all groups with the opportunity to participate in the decision making process and treat all groups equally.*



Participatory and inclusive – Ensure that anyone affected by or interested in a decision has the opportunity to participate in the process for making that decision.

Effective and efficient – Implement decisions and follow processes that make the best use of the available people, resources and time, to ensure the best possible results for the community.

Consensus oriented – Take into account the different views and interests in the community, to reach a majority position on what is in the best interests of the whole community, and how it can be achieved.

2. LEGISLATION

The code of conduct framework is legislated under the *Local Government Act 1993* (the Act). The Act is available to view via the Tasmanian Legislation Website at www.thelaw.tas.gov.au and should be read in conjunction with this policy.

Code of Conduct

Tasmanian councillors are required to comply with the provisions of the Council's Code of Conduct while performing the functions and exercising the powers of his or her office with the council.

The Code of Conduct incorporates the Model Code of Conduct (made by order of the Minister responsible for local government) and may include permitted variations included as attached schedules to the Model Code of Conduct.

5.28V Making a Code of Conduct Complaint

- (1) A person may make a complaint against one councillor in relation to the contravention by the councillor of the relevant council's code of conduct.
- (2) A person may make a complaint against more than one councillor in relation to the contravention by the councillors of the relevant council's code of conduct if all the councillors complained against behaved on a particular occasion in such a manner as to commit the same alleged contravention of the code of conduct.
- (3) A complaint is to –
 - (a) be in writing; and
 - (b) state the name and address of the complainant; and
 - (c) state the name of each councillor against whom the complaint is made; and
 - (d) state the provision of the relevant code of conduct that the councillor has allegedly contravened; and
 - (e) contain details of the behaviour of each councillor that constitutes the alleged contravention; and
 - (f) be lodged with the general manager of the relevant council within 6 months after the councillor or councillors against whom the complaint is made allegedly committed the contravention of the code of conduct; and
 - (fa) be accompanied by a statutory declaration, signed by the complainant or by each complainant, verifying the accuracy of the information contained in the complaint; and
 - (fb) contain details of all efforts made by the complainant to resolve the issue that is the subject of the complaint; and
 - (g) be accompanied by any prescribed fee.

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(4) If the subject matter of a complaint by its nature consists of a series of separate incidents that, taken together, form the subject matter, the period referred to in subsection (3)(f) runs from the most recent of the incidents mentioned in the complaint.

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(5) A complaint may not be made by more than 2 complainants jointly.

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A person may make a code of conduct complaint against one (1) Councillor in relation to the contravention by the Councillor of the Council's code of conduct.

A person may make a complaint against more than one (1) Councillor if the complaint relates to the same behaviour and the same code of conduct contravention.

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Code of conduct complaints are lodged with the General Manager of the Council and must comply with legislative requirements, as outlined below.

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A complaint may not be made by more than two (2) complainants jointly.

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A code of conduct complaint is to –

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- be in writing;
- state the name and address of the complainant;
- state the name of each Councillor against whom the complaint is made;
- state the provisions of the relevant code of conduct that the Councillor has allegedly contravened;
- contain details of the behaviour of each Councillor that constitutes the alleged contravention;
- be lodged with the general manager within six (6) months after the Councillor or Councillors against whom the complaint is made allegedly committed the contravention of the code of conduct; and
- be accompanied by the code of conduct complaint lodgement fee.

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S.28X. Amendment of Code of Conduct Complaint

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(1) A complainant, in writing provided to the general manager or the Code of Conduct Panel, may amend a code of conduct complaint at any time before the Code of Conduct Panel commences an investigation into the complaint.

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(2) If the Code of Conduct Panel has commenced its investigation into a code of conduct complaint, a complainant may not amend the complaint.

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(3) If a notice amending a code of conduct complaint is provided to the general manager after the complaint has been referred to the Code of Conduct Panel, the general manager is to notify the Executive Officer, in writing, of the amendment.

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(4) On becoming aware of an amendment to a code of conduct complaint, the Code of Conduct Panel is to notify the following persons, in writing, of the amendment:

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- (a) the general manager, unless the complainant provided the amendment to the general manager;
- (b) if the councillor against whom the complaint is made has been notified of the complaint, the councillor.

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Once satisfied that the code of conduct complaint meets prescribed requirements, the General Manager forwards the complaint to the Code of Conduct Panel.

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S.28ZB. Dismissal of Code of Conduct Complaint on Initial Assessment

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(1) The chairperson of the Code of Conduct Panel, on an initial assessment, may dismiss the code of conduct complaint, or part of it, if he or she considers that –

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- (a) the complaint or part is frivolous, vexatious or trivial; or

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(2A) A person must not make improper use of any information acquired by the person in relation to a code of conduct investigation.
Penalty: Fine not exceeding 50 penalty units.

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Code of Conduct Complaint Lodgement Fee

The code of conduct complaint lodgement fee is prescribed under Schedule 3 (Fees) of the *Local Government (General) Regulations 2015*. The lodgement fee is 50 fee units (\$79.00 in 2018/2019).

3. FURTHER ASSISTANCE

Councillor Dispute Resolution

Councillors commit to developing strong and positive working relationships and working effectively together at all times.

Prior to commencing a formal code of conduct complaint, the Councillors who are parties to any disagreement should endeavour to resolve their differences in a courteous and respectful manner, recognising that they have been elected to act in the best interests of the community.

A Council's internal dispute resolution process should be the first step that is taken when there is a dispute between Councillors.

A Councillor who is party to any disagreement should request the Mayor or the General Manager to assist that Councillor in resolving the disagreement informally.

If the informal assistance does not resolve the disagreement, the General Manager may, with the consent of the parties involved, choose to appoint an external mediator to assist in the resolution of the disagreement. If an external mediator is appointed, Councillors who are party to the disagreement must strive to cooperate with the mediator and use their best endeavours to assist the mediator and participate in the mediation arranged.

Where a matter cannot be resolved through internal processes, the next step may be to lodge a formal code of conduct complaint.

Councillors should only invoke the provisions of the Code of Conduct in good faith, where it is perceived that another Councillor has not complied with the provisions or intent of the Code of Conduct.

Complaints under the *Local Government Act 1993*

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The Director of Local Government is responsible for the investigation of complaints regarding alleged breaches of the Act.

Any person can make a complaint to the Director, via the Local Government Division (contact details below), in accordance with section 339E of the Act, where it is genuinely believed that a Council, Councillor or General Manager may have committed an offence under the Act or failed to comply with the requirements of the Act.

To make a complaint, it is recommended that you first contact the Local Government Division to discuss whether the matter is something that the Division can assist with.

Public Interest Disclosure



Any instances of suspected corrupt conduct, maladministration and serious and substantial waste of public resources or substantial risk to public health or safety or to the environment should be reported in accordance with the *Public Interest Disclosures Act 2002*. Disclosures may be made to the Tasmanian Ombudsman or the Tasmanian Integrity Commission.

4. MONITORING AND REVIEW

This Policy will be reviewed every four (4) years following a Council Election in line with Legislation and the Council's Policy Framework or earlier in the event of major changes to legislation or related policies, procedures if deemed necessary by the Mayor and the General Manager.

5. KEY CONTACTS

Department of Premier and Cabinet's Local Government Division
Executive Building, 15 Murray Street, HOBART TAS 7000
GPO Box 123, HOBART TAS 7001
Phone: (03) 6232 7022 Fax: (03) 6232 5685
Email: lgd@dpac.tas.gov.au
Web: www.dpac.tas.gov.au/divisions/local_government

Local Government Association of Tasmania
326 Macquarie Street, HOBART TAS 7000
GPO Box 1521, HOBART TAS 7001
Phone: (03) 6233 5966
Email: admin@lgat.tas.gov.au
Web: www.lgat.tas.gov.au

The Tasmanian Integrity Commission
Surrey House, Level 2, 199 Macquarie Street, HOBART TAS 7000
GPO Box 822, HOBART TAS 7001
Phone: 1300 720 289
Email: mper@integrity.tas.gov.au
Web: www.integrity.tas.gov.au

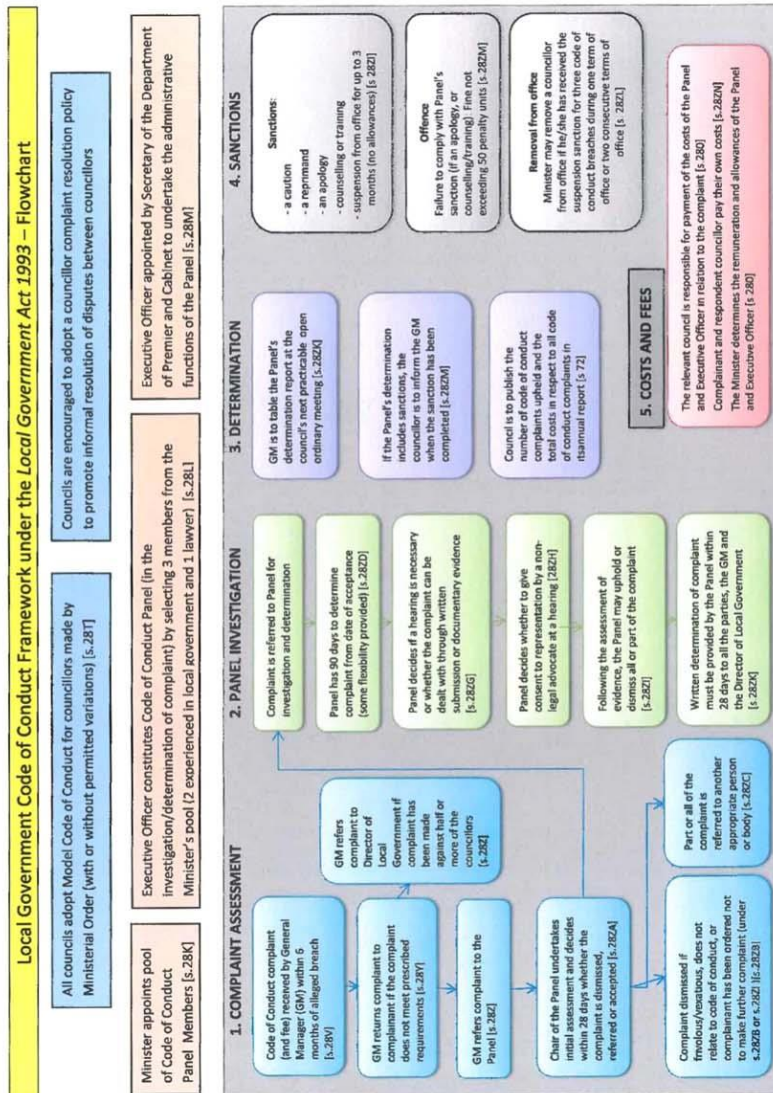
Ombudsman Tasmania
NAB House, Level 6, 86 Collins Street, HOBART TAS 7000
GPO Box 123, HOBART TAS 7001
Phone: 1800 001 170
Email: ombudsman@ombudsman.tas.gov.au
Web: www.ombudsman.tas.gov.au



LOCAL GOVERNMENT CODE OF CONDUCT COMPLAINT FORM	
INTRODUCTION	
<p>This form is designed to help you comply with section 28V (Making a code of conduct complaint against councillor) under the <i>Local Government Act 1993</i>.</p> <p>All complaints must be in writing and be lodged within 6 months after the councillor or councillors allegedly committed the contravention of the Council's Code of Conduct.</p>	
INSTRUCTIONS	
<p>If completing this form by hand, please use black or blue pen and print clearly.</p> <p>Send your completed form to the General Manager of the Council.</p> <p>A code of conduct complaint must be accompanied by the prescribed lodgement fee of 50 fee units (\$79.00 in 2018/19).</p>	
CONTACT DETAILS (of person making the complaint)	
Name:	Telephone (mobile):
Address (Residential):	Telephone (work):
Address (Postal):	Telephone (home):
Email address:	
SUMMARY OF COMPLAINT	
Name of each councillor who you believe has contravened the Council's Code of Conduct <i>(may include more than one councillor if complaint relates to the same behaviour and same code of conduct contravention):</i>	
Provisions of the Council's Code of Conduct that you believe each councillor has contravened:	



Date(s) of incident(s):	
Location(s) of incident(s):	
DETAILS OF THE BEHAVIOUR OF EACH COUNCILLOR THAT CONSTITUTES THE ALLEGED CONTRAVENTION (FURTHER INFORMATION MAY BE ATTACHED)	
WITNESSES (INCLUDE ANYONE WITH KNOWLEDGE OF WHAT HAPPENED)	
HAVE YOU PREVIOUSLY MADE A CODE OF CONDUCT COMPLAINT ABOUT THIS MATTER?	
YES <input type="checkbox"/> NO <input type="checkbox"/> If yes, when did you make the complaint?	
DESIRED OUTCOME OF COMPLAINT	
Please explain what you would like to happen as a result of lodging this complaint:	
PLEASE SIGN AND DATE	
SIGNATURE:	
Date:	



POLICY NO LG03 COUNCILLORS CODE OF CONDUCT POLICY

DEPARTMENT:	Governance
RESPONSIBLE OFFICER:	General Manager
LINK TO STRATEGIC PLAN: be visionary and accountable leaders who advocate and represent the views of our community in a transparent way.
STATUTORY AUTHORITY:	Local Government Act 1993 Local Government (General) Regulations 2005
OBJECTIVE:	<p>This Code of Conduct sets out the standards of behaviour expected of the councillors of the Break O'Day Council, with respect to all aspects of their role.</p> <p>As leaders in the community, councillors acknowledge the importance of high standards of behaviour in maintaining good governance. Good governance supports each councillor's primary goal of acting in the best interests of the community.</p> <p>Councillors therefore agree to conduct themselves in accordance with the standards of behaviour set out in the Code of Conduct.</p> <p>This Code of Conduct incorporates the Model Code of Conduct made by Order of the Minister responsible for local government.</p>
POLICY INFORMATION:	<p>Adopted 19 March 2012 – Minute No 03/12.15.4.069</p> <p>Amended 21 August 2014 – Minute No 08/14.15.6.256</p> <p>Amended 16 May 2016 – Minute No 05/16.16.3.131</p> <p>Amended 27 June 2016 – Minute No 06/16.16.3.162</p>

POLICY

MODEL CODE OF CONDUCT

PART 1 - Decision Making

1. A councillor must bring an open and unprejudiced mind to all matters being decided upon in the course of his or her duties, including when making planning decisions as part of the Council's role as a Planning Authority.
2. A councillor must make decisions free from personal bias or prejudgement.
3. In making decisions, a councillor must give genuine and impartial consideration to all relevant information known to him or her, or of which he or she should have reasonably been aware.

4. A councillor must make decisions solely on merit and must not take irrelevant matters or circumstances into account when making decisions.

PART 2 - Conflict of Interests that are Not Pecuniary

1. When carrying out his or her public duty, a councillor must not be unduly influenced, nor be seen to be unduly influenced, by personal or private interests that he or she may have.
2. A councillor must act openly and honestly in the public interest.
3. A councillor must uphold the principles of transparency and honesty and declare actual, potential or perceived conflicts of interest at any meeting of the Council and at any workshop or any meeting of a body to which the councillor is appointed or nominated by the Council.
4. A councillor must act in good faith and exercise reasonable judgement to determine whether he or she has an actual, potential or perceived conflict of interest.
5. A councillor must avoid, and remove himself or herself from, positions of conflict of interest as far as reasonably possible.
6. A councillor who has an actual, potential or perceived conflict of interest in a matter before the Council must –
 - (a) declare the conflict of interest and the nature of the interest before discussion on the matter begins; and
 - (b) act in good faith and exercise reasonable judgement to determine whether a reasonable person would consider that the conflict of interest requires the councillor to removed himself or herself physically from any Council discussion and remain out of the room until the matter is decided by the Council.
7. This Part does not apply in relation to a pecuniary interest.

PART 3 - Use of Office

1. The actions of a councillor must not bring the Council or the office of councillor into disrepute.
2. A councillor must not take advantage, or seek to take advantage, of his or her office or status to improperly influence others in order to gain an undue, improper, unauthorised or unfair benefit or detriment for himself or herself or any other person or body.
3. In his or her personal dealings with the Council (for example as a ratepayer, recipient of a Council service or planning applicant), a councillor must not expect nor request, expressly or implicitly, preferential treatment for himself or herself or any other person or body.

PART 4 - Use of Resources

1. A councillor must use Council resources appropriately in the course of his or her public duties.
2. A councillor must not use Council resources for private purposes except as provided by Council policies and procedures.



3. A councillor must not allow the misuse of Council resources by any other person or body.

PART 5 - Use of Information

1. A councillor must only access or use Council information needed to perform his or her role and not for personal reasons or non-official purposes.
2. A councillor must only release Council information in accordance with established Council policies and procedures and in compliance with relevant legislation.

PART 6 - Gifts and Benefits

1. A councillor may accept an offer of a gift or benefit if it directly relates to the carrying out of the councillor's public duties and is appropriate in the circumstances and is not in contravention of any relevant legislation.
2. A councillor must avoid situations in which a reasonable person would consider that any person or body, through the provisions of gifts or benefits of any kind, is securing (or attempting to secure) influence or a favour from the councillor or the Council.

PART 7 - Relationships with Community, Councillors and Council Employees

1. A councillor –
 - (a) must treat all persons fairly; and
 - (b) must not cause any reasonable person offence or embarrassment; and
 - (c) must not bully or harass any person.
2. A councillor must listen to, and respect, the views of other councillors in Council and committee meetings and any other proceedings of the Council, and endeavour to ensure that issues, not personalities, are the focus of debate.
4. A councillor must not contact or issue instructions to any of the Council's contractors or tenderers, without appropriate authorisation.
5. A councillor must not contact an employee of the Council in relation to Council matters unless authorised by the General Manager of the Council.

PART 8 - Representation

1. When giving information to the community, a councillor must accurately represent the policies and decisions of the Council.



2. A councillor must not knowingly misrepresent information that he or she has obtained in the course of his or her duties.
3. A councillor must not speak on behalf of the Council unless specifically authorised or delegated by the Mayor or Lord Mayor.
4. A councillor must clearly indicate when he or she is putting forward his or her personal views.
5. A councillor's personal views must not be expressed publicly in such a way as to undermine the decisions of the Council or bring the Council into disrepute.
6. A councillor must show respect when expressing personal views publicly.
7. The personal conduct of a councillor must not reflect, or have the potential to reflect, adversely on the reputation of the Council.
8. When representing the Council on external bodies, a councillor must strive to understand the basis of the appointment and be aware of the ethical and legal responsibilities attached to such an appointment.

PART 9 - Variation of Code of Conduct

1. Any variation of this model code of conduct is to be in accordance with section 28T of the Act.

SUPPLEMENTARY INFORMATION TO ACCOMPANY THE MODEL CODE OF CONDUCT

1. INTRODUCTION

Purpose of Code of Conduct

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- conducts Council business, whether at or outside a meeting;
- conducts the business of his or her office (which may be that of Mayor, Deputy Mayor or Councillor); or
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A complaint of failure to comply with the provisions of the Code of Conduct may be made where the Councillor fails to meet the standard of conduct specified in the Code of Conduct.

Section 28S of the Local Government Act 1993 - Contents of model code of conduct

- (1) The model code of conduct as made, amended or substituted under [section 28R](#) must be consistent with this Act and is to provide for the following matters:
- (a) what constitutes a conflict of interest for a councillor and the procedure to be followed if a councillor has a conflict of interest;
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 - (f) the appropriate or inappropriate behaviour of a councillor in his or her relationships with the community, other councillors and council employees;
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Transparent – *Ensure decision making processes can be clearly followed and understood by the community.*

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 - (e) contain details of the behaviour of each councillor that constitutes the alleged contravention; and
 - (f) be lodged with the general manager of the relevant council within 6 months after the councillor or councillors against whom the complaint is made allegedly committed the contravention of the code of conduct; and
 - (fa) be accompanied by a statutory declaration, signed by the complainant or by each complainant, verifying the accuracy of the information contained in the complaint; and
 - (fb) contain details of all efforts made by the complainant to resolve the issue that is the subject of the complaint; and
 - (g) be accompanied by any prescribed fee.
- (4) If the subject matter of a complaint by its nature consists of a series of separate incidents that, taken together, form the subject matter, the period referred to in [subsection \(3\)\(f\)](#) runs from the most recent of the incidents mentioned in the complaint.
- (5) A complaint may not be made by more than 2 complainants jointly.

S.28X. Amendment of Code of Conduct Complaint

- (1) A complainant, in writing provided to the general manager or the Code of Conduct Panel, may amend a code of conduct complaint at any time before the Code of Conduct Panel commences an investigation into the complaint.
- (2) If the Code of Conduct Panel has commenced its investigation into a code of conduct complaint, a complainant may not amend the complaint.
- (3) If a notice amending a code of conduct complaint is provided to the general manager after the complaint has been referred to the Code of Conduct Panel, the general manager is to notify the Executive Officer, in writing, of the amendment.
- (4) On becoming aware of an amendment to a code of conduct complaint, the Code of Conduct Panel is to notify the following persons, in writing, of the amendment:
 - (a) the general manager, unless the complainant provided the amendment to the general manager;
 - (b) if the councillor against whom the complaint is made has been notified of the complaint, the councillor.

S.28ZB. Dismissal of Code of Conduct Complaint on Initial Assessment

- (1) The chairperson of the Code of Conduct Panel, on an initial assessment, may dismiss the code of conduct complaint, or part of it, if he or she considers that –
 - (a) the complaint or part is frivolous, vexatious or trivial; or
 - (ab) the complainant has not made a reasonable effort to resolve the issue that is the subject of the complaint; or
 - (b) the complaint or part does not substantially relate to a contravention of the code of conduct of the relevant council; or
 - (c) the complainant has made the complaint or part in contravention of –
 - (i) a determination of the chairperson made under [subsection \(2\)](#) ; or
 - (ii) a determination of the Code of Conduct Panel made under [section 28Zl\(3\)](#) .
- (2) If the chairperson of the Code of Conduct Panel dismisses the code of conduct complaint or part of it on the basis that it is frivolous, vexatious or trivial, the chairperson, in the notice provided under [section 28ZA\(3\)](#) , may direct the complainant not to make a further complaint in relation to the same matter unless the complainant provides substantive new information in the further complaint.

28ZE. Conduct of investigations generally

- (1) In the investigation of a code of conduct complaint, the Code of Conduct Panel –
 - (a) is to conduct the investigation with as little formality, and as expeditiously, as is reasonably practicable in the particular circumstances; and
 - (b) is not bound by the rules of evidence and may inform itself on any matter in any manner it considers appropriate; and
 - (c) must observe the rules of natural justice; and
 - (d) may regulate its own procedure.
- (2) In the investigation of a code of conduct complaint, the Code of Conduct Panel may –
 - (a) determine what evidence is required to enable it to determine the complaint; and
 - (b) subject to [subsection \(3\)](#) , determine the manner in which it will accept evidence from the complainant, the councillor against whom the complaint is made and any witnesses.

- (3) In an investigation of a code of conduct complaint, the Code of Conduct Panel may accept evidence given orally on oath or affirmation or by written submissions and documents provided in, or annexed to, a statutory declaration.
- (4) At any time during an investigation of a code of conduct complaint, the Code of Conduct Panel, in writing, may request the complainant, the councillor against whom the complaint is made, a witness or the relevant council to provide information and documents, or further information and documents (including information, and documents containing information, of a kind referred to in [section 338A](#)), that the Panel considers may be relevant to the determination of the complaint.
- (5) A person who has been requested under [subsection \(4\)](#) to provide information and documents, or further information and documents, is to do so within –
 - (a) the period specified in the request; or
 - (b) such longer period as the Code of Conduct Panel, before the expiration of the period specified in the request, may allow.
- (5A) A person who has been requested under [subsection \(4\)](#) to provide any information or document is to provide a statutory declaration verifying the accuracy of that information or document.
- (6) If a council or a councillor in response to a request under [subsection \(4\)](#) provides to the Code of Conduct Panel information, or a document containing information, of a kind referred to in [section 338A](#), a member of the Code of Conduct Panel must not disclose that information or document to any person except as otherwise allowed by [sections 28ZJ](#) and [28ZK](#).

339. Improper use of information

- (2A) A person must not make improper use of any information acquired by the person in relation to a code of conduct investigation.
Penalty: Fine not exceeding 50 penalty units.

Code of Conduct Complaint Lodgement Fee

The code of conduct complaint lodgement fee is prescribed under Schedule 3 (Fees) of the *Local Government (General) Regulations 2015*. The lodgement fee is 50 fee units (\$79.00 in 2018/2019).

3. FURTHER ASSISTANCE

Councillor Dispute Resolution

Councillors commit to developing strong and positive working relationships and working effectively together at all times.

Prior to commencing a formal code of conduct complaint, the Councillors who are parties to any disagreement should endeavour to resolve their differences in a courteous and respectful manner, recognising that they have been elected to act in the best interests of the community.

A Council's internal dispute resolution process should be the first step that is taken when there is a dispute between Councillors.



A Councillor who is party to any disagreement should request the Mayor or the General Manager to assist that Councillor in resolving the disagreement informally.

If the informal assistance does not resolve the disagreement, the General Manager may, with the consent of the parties involved, choose to appoint an external mediator to assist in the resolution of the disagreement. If an external mediator is appointed, Councillors who are party to the disagreement must strive to cooperate with the mediator and use their best endeavours to assist the mediator and participate in the mediation arranged.

Where a matter cannot be resolved through internal processes, the next step may be to lodge a formal code of conduct complaint.

Councillors should only invoke the provisions of the Code of Conduct in good faith, where it is perceived that another Councillor has not complied with the provisions or intent of the Code of Conduct.

Complaints under the *Local Government Act 1993*

The Director of Local Government is responsible for the investigation of complaints regarding alleged breaches of the Act.

Any person can make a complaint to the Director, via the Local Government Division (contact details below), in accordance with section 339E of the Act, where it is genuinely believed that a Council, Councillor or General Manager may have committed an offence under the Act or failed to comply with the requirements of the Act.

To make a complaint, it is recommended that you first contact the Local Government Division to discuss whether the matter is something that the Division can assist with.

Public Interest Disclosure

Any instances of suspected corrupt conduct, maladministration and serious and substantial waste of public resources or substantial risk to public health or safety or to the environment should be reported in accordance with the *Public Interest Disclosures Act 2002*. Disclosures may be made to the Tasmanian Ombudsman or the Tasmanian Integrity Commission.

4. MONITORING AND REVIEW

This Policy will be reviewed every four (4) years following a Council Election in line with Legislation and the Council's Policy Framework or earlier in the event of major changes to legislation or related policies, procedures or if deemed necessary by the Mayor and the General Manager.

5. KEY CONTACTS

Department of Premier and Cabinet's Local Government Division
Executive Building, 15 Murray Street, HOBART TAS 7000
GPO Box 123, HOBART TAS 7001
Phone: (03) 6232 7022 Fax: (03) 6232 5685
Email: lgd@dpac.tas.gov.au
Web: www.dpac.tas.gov.au/divisions/local_government



Local Government Association of Tasmania
326 Macquarie Street, HOBART TAS 7000
GPO Box 1521, HOBART TAS 7001
Phone: (03) 6233 5966
Email: admin@lgat.tas.gov.au
Web: www.lgat.tas.gov.au

The Tasmanian Integrity Commission
Surrey House, Level 2, 199 Macquarie Street, HOBART TAS 7000
GPO Box 822, HOBART TAS 7001
Phone: 1300 720 289
Email: mper@integrity.tas.gov.au
Web: www.integrity.tas.gov.au

Ombudsman Tasmania
NAB House, Level 6, 86 Collins Street, HOBART TAS 7000
GPO Box 123, HOBART TAS 7001
Phone: 1800 001 170
Email: ombudsman@ombudsman.tas.gov.au
Web: www.ombudsman.tas.gov.au



LOCAL GOVERNMENT CODE OF CONDUCT COMPLAINT FORM

INTRODUCTION

This form is designed to help you comply with section 28V (Making a code of conduct complaint against councillor) under the *Local Government Act 1993*.

All complaints must be in writing and be lodged within 6 months after the councillor or councillors allegedly committed the contravention of the Council's Code of Conduct.

INSTRUCTIONS

If completing this form by hand, please use black or blue pen and print clearly.

Send your completed form to the General Manager of the Council.

A code of conduct complaint must be accompanied by the prescribed lodgement fee of 50 fee units (\$79.00 in 2018/19).

CONTACT DETAILS (of person making the complaint)

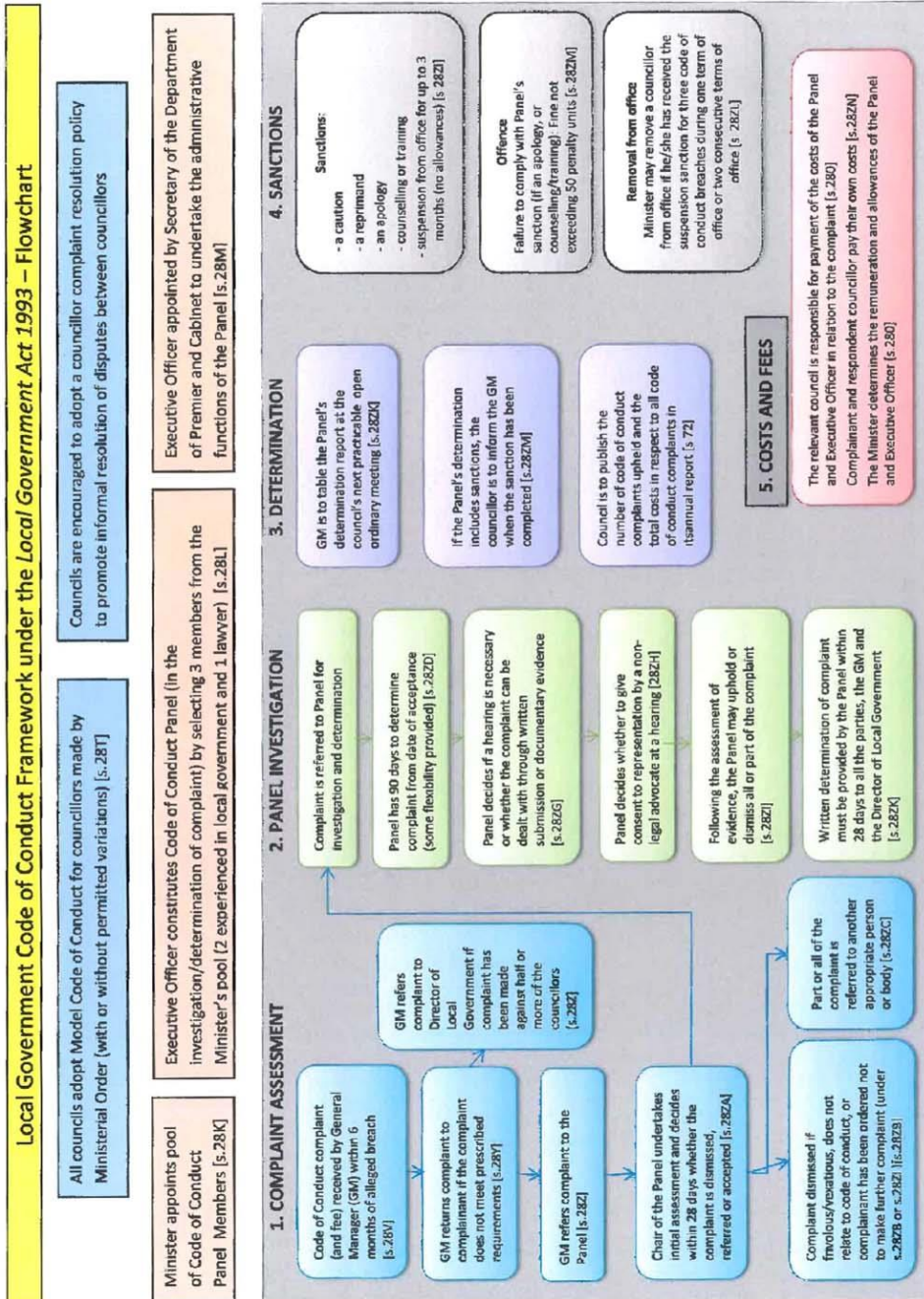
Name:	Telephone (mobile):
Address (Residential):	Telephone (work):
Address (Postal):	Telephone (home):
Email address:	

SUMMMARY OF COMPLAINT

Name of each councillor who you believe has contravened the Council's Code of Conduct <i>(may include more than one councillor if complaint relates to the same behaviour and same code of conduct contravention):</i>	
Provisions of the Council's Code of Conduct that you believe each councillor has contravened:	



Date(s) of incident(s):	
Location(s) of incident(s):	
DETAILS OF THE BEHAVIOUR OF EACH COUNCILLOR THAT CONSTITUTES THE ALLEGED CONTRAVENTION (FURTHER INFORMATION MAY BE ATTACHED)	
WITNESSES (INCLUDE ANYONE WITH KNOWLEDGE OF WHAT HAPPENED)	
HAVE YOU PREVIOUSLY MADE A CODE OF CONDUCT COMPLAINT ABOUT THIS MATTER?	
YES <input type="checkbox"/> NO <input type="checkbox"/> If yes, when did you make the complaint?	
DESIRED OUTCOME OF COMPLAINT	
Please explain what you would like to happen as a result of lodging this complaint: 	
PLEASE SIGN AND DATE	
SIGNATURE:	
Date:	



Amendments to *Local Government Act 1993* and *Local Government (Model Code of Conduct) Order 2016*

INFORMATION SHEET

This information sheet provides a summary of the changes made to the *Local Government Act 1993* and the *Local Government (Model Code of Conduct) Order 2016* in December 2018

Code of Conduct Changes

Following a review of the model code of conduct framework, there have been changes made to both the *Local Government Act 1993* (the Act) and the *Local Government (Model Code of Conduct) Order 2016* (the Code). Together, these changes will improve the overall efficiency and effectiveness of the complaints handling process.

Amendments to the Act apply as of 10 December 2018 include:

- **section 28V(3)(fb)** - a new requirement that a complainant provide details of reasonable efforts made to resolve the issue that is the subject of the complaint, when lodging a complaint;
- **section 28ZE(5A)** - a new requirement that a complainant (along with councillors or employees of the council) are to provide a statutory declaration verifying the accuracy of the information they provide in respect of a complaint;
- **section 28ZB(1)(a) and (ab)** - a new provision to allow the chairperson of a Code of Conduct Panel to dismiss complaints on the basis of 'triviality', as well as on the basis that the complainant has not made a reasonable

effort to resolve the issue prior to lodgement of the complaint;

- **section 72(1)(ba)** - a new provision requiring councils to include in their annual report the number of code of conduct complaints that were received in total, as well as the number that were upheld either wholly or in part;
- **section 339** - a new offence provision to explicitly prevent any person from misusing information acquired in relation to a code of conduct investigation; and
- a small number of minor amendments focused on improving the overall procedural fairness, confidentiality and transparency of the complaints handling process.

Amendments to the model code were approved by the Minister for Local Government on 7 December 2018 and came into effect upon Gazettal on 26 December 2018. However, these changes will not apply until the amended model code is adopted by the relevant council.

Amendments include:

- **part 2 – clause 7** - changes to make it clear that the model code does not apply to pecuniary interests or to the

Local Government Division
Department of Premier and Cabinet



- disclosure of confidential information, as these are dealt with as offence provisions under the Act; and
- **Part 2 – clause 6** - the introduction of a 'reasonable person' test in relation to non-pecuniary conflicts of interest. This replaces the 'materiality' test, and is intended to provide consistency within the Code and with common law principles. Further guidance will be issued about what is the 'reasonable person'.

Vacation of office - Schedule 5 - clause 3(1)

The office of a councillor, who is elected to any Parliament in Australia, is vacated on the day on which they begin to hold office in that Parliament. This will prevent members elected to Tasmanian or Australian Parliament continuing to also serve as councillors.

Customer service charter - section 339F(4)

A review of a council's charter needs to be undertaken within 12 months of a council election, rather than every two years.

Miscellaneous Changes

Miscellaneous amendments to the Act were also made in order to address a number of minor drafting and administrative matters. Relevant changes include:

Pecuniary interests - section 52(1)(d)

The Act was amended to clarify that a councillor can only vote on a matter relating to the payment of allowances or expenses if that matter relates to all councillors of the council.

Gifts and donations register - section 56B(3)

The register of gifts and donations for elected members is required to be made permanently available at the relevant council's office, on the council's website and updated at least monthly.

Improper use of information - section 339(1), (2) and (2A)

Existing provisions have been extended to capture former councillors, members, members of an audit panel or employees, similar to the restrictions that apply under the *Corporations Act 2001* to former directors with respect to the misuse of information.

Disclaimer: Advice on legislation or legal policy issues contained in this paper is intended for information and general guidance only. Such advice is not professional legal opinion.

Local Government Division
GPO Box 123, HOBART TAS 7001 Australia
Phone: 03 6232 7022 Fax: 03 6173 0257
Email: lged@dpac.tas.gov.au Visit: www.dpac.gov.au/lgd

ACTION	DECISION
PROPONENT	Council Officer
OFFICER	John Brown, General Manager
FILE REFERENCE	014\002\010\
ASSOCIATED REPORTS AND DOCUMENTS	Analysis of Amendments to Delegations Updated delegation register

OFFICER'S RECOMMENDATION:

That having conducted a review of Council's Delegations Register in accordance with Section 22 of the *Local Government Act 1993*, the Council adopt the Delegations Register dated February 2019.

INTRODUCTION:

The aim of the report is to provide Council with an updated "Break O'Day Delegations Register February 2019" following a review to for adoption.

PREVIOUS COUNCIL CONSIDERATION:

Council has previously adopted and reviewed delegations in June and July 2011 and April and July 2012. A review of the Land Use Planning and Approvals delegations was undertaken and adopted at the 21 July 2014 Council Meeting.

Discussions held at the October 2014 Council Workshop and adopted at the October 2014 Council Meeting.

Further discussions March 2019 Council Workshop.

OFFICER'S REPORT:

The Delegations provide to the administration the authority for officers to deliver Council services.

Delegations need to be clear and well documented to ensure Council's operations are open, transparent and accountable.

The *Local Government Act 1993* requires that Council must cause a separate record to be kept of all delegations under Section 22 and in accordance with good governance should at least once in every financial year review the delegations for the time being in force under this section.

Councils have certain duties which they must perform, and certain powers which they may exercise, pursuant to the *Local Government Act 1993* as well as a range of other Acts. In most cases the relevant Acts grant these obligations and powers directly to the Council as a body.

It is not practical or efficient for Council as a body of elected members to perform the many functions or undertake the many activities that are required in the day to day administration of Council's roles and functions. Delegations are the way in which Council enable other people/bodies (usually Council Officers) to undertake these steps on its behalf.

Therefore it is necessary for Council to take formal steps to delegate to such people/bodies the authority to make decisions, perform functions or undertake activities on behalf of Council.

If the delegations are not done properly, the enforceability of decisions and actions taken may be compromised and there may be legal and administrative problems for the Council.

The product of that work is which is before Council at this time.

As part of Council's ongoing governance arrangements, a review of the Delegations Register has been undertaken and the delegations updated. The changes are identified in the attached Analysis.

As a matter of best practice it is usual for delegations to be made by the Council to the General Manager. Delegations under LUPAA do not allow the General Manager to sub-delegate.

Whilst the proposed instruments of delegations reflect the functions and duties which are granted to Councils under various Acts, it is a matter for the Council to decide which of those powers and functions are to be delegated.

It is important to note that any specific delegation may be withdrawn or altered or reviewed by Council at any time and therefore it is recommended that the delegations be supported.

In addition both the wording of the resolution and the instrument of delegation itself are important. It is the resolution which makes the delegation. The resolution is the instrument which sets out the scope of the delegation. Consequently, Council needs to be careful with respect to varying the wording of the recommendations of this report.

The majority of amendments to the Delegations are to reflect position title changes as well as positions which are no longer within Council's Organisation Structure. No amendments have been undertaken to any of the delegations themselves just who is authorised to use the delegation.

There are a few new delegations following a review of the relevant Acts by the Local Government Association of Tasmania (LGAT). The new delegations are included under the following:

- Heavy Vehicle National Law (Tasmania) Act 2013 – all delegations are new;
- Burial and Cremation Act 2002 – all delegations are new;
- Roads and Jetties Act 1935 – See the analysis of amendments in the attachment which identifies any new delegations under this Act.

LEGISLATION / STRATEGIC PLAN & POLICIES:

Local Government Act 1993.

BUDGET AND FINANCIAL IMPLICATIONS:

There are no financial implications identified in adopting these delegations.

VOTING REQUIREMENTS:

Simple Majority.

Break O'Day Council Delegations Review – February 2019

Analysis of Amendments

Local Government Act 1993

No	Statutory Ref	Function or Power	Amendment made:
1	S.20A	In order that a Council may perform its functions or exercise its powers under this or any other Act, the General Manager authorises a person to enter land for a specific purpose or in general	Amended Position Titles – Manager Infrastructure and Development Services Works Support Officer Asset/GIS Officer Added – Environmental Services Coordinator Works Operations Manager Planning Services Coordinator Removed – Facilities/Technical Officer
4	S.74	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	Amended Position Titles – Manager Infrastructure and Development Services Added – Environmental Services Coordinator Planning Services Coordinator
11	S.182	Power to require an owner or occupier of land to fence in accordance with the provisions of Section 182 of the <i>Local Government Act 1993</i>	Added – Environmental Services Coordinator Removed – Facilities/Technical Officer
12	S.183	Power to exercise the discretion whether or not to require an owner or occupier of land to rehabilitate land	Added – Environmental Services Coordinator
13	S.185	Power to take action on non-compliance with a notice to undertake work	Added – Environmental Services Coordinator Removed – Facilities/Technical Officer
14	S.189	Power to allow a person to conduct a market and to close a local highway or part of a local highway for the purpose of any such market	Amended Position Titles – Manager Infrastructure and Development Services
15	S.194 & 195	Power to impound any animal found straying or at large in accordance with the provisions of Section 194 of the <i>Local Government Act 1993</i> ; AND TO Issue a notice to the owner if the animal is unclaimed	Amended Position Titles – Works Operations Manager Added – Manager Infrastructure and Development Services Environmental Services Coordinator Works Support Officer Removed – Facilities/Technical Officer
16	S.196	Power to require an owner to make payment of costs and charges incurred from the impounding of their animal by notice and to detain any such animal until payment is received	Amended Position Titles – Works Operations Manager Added – Manager Infrastructure and Development Services Removed – Facilities/Technical Officer
17	S.197	Power to sell, give away, or destroy an impounded animal	Added – Manager Infrastructure and Development Services Removed – Facilities/Technical Officer

No	Statutory Ref	Function or Power	Amendment made:
18	S.198	Power to arrange for an impounded animal to be destroyed	Amended Position Titles – Works Operations Manager Added – Manager Infrastructure and Development Services Removed – Facilities/Technical Officer
19	S.200	Power to determine whether a nuisance exists and to serve notices or display a copy of such notice	Added – Manager Infrastructure and Development Services Environmental Services Coordinator
20	S.201	Power to take necessary action to abate a nuisance and notify an owner or occupier of having taken such action including the power to authorise persons to enter land, close off and fence and do anything reasonably necessary	Added – Manager Infrastructure and Development Services Environmental Services Coordinator

Local Government (Building and Miscellaneous Provisions) Act 1993

No	Statutory Ref	Function or Power	Amendment made:
26	S.247	Power to require the removal of an advertising hoarding	Amended Position Titles – Manager Infrastructure and Development Services Added – Environmental Services Coordinator
27	S.248	Power to demolish, remove or remedy any building erected or constructed over or under a Council drain or a drain connected to a Council drain	Amended Position Titles – Manager Infrastructure and Development Services

Public Health Act 1997

No	Statutory Ref	Function or Power	Amendment made:
2	S.77(1)(3)	Grant or refusal of licence for Place of Assembly	Added – Environmental Services Coordinator
3	S.78	Issue of licence for Place of Assembly	Added – Environmental Services Coordinator
4	S.81	Renewal of licence of Place of Assembly	Added – Environmental Services Coordinator
5	S.82	Variation of licence of Place of Assembly	Added – Environmental Services Coordinator
6	S.83	Cancellation of licence of Place of Assembly	Added – Environmental Services Coordinator
7	S.87	Closure order of Unhealthy premises	Added – Environmental Services Coordinator
8	S.88	Service of closure order of Unhealthy premises	Added – Environmental Services Coordinator
9	S.89	Revocation of closure order of Unhealthy premises	Added – Environmental Services Coordinator
10	S.92	Rectification notice of Unhealthy premises	Added – Environmental Services Coordinator
11	S.97	Grant or refusal of registration of premises	Added – Environmental Services Coordinator
12	S.98	Issue of certificate of registration of premises	Added – Environmental Services Coordinator

No	Statutory Ref	Function or Power	Amendment made:
13	S.101	Renewal of registration of premises	Added – Environmental Services Coordinator
14	S.102	Variation of registration of premises	Added – Environmental Services Coordinator
15	S.103	Cancellation of registration of premises	Added – Environmental Services Coordinator
16	S.106	Grant or refusal of licence of Public health risk activities	Added – Environmental Services Coordinator
17	S.107	Issue of licence of Public health risk activities	Added – Environmental Services Coordinator
18	S.110	Renewal of licence of Public health risk activities	Added – Environmental Services Coordinator
19	S.111	Variation of licence of Public health risk activities	Added – Environmental Services Coordinator
20	S.112	Cancellation of licence of Public health risk activities	Added – Environmental Services Coordinator
21	S.115	Grant or refusal of registration of regulated system for systems for air and water	Added – Environmental Services Coordinator
22	S.116	Issue of certificate of registration for systems for air and water	Added – Environmental Services Coordinator
23	S.119	Notice to comply with direction for systems for air and water	Added – Environmental Services Coordinator
24	S.121	Renewal of registration for systems for air and water	Added – Environmental Services Coordinator
25	S.122	Variation of registration for systems for air and water	Added – Environmental Services Coordinator
26	S.123	Cancellation of registration for systems for air and water	Added – Environmental Services Coordinator
27	S.128	Notification of quality of water	Added – Environmental Services Coordinator
28	S.129	Orders relating to water quality	Added – Environmental Services Coordinator
29	S.135	Grant or refusal of registration of user or supplier of private water	Added – Environmental Services Coordinator
30	S.136	Issue of certificate of registration of user or supplier of private water	Added – Environmental Services Coordinator
31	S.136B	Variation of registration of user or supplier of private water	Added – Environmental Services Coordinator
32	S.136C	Cancellation of registration of user of supplier of private water	Added – Environmental Services Coordinator
35	S.169(1)	Infringement notices	Added – Environmental Services Coordinator
36	S.190(1)(3)(4)	Sale or disposal of forfeited things	Added – Environmental Services Coordinator
37	S.191(3)	Return of and access to seized things	Added – Environmental Services Coordinator
38	S.192(1)	Sale or disposal of seized things	Added – Environmental Services Coordinator

Food Act 2003

No	Statutory Ref	Function or Power	Amendment made:
1	S.33 & 34	Power to make an order in place of Council as a 'relevant authority' in circumstances where an order is required to reduce risk or damage to public health	Added – Environmental Services Coordinator
2	S.37	Power to make a determination in relation to an application for compensation where there were insufficient grounds for making an order	Added – Environmental Services Coordinator
3	S.50	Forfeiture of item	Added – Environmental Services Coordinator
4	S.53	Power to make a determination in relation to an application for compensation where an item has been seized under Part 4	Added – Environmental Services Coordinator
5	S.55	Power to appear as a respondent on behalf of the Council in court where an applicant seeks an order to disallow seizure under Section 54	Added – Environmental Services Coordinator
6	S.65	Power to make an order for an authorised office to inspect a vehicle or equipment	Added – Environmental Services Coordinator
8	S.87	Power to register food businesses	Added – Environmental Services Coordinator
9	S.89	Power to grant or refuse applications for renewal of registration for food businesses	Added – Environmental Services Coordinator
10	S.91	Power to vary the conditions of, or suspend or cancel the registration of a food	Added – Environmental Services Coordinator
11	S.94	Duty to prepare and maintain a list of food businesses	Added – Environmental Services Coordinator
12	S.98(4)	Power of Council to request the Director of Public Health to exercise any of its powers or perform any of its functions at the Council's expense	Added – Environmental Services Coordinator
16	S.118	Power to serve infringement notices	Added – Environmental Services Coordinator

Local Government (Highways) Act 1982

No	Statutory Ref	Function or Power	Amendment made:
1	S.6	Power to make, widening and c., of highways by corporations	Amended Position Titles – Manager Infrastructure and Development Services Works Operations Manager
2	S.7	Limitation on opening of highways in cities and towns by private persons	Amended Position Titles – Manager Infrastructure and Development Services
3	S.8	Maintenance of highways opened outside cities or towns by private persons	Amended Position Titles – Manager Infrastructure and Development Services
4	S.10(2)	Power to approve a person to prepare plans and specifications for highways	Amended Position Titles – Manager Infrastructure and Development Services Works Operations Manager
5	S.10(6)	Power to relieve an owner from having to carry out construction works	Amended Position Titles – Manager Infrastructure and Development Services
6	S.11	Enforcement of obligations of landowners opening highways	Amended Position Titles – Manager Infrastructure and Development Services
7	S.14	Closure and diversion of highways	Amended Position Titles – Manager Infrastructure and Development Services Works Operations Manager

No	Statutory Ref	Function or Power	Amendment made:
8	S.15	Dealing with sites of closed highways	Amended Position Titles – Manager Infrastructure and Development Services Works Operations Manager
9	S.17	Definition of boundaries of highway	Amended Position Titles – Manager Infrastructure and Development Services Works Operations Manager
10	S.19	Power to close a local highway, forbid the use of a local highway or grant licences for the use of a closed local highway	Amended Position Titles – Manager Infrastructure and Development Services Works Operations Manager
11	S.20	Power to close part of a local highway for the purpose of the sale of goods or entertainment on a Saturday, Sunday or statutory holiday	Amended Position Titles – Manager Infrastructure and Development Services
12	S.21	General responsibility of corporations	Amended Position Titles – Manager Infrastructure and Development Services Works Operations Manager
13	S.24	Highways on boundaries of municipalities	Amended Position Titles – Manager Infrastructure and Development Services Works Operations Manager
14	S.25	General supplementary provisions as to carrying out of highway works	Amended Position Titles – Manager Infrastructure and Development Services Works Operations Manager
15	S.26(4)	Obtaining of materials for highway works	Amended Position Titles – Manager Infrastructure and Development Services Works Operations Manager
16	S.27	Use of adjoining lands in carrying out highway works	Amended Position Titles – Manager Infrastructure and Development Services Works Operations Manager
17	S.28	Shifting of apparatus, &c., in roads	Amended Position Titles – Manager Infrastructure and Development Services Works Operations Manager
18	S.30	Improvements, &c., of highways	Amended Position Titles – Manager Infrastructure and Development Services Works Operations Manager
19	S.31	Obstructions for prohibition or restriction of vehicular traffic	Amended Position Titles – Manager Infrastructure and Development Services Works Operations Manager
20	S.32	Power to light and arrange for lighting of local highway	Amended Position Titles – Manager Infrastructure and Development Services Works Operations Manager
21	S.33	Lighting of private ways and courts	Amended Position Titles – Manager Infrastructure and Development Services
22	S.34	Power to make, cleanse and keep open Council drains and watercourses in and through land adjoining or near a local highway	Amended Position Titles – Manager Infrastructure and Development Services Works Operations Manager
23	S.35	Power to require an owner to carry out works to a vehicular crossing over a table-drain, gutter or footpath	Amended Position Titles – Manager Infrastructure and Development Services Works Operations Manager
24	S.36	Power to require an owner to fence	Amended Position Titles – Manager Infrastructure and Development Services Works Operations Manager
25	S.37	Alterations, &c., of entrances to highways	Amended Position Titles – Manager Infrastructure and Development Services Works Operations Manager
26	S.38	Power to remove trees as required for the facilitation and good management of local highways	Amended Position Titles – Manager Infrastructure and Development Services Works Operations Manager

No	Statutory Ref	Function or Power	Amendment made:
27	S.39	Power to require an occupier of land to cut, trim or reduce the height of vegetation to reduce or remove danger from the obstruction of their view	Amended Position Titles – Manager Infrastructure and Development Services Works Operations Manager
28	S.40	Animal barriers on highways	Amended Position Titles – Manager Infrastructure and Development Services Works Operations Manager
29	S.41	Power to give consent or prepare a report prohibiting the use of a local highway by traffic likely to seriously injure a local highway	Amended Position Titles – Manager Infrastructure and Development Services Works Operations Manager
30	S.42	Power to close a dangerous highway	Amended Position Titles – Manager Infrastructure and Development Services Works Operations Manager
31	S.44	Power to put up notice restricting the use of bridges by vehicles over a certain weight	Amended Position Titles – Manager Infrastructure and Development Services Works Operations Manager
32	S.45	Power to remove an abandoned article from a highway	Amended Position Titles – Manager Infrastructure and Development Services Works Operations Manager
33	S.46	Permission to carry out various works in relation to highways	Amended Position Titles – Manager Infrastructure and Development Services Works Operations Manager
34	S.50	Management of local highways not maintainable by the corporation	Amended Position Titles – Manager Infrastructure and Development Services Works Operations Manager
35	S.51	Making good of back roads, lanes, &c., at frontagers' expense	Amended Position Titles – Manager Infrastructure and Development Services Works Operations Manager
36	S.52	Power to remove or alter an obstruction to the safe and convenient passage along a local highway	Amended Position Titles – Manager Infrastructure and Development Services Works Operations Manager
37	S.53	Low-lying land near highways	Amended Position Titles – Manager Infrastructure and Development Services Works Operations Manager
38	S.54	Power to put up names of highways	Amended Position Titles – Manager Infrastructure and Development Services Works Operations Manager
39	S.55	Numbering of buildings, &c	Amended Position Titles – Manager Infrastructure and Development Services Works Operations Manager
40	S.59	Development of land in connection with highway improvements	Amended Position Titles – Manager Infrastructure and Development Services Works Operations Manager
41	S.60(3)	Restrictive covenants for benefit of highway	Amended Position Titles – Manager Infrastructure and Development Services
42	S.62	Special provisions as to acquisition for widening or other alteration	Amended Position Titles – Manager Infrastructure and Development Services
43	S.63	Letting of highways not presently used	Amended Position Titles – Manager Infrastructure and Development Services
44	S.66	Proof that Street is subject to Part V	Amended Position Titles – Manager Infrastructure and Development Services Works Operations Manager
45	S.67(2)	Street works in streets not previously made up	Amended Position Titles – Manager Infrastructure and Development Services Works Operations Manager

No	Statutory Ref	Function or Power	Amendment made:
46	S.68	Scheme of street construction	Amended Position Titles – Manager Infrastructure and Development Services Works Operations Manager
47	S.71	Notice of preparation of scheme	Amended Position Titles – Manager Infrastructure and Development Services Works Operations Manager
48	S.72	Objection by owners	Amended Position Titles – Manager Infrastructure and Development Services Works Operations Manager
49	S.74	Execution of scheme	Amended Position Titles – Manager Infrastructure and Development Services Works Operations Manager
50	S.76	Payment by frontagers	Amended Position Titles – Manager Infrastructure and Development Services Works Operations Manager
51	S.77	State contribution	Amended Position Titles – Manager Infrastructure and Development Services Works Operations Manager
52	S.79	Urgent works	Amended Position Titles – Manager Infrastructure and Development Services Works Operations Manager
53	S.81	Record of charges	Amended Position Titles – Manager Infrastructure and Development Services Works Operations Manager
54	S.95	Establishment of controlled parking	Amended Position Titles – Manager Infrastructure and Development Services Works Operations Manager
55	S.96	Hours of operation of controlled parking	Amended Position Titles – Manager Infrastructure and Development Services Works Operations Manager
56	S.99	Closure of parking spaces in certain cases	Amended Position Titles – Manager Infrastructure and Development Services Works Operations Manager
57	S.100(1A)	Infringement notices	Added – Works Support Officer Municipal Inspector Amended Position Titles – Manager Infrastructure and Development Services Works Operations Manager
58	S.102	Removal of vehicles in certain cases from parking spaces	Amended Position Titles – Manager Infrastructure and Development Services Works Operations Manager
59	S.104	Permits for use of parking spaces without operation of meters or use of parking vouchers	Amended Position Titles – Manager Infrastructure and Development Services Works Operations Manager
60	S.109	Lighting of certain State highways: Contributions by corporations to lighting of certain State highways	Amended Position Titles – Manager Infrastructure and Development Services Works Operations Manager
61	S.110	Powers and duties of corporations in relation to State highways	Amended Position Titles – Manager Infrastructure and Development Services Works Operations Manager
62	S.112	Liability of corporation to maintain road works carried out by the Crown	Amended Position Titles – Manager Infrastructure and Development Services Works Operations Manager
63	S.114	Right of private persons opening new streets to obtain contributions	Amended Position Titles – Manager Infrastructure and Development Services

No	Statutory Ref	Function or Power	Amendment made:
64	S.115	Retention of petrol-pumps in highways	Amended Position Titles – Manager Infrastructure and Development Services Works Operations Manager
65	S.119	Determination of compensation	Amended Position Titles – Manager Infrastructure and Development Services

Environmental Management and Pollution Control Act 1994

No	Statutory Ref	Function or Power	Amendment made:
1	S.20A	Duty of Council to prevent	Added – Environmental Services Coordinator Amended Position Titles – Manager Infrastructure and Development Services Works Operations Manager
3	S.22(1A)	Registers of environmental management and enforcement instruments	Added – Environmental Services Coordinator
4	S.44	Environment protection notices	Added – Environmental Services Coordinator
5	S.47(3)(4)	Action on non-compliance with environment protection notice	Added – Environmental Services Coordinator
7	S.61	Reports in respect of alleged contraventions	Added – Environmental Services Coordinator
8	S.74	Environmental Impact Assessment Principles	Added – Environmental Services Coordinator Amended Position Titles – Manager Infrastructure and Development Services
9	S.94(3)	Power to authorise the release of a thing that has been seized in relation to an offence under the Act	Added – Environmental Services Coordinator Amended Position Titles – Manager Infrastructure and Development Services Works Operations Manager

Roads and Jetties Act 1935

No	Statutory Ref	Function or Power	Amendment made:
1	S.11	Maintenance of State highways, &c. in cities, &c	New Delegation – delegated to: General Manager Manager Infrastructure and Development Services Works Operations Manager
2	S.11(2)	To agree with the Minister for the maintenance or reconstruction of a State highway or a subsidiary road	New Delegation – delegated to: General Manager Manager Infrastructure and Development Services Works Operations Manager
3	S.28	Acquisition of land for quarry, &c.	New Delegation – delegated to: General Manager Manager Infrastructure and Development Services Works Operations Manager
4	S.29	Intention to acquire land may be abandoned if compensation excessive	New Delegation – delegated to: General Manager Manager Infrastructure and Development Services Works Operations Manager

No	Statutory Ref	Function or Power	Amendment made:
5	S.32	Entry by Council upon land and staking out of same	New Delegation – delegated to: General Manager Manager Infrastructure and Development Services Works Operations Manager
6	S.33	Rental of land	New Delegation – delegated to: General Manager Manager Infrastructure and Development Services Works Operations Manager
7	S.34	Use of uncultivated land for temporary road	New Delegation – delegated to: General Manager Manager Infrastructure and Development Services Works Operations Manager
8	S.35	Taking of timber, &c., from land	New Delegation – delegated to: General Manager Manager Infrastructure and Development Services Works Operations Manager
9	S.36	Quarries, &c., to be fenced and filled up or otherwise secured	New Delegation – delegated to: General Manager Manager Infrastructure and Development Services Works Operations Manager
10	S.37	Fences to be restored	New Delegation – delegated to: General Manager Manager Infrastructure and Development Services Works Operations Manager
11	S.38	Deviations to be fenced	New Delegation – delegated to: General Manager Manager Infrastructure and Development Services Works Operations Manager
12	S.39	Entry upon adjoining lands for road maintenance or reconstruction	New Delegation – delegated to: General Manager Manager Infrastructure and Development Services Works Operations Manager
13	S.40	Power to make, cleanse and keep open drains or watercourses in and through land adjoining or near any road	Amended Position Titles – Manager Infrastructure and Development Services Works Operations Manager
14	S.41	Timber growing near roads may be cut down: Consent of owner required in certain cases	Amended Position Titles – Manager Infrastructure and Development Services Works Operations Manager
15	S.42	Hedges, &c., obstructing view of traffic to be cut or trimmed	Amended Position Titles – Manager Infrastructure and Development Services Works Operations Manager
16	S.44	Power to require an owner of land to construct a culvert over a table-drain, gutter or road	Amended Position Titles – Manager Infrastructure and Development Services Works Operations Manager
17	S.45	Power of Minister in certain cases to erect gates across roads	New Delegation – delegated to: General Manager Manager Infrastructure and Development Services Works Operations Manager
18	S.46	Damage caused by overweight vehicles	Amended Position Titles – Manager Infrastructure and Development Services
19	S.47	Road metal, &c., may be placed on side of road	Amended Position Titles – Manager Infrastructure and Development Services Works Operations Manager
20	S.47A	Warning gantries for bridges with overhead members	Amended Position Titles – Manager Infrastructure and Development Services Works Operations Manager

No	Statutory Ref	Function or Power	Amendment made:
21	S.48	Power of road authority, with the consent of the Governor, to permit tramway or railway along or across road	New Delegation – delegated to: General Manager Manager Infrastructure and Development Services Works Operations Manager
22	S.48A	Removal and disposal of abandoned articles	Amended Position Titles – Manager Infrastructure and Development Services Works Operations Manager
23	S.48B	To carry out the Council's power to move, keep or impound any vehicle causing an obstruction or danger etc, and related action	New Delegation – delegated to: General Manager Manager Infrastructure and Development Services Works Operations Manager
24	S.49	Obstructing roads: Notice to remove obstructions	Amended Position Titles – Manager Infrastructure and Development Services Works Operations Manager
25	S.50B	Excavations	New Delegation – delegated to: General Manager Manager Infrastructure and Development Services Works Operations Manager
26	S.51	Laying down timber, &c., on roads	New Delegation – delegated to: General Manager Manager Infrastructure and Development Services Works Operations Manager

Building Act 2016

No	Statutory Ref	Function or Power	Amendment made:
1	S.24(2)	The General Manager of a Council must appoint a person as a Permit Authority for the Municipal area of that Council	Amended Position Titles – Technical Officer Development Services Development Services Administration Officer – Building Removed – Project Officer Environmental Health Officer
2	S.27(3) & (4)	Make information retained pursuant to S.27(2) available to the persons specified in S.27(3), and to provide a copy of that information upon payment of a fee	Added – Environmental Services Coordinator Amended Position Titles – Manager Infrastructure and Development Services Technical Officer Development Services Development Services Administration Officer - Building Added – Environmental Services Coordinator Amended Position Titles – Manager Infrastructure and Development Services Technical Officer Development Services
3	S.41(2)	The General Manager of a Council may, at all reasonable times, enter any premises or land where there is a building, temporary structure, building work, plumbing work or demolition work, if necessary to perform a function or exercise a power under this Act	Added – Environmental Services Coordinator Amended Position Titles – Manager Infrastructure and Development Services Technical Officer Development Services
4	S.70(1)	Be satisfied that land which is contaminated, unhealthy and not suitable for a particular purpose, has been cleaned or remedied	Added – Environmental Services Coordinator Amended Position Titles – Technical Officer Development Services

No	Statutory Ref	Function or Power	Amendment made:
5	S.70(2)	Be satisfied that the surface of land is capable of being drained into an existing stormwater drain or channel or other suitable outlet	Added – Environmental Services Coordinator Amended Position Titles – Manager Infrastructure and Development Services Technical Officer Development Services
6	S.73	Works involving, or in proximity of, existing drains – provide written consent for works and impose any reasonable conditions of that consent, including to require a written undertaking not to hold the Council liable for damage or inconvenience arising from building work	Added – Environmental Services Coordinator Amended Position Titles – Manager Infrastructure and Development Services Technical Officer Development Services
7	S.241	Form a belief that a building may be dilapidated, and to inspect that building and prepare a dilapidated building report upon it. To obtain information as to any matter relating to a dilapidated building report from any building services provider or other person	Amended Position Titles – Technical Officer Development Services
8	S.242	Issue a dilapidated building notice	Amended Position Titles – Technical Officer Development Services
9	S.244	Revoke a dilapidated building notice	Amended Position Titles – Technical Officer Development Services
10	S.245(1)	Make an emergency order, and provide a copy to the permit authority	Added – Environmental Services Coordinator Manager Infrastructure and Development Services Removed – Technical Officer Project Officer
11	S.245(6)	Revoke an emergency order	Added – Environmental Services Coordinator Manager Infrastructure and Development Services Removed – Technical Officer Project Officer
12	S.251	Apply to a court for an order in relation to a contravention or likely contravention of the Act or a notice, order or determination under the Act	Amended Position Titles – Technical Officer Development Services
13	S.265(3) & (4)	Perform works where there has been failure to comply with an emergency, building or plumbing order, including the power to: a) Enter on the land where the work is to be done with the appropriate equipment; and b) Exclude other persons from the place where the work is being done; and c) If anything is to be altered, determine the form of the alteration so far as it was not previously specified; and d) If anything is to be taken down, demolished or removed, determine in what condition the remainder is to be left; and e) Carry away to some convenient place any materials removed; and Sell any materials so carried away and deduct the proceeds from the cost of the work.	Added – Environmental Services Coordinator Environmental Health Officer Manager Infrastructure and Development Services Removed – Technical Officer Project Officer

No	Statutory Ref	Function or Power	Amendment made:
14	S.266	f) Take proceedings to obtain possession of a building or temporary structure if any occupier fails to allow any person to do work pursuant to S.265	Amended Position Titles – Technical Officer Development Services Added – Environmental Services Coordinator Environmental Health Officer
15	S.267(1) & (2)	Serve an order to demolish building work	Amended Position Titles – Technical Officer Development Services
16	S.267(3)	Enter onto land and demolish any building work in respect of an order to demolish building work	Amended Position Titles – Technical Officer Development Services Manager Infrastructure and Development Services
17	S.269	Enter land or a building and perform the required work	Amended Position Titles – Technical Officer Development Services Manager Infrastructure and Development Services
18	S.270	Make an application to recover the cost of performing any work, and to impose a charge on land	Amended Position Titles – Technical Officer Development Services Manager Infrastructure and Development Services
19	S.271(1)	Sell a building for removal or after demolishing a building, sell the materials on the premises for removal	Amended Position Titles – Technical Officer Development Services Manager Infrastructure and Development Services
20	S.271(2)	Grant the purchaser of a building sold pursuant to S271(1) all of the powers Council has under S.265	Amended Position Titles – Technical Officer Development Services Manager Infrastructure and Development Services
21	S.272	Request the assistance of a police officer – a) In evacuating a building or temporary structure in accordance with an emergency order; or b) In removing any person from a building or temporary structure in respect of which an emergency order, building order or plumbing order is in effect	Added – Environmental Services Coordinator Amended Position Titles – Technical Officer Development Services Manager Infrastructure and Development Services
22	S.275(1)	Require a building permit to be obtained for works in compliance with an emergency order	Amended Position Titles – Technical Officer Development Services Added – Environmental Services Coordinator Environmental Health Officer Manager Infrastructure and Development Services
23	S.275(2)	Waive requirement to obtain a building permit to be obtained for works in compliance with a building order or demolition order	Amended Position Titles – Technical Officer Development Services Added – Environmental Services Coordinator Environmental Health Officer Manager Infrastructure and Development Services
24	S.308(2)	Provide consent to inhabit a building that is not built as a dwelling for a cumulative period that exceeds 30 days	Added – Environmental Services Coordinator Manager Infrastructure and Development Services Amended Position Titles – Technical Officer Development Services
25	S.309	Provide consent to erect a fence, building or other structure so as to restrict the use, in connection with a building, of any unoccupied area of the land on which it is built	Amended Position Titles – Technical Officer Development Services
26	S.310	Commence proceedings for an offence against the Act or the Regulations	Added – Environmental Services Coordinator Amended Position Titles – Technical Officer Development Services

No	Statutory Ref	Function or Power	Amendment made:
27	S.324	Issue an infringement notice	Added – Environmental Services Coordinator Manager Infrastructure and Development Services Amended Position Titles – Technical Officer Development Services

Building Regulations 2016

No	Statutory Ref	Function or Power	Amendment made:
1	R.43(1)	Provide written consent for works proposed pursuant to R.43(1)	Amended Position Titles – Technical Officer Development Services
2	R.43(3)	If not satisfied that a stormwater drainage system is sealed in accordance with the Act, enter the premises and perform any work necessary	Added – Environmental Services Coordinator Amended Position Titles – Technical Officer Development Services Manager Infrastructure and Development Services
3	R.43(5)(a)	Recover costs as a charge under the <i>Local Government Act 1993</i>	Amended Position Titles – Technical Officer Development Services Added – Manager Infrastructure and Development Services
4	R.53	Assessment of land as having a reasonable probability of flooding	Added – Environmental Services Coordinator Amended Position Titles – Technical Officer Development Services
5	R.61(4)	Provide written authorisation for work in a landslip hazard area	Amended Position Titles – Technical Officer Development Services Added – Manager Infrastructure and Development Services
6	R.78(3)	Recover costs as a charge under the <i>Local Government Act 1993</i>	Amended Position Titles – Technical Officer Development Services Added – Manager Infrastructure and Development Services
7	R.83	Issue building certificate certifying that Council does not intend to take any action under the Act	Amended Position Titles – Technical Officer Development Services Added – Manager Infrastructure and Development Services

Plumbing Regulations 2004

ALL REMOVED - Legislation no longer operates this is now covered under the Building Act 2016 and the Building Regulations 2016.

Strata Titles Act 1998

No changes to delegations.

Land Use Planning and Approvals Act 1993

No	Statutory Ref	Function or Power	Amendment made:
1	Part 3 – Generally	<p>PLANNING SCHEMES</p> <p>As a consequence of any decision by the Council to initiate preparation of a planning scheme or a planning scheme amendment or to provide its views and opinions on any representation received on a draft planning scheme or draft amendment:</p> <ul style="list-style-type: none"> 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. 	<p>Amended Position Titles – Manager Infrastructure and Development Services Planning Services Coordinator</p>
2	Part 4 - Generally	<p>ENFORCEMENT OF PLANNING CONTROL</p> <p>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:</p> <ul style="list-style-type: none"> 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:- <ul style="list-style-type: none"> - 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. 	<p>Amended Position Titles – Manager Infrastructure and Development Services Planning Services Coordinator</p>
3	Part 4 - Generally	<p>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.</p>	<p>Amended Position Titles – Manager Infrastructure and Development Services Planning Services Coordinator</p>
4	S.23	<p>Notification of commencement of preparation of draft planning scheme</p>	<p>Amended Position Titles – Manager Infrastructure and Development Services Planning Services Coordinator</p>

No	Statutory Ref	Function or Power	Amendment made:
5	S.24(1)	Certification by Commission of draft planning schemes prepared by planning authorities	Amended Position Titles – Manager Infrastructure and Development Services Planning Services Coordinator
6	S.25(1)(a)	Public exhibition of draft planning schemes	Amended Position Titles – Manager Infrastructure and Development Services Planning Services Coordinator
7	S.28B	Notice of intention to withdraw draft planning scheme	Amended Position Titles – Manager Infrastructure and Development Services Planning Services Coordinator
8	S.28E(2)	Notification of withdrawal of draft planning scheme	Amended Position Titles – Manager Infrastructure and Development Services Planning Services Coordinator
9	S.30H	Notification and public exhibition of interim planning schemes	Amended Position Titles – Manager Infrastructure and Development Services Planning Services Coordinator
10	S.30I	Representations in relation to interim planning schemes	Amended Position Titles – Manager Infrastructure and Development Services Planning Services Coordinator
11	S.30J	Report to be provided to Commission	Amended Position Titles – Manager Infrastructure and Development Services Planning Services Coordinator
12	S.30Q(6)	Applications for dispensations	Amended Position Titles – Manager Infrastructure and Development Services Planning Services Coordinator
13	S.30R(6)	Application for permit that relates to application for dispensation	Amended Position Titles – Manager Infrastructure and Development Services Planning Services Coordinator
14	S.35	Power to certify draft amendments to Council Planning Schemes and provide a copy to the Tasmanian Planning Commission	Amended Position Titles – Manager Infrastructure and Development Services Planning Services Coordinator
15	S.38	Duty to exhibit and advertise draft amendments to Council Planning Schemes	Amended Position Titles – Manager Infrastructure and Development Services Planning Services Coordinator
16	S.39	Duty to report to the Tasmanian Planning Commission following the receipt of representations in respect of draft amendments to Council Planning Schemes	Amended Position Titles – Manager Infrastructure and Development Services Planning Services Coordinator
17	S.41A	Duty to undertake a modification or alteration to a draft amendment to a Council Planning Scheme and give notice as required by the Tasmanian Planning Commission	Amended Position Titles – Manager Infrastructure and Development Services Planning Services Coordinator
18	S.42	Duty to give notice of the Tasmanian Planning Commissions approval of a draft amendment to a Council Planning Scheme	Amended Position Titles – Manager Infrastructure and Development Services Planning Services Coordinator
19	S.43E(1)	Power to require an applicant to provide additional information before considering an application for a Planning Permit together with a request for an amendment to a Council Planning Scheme under Section 43A of the <i>Land Use Planning & Approvals Act 1993</i>	Amended Position Titles – Manager Infrastructure and Development Services Planning Services Coordinator
20	S.43K	Power to make minor amendments to planning permits This power is delegated along with the duty to issue notices in accordance with Section 43K(3), 43K(4) and 43K(5) of the <i>Land Use Planning & Approvals Act 1993</i>	Amended Position Titles – Manager Infrastructure and Development Services Planning Services Coordinator

No	Statutory Ref	Function or Power	Amendment made:
21	S.48AA	Enforcement of special permits	Amended Position Titles – Manager Infrastructure and Development Services Planning Services Coordinator
22	S.48A	Power to issue notices or take action regarding the removal of signs erected without The power is delegated along with the duty to issue notices to the person who erected the sign and the power to dispose of the sign	Amended Position Titles – Manager Infrastructure and Development Services Planning Services Coordinator Removed – Facilities/Technical Officer
23	S.51	Permits	Amended Position Titles – Manager Infrastructure and Development Services Planning Services Coordinator
24	S.52(1B)	What if applicant is not the owner?	Amended Position Titles – Manager Infrastructure and Development Services Planning Services Coordinator
25	S.53(5A)	When does a permit take effect? Power to grant an extension of the period in which a use or development must be substantially commenced under a permit	Amended Position Titles – Manager Infrastructure and Development Services Planning Services Coordinator
26	S.54	Power to require an applicant to provide additional information before considering an application for a planning permit	Amended Position Titles – Manager Infrastructure and Development Services Planning Services Coordinator
27	S.55	Power to amend a planning permit where there is a mistake	Amended Position Titles – Manager Infrastructure and Development Services Planning Services Coordinator
28	S.56	Power to make minor amendments to planning permits This power is delegated along with the duty to service notices	Amended Position Titles – Manager Infrastructure and Development Services Planning Services Coordinator
29	S.57(2)	Applications for discretionary permits	Amended Position Titles – Manager Infrastructure and Development Services Planning Services Coordinator
30	S.57(3)	Notify application for a discretionary permit	Amended Position Titles – Manager Infrastructure and Development Services Planning Services Coordinator
31	S.57(5)	Power to extend the period of time for the making of representations relating to an application for a discretionary permit	Amended Position Titles – Manager Infrastructure and Development Services Planning Services Coordinator
32	S.57(6)	Duty to grant or refuse discretionary planning permit	Amended Position Titles – Manager Infrastructure and Development Services Planning Services Coordinator
33	S.57(6A)	Power to agree to a further extension of time under Section 57(6)(b) to grant a discretionary planning permit	Amended Position Titles – Manager Infrastructure and Development Services Planning Services Coordinator
34	S.57A	Power to enter into mediation on behalf of the Planning Authority regarding an application for a permit	Amended Position Titles – Manager Infrastructure and Development Services Planning Services Coordinator
35	S.58	Power to grant planning permits which, under the provisions of a Council Planning Scheme the Council is bound to grant, either unconditionally or subject to conditions and issue notice to the applicant	Amended Position Titles – Manager Infrastructure and Development Services Planning Services Coordinator

No	Statutory Ref	Function or Power	Amendment made:
36	S.59(7)	Power to make a determination in relation to an application for a discretionary planning permit where time periods in which to do so under the provisions of Sections 57 and 58 of the <i>Land Use Planning & Approvals Act 1993</i> have expired but where no application under Section 59(3) has been made by the applicant	Amended Position Titles – Manager Infrastructure and Development Services Planning Services Coordinator
37	S.60P(4)	Provide information in requested by the Tasmanian Planning Commission	Amended Position Titles – Manager Infrastructure and Development Services Planning Services Coordinator
38	S.60Q(5)	Notification and exhibition of project	Amended Position Titles – Manager Infrastructure and Development Services Planning Services Coordinator
39	S.60Y	Approve a consequential amendment of a planning scheme if required by a decision to approve a project of regional significance	Amended Position Titles – Manager Infrastructure and Development Services Planning Services Coordinator
40	S.60ZD	Issue of planning compliance certificates	Amended Position Titles – Manager Infrastructure and Development Services Planning Services Coordinator
41	S.60ZE(3)	Grant an extension of planning compliance certificate	Amended Position Titles – Manager Infrastructure and Development Services Planning Services Coordinator
42	S.60ZF	Cancellation of planning compliance certificates	Amended Position Titles – Manager Infrastructure and Development Services Planning Services Coordinator
43	S.61	Represent the Council in an appeals against a permit decision	Amended Position Titles – Manager Infrastructure and Development Services Planning Services Coordinator
51	S.75	Amend agreements	Amended Position Titles – Manager Infrastructure and Development Services Planning Services Coordinator
52	S.76	Lodge agreement with the Commission	Amended Position Titles – Manager Infrastructure and Development Services Planning Services Coordinator
53	S.78	Registration of agreements	Amended Position Titles – Manager Infrastructure and Development Services Planning Services Coordinator

Land Use Planning and Approvals Regulations 2004

No	Statutory Ref	Function or Power	Amendment made:
1	4	Advertisement of exhibition of draft planning scheme	Amended Position Titles – Manager Infrastructure and Development Services Planning Services Coordinator
2	5	Notification of approval of draft planning scheme	Amended Position Titles – Manager Infrastructure and Development Services Planning Services Coordinator
3	6	Advertisement of exhibition of draft amendment	Amended Position Titles – Manager Infrastructure and Development Services Planning Services Coordinator
4	7	Notification of approval of draft amendment	Amended Position Titles – Manager Infrastructure and Development Services Planning Services Coordinator

No	Statutory Ref	Function or Power	Amendment made:
5	8	Notification of application for permit	Amended Position Titles – Manager Infrastructure and Development Services Planning Services Coordinator

Dog Control Act 2000

No	Statutory Ref	Function or Power	Amendment made:
1		The General Manager hereby delegates the named Officers/employees of Council all the powers, duties and functions conferred upon the General Manager in accordance with the provisions of the <i>Dog Control Act 2000</i>	Added – Environmental Services Coordinator Manager Infrastructure and Development Services Works Support Officer Asset/GIS Officer Amended Position Titles – Works Operations Manager Removed – Facilities/Technical Officer

Right to Information Act 2009

No changes to delegations.

Public Interest Disclosure Act 2002

No changes to delegations.

Vehicle and Traffic Act 1999

No	Statutory Ref	Function or Power	Amendment made:
1	S.56C(2){3} (4){5}	Certain activities prohibited on public streets in accordance with the provisions of Section 56C(2){3}{4}{5} of the Vehicle and Traffic Act 1999	Amended Position Titles – Manager Infrastructure and Development Services

Burial and Cremation Act 2002

No	Statutory Ref	Function or Power	Amendment made:
COUNCIL AS CEMETERY MANAGER			
1	S.19(1)	Keep a cemetery so as not to be prejudicial to public health or public safety	New Delegation – delegated to: General Manager Manager Infrastructure and Development Services Works Operations Manager Works Support Officer

No	Statutory Ref	Function or Power	Amendment made:
2	S.19(2)	Keep records as prescribed of all internments in the cemetery	New Delegation – delegated to: General Manager Manager Infrastructure and Development Services Works Operations Manager Works Support Officer
3	S.19(3)	Allow access to the cemetery	New Delegation – delegated to: General Manager Manager Infrastructure and Development Services Works Operations Manager Works Support Officer
4	S.19(4)	a) improve, embellish and enlarge a cemetery under the control of that manager; b) restrict interments in any portion of the cemetery, except as may be required by an exclusive right of burial granted before the commencement of this Act; and c) (c) take any other action as may be required for the proper management and maintenance of the cemetery	New Delegation – delegated to: General Manager Manager Infrastructure and Development Services Works Operations Manager Works Support Officer
5	S.20(1)	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	New Delegation – delegated to: General Manager Manager Infrastructure and Development Services Works Operations Manager Works Support Officer
6	S.20(2)	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	New Delegation – delegated to: General Manager Manager Infrastructure and Development Services Works Operations Manager Works Support Officer
7	S.20(3)	Enter into an agreement for the maintenance of a vault, grave or monument	New Delegation – delegated to: General Manager Manager Infrastructure and Development Services Works Operations Manager Works Support Officer
8	S.21(1)	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 General Manager, it is unsafe	New Delegation – delegated to: General Manager Manager Infrastructure and Development Services Works Operations Manager Works Support Officer
9	S.21(2)(b)	To make enquiries to find a person who erected or placed a monument	New Delegation – delegated to: General Manager Manager Infrastructure and Development Services Works Operations Manager Works Support Officer
10	S.21(2)(c)	Take a monument down and remove it, or render it safe, as the case may require where a notice served pursuant to S.21(1) has not been complied with or the person who erected or placed the monument has not been found	New Delegation – delegated to: General Manager Manager Infrastructure and Development Services Works Operations Manager Works Support Officer
11	S.21(2)(d)	Recover any costs incurred in taking a monument down and remove it, or render it safe	New Delegation – delegated to: General Manager Manager Infrastructure and Development Services Works Operations Manager Works Support Officer

No	Statutory Ref	Function or Power	Amendment made:
12	S.21(4)	Provide notice of the removal of a monument and arrange for it to be re-erected if there is an agreement pursuant to S.20(3) which meets the requirements of the Act	New Delegation – delegated to: General Manager Manager Infrastructure and Development Services Works Operations Manager Works Support Officer
13	S.23(2) & (3)	Grant an exclusive right of burial	New Delegation – delegated to: General Manager Manager Infrastructure and Development Services Works Operations Manager Works Support Officer
14	S.27B	Make an application for approval to establish a new cemetery, with the Council as the cemetery manager	New Delegation – delegated to: General Manager Manager Infrastructure and Development Services Works Operations Manager Works Support Officer
15	S.27C	Take steps to establish a new cemetery, as approved, including to issue a notice of the new cemetery	New Delegation – delegated to: General Manager Manager Infrastructure and Development Services Works Operations Manager Works Support Officer
16	S.27E	Provide notice that a new cemetery will not be established	New Delegation – delegated to: General Manager Manager Infrastructure and Development Services Works Operations Manager Works Support Officer
17	S.27F	Provide notice of the first interment or placing of human remains in a new cemetery	New Delegation – delegated to: General Manager Manager Infrastructure and Development Services Works Operations Manager Works Support Officer
18	S.27J	Take required steps to notify of the intention to sell a cemetery, and provide notice to the regulator	New Delegation – delegated to: General Manager Manager Infrastructure and Development Services Works Operations Manager Works Support Officer
19	S.27K	Carry out an audit within 6 months of publication of notice to sell a cemetery	New Delegation – delegated to: General Manager Manager Infrastructure and Development Services Works Operations Manager Works Support Officer
20	S.27L	Apply for a certificate of compliance in relation to the sale of a cemetery	New Delegation – delegated to: General Manager Manager Infrastructure and Development Services Works Operations Manager Works Support Officer
21	S.27M	Offer for sale a cemetery which is the subject of a certificate of compliance	New Delegation – delegated to: General Manager Manager Infrastructure and Development Services Works Operations Manager Works Support Officer
22	S.27O	Notify the regulator of a decision to no longer sell a cemetery	New Delegation – delegated to: General Manager Manager Infrastructure and Development Services Works Operations Manager Works Support Officer

No	Statutory Ref	Function or Power	Amendment made:
23	S.27P	Prepare and provide a disclosure document with the required information, in relation to the sale of a cemetery	New Delegation – delegated to: General Manager Manager Infrastructure and Development Services Works Operations Manager Works Support Officer
24	S.27S	Provide notice of becoming a new owner of a cemetery	New Delegation – delegated to: General Manager Manager Infrastructure and Development Services Works Operations Manager Works Support Officer
25	S.28	Take steps to comply with any notice given by the Director of Public Health, or to appeal that notice	New Delegation – delegated to: General Manager Manager Infrastructure and Development Services Works Operations Manager Works Support Officer Environmental Services Coordinator Environmental Health Officer
26	S.29	Publish a notice of intention to close a cemetery and apply to the regulator to do so	New Delegation – delegated to: General Manager Manager Infrastructure and Development Services Works Operations Manager Works Support Officer
27	S.29A	Provide notice, as required, of the closure of a cemetery and to close the cemetery	New Delegation – delegated to: General Manager Manager Infrastructure and Development Services Works Operations Manager Works Support Officer
28	S.29B	Forward cemetery records to the State Archivist	New Delegation – delegated to: General Manager Manager Infrastructure and Development Services Works Operations Manager Works Support Officer
29	S.29B(5)	Take steps permitted in relation to tombstones and monuments, and the surrounding features, as permitted	New Delegation – delegated to: General Manager Manager Infrastructure and Development Services Works Operations Manager Works Support Officer
30	S.29C	Enter into an agreement with a person who holds an exclusive right of burial, and take action as agreed	New Delegation – delegated to: General Manager Manager Infrastructure and Development Services Works Operations Manager Works Support Officer
31	S.30	Apply to the regulator for approval to lay out a closed cemetery as a park or garden, and take related steps	New Delegation – delegated to: General Manager Manager Infrastructure and Development Services Works Operations Manager Works Support Officer
32	S.33	Provide notification and prepare a statement as required by S.34 prior to carrying out works	New Delegation – delegated to: General Manager Manager Infrastructure and Development Services Works Operations Manager Works Support Officer
33	S.35	Make available land in another cemetery for interment of human remains or the relocation of the grave or the re-erection of the monument or vault from a closed cemetery	New Delegation – delegated to: General Manager Manager Infrastructure and Development Services Works Operations Manager Works Support Officer

No	Statutory Ref	Function or Power	Amendment made:
34	S.36(2) & (3)	Demolish and remove any grave, monument or vault, and reverently exhumed and re-inter any human remains where a S.36(1) is satisfied, and to keep records as required	New Delegation – delegated to: General Manager Manager Infrastructure and Development Services Works Operations Manager Works Support Officer
35	S.36(1A)	Offer a closed cemetery or a portion of a closed cemetery as a gift to a religious or cultural group	New Delegation – delegated to: General Manager Manager Infrastructure and Development Services Works Operations Manager Works Support Officer
36	S.39(1)	Reopen a grave if it is not intended to remove any human remains	New Delegation – delegated to: General Manager Manager Infrastructure and Development Services Works Operations Manager Works Support Officer
37	S.49B	Take steps to comply with a directive issued by the regulator	New Delegation – delegated to: General Manager Manager Infrastructure and Development Services Works Operations Manager Works Support Officer
38	S.51A	Make an application to the regulator to take action even though less than 100 years have passed since the last interment in a closed cemetery, and take related steps	New Delegation – delegated to: General Manager Manager Infrastructure and Development Services Works Operations Manager Works Support Officer
OTHER			
39	S.14(1)	Closure of crematorium – The General Manager may give notice to the crematorium manager (where the crematorium manager is not the Council) that the whole or part of the crematorium is to be closed	New Delegation – delegated to: Manager Infrastructure and Development Services Works Operations Manager Works Support Officer
40	S.28(1)	Permit the carrying out of activity in a cemetery – The General Manager may give notice to the cemetery manager (where the cemetery manager is not the Council) that the whole or part of the cemetery is to be closed. The notice may require works or other action within a specified time	New Delegation – delegated to: Manager Infrastructure and Development Services Works Operations Manager Works Support Officer
41	S.37(1)	Closure of cemetery and notice to carry out works – The General Manager may permit the carrying out of activity consistent with quiet recreation in a closed cemetery	New Delegation – delegated to: Manager Infrastructure and Development Services Works Operations Manager Works Support Officer
42	S.40(2)	Consultation with Director of Public Health in relation to cremation on Aboriginal Land – The Director of Public Health must consult with the General Manager in relation to an application for a cremation on Aboriginal Land	New Delegation – delegated to: Manager Infrastructure and Development Services Works Operations Manager Works Support Officer Environmental Services Coordinator Environmental Health Officer
43	S.41(1)	Written permission to intern human remains other than in a cemetery – The General Manager's permission (and the landholder's) is required to intern human remains otherwise than in a cemetery	New Delegation – delegated to: Manager Infrastructure and Development Services Works Operations Manager Works Support Officer Environmental Services Coordinator Environmental Health Officer

No	Statutory Ref	Function or Power	Amendment made:
44	S.41(2)	General Manager must be provided with certain information – A person wishing to intern human remains otherwise than in a cemetery must provide the General Manager with certain information	New Delegation – delegated to: Manager Infrastructure and Development Services Works Operations Manager Works Support Officer Environmental Services Coordinator Environmental Health Officer
45	S.41(4)	General Manager must ensure a record is kept – The General Manager must ensure Council keep a record of the location of the proposed grave and ensure it is included on any S.337 LGA certificate issued by Council	New Delegation – delegated to: Manager Infrastructure and Development Services Works Operations Manager Works Support Officer Environmental Services Coordinator Environmental Health Officer
46	S.41(5)	Closure of cemetery and notice to carry out works – The General Manager may permit the carrying out of activity consistent with quiet recreation in a closed cemetery	New Delegation – delegated to: Manager Infrastructure and Development Services Works Operations Manager Works Support Officer

Heavy Vehicle National Law (Tasmania) Act 2013

No	Statutory Ref	Function or Power	Amendment made:
1	S.118(1)(b)	Granting consent for exemption on mass or dimension restriction	New Delegation – delegated to: General Manager Manager Infrastructure and Development Services Works Operations Manager Works Support Officer
2	S.124(1)(b)	Granting consent for exemption (permit) on mass or dimension restriction	New Delegation – delegated to: General Manager Manager Infrastructure and Development Services Works Operations Manager Works Support Officer
3	S.145(1)(b)	Granting consent for a class 2 heavy vehicle authorisation	New Delegation – delegated to: General Manager Manager Infrastructure and Development Services Works Operations Manager Works Support Officer
4	S.156(2)	Asking the Regulator for a longer period to decide whether to grant consent for a mass or dimension authority	New Delegation – delegated to: General Manager Manager Infrastructure and Development Services Works Operations Manager Works Support Officer
5	S.156(6)	Providing written statement explaining road manager's reasons not to give consent for a mass or dimension authority	New Delegation – delegated to: General Manager Manager Infrastructure and Development Services Works Operations Manager Works Support Officer
6	S.156A	Decide whether to grant consent, after considering the specific matters in S.156A and provide written reasons to the Regulator for the decision in relation to consent	New Delegation – delegated to: General Manager Manager Infrastructure and Development Services Works Operations Manager Works Support Officer

No	Statutory Ref	Function or Power	Amendment made:
7	S.158	Deal with a request for consent and decide to give or not give consent for a mass or dimension authority	New Delegation – delegated to: General Manager Manager Infrastructure and Development Services Works Operations Manager Works Support Officer
8	S.159(2)	Notifying the Regulator that route assessment is required by the road manager in deciding whether to give consent and the fee payable	New Delegation – delegated to: General Manager Manager Infrastructure and Development Services Works Operations Manager Works Support Officer
9	S.160(1)	Specifying road condition(s) to which the granting of consent is subject	New Delegation – delegated to: General Manager Manager Infrastructure and Development Services Works Operations Manager Works Support Officer
10	S.160(2)	Providing the Regulator with a written statement explaining the road manager's decision to grant consent subject to road conditions	New Delegation – delegated to: General Manager Manager Infrastructure and Development Services Works Operations Manager Works Support Officer
11	S.161(1)	Specifying travel condition(s) to which the granting of consent is subject	New Delegation – delegated to: General Manager Manager Infrastructure and Development Services Works Operations Manager Works Support Officer
12	S.161(2)	Providing the Regulator with a written statement explaining the road manager's decision to grant consent subject to road conditions	New Delegation – delegated to: General Manager Manager Infrastructure and Development Services Works Operations Manager Works Support Officer
13	S.162(2)	Requesting specified vehicle condition(s) be imposed on the mass or dimension authority	New Delegation – delegated to: General Manager Manager Infrastructure and Development Services Works Operations Manager Works Support Officer
14	S.167(2)(b)	Giving notice to the Regulator of objection to the application of this section [which provides for expedited process for renewal of mass or dimension authority]	New Delegation – delegated to: General Manager Manager Infrastructure and Development Services Works Operations Manager Works Support Officer
15	S.169	Giving consent to the grant of a mass or dimension authority for a trial period or no more than 3 months	New Delegation – delegated to: General Manager Manager Infrastructure and Development Services Works Operations Manager Works Support Officer
16	S.170	Provide the Regulator with a written objection to a renewal of a mass or dimension authority	New Delegation – delegated to: General Manager Manager Infrastructure and Development Services Works Operations Manager Works Support Officer
17	S.174(2)	Asking the Regulator to amend or cancel the mass or dimension authority granted by Commonwealth Gazette notice due to adverse effect of heavy vehicles	New Delegation – delegated to: General Manager Manager Infrastructure and Development Services Works Operations Manager Works Support Officer

No	Statutory Ref	Function or Power	Amendment made:
18	S.176	Provide consent to an amendment of a permit for a mass or dimension authority	New Delegation – delegated to: General Manager Manager Infrastructure and Development Services Works Operations Manager Works Support Officer
19	S.178(2)	Asking the Regulator amend or cancel the mass or dimension authority granted by Commonwealth Gazette notice due to adverse effect of heavy vehicles	New Delegation – delegated to: General Manager Manager Infrastructure and Development Services Works Operations Manager Works Support Officer
20	S.645	Decide a review of a reviewable decision under the Act	New Delegation – delegated to: General Manager Manager Infrastructure and Development Services Works Operations Manager Works Support Officer

Monetary Penalties Enforcement Act 2005

No	Statutory Ref	Function or Power	Amendment made:
1	S.17(2)	Options for dealing with infringement notice – approve or refuse an application for the withdrawal of an infringement notice or a variation of an infringement notice, and notify the applicant of the approval or refusal	New Delegation – delegated to: General Manager
2	S.18(1)	Referral to Director of Monetary Penalties Enforcement Service – The Council may refer an infringement notice served by it to the Director for enforcement	New Delegation – delegated to: General Manager Administration Officer – Customer Service Technical Officer Development Services
3	S.23	Withdrawal of infringement notice – The Council may withdraw an infringement notice served by it. The Council is required to advise the offender in writing and advise the Director MPES if the notice was referred to MPES	New Delegation – delegated to: General Manager
4	S.28(1)	Receive application for variation of payment conditions – A person served with an infringement notice may apply to the Council for a variation of payment conditions	New Delegation – delegated to: General Manager
5	S.39(1)	Council may issue proceedings if alleged offender elects hearing – If an alleged offender elects to have offences heard and determined by a court the Council may commence proceedings	New Delegation – delegated to: General Manager
6	S.40(3)	Council may consent to setting aside of conviction – The Council may consent to an application by a person convicted to the setting aside of that conviction	New Delegation – delegated to: General Manager

Miscellaneous Powers and Functions to the General Manager and an Officer / Employee

No	Function or Power	Amendment made:
1	To call for and accept quotations, tenders or auction the disposal of surplus or redundant plant, equipment or materials.	Added – Manager Corporate Services Amended Position Titles – Manager Infrastructure and Development Services
2	To approve the taking over by the Council of engineering works involved in the development of a subdivision subject to certification by the Engineering Technical Officer or Consultant Engineer that all the items, including maintenance, have been satisfactorily completed and “as constructed” drawings have been received.	Amended Position Titles – Manager Infrastructure and Development Services
4	To authorise and to institute proceedings for non-compliance with any order or notice lawfully made or given by or on behalf of the Council, and where such order or notice is not complied with, to authorise the carrying out of the necessary work where the Council has the power to do so.	Added – Environmental Services Coordinator Amended Position Titles – Manager Infrastructure and Development Services
8	To control and supervise all contracts and to approve expenditure authorised thereunder in the relevant budget, including contingency provisions.	Amended Position Titles – Manager Infrastructure and Development Services
9	To authorise the carrying out by Council of private works for other parties.	Amended Position Titles – Manager Infrastructure and Development Services
10	To authorise the joining in or the contribution by the Council, to the erection or repair of any fence between land of the Council and adjoining land in accordance with the Boundary Fences Act 1908 and in keeping with the Council budget estimates.	Amended Position Titles – Manager Infrastructure and Development Services
11	To determine the use of public roads for walk-a-thons, charitable collections or other like events.	Amended Position Titles – Manager Infrastructure and Development Services
12	To authorise the closure of roads or parts thereof temporarily for repairs or construction.	Amended Position Titles – Manager Infrastructure and Development Services
13	To authorise the total or partial release of bonds, guarantees and security deposits where the relevant Manager has certified that the work or thing which the bond, guarantee or security deposit relates has been satisfied in whole or in part and to call on any bonds, guarantees or security deposits where the work secured has not been carried out in accordance with Council requirements.	Amended Position Titles – Manager Infrastructure and Development Services
14	To authorise the use of Council’s plant and equipment in emergencies at the request of the State Emergency Services, Tasmania Police or the State Fire Authority.	Amended Position Titles – Manager Infrastructure and Development Services
15	To make payments and donations in keeping with Council policy.	Amended Position Titles – Manager Infrastructure and Development Services
17	To lend materials from Council stores stock in emergency circumstances as determined by the General Manager subject to the provision of a written acknowledgement of receipt of an undertaking to replace within a set time.	Amended Position Titles – Manager Infrastructure and Development Services
18	Power to approve demolition of buildings not classified by the National Trust or Heritage listed.	Amended Position Titles – Manager Infrastructure and Development Services Technical Officer Development Services
19	To approve conditionally or otherwise all temporary signs and hoardings.	Amended Position Titles – Manager Infrastructure and Development Services

No	Function or Power	Amendment made:
22	<p>To act in the role of Permit Authority to facilitate the powers and functions in administration, enforcement and responsibilities in accordance with the provisions of the Building Act 2016.</p> <p>**NOTE CONDITION:</p> <p>1. This authority does not grant the Officers the power to delegate this function to any other persons.</p>	<p>Amended Position Titles – Development Services Administration Officer – Building Technical Officer Development Services Project Officer Added – Environmental Services Coordinator</p>
23	<p>To act in the role of administering and facilitating the orderly administration of the Act in accordance with the provisions of the Litter Act 2007.</p>	<p>Amended Position Titles – Manager Infrastructure and Development Services Works Operations Manager Added – Environmental Services Coordinator Works Support Officer Removed – Facilities/Technical Officer</p>

DELEGATIONS



Version: 1 – Reviewed December 2018

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

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

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

S.64 Local Government Act 1993.

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

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

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

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

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

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

Delegations @ 20 February 2019

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

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

For and on behalf of the Break O'Day Council

The Break O'Day Council pursuant to a resolution of Council Number _____ dated _____ hereby approved these delegation.

Signed on the ____ day of _____ 2019

.....
COUNCILLOR MICK TUCKER
MAYOR

.....
JOHN BROWN
GENERAL MANAGER

Delegations @ 20 February 2019

1. Local Government Act 1993

No	Statutory Ref	Function or Power	Conditions or Restrictions	Delegation	Original Source of Power
1	S.20A	In order that a Council may perform its functions or exercise its powers under this or any other Act, the General Manager authorises a person to enter land for a specific purpose or in general	<ol style="list-style-type: none"> The General Manager must give notice to the owner or occupier of the land before entry is made unless: <ul style="list-style-type: none"> An emergency exists; or The entry is in relation to an application by the owner or occupier for a licence, permit or other approval given by the Council; or Notice would defeat the purpose of entry. A person entering land under this section is to produce the identity card issued to that person. 	<ul style="list-style-type: none"> Municipal Inspector Building Services Coordinator Environmental Services Coordinator Environmental Health Officer Planning Services Coordinator Planning Officer Technical Officer Development Services Manager Infrastructure & Development Services Works Operations Manager NRM Officer Development Services Administration Officer Works Support Officer Asset/GIS Officer Municipal Emergency Management Coordinator Deputy Municipal Emergency Management Coordinator 	<ul style="list-style-type: none"> General Manager
2	S.22(2)	Power to approve Rate Remissions for interest and penalties up to the value of \$150.00 per property per financial year	<ol style="list-style-type: none"> No authority for the General Manager to sub-delegate Request from the ratepayer must be received in writing A list of delegations approved by the General Manager will be provided in the Council Agenda each month under the General Manager's Report under "Actions Approved under Delegation" 	<ul style="list-style-type: none"> General Manager 	<ul style="list-style-type: none"> Council
3	S.65	Duty to ensure that advice, recommendations or information given is by a qualified person and certify the same to Council	Nil Conditions or Restrictions	<ul style="list-style-type: none"> General Manager 	<ul style="list-style-type: none"> Council

No	Statutory Ref	Function or Power	Conditions or Restrictions	Delegation	Original Source of Power
4	S.74	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	Nil Conditions or Restrictions	<ul style="list-style-type: none"> Manager Corporate Services Manager Community Services Manager Infrastructure & Development Services Building Services Coordinator Environmental Services Coordinator Planning Services Coordinator 	<ul style="list-style-type: none"> General Manager
5	S.75	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 (c)	In accordance with Council's investment policies as reviewed from time to time	<ul style="list-style-type: none"> Manager Corporate Services Finance Officer 	<ul style="list-style-type: none"> General Manager
6	S.76	Power to write off debts owed to the Council	<ol style="list-style-type: none"> No authority for the General Manager to Sub-delegate The General Manager may only write off debts that do not exceed the amount of \$150,000 	<ul style="list-style-type: none"> General Manager 	<ul style="list-style-type: none"> Council
7	S.77	Power to approve a pecuniary grant for the purpose of assisting junior sporting identities to attend national sporting events or for students applying for assistance with academic excellence	<ol style="list-style-type: none"> No authority for the General Manager to Sub-delegate The General Manager may only approve any such grant or benefit upon receiving setting out the nature, date and location of the sporting event for which the grant is sought or details of academic assistance sought That only one (1) grant of up to \$200 per applicant per calendar year can be approved by the General Manager That a copy of the grant application must be included in the Council Information Papers That the total expenditure for a financial year under this delegation must be reported under the "Grants and Benefits" section of the Annual Report 	<ul style="list-style-type: none"> General Manager 	<ul style="list-style-type: none"> Council

No	Statutory Ref	Function or Power	Conditions or Restrictions	Delegation	Original Source of Power
8	S92(2)(3)	(2) The General Manager is to issue a supplementary notice in accordance with section 122 in respect of any amount payable as a result of an adjustment under this section. (3) The General Manager may refund or give credit for any amount paid in respect of a rate in excess of the amount payable as a result of an adjustment under this section.	In accordance with Rates and Charges Policy	<ul style="list-style-type: none"> Manager Corporate Services 	<ul style="list-style-type: none"> General Manager
9	S.126	Power to grant a postponement of the payment of rates	Request for postponement of the payment of rates must be received in writing addressed to the General Manager	<ul style="list-style-type: none"> General Manager 	<ul style="list-style-type: none"> Council
10	S.132	Power to issue a certificate containing the details referred to in <u>subsection (1)</u>	Nil Conditions or Restrictions	<ul style="list-style-type: none"> Manager Corporate Services 	<ul style="list-style-type: none"> General Manager
11	S.182	Power to require an owner or occupier of land to fence	Nil Conditions or Restrictions	<ul style="list-style-type: none"> Environmental Services Coordinator Environmental Health Officer Building Services Coordinator Municipal Inspector Technical Officer Development Services 	<ul style="list-style-type: none"> General Manager
12	S.183	Power to exercise the discretion whether or not to require an owner or occupier of land to rehabilitate land	Nil Conditions or Restrictions	<ul style="list-style-type: none"> Environmental Services Coordinator Environmental Health Officer Building Services Coordinator 	<ul style="list-style-type: none"> General Manager
13	S.185	Power to take action on non-compliance with a notice to undertake work	Nil Conditions or Restrictions	<ul style="list-style-type: none"> General Manager Environmental Services Coordinator Environmental Health Officer Building Services Coordinator Municipal Inspector Technical Officer Development Services 	<ul style="list-style-type: none"> Council General Manager
14	S.189	Power to allow a person to conduct a market and to close a local highway or part of a local highway for the purpose of any such market	<ul style="list-style-type: none"> Under Section 189(2) the General Manager has a duty to publish a notice of intention in a public newspaper if it is intended that a local highway or any part of a local highway is to be closed 	<ul style="list-style-type: none"> General Manager Manager Infrastructure & Development Services 	<ul style="list-style-type: none"> Council General Manager

No	Statutory Ref	Function or Power	Conditions or Restrictions	Delegation	Original Source of Power
15	S.194 & 195	Power to impound any animal found straying or at large in accordance with the provisions of Section 194 of the <i>Local Government Act 1993</i> ; AND TO Issue a notice to the owner if the animal is unclaimed	Nil	<ul style="list-style-type: none"> Municipal Inspector Environmental Services Coordinator Environmental Health Officer Works Operations Manager Works Support Officer Municipal Workers Manager Infrastructure and Development Services 	<ul style="list-style-type: none"> General Manager
16	S.196	Power to require an owner to make payment of costs and charges incurred from the impounding of their animal by notice and to detain any such animal until payment is received	Nil	<ul style="list-style-type: none"> Municipal Inspector Works Operations Manager Manager Infrastructure and Development Services 	<ul style="list-style-type: none"> General Manager
17	S.197	Power to sell, give away, or destroy an impounded animal	Nil Conditions or Restrictions	<ul style="list-style-type: none"> General Manager Municipal Inspector Manager Infrastructure and Development Services 	<ul style="list-style-type: none"> Council General Manager
18	S.198	Power to arrange for an impounded animal to be destroyed	Nil	<ul style="list-style-type: none"> Municipal Inspector Works Operations Manager Manager Infrastructure and Development Services 	<ul style="list-style-type: none"> General Manager
19	S.200	Power to determine whether a nuisance exists and to serve notices or display a copy of such notice	<ul style="list-style-type: none"> Nil Conditions or Restrictions 	<ul style="list-style-type: none"> General Manager Environmental Services Coordinator Environmental Health Officer Municipal Inspector Technical Officer Development Services Manager Infrastructure and Development Services 	<ul style="list-style-type: none"> Council General Manager
20	S.201	Power to take necessary action to abate a nuisance and notify an owner or occupier of having taken such action including the power to authorise persons to enter land, close off and fence and do anything reasonably necessary	Nil	<ul style="list-style-type: none"> Environmental Services Coordinator Environmental Health Officer Municipal Inspector Technical Officer Development Services Manager Infrastructure and Development Services 	<ul style="list-style-type: none"> General Manager

No	Statutory Ref	Function or Power	Conditions or Restrictions	Delegation	Original Source of Power
21	S.207	Power to remit any charges up to \$750 ordinarily imposed as a hire fee under Section 205(1)(a) of the <i>Local Government Act 1993</i> for the use of any property or facility owned or managed by the Council in accordance with the provisions of Section 207 of the <i>Local Government Act 1993</i>	<ol style="list-style-type: none"> No authority for the General Manager to sub-delegate The General Manager may only remit charges up to \$750 for a particular applicant in a financial year, when the use of the facility is not covered by an existing lease of that facility by the applicant. Upon receiving an application in writing advising of the nature, date, reasons for the request and benefits it represents to the community and location of the event for which the waiver is sought A copy of such application and the decision to remit the charges by the General Manager must be included in the Council Information Papers 	<ul style="list-style-type: none"> General Manager 	<ul style="list-style-type: none"> Council
22	S.336	Power to use the Council arms in any manner they think fit	Nil	<ul style="list-style-type: none"> General Manager 	<ul style="list-style-type: none"> Council
23	S.337	Council land information certificate – The General Manager, on receipt of an application made in accordance with subsection (1), is to issue a certificate in the prescribed form with answers to prescribed questions that are attached to the certificate	Subclause (8) in accordance with Council's Schedule of Fees and Charges	<ul style="list-style-type: none"> Building Services Coordinator Planning Services Coordinator 	<ul style="list-style-type: none"> General Manager

2. Local Government (Building and Miscellaneous Provisions) Act 1993

No	Statutory Ref	Function or Power	Conditions or Restrictions	Delegation	Original Source of Power
1	S.83	Power for approval of plan of subdivision	No authority for the General Manager to sub-delegate	<ul style="list-style-type: none"> General Manager 	<ul style="list-style-type: none"> Council
2	S.84	Power not to approve a subdivision	No authority for the General Manager to sub-delegate	<ul style="list-style-type: none"> General Manager 	<ul style="list-style-type: none"> Council
3	S.85	Power for refusal of application for subdivision	No authority for the General Manager to sub-delegate	<ul style="list-style-type: none"> General Manager 	<ul style="list-style-type: none"> Council

Delegations @ 20 February 2019

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No	Statutory Ref	Function or Power	Conditions or Restrictions	Delegation	Original Source of Power
4	S.86	Power to require security for payments and execution of works before approving a plan or subdivision	No authority for the General Manager to sub-delegate	• General Manager	• Council
5	S.89	Power to approve and seal final plans	1. No authority for the General Manager to sub-delegate 2. The General Manager may only approve and seal a final plan where it is in accordance with a planning permit 3. The General Manager is not to approve a final plan unless he has received advice from the Manager Development Services that the application is compliant with all of the relevant legislation	• General Manager	• Council
6	S.91(3)	Power to object to the making of a correction to a final plan by the Recorder of Titles	1. No authority for the General Manager to sub-delegate 2. The General Manager may only object to the making of a correction to a final plan upon advice from the Manager Development Services that the application is compliant with all of the relevant legislation	• General Manager	• Council
7	S.92	Power for amendments to final plans	No authority for the General Manager to sub-delegate	• General Manager	• Council
8	S.93	Power for cancellation of final plans	No authority for the General Manager to sub-delegate	• General Manager	• Council
9	S.96	Power for dedication as highway	No authority for the General Manager to sub-delegate	• General Manager	• Council
10	S.103	Power to amend sealed plans	1. No authority for the General Manager to sub-delegate 2. The General Manager may only amend sealed plans upon advice from the Manager Development Services that the amendment complies with the relevant legislation	• General Manager	• Council
11	S.104(1)	Power for hearing in respect of amendment of plans	No authority for the General Manager to sub-delegate	• General Manager	• Council
12	S.105(2)	Power for compensation in respect of amendments	No authority for the General Manager to sub-delegate	• General Manager	• Council
13	S.107	Power to make an order requiring a subdivider to carry out access works	1. No authority for the General Manager to sub-delegate 2. The General Manager may only make an order upon advice from the Manager Development Services that the amendment complies with the relevant legislation	• General Manager	• Council

No	Statutory Ref	Function or Power	Conditions or Restrictions	Delegation	Original Source of Power
14	S.109(6)	Power for minimum lots	No authority for the General Manager to sub-delegate	• General Manager	• Council
15	S.110	Power to make adhesion orders	1. No authority for the General Manager to sub-delegate 2. The General Manager may only make adhesion order upon advice from the Manager Development Services that the amendment complies with the relevant legislation	• General Manager	• Council
16	S.112	Power for purposes for which plan	No authority for the General Manager to sub-delegate	• General Manager	• Council
17	S.113(4)	Power for bringing land under Land Titles Act 1980	No authority for the General Manager to sub-delegate	• General Manager	• Council
18	S.115	Power to exempt a subdivision from the provisions of Part 3	1. No authority for the General Manager to sub-delegate 2. The General Manager may only exempt a subdivision from the provisions upon advice from the Manager Development Services that the amendment complies with the relevant legislation	• General Manager	• Council
19	S.116	Power for limitation on requirement for public open space	No authority for the General Manager to sub-delegate	• General Manager	• Council
20	S.117	Power for payment instead of increasing public open space	No authority for the General Manager to sub-delegate	• General Manager	• Council
21	S.118	Power for Council schemes	No authority for the General Manager to sub-delegate	• General Manager	• Council
22	S.241(1)	Power for Preservation Orders	No authority for the General Manager to sub-delegate	• General Manager	• Council
23	S.243	Power for Preservation Orders is enforceable	No authority for the General Manager to sub-delegate	• General Manager	• Council
24	S.244	Power for registering preservation order	No authority for the General Manager to sub-delegate	• General Manager	• Council
25	S.246	Power to issue a licence to erect an advertising hoarding	1. No authority for the General Manager to sub-delegate 2. The General Manager may only issue a licence upon advice from the Manager Infrastructure & Development Services that the amendment complies with the relevant legislation	• General Manager	• Council

No	Statutory Ref	Function or Power	Conditions or Restrictions	Delegation	Original Source of Power
26	S.247	Power to require the removal of an advertising hoarding in accordance with the provisions of Section 247 of the <i>Local Government (Building & Miscellaneous Provisions) Act 1993</i>	No authority to sub-delegate in respect of this delegation	<ul style="list-style-type: none"> General Manager Manager Infrastructure and Development Services Environmental Services Coordinator Environmental Health Officer Building Services Coordinator Technical Officer Development Services 	<ul style="list-style-type: none"> Council
27	S.248	Power to demolish, remove or remedy any building erected or constructed over or under a Council drain or a drain connected to a Council drain in accordance with the provisions of Section 248 of the <i>Local Government (Building & Miscellaneous Provisions) Act 1993</i>	No authority to sub-delegate in respect of this delegation	<ul style="list-style-type: none"> General Manager Manager Infrastructure and Development Services 	<ul style="list-style-type: none"> Council

3. Public Health Act 1997

No	Statutory Ref	Function or Power	Conditions or Restrictions	Delegation	Original Source of Power
1	S.11(1)(2)	Appointment of officers	<ul style="list-style-type: none"> Nil Conditions or Restrictions 	<ul style="list-style-type: none"> General Manager 	<ul style="list-style-type: none"> Council
2	S.77(1)(3)	Grant or refusal of licence for Place of Assembly	<ul style="list-style-type: none"> Nil Conditions or Restrictions 	<ul style="list-style-type: none"> General Manager Environmental Services Coordinator Environmental Health Officer 	<ul style="list-style-type: none"> Council General Manager
3	S.78	Issue of licence for Place of	<ul style="list-style-type: none"> Nil Conditions or Restrictions 	<ul style="list-style-type: none"> General Manager Environmental Services Coordinator Environmental Health Officer 	<ul style="list-style-type: none"> Council General Manager
4	S.81	Renewal of licence of Place of Assembly	<ul style="list-style-type: none"> Nil Conditions or Restrictions 	<ul style="list-style-type: none"> General Manager Environmental Services Coordinator Environmental Health Officer 	<ul style="list-style-type: none"> Council General Manager
5	S.82	Variation of licence of Place of Assembly	<ul style="list-style-type: none"> Nil Conditions or Restrictions 	<ul style="list-style-type: none"> General Manager Environmental Services Coordinator Environmental Health Officer 	<ul style="list-style-type: none"> Council General Manager

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No	Statutory Ref	Function or Power	Conditions or Restrictions	Delegation	Original Source of Power
6	S.83	Cancellation of licence of Place of Assembly	<ul style="list-style-type: none"> Nil Conditions or Restrictions 	<ul style="list-style-type: none"> General Manager Environmental Services Coordinator Environmental Health Officer 	<ul style="list-style-type: none"> Council General Manager
7	S.87	Closure order of Unhealthy premises	<ul style="list-style-type: none"> Nil Conditions or Restrictions 	<ul style="list-style-type: none"> General Manager Environmental Services Coordinator Environmental Health Officer 	<ul style="list-style-type: none"> Council General Manager
8	S.88	Service of closure order of Unhealthy premises	<ul style="list-style-type: none"> Nil Conditions or Restrictions 	<ul style="list-style-type: none"> General Manager Environmental Services Coordinator Environmental Health Officer 	<ul style="list-style-type: none"> Council General Manager
9	S.89	Revocation of closure order of Unhealthy premises	<ul style="list-style-type: none"> Nil Conditions or Restrictions 	<ul style="list-style-type: none"> General Manager Environmental Services Coordinator Environmental Health Officer 	<ul style="list-style-type: none"> Council General Manager
10	S.92	Rectification notice of Unhealthy premises	<ul style="list-style-type: none"> Nil Conditions or Restrictions 	<ul style="list-style-type: none"> General Manager Environmental Services Coordinator Environmental Health Officer Building Services Coordinator 	<ul style="list-style-type: none"> Council General Manager
11	S.97	Grant or refusal of registration of	<ul style="list-style-type: none"> Nil Conditions or Restrictions 	<ul style="list-style-type: none"> General Manager Environmental Services Coordinator Environmental Health Officer 	<ul style="list-style-type: none"> Council General Manager
12	S.98	Issue of certificate of registration of premises	<ul style="list-style-type: none"> Nil Conditions or Restrictions 	<ul style="list-style-type: none"> General Manager Environmental Services Coordinator Environmental Health Officer 	<ul style="list-style-type: none"> Council General Manager
13	S.101	Renewal of registration of premises	<ul style="list-style-type: none"> Nil Conditions or Restrictions 	<ul style="list-style-type: none"> General Manager Environmental Services Coordinator Environmental Health Officer 	<ul style="list-style-type: none"> Council General Manager
14	S.102	Variation of registration of premises	<ul style="list-style-type: none"> Nil Conditions or Restrictions 	<ul style="list-style-type: none"> General Manager Environmental Services Coordinator Environmental Health Officer 	<ul style="list-style-type: none"> Council General Manager
15	S.103	Cancellation of registration of premises	<ul style="list-style-type: none"> Nil Conditions or Restrictions 	<ul style="list-style-type: none"> General Manager Environmental Services Coordinator Environmental Health Officer 	<ul style="list-style-type: none"> Council General Manager
16	S.106	Grant or refusal of licence of Public health risk activities	<ul style="list-style-type: none"> Nil Conditions or Restrictions 	<ul style="list-style-type: none"> General Manager Environmental Services Coordinator Environmental Health Officer 	<ul style="list-style-type: none"> Council General Manager

No	Statutory Ref	Function or Power	Conditions or Restrictions	Delegation	Original Source of Power
17	S.107	Issue of licence of Public health risk activities	<ul style="list-style-type: none"> Nil Conditions or Restrictions 	<ul style="list-style-type: none"> General Manager Environmental Services Coordinator Environmental Health Officer 	<ul style="list-style-type: none"> Council General Manager
18	S.110	Renewal of licence of Public health risk activities	<ul style="list-style-type: none"> Nil Conditions or Restrictions 	<ul style="list-style-type: none"> General Manager Environmental Services Coordinator Environmental Health Officer 	<ul style="list-style-type: none"> Council General Manager
19	S.111	Variation of licence of Public health risk activities	<ul style="list-style-type: none"> Nil Conditions or Restrictions 	<ul style="list-style-type: none"> General Manager Environmental Services Coordinator Environmental Health Officer 	<ul style="list-style-type: none"> Council General Manager
20	S.112	Cancellation of licence of Public health risk activities	<ul style="list-style-type: none"> Nil Conditions or Restrictions 	<ul style="list-style-type: none"> General Manager Environmental Services Coordinator Environmental Health Officer 	<ul style="list-style-type: none"> Council General Manager
21	S.115	Grant or refusal of registration of regulated system for systems for air and water	<ul style="list-style-type: none"> Nil Conditions or Restrictions 	<ul style="list-style-type: none"> General Manager Environmental Services Coordinator Environmental Health Officer 	<ul style="list-style-type: none"> Council General Manager
22	S.116	Issue of certificate of registration for systems for air and water	<ul style="list-style-type: none"> Nil Conditions or Restrictions 	<ul style="list-style-type: none"> General Manager Environmental Services Coordinator Environmental Health Officer 	<ul style="list-style-type: none"> Council General Manager
23	S.119	Notice to comply with direction for systems for air and water	<ul style="list-style-type: none"> Nil Conditions or Restrictions 	<ul style="list-style-type: none"> General Manager Environmental Services Coordinator Environmental Health Officer 	<ul style="list-style-type: none"> Council General Manager
24	S.121	Renewal of registration for systems for air and water	<ul style="list-style-type: none"> Nil Conditions or Restrictions 	<ul style="list-style-type: none"> General Manager Environmental Services Coordinator Environmental Health Officer 	<ul style="list-style-type: none"> Council General Manager
25	S.122	Variation of registration for systems for air and water	<ul style="list-style-type: none"> Nil Conditions or Restrictions 	<ul style="list-style-type: none"> General Manager Environmental Services Coordinator Environmental Health Officer 	<ul style="list-style-type: none"> Council General Manager
26	S.123	Cancellation of registration for systems for air and water	<ul style="list-style-type: none"> Nil Conditions or Restrictions 	<ul style="list-style-type: none"> General Manager Environmental Services Coordinator Environmental Health Officer 	<ul style="list-style-type: none"> Council General Manager
27	S.128	Notification of quality of water	<ul style="list-style-type: none"> Nil Conditions or Restrictions 	<ul style="list-style-type: none"> General Manager Environmental Services Coordinator Environmental Health Officer 	<ul style="list-style-type: none"> Council General Manager

No	Statutory Ref	Function or Power	Conditions or Restrictions	Delegation	Original Source of Power
28	S.129	Orders relating to water quality	<ul style="list-style-type: none"> Nil Conditions or Restrictions 	<ul style="list-style-type: none"> General Manager Environmental Services Coordinator Environmental Health Officer 	<ul style="list-style-type: none"> Council General Manager
29	S.135	Grant or refusal of registration of user or supplier of private water	<ul style="list-style-type: none"> Nil Conditions or Restrictions 	<ul style="list-style-type: none"> General Manager Environmental Services Coordinator Environmental Health Officer 	<ul style="list-style-type: none"> Council General Manager
30	S.136	Issue of certificate of registration of user or supplier of private water	<ul style="list-style-type: none"> Nil Conditions or Restrictions 	<ul style="list-style-type: none"> General Manager Environmental Services Coordinator Environmental Health Officer 	<ul style="list-style-type: none"> Council General Manager
31	S.136B	Variation of registration of user or supplier of private water	<ul style="list-style-type: none"> Nil Conditions or Restrictions 	<ul style="list-style-type: none"> General Manager Environmental Services Coordinator Environmental Health Officer 	<ul style="list-style-type: none"> Council General Manager
32	S.136C	Cancellation of registration of user of supplier of private water	<ul style="list-style-type: none"> Nil Conditions or Restrictions 	<ul style="list-style-type: none"> General Manager Environmental Services Coordinator Environmental Health Officer 	<ul style="list-style-type: none"> Council General Manager
33	S.152(1)	Costs incurred in exercising power	<ul style="list-style-type: none"> Nil Conditions or Restrictions 	<ul style="list-style-type: none"> General Manager 	<ul style="list-style-type: none"> Council
34	S.158(1)	Proceedings	<ul style="list-style-type: none"> Nil Conditions or Restrictions 	<ul style="list-style-type: none"> General Manager 	<ul style="list-style-type: none"> Council
35	S.169(1)	Infringement notices	<ul style="list-style-type: none"> Nil Conditions or Restrictions 	<ul style="list-style-type: none"> General Manager Environmental Services Coordinator Environmental Health Officer 	<ul style="list-style-type: none"> Council General Manager
36	S.190(1)(3)(4)	Sale or disposal of forfeited things	<ul style="list-style-type: none"> Nil Conditions or Restrictions 	<ul style="list-style-type: none"> General Manager Manager Corporate Services Environmental Services Coordinator Environmental Health Officer 	<ul style="list-style-type: none"> Council General Manager
37	S.191(3)	Return of and access to seized things	<ul style="list-style-type: none"> Nil Conditions or Restrictions 	<ul style="list-style-type: none"> General Manager Manager Corporate Services Environmental Services Coordinator Environmental Health Officer 	<ul style="list-style-type: none"> Council General Manager
38	S.192(1)	Sale or disposal of seized things	<ul style="list-style-type: none"> Nil Conditions or Restrictions 	<ul style="list-style-type: none"> General Manager Manager Corporate Services Environmental Services Coordinator Environmental Health Officer 	<ul style="list-style-type: none"> Council General Manager

4. Food Act 2003

No	Statutory Ref	Function or Power	Conditions or Restrictions	Delegation	Original Source of Power
1	S.33 & 34	Power to make an order in place of Council as a 'relevant authority' in circumstances where an order is required to reduce risk or damage to public health	<ul style="list-style-type: none"> Nil Conditions or Restrictions 	<ul style="list-style-type: none"> General Manager Environmental Services Coordinator Environmental Health Officer 	<ul style="list-style-type: none"> Council General Manager
2	S.37	Power to make a determination in relation to an application for compensation where there were insufficient grounds for making an order	<ul style="list-style-type: none"> Nil Conditions or Restrictions 	<ul style="list-style-type: none"> General Manager Environmental Services Coordinator Environmental Health Officer 	<ul style="list-style-type: none"> Council General Manager
3	S.50	Forfeiture of item	<ul style="list-style-type: none"> Nil Conditions or Restrictions 	<ul style="list-style-type: none"> General Manager Environmental Services Coordinator Environmental Health Officer 	<ul style="list-style-type: none"> Council General Manager
4	S.53	Power to make a determination in relation to an application for compensation where an item has been seized under Part 4	<ul style="list-style-type: none"> Nil Conditions or Restrictions 	<ul style="list-style-type: none"> General Manager Environmental Services Coordinator Environmental Health Officer 	<ul style="list-style-type: none"> Council General Manager
5	S.55	Power to appear as a respondent on behalf of the Council in court where an applicant seeks an order to disallow seizure under Section 54	<ul style="list-style-type: none"> Nil Conditions or Restrictions 	<ul style="list-style-type: none"> General Manager Environmental Services Coordinator Environmental Health Officer 	<ul style="list-style-type: none"> Council General Manager
6	S.65	Power to make an order for an authorised office to inspect a vehicle or equipment	<ul style="list-style-type: none"> Nil Conditions or Restrictions 	<ul style="list-style-type: none"> General Manager Environmental Services Coordinator Environmental Health Officer 	<ul style="list-style-type: none"> Council General Manager
7	S.68	Duty to pay compensation and provide notices where a person suffers loss as a result of a prohibition order made on unreasonable grounds	<ul style="list-style-type: none"> Nil Conditions or Restrictions 	<ul style="list-style-type: none"> General Manager 	<ul style="list-style-type: none"> Council
8	S.87	Power to register food businesses	<ul style="list-style-type: none"> Nil Conditions or Restrictions 	<ul style="list-style-type: none"> General Manager Environmental Services Coordinator Environmental Health Officer 	<ul style="list-style-type: none"> Council General Manager
9	S.89	Power to grant or refuse applications for renewal of registration for food businesses	<ul style="list-style-type: none"> Nil Conditions or Restrictions 	<ul style="list-style-type: none"> General Manager Environmental Services Coordinator Environmental Health Officer 	<ul style="list-style-type: none"> Council General Manager
10	S.91	Power to vary the conditions of, or suspend or cancel the registration of a food business	<ul style="list-style-type: none"> Nil Conditions or Restrictions 	<ul style="list-style-type: none"> General Manager Environmental Services Coordinator Environmental Health Officer 	<ul style="list-style-type: none"> Council General Manager

No	Statutory Ref	Function or Power	Conditions or Restrictions	Delegation	Original Source of Power
11	S.94	Duty to prepare and maintain a list of food businesses	<ul style="list-style-type: none"> Nil Conditions or Restrictions 	<ul style="list-style-type: none"> General Manager Environmental Services Coordinator Environmental Health Officer 	<ul style="list-style-type: none"> Council General Manager
12	S.98(4)	Power of Council to request the Director of Public Health to exercise any of its powers or perform any of its functions at the Council's expense	<ul style="list-style-type: none"> Nil Conditions or Restrictions 	<ul style="list-style-type: none"> General Manager Environmental Services Coordinator Environmental Health Officer 	<ul style="list-style-type: none"> Council General Manager
13	S.101	Power to appoint Authorised Officers under the Food Act	<ul style="list-style-type: none"> Nil Conditions or Restrictions 	<ul style="list-style-type: none"> General Manager 	<ul style="list-style-type: none"> Council
14	S.102	Power to provide an Authorised Officer with a Certificate of Authority	<ul style="list-style-type: none"> Nil Conditions or Restrictions 	<ul style="list-style-type: none"> General Manager 	<ul style="list-style-type: none"> Council
15	S.104(1)	Institution of proceedings	<ul style="list-style-type: none"> Nil Conditions or Restrictions 	<ul style="list-style-type: none"> General Manager 	<ul style="list-style-type: none"> Council
16	S.118	Power to serve infringement notices	<ul style="list-style-type: none"> An infringement notice is not to relate to 4 or more offences. An infringement notice is to be in accordance with Section 14 of the <i>Monetary Penalties Enforcement Act 2005</i> 	<ul style="list-style-type: none"> General Manager Environmental Services Coordinator Environmental Health Officer 	<ul style="list-style-type: none"> Council General Manager

5. Local Government (Highways) Act 1982

No	Statutory Ref	Function or Power	Conditions or Restrictions	Delegation	Original Source of Power
1	S.6	Power to make, widening and c., of highways by corporations	<ul style="list-style-type: none"> Nil Conditions or Restrictions 	<ul style="list-style-type: none"> General Manager Manager Infrastructure and Development Services Works Operations Manager 	<ul style="list-style-type: none"> Council General Manager
2	S.7	Limitation on opening of highways in cities and towns by private persons	<ul style="list-style-type: none"> Nil Conditions or Restrictions 	<ul style="list-style-type: none"> General Manager Manager Infrastructure and Development Services 	<ul style="list-style-type: none"> Council General Manager
3	S.8	Maintenance of highways opened outside cities or towns by private persons	<ul style="list-style-type: none"> Nil Conditions or Restrictions 	<ul style="list-style-type: none"> General Manager Manager Infrastructure and Development Services 	<ul style="list-style-type: none"> Council General Manager

No	Statutory Ref	Function or Power	Conditions or Restrictions	Delegation	Original Source of Power
4	S.10(2)	Power to approve a person to prepare plans and specifications for highways	<ul style="list-style-type: none"> Nil Conditions or Restrictions 	<ul style="list-style-type: none"> General Manager Manager Infrastructure and Development Services Works Operations Manager 	<ul style="list-style-type: none"> Council General Manager
5	S.10(6)	Power to relieve an owner from having to carry out construction works	<ul style="list-style-type: none"> Nil Conditions or Restrictions 	<ul style="list-style-type: none"> General Manager Manager Infrastructure and Development Services 	<ul style="list-style-type: none"> Council General Manager
6	S.11	Enforcement of obligations of landowners opening highways	<ul style="list-style-type: none"> Nil Conditions or Restrictions 	<ul style="list-style-type: none"> General Manager Manager Infrastructure and Development Services 	<ul style="list-style-type: none"> Council General Manager
7	S.14	Closure and diversion of highways	<ul style="list-style-type: none"> Nil Conditions or Restrictions 	<ul style="list-style-type: none"> General Manager Manager Infrastructure and Development Services Works Operations Manager 	<ul style="list-style-type: none"> Council General Manager
8	S.15	Dealing with sites of closed highways	<ul style="list-style-type: none"> Nil Conditions or Restrictions 	<ul style="list-style-type: none"> General Manager Manager Infrastructure and Development Services Works Operations Manager 	<ul style="list-style-type: none"> Council General Manager
9	S.17	Definition of boundaries of highway	<ul style="list-style-type: none"> Nil Conditions or Restrictions 	<ul style="list-style-type: none"> General Manager Manager Infrastructure and Development Services Works Operations Manager 	<ul style="list-style-type: none"> Council General Manager
10	S.19	Power to close a local highway, forbid the use of a local highway or grant licences for the use of a closed local highway	<ul style="list-style-type: none"> In consultation with Commissioner of Police Delegation excludes Section 19(1)(c) 	<ul style="list-style-type: none"> General Manager Manager Infrastructure and Development Services Works Operations Manager 	<ul style="list-style-type: none"> Council General Manager
11	S.20	Power to close part of a local highway for the purpose of the sale of goods or entertainment on a Saturday, Sunday or statutory holiday	<ul style="list-style-type: none"> In consultation with Commissioner of Police and Transport Commission 	<ul style="list-style-type: none"> General Manager Manager Infrastructure and Development Services 	<ul style="list-style-type: none"> Council
12	S.21	General responsibility of corporations	<ul style="list-style-type: none"> Nil Conditions or Restrictions 	<ul style="list-style-type: none"> General Manager Manager Infrastructure and Development Services Works Operations Manager 	<ul style="list-style-type: none"> Council General Manager

No	Statutory Ref	Function or Power	Conditions or Restrictions	Delegation	Original Source of Power
13	S.24	Highways on boundaries of municipalities	<ul style="list-style-type: none"> Nil Conditions or Restrictions 	<ul style="list-style-type: none"> General Manager Manager Infrastructure and Development Services Works Operations Manager 	<ul style="list-style-type: none"> Council General Manager
14	S.25	General supplementary provisions as to carrying out of highway works	<ul style="list-style-type: none"> Nil Conditions or Restrictions 	<ul style="list-style-type: none"> General Manager Manager Infrastructure and Development Services Works Operations Manager 	<ul style="list-style-type: none"> Council General Manager
15	S.26(4)	Obtaining of materials for highway works	<ul style="list-style-type: none"> Nil Conditions or Restrictions 	<ul style="list-style-type: none"> General Manager Manager Infrastructure and Development Services Works Operations Manager 	<ul style="list-style-type: none"> Council General Manager
16	S.27	Use of adjoining lands in carrying out highway works	<ul style="list-style-type: none"> Nil Conditions or Restrictions 	<ul style="list-style-type: none"> General Manager Manager Infrastructure and Development Services Works Operations Manager 	<ul style="list-style-type: none"> Council General Manager
17	S.28	Shifting of apparatus, &c., in roads	<ul style="list-style-type: none"> Nil Conditions or Restrictions 	<ul style="list-style-type: none"> General Manager Manager Infrastructure and Development Services Works Operations Manager 	<ul style="list-style-type: none"> Council General Manager
18	S.30	Improvements, &c., of highways	<ul style="list-style-type: none"> Nil Conditions or Restrictions 	<ul style="list-style-type: none"> General Manager Manager Infrastructure and Development Services Works Operations Manager 	<ul style="list-style-type: none"> Council General Manager
19	S.31	Obstructions for prohibition or restriction of vehicular traffic	<ul style="list-style-type: none"> Nil Conditions or Restrictions 	<ul style="list-style-type: none"> General Manager Manager Infrastructure and Development Services Works Operations Manager 	<ul style="list-style-type: none"> Council General Manager
20	S.32	Power to light and arrange for lighting of local highway	<ul style="list-style-type: none"> Nil Conditions or Restrictions 	<ul style="list-style-type: none"> General Manager Manager Infrastructure and Development Services Works Operations Manager 	<ul style="list-style-type: none"> Council General Manager
21	S.33	Lighting or private ways and courts	<ul style="list-style-type: none"> Nil Conditions or Restrictions 	<ul style="list-style-type: none"> General Manager Manager Infrastructure and Development Services Works Operations Manager 	<ul style="list-style-type: none"> Council General Manager

No	Statutory Ref	Function or Power	Conditions or Restrictions	Delegation	Original Source of Power
22	S.34	Power to make, cleanse and keep open Council drains and watercourses in and through land adjoining or near a local highway	<ul style="list-style-type: none"> Nil Conditions or Restrictions 	<ul style="list-style-type: none"> General Manager Manager Infrastructure and Development Services Works Operations Manager 	<ul style="list-style-type: none"> Council General Manager
23	S.35	Power to require an owner to carry out works to a vehicular crossing over a table-drain, gutter or footpath	<ul style="list-style-type: none"> Nil Conditions or Restrictions 	<ul style="list-style-type: none"> General Manager Manager Infrastructure and Development Services Works Operations Manager 	<ul style="list-style-type: none"> Council General Manager
24	S.36	Power to require an owner to fence	<ul style="list-style-type: none"> Nil Conditions or Restrictions 	<ul style="list-style-type: none"> General Manager Manager Infrastructure and Development Services Works Operations Manager 	<ul style="list-style-type: none"> Council General Manager
25	S.37	Alterations, &c., of entrances to highways	<ul style="list-style-type: none"> Nil Conditions or Restrictions 	<ul style="list-style-type: none"> General Manager Manager Infrastructure and Development Services Works Operations Manager 	<ul style="list-style-type: none"> Council General Manager
26	S.38	Power to remove trees as required for the facilitation and good management of local highways	<ul style="list-style-type: none"> Nil Conditions or Restrictions 	<ul style="list-style-type: none"> General Manager Manager Infrastructure and Development Services Works Operations Manager 	<ul style="list-style-type: none"> Council General Manager
27	S.39	Power to require an occupier of land to cut, trim or reduce the height of vegetation to reduce or remove danger from the obstruction of their view	<ul style="list-style-type: none"> Nil Conditions or Restrictions 	<ul style="list-style-type: none"> General Manager Manager Infrastructure and Development Services Works Operations Manager 	<ul style="list-style-type: none"> Council General Manager
28	S.40	Animal barriers on highways	<ul style="list-style-type: none"> Nil Conditions or Restrictions 	<ul style="list-style-type: none"> General Manager Manager Infrastructure and Development Services Works Operations Manager 	<ul style="list-style-type: none"> Council General Manager
29	S.41	Power to give consent or prepare a report prohibiting the use of a local highway by traffic likely to seriously injure a local highway	<ul style="list-style-type: none"> Nil Conditions or Restrictions 	<ul style="list-style-type: none"> General Manager Manager Infrastructure and Development Services Works Operations Manager 	<ul style="list-style-type: none"> Council General Manager

No	Statutory Ref	Function or Power	Conditions or Restrictions	Delegation	Original Source of Power
30	S.42	Power to close a dangerous highway	<ul style="list-style-type: none"> Nil Conditions or Restrictions 	<ul style="list-style-type: none"> General Manager Manager Infrastructure and Development Services Works Operations Manager 	<ul style="list-style-type: none"> Council General Manager
31	S.44	Power to put up notice restricting the use of bridges by vehicles over a certain weight	<ul style="list-style-type: none"> Nil Conditions or Restrictions 	<ul style="list-style-type: none"> General Manager Manager Infrastructure and Development Services Works Operations Manager 	<ul style="list-style-type: none"> Council General Manager
32	S.45	Power to remove an abandoned article from a highway	<ul style="list-style-type: none"> Nil Conditions or Restrictions 	<ul style="list-style-type: none"> General Manager Manager Infrastructure and Development Services Works Operations Manager 	<ul style="list-style-type: none"> Council General Manager
33	S.46	Permission to carry out various works in relation to highways	<ul style="list-style-type: none"> Nil Conditions or Restrictions 	<ul style="list-style-type: none"> General Manager Manager Infrastructure and Development Services Works Operations Manager 	<ul style="list-style-type: none"> Council General Manager
34	S.50	Management of local highways not maintainable by the corporation	<ul style="list-style-type: none"> Nil Conditions or Restrictions 	<ul style="list-style-type: none"> General Manager Manager Infrastructure and Development Services Works Operations Manager 	<ul style="list-style-type: none"> Council General Manager
35	S.51	Making good of back roads, lanes, &c., at frontagers' expense	<ul style="list-style-type: none"> Nil Conditions or Restrictions 	<ul style="list-style-type: none"> General Manager Manager Infrastructure and Development Services Works Operations Manager 	<ul style="list-style-type: none"> Council General Manager
36	S.52	Power to remove or alter an obstruction to the safe and convenient passage along a local highway	<ul style="list-style-type: none"> Nil Conditions or Restrictions 	<ul style="list-style-type: none"> General Manager Manager Infrastructure and Development Services Works Operations Manager 	<ul style="list-style-type: none"> Council General Manager
37	S.53	Low-lying land near highways	<ul style="list-style-type: none"> Nil Conditions or Restrictions 	<ul style="list-style-type: none"> General Manager Manager Infrastructure and Development Services Works Operations Manager 	<ul style="list-style-type: none"> Council General Manager

No	Statutory Ref	Function or Power	Conditions or Restrictions	Delegation	Original Source of Power
38	S.54	Power to put up names of highways	<ul style="list-style-type: none"> Nil Conditions or Restrictions 	<ul style="list-style-type: none"> General Manager Manager Infrastructure and Development Services Works Operations Manager 	<ul style="list-style-type: none"> Council General Manager
39	S.55	Numbering of buildings, &c.	<ul style="list-style-type: none"> Nil Conditions or Restrictions 	<ul style="list-style-type: none"> General Manager Manager Infrastructure and Development Services Works Operations Manager Works Support Officer 	<ul style="list-style-type: none"> Council General Manager
40	S.59	Development of land in connection with highway improvements	<ul style="list-style-type: none"> Nil Conditions or Restrictions 	<ul style="list-style-type: none"> General Manager Manager Infrastructure and Development Services 	<ul style="list-style-type: none"> Council General Manager
41	S.60(3)	Restrictive covenants for benefit of highway	<ul style="list-style-type: none"> Nil Conditions or Restrictions 	<ul style="list-style-type: none"> General Manager Manager Infrastructure and Development Services 	<ul style="list-style-type: none"> Council General Manager
42	S.62	Special provisions as to acquisition for widening or other alteration	<ul style="list-style-type: none"> Nil Conditions or Restrictions 	<ul style="list-style-type: none"> General Manager Manager Infrastructure and Development Services 	<ul style="list-style-type: none"> Council General Manager
43	S.63	Letting of highways not presently used	<ul style="list-style-type: none"> Nil Conditions or Restrictions 	<ul style="list-style-type: none"> General Manager Manager Infrastructure and Development Services 	<ul style="list-style-type: none"> Council General Manager
44	S.66	Proof that Street is subject to Part V	<ul style="list-style-type: none"> Nil Conditions or Restrictions 	<ul style="list-style-type: none"> General Manager Manager Infrastructure and Development Services Works Operations Manager 	<ul style="list-style-type: none"> Council General Manager
45	S.67(2)	Street works in streets not previously made up	<ul style="list-style-type: none"> Nil Conditions or Restrictions 	<ul style="list-style-type: none"> General Manager Manager Infrastructure and Development Services Works Operations Manager 	<ul style="list-style-type: none"> Council General Manager
46	S.68	Scheme of street construction	<ul style="list-style-type: none"> Nil Conditions or Restrictions 	<ul style="list-style-type: none"> General Manager Manager Infrastructure and Development Services Works Operations Manager 	<ul style="list-style-type: none"> Council General Manager

No	Statutory Ref	Function or Power	Conditions or Restrictions	Delegation	Original Source of Power
47	S.71	Notice of preparation of scheme	<ul style="list-style-type: none"> Nil Conditions or Restrictions 	<ul style="list-style-type: none"> General Manager Manager Infrastructure and Development Services Works Operations Manager 	<ul style="list-style-type: none"> Council General Manager
48	S.72	Objection by owners	<ul style="list-style-type: none"> Nil Conditions or Restrictions 	<ul style="list-style-type: none"> General Manager Manager Infrastructure and Development Services Works Operations Manager 	<ul style="list-style-type: none"> Council General Manager
49	S.74	Execution of scheme	<ul style="list-style-type: none"> Nil Conditions or Restrictions 	<ul style="list-style-type: none"> General Manager Manager Infrastructure and Development Services Works Operations Manager 	<ul style="list-style-type: none"> Council General Manager
50	S.76	Payment by frontagers	<ul style="list-style-type: none"> Nil Conditions or Restrictions 	<ul style="list-style-type: none"> General Manager Manager Infrastructure and Development Services Works Operations Manager 	<ul style="list-style-type: none"> Council General Manager
51	S.77	State contribution	<ul style="list-style-type: none"> Nil Conditions or Restrictions 	<ul style="list-style-type: none"> General Manager Manager Infrastructure and Development Services Works Operations Manager 	<ul style="list-style-type: none"> Council General Manager
52	S.79	Urgent works	<ul style="list-style-type: none"> Nil Conditions or Restrictions 	<ul style="list-style-type: none"> General Manager Manager Infrastructure and Development Services Works Operations Manager 	<ul style="list-style-type: none"> Council General Manager
53	S.81	Record of charges	<ul style="list-style-type: none"> Nil Conditions or Restrictions 	<ul style="list-style-type: none"> General Manager Manager Infrastructure and Development Services Works Operations Manager 	<ul style="list-style-type: none"> Council General Manager
54	S.95	Establishment of controlled parking	<ul style="list-style-type: none"> Nil Conditions or Restrictions 	<ul style="list-style-type: none"> General Manager Manager Infrastructure and Development Services Works Operations Manager 	<ul style="list-style-type: none"> Council General Manager

No	Statutory Ref	Function or Power	Conditions or Restrictions	Delegation	Original Source of Power
55	S.96	Hours of operation of controlled parking	<ul style="list-style-type: none"> Nil Conditions or Restrictions 	<ul style="list-style-type: none"> General Manager Manager Infrastructure and Development Services Works Operations Manager 	<ul style="list-style-type: none"> Council General Manager
56	S.99	Closure of parking spaces in certain cases	<ul style="list-style-type: none"> S.99(7) allows the General Manager to issue authorisations; Council delegation also covers this 	<ul style="list-style-type: none"> General Manager Manager Infrastructure and Development Services Works Operations Manager 	<ul style="list-style-type: none"> Council General Manager
57	S.100(1A)	Infringement notices	<ul style="list-style-type: none"> Nil Conditions or Restrictions 	<ul style="list-style-type: none"> General Manager Manager Infrastructure and Development Services Works Operations Manager Works Support Officer Municipal Inspector 	<ul style="list-style-type: none"> Council General Manager
58	S.102	Removal of vehicles in certain cases from parking spaces	<ul style="list-style-type: none"> Nil Conditions or Restrictions 	<ul style="list-style-type: none"> General Manager Manager Infrastructure and Development Services Works Operations Manager 	<ul style="list-style-type: none"> Council General Manager
59	S.104	Permits for use of parking spaces without operation of meters or use of parking vouchers	<ul style="list-style-type: none"> Nil Conditions or Restrictions 	<ul style="list-style-type: none"> General Manager Manager Infrastructure and Development Services Works Operations Manager 	<ul style="list-style-type: none"> Council General Manager
60	S.109	Lighting of certain State highways: Contributions by corporations to lighting of certain State highways	<ul style="list-style-type: none"> Nil Conditions or Restrictions 	<ul style="list-style-type: none"> General Manager Manager Infrastructure and Development Services Works Operations Manager 	<ul style="list-style-type: none"> Council General Manager
61	S.110	Powers and duties of corporations in relation to State highways	<ul style="list-style-type: none"> Nil Conditions or Restrictions 	<ul style="list-style-type: none"> General Manager Manager Infrastructure and Development Services Works Operations Manager 	<ul style="list-style-type: none"> Council General Manager
62	S.112	Liability of corporation to maintain road works carried out by the Crown	<ul style="list-style-type: none"> Nil Conditions or Restrictions 	<ul style="list-style-type: none"> General Manager Manager Infrastructure and Development Services Works Operations Manager 	<ul style="list-style-type: none"> Council General Manager

No	Statutory Ref	Function or Power	Conditions or Restrictions	Delegation	Original Source of Power
63	S.114	Right of private persons opening new streets to obtain contributions	<ul style="list-style-type: none"> Nil Conditions or Restrictions 	<ul style="list-style-type: none"> General Manager Manager Infrastructure and Development Services 	<ul style="list-style-type: none"> Council General Manager
64	S.115	Retention of petrol-pumps in highways	<ul style="list-style-type: none"> Nil Conditions or Restrictions 	<ul style="list-style-type: none"> General Manager Manager Infrastructure and Development Services Works Operations Manager 	<ul style="list-style-type: none"> Council General Manager
65	S.119	Determination of compensation	<ul style="list-style-type: none"> Nil Conditions or Restrictions 	<ul style="list-style-type: none"> General Manager Manager Infrastructure and Development Services 	<ul style="list-style-type: none"> Council General Manager

6. Environmental Management and Pollution Control Act 1994

No	Statutory Ref	Functions or Power	Conditions or Restrictions	Delegation	Original Source of Power
1	S.20A	Duty of Council to prevent pollution	<ul style="list-style-type: none"> Nil Conditions or Restrictions 	<ul style="list-style-type: none"> General Manager Manager Infrastructure and Development Services Works Operations Manager Environmental Services Coordinator Environmental Health Officer 	<ul style="list-style-type: none"> Council General Manager
2	S.21	Council Officers	<ul style="list-style-type: none"> Nil Conditions or Restrictions 	<ul style="list-style-type: none"> General Manager 	<ul style="list-style-type: none"> Council
3	S.22(1A)	Registers of environmental management and enforcement instruments	<ul style="list-style-type: none"> Nil Conditions or Restrictions 	<ul style="list-style-type: none"> General Manager Environmental Services Coordinator Environmental Health Officer 	<ul style="list-style-type: none"> Council General Manager
4	S.44	Environment protection notices	<ul style="list-style-type: none"> Nil Conditions or Restrictions 	<ul style="list-style-type: none"> General Manager Environmental Services Coordinator Environmental Health Officer 	<ul style="list-style-type: none"> Council General Manager
5	S.47(3)(4)	Action on non-compliance with environment protection notice	<ul style="list-style-type: none"> Nil Conditions or Restrictions 	<ul style="list-style-type: none"> General Manager Environmental Services Coordinator Environmental Health Officer 	<ul style="list-style-type: none"> Council General Manager
6	S.48(1)	Civil enforcement proceedings	<ul style="list-style-type: none"> Nil Conditions or Restrictions 	<ul style="list-style-type: none"> General Manager 	<ul style="list-style-type: none"> Council

No	Statutory Ref	Functions or Power	Conditions or Restrictions	Delegation	Original Source of Power
7	S.61	Reports in respect of alleged contraventions	<ul style="list-style-type: none"> Nil Conditions or Restrictions 	<ul style="list-style-type: none"> General Manager Environmental Services Coordinator Environmental Health Officer 	<ul style="list-style-type: none"> Council General Manager
8	S.74	Environmental Impact Assessment Principles	<ul style="list-style-type: none"> Nil Conditions or Restrictions 	<ul style="list-style-type: none"> General Manager Manager Infrastructure and Development Services Environmental Services Coordinator Environmental Health Officer 	<ul style="list-style-type: none"> Council General Manager
9	S.94(3)	Power to authorise the release of a thing that has been seized in relation to an offence under the Act	<ul style="list-style-type: none"> Nil Conditions or Restrictions 	<ul style="list-style-type: none"> General Manager Manager Infrastructure and Development Services Works Operations Manager Environmental Services Coordinator Environmental Health Officer 	<ul style="list-style-type: none"> Council General Manager

7. Roads and Jetties Act 1935

No	Statutory Ref	Functions or Power	Conditions or Restrictions	Delegation	Original Source of Power
1	S.11	Maintenance of State highways, &c. in cities, &c	<ul style="list-style-type: none"> Nil Conditions or Restrictions 	<ul style="list-style-type: none"> General Manager Manager Infrastructure and Development Services Works Operations Manager 	<ul style="list-style-type: none"> Council General Manager
2	S.11(2)	To agree with the Minister for the maintenance or reconstruction of a State highway or a subsidiary road	<ul style="list-style-type: none"> Nil Conditions or Restrictions 	<ul style="list-style-type: none"> General Manager Manager Infrastructure and Development Services Works Operations Manager 	<ul style="list-style-type: none"> Council General Manager
3	S.28	Acquisition of land for quarry, &c.	<ul style="list-style-type: none"> Nil Conditions or Restrictions 	<ul style="list-style-type: none"> General Manager Manager Infrastructure and Development Services Works Operations Manager 	<ul style="list-style-type: none"> Council General Manager

No	Statutory Ref	Functions or Power	Conditions or Restrictions	Delegation	Original Source of Power
4	S.29	Intention to acquire land may be abandoned if compensation excessive	<ul style="list-style-type: none"> Nil Conditions or Restrictions 	<ul style="list-style-type: none"> General Manager Manager Infrastructure and Development Services Works Operations Manager 	<ul style="list-style-type: none"> Council General Manager
5	S.32	Entry by Council upon land and staking out of same	<ul style="list-style-type: none"> Nil Conditions or Restrictions 	<ul style="list-style-type: none"> General Manager Manager Infrastructure and Development Services Works Operations Manager 	<ul style="list-style-type: none"> Council General Manager
6	S.33	Rental of land	<ul style="list-style-type: none"> Nil Conditions or Restrictions 	<ul style="list-style-type: none"> General Manager Manager Infrastructure and Development Services Works Operations Manager 	<ul style="list-style-type: none"> Council General Manager
7	S.34	Use of uncultivated land for temporary road	<ul style="list-style-type: none"> Nil Conditions or Restrictions 	<ul style="list-style-type: none"> General Manager Manager Infrastructure and Development Services Works Operations Manager 	<ul style="list-style-type: none"> Council General Manager
8	S.35	Taking of timber, &c., from land	<ul style="list-style-type: none"> Nil Conditions or Restrictions 	<ul style="list-style-type: none"> General Manager Manager Infrastructure and Development Services Works Operations Manager 	<ul style="list-style-type: none"> Council General Manager
9	S.36	Quarries, &c., to be fenced and filled up or otherwise secured	<ul style="list-style-type: none"> Nil Conditions or Restrictions 	<ul style="list-style-type: none"> General Manager Manager Infrastructure and Development Services Works Operations Manager 	<ul style="list-style-type: none"> Council General Manager
10	S.37	Fences to be restored	<ul style="list-style-type: none"> Nil Conditions or Restrictions 	<ul style="list-style-type: none"> General Manager Manager Infrastructure and Development Services Works Operations Manager 	<ul style="list-style-type: none"> Council General Manager
11	S.38	Deviations to be fenced	<ul style="list-style-type: none"> Nil Conditions or Restrictions 	<ul style="list-style-type: none"> General Manager Manager Infrastructure and Development Services Works Operations Manager 	<ul style="list-style-type: none"> Council General Manager

No	Statutory Ref	Functions or Power	Conditions or Restrictions	Delegation	Original Source of Power
12	S.39	Entry upon adjoining lands for road maintenance or reconstruction	<ul style="list-style-type: none"> Nil Conditions or Restrictions 	<ul style="list-style-type: none"> General Manager Manager Infrastructure and Development Services Works Operations Manager 	<ul style="list-style-type: none"> Council General Manager
13	S.40	Power to make, cleanse and keep open drains or watercourses in and through land adjoining or near any road	<ul style="list-style-type: none"> Nil Conditions or Restrictions 	<ul style="list-style-type: none"> General Manager Manager Infrastructure and Development Services Works Operations Manager 	<ul style="list-style-type: none"> Council General Manager
14	S.41	Timber growing near roads may be cut down: Consent of owner required in certain cases	<ul style="list-style-type: none"> Nil Conditions or Restrictions 	<ul style="list-style-type: none"> General Manager Manager Infrastructure and Development Services Works Operations Manager 	<ul style="list-style-type: none"> Council General Manager
15	S.42	Hedges, &c., obstructing view of traffic to be cut or trimmed	<ul style="list-style-type: none"> Nil Conditions or Restrictions 	<ul style="list-style-type: none"> General Manager Manager Infrastructure and Development Services Works Operations Manager 	<ul style="list-style-type: none"> Council General Manager
16	S.44	Power to require an owner of land to construct a culvert over a table-drain, gutter or road	<ul style="list-style-type: none"> Nil Conditions or Restrictions 	<ul style="list-style-type: none"> General Manager Manager Infrastructure and Development Services Works Operations Manager 	<ul style="list-style-type: none"> Council General Manager
17	S.45	Power of Minister in certain cases to erect gates across roads	<ul style="list-style-type: none"> Nil Conditions or Restrictions 	<ul style="list-style-type: none"> General Manager Manager Infrastructure and Development Services Works Operations Manager 	<ul style="list-style-type: none"> Council General Manager
18	S.46	Damage caused by overweight vehicles	<ul style="list-style-type: none"> Nil Conditions or Restrictions 	<ul style="list-style-type: none"> General Manager Manager Infrastructure and Development Services Works Operations Manager 	<ul style="list-style-type: none"> Council General Manager
19	S.47	Road metal, &c., may be placed on side of road	<ul style="list-style-type: none"> Nil Conditions or Restrictions 	<ul style="list-style-type: none"> General Manager Manager Infrastructure and Development Services Works Operations Manager 	<ul style="list-style-type: none"> Council General Manager
20	S.47A	Warning gantries for bridges with overhead members	<ul style="list-style-type: none"> Nil Conditions or Restrictions 	<ul style="list-style-type: none"> General Manager Manager Infrastructure and Development Services Works Operations Manager 	<ul style="list-style-type: none"> Council General Manager

No	Statutory Ref	Functions or Power	Conditions or Restrictions	Delegation	Original Source of Power
21	S.48	Power of road authority, with the consent of the Governor, to permit tramway or railway along or across road	<ul style="list-style-type: none"> Nil Conditions or Restrictions 	<ul style="list-style-type: none"> General Manager Manager Infrastructure and Development Services Works Operations Manager 	<ul style="list-style-type: none"> Council General Manager
22	S.48A	Removal and disposal of abandoned articles	<ul style="list-style-type: none"> Nil Conditions or Restrictions 	<ul style="list-style-type: none"> General Manager Manager Infrastructure and Development Services Works Operations Manager Technical Officer Development Services Municipal Inspector 	<ul style="list-style-type: none"> Council General Manager
23	S.48B	To carry out the Council's power to move, keep or impound any vehicle causing an obstruction or danger etc, and related action	<ul style="list-style-type: none"> Nil Conditions or Restrictions 	<ul style="list-style-type: none"> General Manager Manager Infrastructure and Development Services Works Operations Manager 	<ul style="list-style-type: none"> Council General Manager
24	S.49	Obstructing roads: Notice to remove obstructions in accordance with the provisions of Section 49 of the <i>Roads and Jetties Act 1935</i>	<ul style="list-style-type: none"> Nil Conditions or Restrictions 	<ul style="list-style-type: none"> General Manager Manager Infrastructure and Development Services Works Operations Manager Technical Officer Development Services 	<ul style="list-style-type: none"> Council General Manager
25	S.50B	Excavations	<ul style="list-style-type: none"> Nil Conditions or Restrictions 	<ul style="list-style-type: none"> General Manager Manager Infrastructure and Development Services Works Operations Manager 	<ul style="list-style-type: none"> Council General Manager
26	S.51	Laying down timber, &c., on roads	<ul style="list-style-type: none"> Nil Conditions or Restrictions 	<ul style="list-style-type: none"> General Manager Manager Infrastructure and Development Services Works Operations Manager 	<ul style="list-style-type: none"> Council General Manager

8. Building Act 2016

No	Statutory Ref	Functions or Power	Conditions or Restrictions	Delegation	Original Source of Power
1	S.24(2)	The General Manager of a Council must appoint a person as a Permit Authority for the Municipal area of that Council	<ul style="list-style-type: none"> Nil Conditions or Restrictions 	<ul style="list-style-type: none"> Building Services Coordinator Technical Officer Development Services Development Services Administration Officer – Building 	<ul style="list-style-type: none"> General Manager
2	S.27(3) & (4)	Make information retained pursuant to S.27(2) available to the persons specified in S.27(3), and to provide a copy of that information upon payment of a fee	<ul style="list-style-type: none"> Nil Conditions or Restrictions 	<ul style="list-style-type: none"> General Manager Building Services Coordinator Technical Officer Development Services Project Officer Environmental Services Coordinator Environmental Health Officer Manager Infrastructure and Development Services Development Services Administration Officer – Building 	<ul style="list-style-type: none"> Council
3	S.41(2)	The General Manager of a Council may, at all reasonable times, enter any premises or land where there is a building, temporary structure, building work, plumbing work or demolition work, if necessary to perform a function or exercise a power under this Act	<ul style="list-style-type: none"> Nil Conditions or Restrictions 	<ul style="list-style-type: none"> Building Services Coordinator Technical Officer Development Services Project Officer Environmental Services Coordinator Environmental Health Officer Manager Infrastructure and Development Services 	<ul style="list-style-type: none"> General Manager
4	S.70(1)	Be satisfied that land which is contaminated, unhealthy and not suitable for a particular purpose, has been cleaned or remedied	<ul style="list-style-type: none"> Nil Conditions or Restrictions 	<ul style="list-style-type: none"> Building Services Coordinator Technical Officer Development Services Project Officer Environmental Services Coordinator Environmental Health Officer 	<ul style="list-style-type: none"> General Manager

No	Statutory Ref	Functions or Power	Conditions or Restrictions	Delegation	Original Source of Power
5	S.70(2)	Be satisfied that the surface of land is capable of being drained into an existing stormwater drain or channel or other suitable outlet	<ul style="list-style-type: none"> Nil Conditions or Restrictions 	<ul style="list-style-type: none"> Building Services Coordinator Technical Officer Development Services Project Officer Environmental Services Coordinator Environmental Health Officer Manager Infrastructure and Development Services 	<ul style="list-style-type: none"> General Manager
6	S.73	Works involving, or in proximity of, existing drains – provide written consent for works and impose any reasonable conditions of that consent, including to require a written undertaking not to hold the Council liable for damage or inconvenience arising from building work	<ul style="list-style-type: none"> Nil Conditions or Restrictions 	<ul style="list-style-type: none"> Building Services Coordinator Technical Officer Development Services Project Officer Environmental Services Coordinator Environmental Health Officer Manager Infrastructure and Development Services 	<ul style="list-style-type: none"> General Manager
7	S.241	Form a belief that a building may be dilapidated, and to inspect that building and prepare a dilapidated building report upon it. To obtain information as to any matter relating to a dilapidated building report from any building services provider or other person	<ul style="list-style-type: none"> Nil Conditions or Restrictions 	<ul style="list-style-type: none"> Building Services Coordinator Technical Officer Development Services Project Officer 	<ul style="list-style-type: none"> General Manager
8	S.242	Issue a dilapidated building notice	<ul style="list-style-type: none"> Nil Conditions or Restrictions 	<ul style="list-style-type: none"> Building Services Coordinator Technical Officer Development Services Project Officer 	<ul style="list-style-type: none"> General Manager
9	S.244	Revoke a dilapidated building notice	<ul style="list-style-type: none"> Nil Conditions or Restrictions 	<ul style="list-style-type: none"> Building Services Coordinator Technical Officer Development Services Project Officer 	<ul style="list-style-type: none"> General Manager
10	S.245(1)	Make an emergency order, and provide a copy to the permit authority	<ul style="list-style-type: none"> Nil Conditions or Restrictions 	<ul style="list-style-type: none"> Building Services Coordinator Environmental Services Coordinator Environmental Health Officer Manager Infrastructure and Development Services 	<ul style="list-style-type: none"> General Manager

No	Statutory Ref	Functions or Power	Conditions or Restrictions	Delegation	Original Source of Power
11	S.245(6)	Revoke an emergency order	<ul style="list-style-type: none"> Nil Conditions or Restrictions 	<ul style="list-style-type: none"> Building Services Coordinator Environmental Services Coordinator Environmental Health Officer Manager Infrastructure and Development Services 	<ul style="list-style-type: none"> General Manager
12	S.251	Apply to a court for an order in relation to a contravention or likely contravention of the Act or a notice, order or determination under the Act	<ul style="list-style-type: none"> Nil Conditions or Restrictions 	<ul style="list-style-type: none"> Building Services Coordinator Technical Officer Development Services Project Officer 	<ul style="list-style-type: none"> General Manager
13	S.265(3) & (4)	<p>Perform works where there has been failure to comply with an emergency, building or plumbing order, including the power to:</p> <p>a) Enter on the land where the work is to be done with the appropriate equipment; and</p> <p>b) Exclude other persons from the place where the work is being done; and</p> <p>c) If anything is to be altered, determine the form of the alteration so far as it was not previously specified; and</p> <p>d) If anything is to be taken down, demolished or removed, determine in what condition the remainder is to be left; and</p> <p>e) Carry away to some convenient place any materials removed; and</p> <p>f) Sell any materials so carried away and deduct the proceeds from the cost of the work.</p>	<ul style="list-style-type: none"> Nil Conditions or Restrictions 	<ul style="list-style-type: none"> General Manager Building Services Coordinator Manager Infrastructure and Development Services Environmental Services Coordinator Environmental Health Officer 	<ul style="list-style-type: none"> Council
14	S.266	Take proceedings to obtain possession of a building or temporary structure if any occupier fails to allow any person to do work pursuant to S.265	<ul style="list-style-type: none"> Nil Conditions or Restrictions 	<ul style="list-style-type: none"> General Manager Building Services Coordinator Technical Officer Development Services Project Officer Environmental Services Coordinator Environmental Health Officer 	<ul style="list-style-type: none"> Council

No	Statutory Ref	Functions or Power	Conditions or Restrictions	Delegation	Original Source of Power
15	S.267(1) & (2)	Serve an order to demolish building work	<ul style="list-style-type: none"> Nil Conditions or Restrictions 	<ul style="list-style-type: none"> General Manager Building Services Coordinator Technical Officer Development Services Project Officer 	<ul style="list-style-type: none"> Council
16	S.267(3)	Enter onto land and demolish any building work in respect of an order to demolish building work	<ul style="list-style-type: none"> Nil Conditions or Restrictions 	<ul style="list-style-type: none"> General Manager Building Services Coordinator Technical Officer Development Services Project Officer Manager Infrastructure and Development Services 	<ul style="list-style-type: none"> Council
17	S.269	Enter land or a building and perform the required work	<ul style="list-style-type: none"> Nil Conditions or Restrictions 	<ul style="list-style-type: none"> General Manager Building Services Coordinator Technical Officer Development Services Project Officer Manager Infrastructure and Development Services 	<ul style="list-style-type: none"> Council
18	S.270	Make an application to recover the cost of performing any work, and to impose a charge on land	<ul style="list-style-type: none"> Nil Conditions or Restrictions 	<ul style="list-style-type: none"> General Manager Building Services Coordinator Technical Officer Development Services Project Officer Manager Infrastructure and Development Services 	<ul style="list-style-type: none"> Council
19	S.271(1)	Sell a building for removal or after demolishing a building, sell the materials on the premises for removal	<ul style="list-style-type: none"> Nil Conditions or Restrictions 	<ul style="list-style-type: none"> General Manager Building Services Coordinator Technical Officer Development Services Project Officer Manager Infrastructure and Development Services 	<ul style="list-style-type: none"> Council
20	S.271(2)	Grant the purchaser of a building sold pursuant to S271(1) all of the powers Council has under S.265	<ul style="list-style-type: none"> Nil Conditions or Restrictions 	<ul style="list-style-type: none"> General Manager Building Services Coordinator Technical Officer Development Services Project Officer Manager Infrastructure and Development Services 	<ul style="list-style-type: none"> Council

No	Statutory Ref	Functions or Power	Conditions or Restrictions	Delegation	Original Source of Power
21	S.272	Request the assistance of a police officer – a) In evacuating a building or temporary structure in accordance with an emergency order; or b) In removing any person from a building or temporary structure in respect of which an emergency order, building order or plumbing order is in effect	<ul style="list-style-type: none"> Nil Conditions or Restrictions 	<ul style="list-style-type: none"> Building Services Coordinator Technical Officer Development Services Project Officer Environmental Services Coordinator Environmental Health Officer Manager Infrastructure and Development Services 	<ul style="list-style-type: none"> General Manager
22	S.275(1)	Require a building permit to be obtained for works in compliance with an emergency order	<ul style="list-style-type: none"> Nil Conditions or Restrictions 	<ul style="list-style-type: none"> Building Services Coordinator Technical Officer Development Services Project Officer Environmental Services Coordinator Environmental Health Officer Manager Infrastructure and Development Services 	<ul style="list-style-type: none"> General Manager
23	S.275(2)	Waive requirement to obtain a building permit to be obtained for works in compliance with a building order or demolition order	<ul style="list-style-type: none"> Nil Conditions or Restrictions 	<ul style="list-style-type: none"> Building Services Coordinator Technical Officer Development Services Project Officer Environmental Services Coordinator Environmental Health Officer Manager Infrastructure and Development Services 	<ul style="list-style-type: none"> General Manager
24	S.308(2)	Provide consent to inhabit a building that is not built as a dwelling for a cumulative period that exceeds 30 days	<ul style="list-style-type: none"> Nil Conditions or Restrictions 	<ul style="list-style-type: none"> Building Services Coordinator Technical Officer Development Services Project Officer Environmental Services Coordinator Environmental Health Officer Manager Infrastructure and Development Services 	<ul style="list-style-type: none"> General Manager
25	S.309	Provide consent to erect a fence, building or other structure so as to restrict the use, in connection with a building, of any unoccupied area of the land on which it is built	<ul style="list-style-type: none"> Nil Conditions or Restrictions 	<ul style="list-style-type: none"> Building Services Coordinator Technical Officer Development Services Project Officer 	<ul style="list-style-type: none"> General Manager

No	Statutory Ref	Functions or Power	Conditions or Restrictions	Delegation	Original Source of Power
26	S.310	Commence proceedings for an offence against the Act or the Regulations	<ul style="list-style-type: none"> Nil Conditions or Restrictions 	<ul style="list-style-type: none"> Building Services Coordinator Technical Officer Development Services Project Officer Environmental Services Coordinator Environmental Health Officer 	<ul style="list-style-type: none"> General Manager
27	S.324	Issue an infringement notice	<ul style="list-style-type: none"> Nil Conditions or Restrictions 	<ul style="list-style-type: none"> Building Services Coordinator Technical Officer Development Services Project Officer Environmental Services Coordinator Environmental Health Officer Manager Infrastructure and Development Services 	<ul style="list-style-type: none"> General Manager

9. Building Regulations 2016

No	Statutory Ref	Functions or Power	Conditions or Restrictions	Delegation	Original Source of Power
1	R.43(1)	Provide written consent for works proposed pursuant to R.43(1)	<ul style="list-style-type: none"> Nil Conditions or Restrictions 	<ul style="list-style-type: none"> Building Services Coordinator Technical Officer Development Services Project Officer 	<ul style="list-style-type: none"> General Manager
2	R.43(3)	If not satisfied that a stormwater drainage system is sealed in accordance with the Act, enter the premises and perform any work necessary	<ul style="list-style-type: none"> Nil Conditions or Restrictions 	<ul style="list-style-type: none"> Building Services Coordinator Technical Officer Development Services Project Officer Environmental Services Coordinator Environmental Health Officer Manager Infrastructure and Development Services 	<ul style="list-style-type: none"> General Manager
3	R.43(5)(a)	Recover costs as a charge under the <i>Local Government Act 1993</i>	<ul style="list-style-type: none"> Nil Conditions or Restrictions 	<ul style="list-style-type: none"> Building Services Coordinator Technical Officer Development Services Manager Infrastructure and Development Services 	<ul style="list-style-type: none"> General Manager

No	Statutory Ref	Functions or Power	Conditions or Restrictions	Delegation	Original Source of Power
4	R.53	Assessment of land as having a reasonable probability of flooding	<ul style="list-style-type: none"> Nil Conditions or Restrictions 	<ul style="list-style-type: none"> Building Services Coordinator Technical Officer Development Services Project Officer Environmental Services Coordinator Environmental Health Officer 	<ul style="list-style-type: none"> General Manager
5	R.61(4)	Provide written authorisation for work in a landslip hazard area	<ul style="list-style-type: none"> Nil Conditions or Restrictions 	<ul style="list-style-type: none"> Building Services Coordinator Technical Officer Development Services Manager Infrastructure and Development Services 	<ul style="list-style-type: none"> General Manager
6	R.78(3)	Recover costs as a charge under the <i>Local Government Act 1993</i>	<ul style="list-style-type: none"> Nil Conditions or Restrictions 	<ul style="list-style-type: none"> Building Services Coordinator Technical Officer Development Services Manager Infrastructure and Development Services 	<ul style="list-style-type: none"> General Manager
7	R.83	Issue building certificate certifying that Council does not intend to take any action under the Act	<ul style="list-style-type: none"> Nil Conditions or Restrictions 	<ul style="list-style-type: none"> Building Services Coordinator Technical Officer Development Services Manager Infrastructure and Development Services 	<ul style="list-style-type: none"> General Manager

10. Strata Titles Act 1998

No	Statutory Ref	Functions or Power	Conditions or Restrictions	Delegation	Original Source of Power
1	S.31	Power to issue or refuse to issue certificates of approval	<ul style="list-style-type: none"> No authority to sub-delegate in respect of the delegation The General Manager may only issue a certificate of approval upon advice from the Manager Development Services that the application complies with the relevant legislation 	<ul style="list-style-type: none"> General Manager 	<ul style="list-style-type: none"> Council

No	Statutory Ref	Functions or Power	Conditions or Restrictions	Delegation	Original Source of Power
2	S.37	Power to approve proposed staged development schemes in principle	<ul style="list-style-type: none"> No authority to sub-delegate in respect of the delegation The General Manager may only approve proposed staged development schemes in principle where there is a planning permit in existence and upon advice from the Manager Development Services that the application complies with the relevant legislation 	<ul style="list-style-type: none"> General Manager 	<ul style="list-style-type: none"> Council
3	S.54	Power to approve proposed community development schemes in principle in accordance with the provisions of Section 54 of the <i>Strata Titles Act 1998</i>	<ul style="list-style-type: none"> No authority to sub-delegate in respect of the delegation The General Manager may only approve proposed community development schemes in principle where there is a planning permit in existence and upon advice from the Manager Development Services that the application complies with the relevant legislation 	<ul style="list-style-type: none"> General Manager 	<ul style="list-style-type: none"> Council

11. Land Use Planning and Approvals Act 1993

No	Statutory Ref	Function or Power	Conditions or Restrictions	Delegation	Original Source of Power
1	Part 3 – Generally	<p>PLANNING SCHEMES</p> <p>As a consequence of any decision by the Council to initiate preparation of a planning scheme or a planning scheme amendment or to provide its views and opinions on any representation received on a draft planning scheme or draft amendment:</p> <p>i) Authority to give such advice, consultation, referral or notification as required under this Part;</p> <p>ii) Authority to initiate public notification of a draft scheme or draft amendment;</p> <p>iii) Authority to submit a draft scheme or a draft amendment for approval if no representations are received during the exhibition period;</p> <p>iv) Authority to modify a draft planning scheme or draft amendment if only to correct any error, remove an anomaly, clarify or simplify a provision, remove any inconsistency with other regulation, make procedural changes or to bring the planning scheme into conformity with a mandatory planning instruction;</p> <p>v) Represent the Council and to give evidence and make submissions before any hearing conducted by the Tasmanian Planning Commission.</p>	No authority to sub-delegate in respect of the delegation	<ul style="list-style-type: none"> General Manager Manager Infrastructure and Development Services Planning Services Coordinator 	<ul style="list-style-type: none"> Planning Authority

No	Statutory Ref	Function or Power	Conditions or Restrictions	Delegation	Original Source of Power
2	Part 4 - Generally	<p>ENFORCEMENT OF PLANNING CONTROL</p> <p>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 –</p> <p>i) To give such advice, consultation, referral or notification as required under this Part;</p> <p>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;</p> <p>iii) To initiate legal proceedings for any use of land, development or act if:-</p> <ul style="list-style-type: none"> - 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. 	No authority to sub-delegate in respect of the delegation	<ul style="list-style-type: none"> • General Manager • Manager Infrastructure and Development Services • Planning Services Coordinator 	<ul style="list-style-type: none"> • Planning Authority
3	Part 4 - Generally	<p>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.</p>	<p>1. No authority to sub-delegate in respect of the delegation.</p> <p>2. Except where the Council makes such decision contrary to the written advice or recommendation of the Director Land and Environmental Services.</p>	<ul style="list-style-type: none"> • General Manager • Manager Infrastructure and Development Services • Planning Services Coordinator 	<ul style="list-style-type: none"> • Planning Authority
4	S.23	Notification of commencement of preparation of draft planning scheme	No authority to sub-delegate in respect of the delegation	<ul style="list-style-type: none"> • General Manager • Manager Infrastructure and Development Services • Planning Services Coordinator 	<ul style="list-style-type: none"> • Planning Authority

No	Statutory Ref	Function or Power	Conditions or Restrictions	Delegation	Original Source of Power
5	S.24(1)	Certification by Commission of draft planning schemes prepared by planning authorities	No authority to sub-delegate in respect of the delegation	<ul style="list-style-type: none">General ManagerManager Infrastructure and Development ServicesPlanning Services Coordinator	<ul style="list-style-type: none">Planning Authority
6	S.25(1)(a)	Public exhibition of draft planning schemes	No authority to sub-delegate in respect of the delegation	<ul style="list-style-type: none">General ManagerManager Infrastructure and Development ServicesPlanning Services Coordinator	<ul style="list-style-type: none">Planning Authority
7	S.28B	Notice of intention to withdraw draft planning scheme	No authority to sub-delegate in respect of the delegation	<ul style="list-style-type: none">General ManagerManager Infrastructure and Development ServicesPlanning Services Coordinator	<ul style="list-style-type: none">Planning Authority
8	S.28E(2)	Notification of withdrawal of draft planning scheme	No authority to sub-delegate in respect of the delegation	<ul style="list-style-type: none">General ManagerManager Infrastructure and Development ServicesPlanning Services Coordinator	<ul style="list-style-type: none">Planning Authority
9	S.30H	Notification and public exhibition of interim planning schemes	No authority to sub-delegate in respect of the delegation	<ul style="list-style-type: none">General ManagerManager Infrastructure and Development ServicesPlanning Services Coordinator	<ul style="list-style-type: none">Planning Authority
10	S.30I	Representations in relation to interim planning schemes	No authority to sub-delegate in respect of the delegation	<ul style="list-style-type: none">General ManagerManager Infrastructure and Development ServicesPlanning Services Coordinator	<ul style="list-style-type: none">Planning Authority
11	S.30J	Report to be provided to Commission	No authority to sub-delegate in respect of the delegation	<ul style="list-style-type: none">General ManagerManager Infrastructure and Development ServicesPlanning Services Coordinator	<ul style="list-style-type: none">Planning Authority
12	S.30Q(6)	Applications for dispensations	<div>1. No authority to sub-delegate in respect of the delegation</div> <div>2. Delegation/provision will commence when <i>Land Use Planning & Approvals Act 2013</i> is enacted</div>	<ul style="list-style-type: none">General ManagerManager Infrastructure and Development ServicesPlanning Services Coordinator	<ul style="list-style-type: none">Planning Authority

No	Statutory Ref	Function or Power	Conditions or Restrictions	Delegation	Original Source of Power
13	S.30R(6)	Application for permit that relates to application for dispensation	1. No authority to sub-delegate in respect of the delegation 2. Delegation/provision will commence when <i>Land Use Planning & Approvals Act 2013</i> is enacted	<ul style="list-style-type: none"> General Manager Manager Infrastructure and Development Services Planning Services Coordinator 	<ul style="list-style-type: none"> Planning Authority
14	S.35	Power to certify draft amendments to Council Planning Schemes and provide a copy to the Tasmanian Planning Commission	No authority to sub-delegate in respect of the delegation	<ul style="list-style-type: none"> General Manager Manager Infrastructure and Development Services Planning Services Coordinator 	<ul style="list-style-type: none"> Planning Authority
15	S.38	Duty to exhibit and advertise draft amendments to Council Planning Schemes	No authority to sub-delegate in respect of the delegation	<ul style="list-style-type: none"> General Manager Manager Infrastructure and Development Services Planning Services Coordinator 	<ul style="list-style-type: none"> Planning Authority
16	S.39	Duty to report to the Tasmanian Planning Commission following the receipt of representations in respect of draft amendments to Council Planning Schemes	No authority to sub-delegate in respect of the delegation	<ul style="list-style-type: none"> General Manager Manager Infrastructure and Development Services Planning Services Coordinator 	<ul style="list-style-type: none"> Planning Authority
17	S.41A	Duty to undertake a modification or alteration to a draft amendment to a Council Planning Scheme and five notice as required by the Tasmanian Planning Commission	No authority to sub-delegate in respect of the delegation	<ul style="list-style-type: none"> General Manager Manager Infrastructure and Development Services Planning Services Coordinator 	<ul style="list-style-type: none"> Planning Authority
18	S.42	Duty to give notice of the Tasmanian Planning Commissions approval of a draft amendment to a Council Planning Scheme in accordance with the provisions of Section 42(3)(d) of the <i>Land Use Planning & Approvals Act 1993</i> in the manner prescribed by Regulation 7 of the <i>Land Use Planning & Approvals Regulations 2004</i>	No authority to sub-delegate in respect of the delegation	<ul style="list-style-type: none"> General Manager Manager Infrastructure and Development Services Planning Services Coordinator 	<ul style="list-style-type: none"> Planning Authority
19	S.43E(1)	Power to require an applicant to provide additional information before considering an application for a Planning Permit together with a request for an amendment to a Council Planning Scheme under Section 43A of the <i>Land Use Planning & Approvals Act 1993</i> in accordance with the provisions of Section 43E(1) of the <i>Land Use Planning & Approvals Act 1993</i>	No authority to sub-delegate in respect of the delegation	<ul style="list-style-type: none"> General Manager Manager Infrastructure and Development Services Planning Services Coordinator 	<ul style="list-style-type: none"> Planning Authority

No	Statutory Ref	Function or Power	Conditions or Restrictions	Delegation	Original Source of Power
20	S.43K	Power to make minor amendments to planning permits This power is delegated along with the duty to issue notices	No authority to sub-delegate in respect of the delegation	<ul style="list-style-type: none"> General Manager Manager Infrastructure and Development Services Planning Services Coordinator 	<ul style="list-style-type: none"> Planning Authority
21	S.48AA	Enforcement of special permits	No authority to sub-delegate in respect of the delegation	<ul style="list-style-type: none"> General Manager Manager Infrastructure and Development Services Planning Services Coordinator 	<ul style="list-style-type: none"> Planning Authority
22	S.48A	Power to issue notices or take action regarding the removal of signs erected without permit The power is delegated along with the duty to issue notices to the person who erected the sign and the power to dispose of the sign	No authority to sub-delegate in respect of the delegation	<ul style="list-style-type: none"> General Manager Manager Infrastructure and Development Services Municipal Inspector Technical Officer Development Services Planning Officer Planning Services Coordinator 	<ul style="list-style-type: none"> Planning Authority
23	S.51	Permits	No authority to sub-delegate in respect of the delegation	<ul style="list-style-type: none"> General Manager Manager Infrastructure and Development Services Planning Services Coordinator 	<ul style="list-style-type: none"> Planning Authority
24	S.52(1B)	What if applicant is not the owner?	No authority to sub-delegate in respect of the delegation	<ul style="list-style-type: none"> General Manager Manager Infrastructure and Development Services Planning Services Coordinator 	<ul style="list-style-type: none"> Planning Authority
25	S.53(5A)	When does a permit take effect? Power to grant an extension of the period in which a use or development must be substantially commenced under a permit	No authority to sub-delegate in respect of the delegation	<ul style="list-style-type: none"> General Manager Manager Infrastructure and Development Services Planning Services Coordinator 	<ul style="list-style-type: none"> Planning Authority
26	S.54	Power to require an applicant to provide additional information before considering an application for a planning permit	No authority to sub-delegate in respect of the delegation	<ul style="list-style-type: none"> General Manager Manager Infrastructure and Development Services Planning Services Coordinator 	<ul style="list-style-type: none"> Planning Authority
27	S.55	Power to amend a planning permit where there is a mistake	No authority to sub-delegate in respect of the delegation	<ul style="list-style-type: none"> General Manager Manager Infrastructure and Development Services Planning Services Coordinator 	<ul style="list-style-type: none"> Planning Authority

No	Statutory Ref	Function or Power	Conditions or Restrictions	Delegation	Original Source of Power
28	S.56	Power to make minor amendments to planning permits This power is delegated along with the duty to service notices	No authority to sub-delegate in respect of the delegation	<ul style="list-style-type: none"> General Manager Manager Infrastructure and Development Services Planning Services Coordinator 	<ul style="list-style-type: none"> Planning Authority
29	S.57(2)	Applications for discretionary permits	<ol style="list-style-type: none"> No authority to sub-delegate in respect of the delegation If the proposed use or development is prohibited by the scheme 	<ul style="list-style-type: none"> General Manager Manager Infrastructure and Development Services Planning Services Coordinator 	<ul style="list-style-type: none"> Planning Authority
30	S.57(3)	Notify application for a discretionary permit	No authority to sub-delegate in respect of the delegation	<ul style="list-style-type: none"> General Manager Manager Infrastructure and Development Services Planning Services Coordinator 	<ul style="list-style-type: none"> Planning Authority
31	S.57(5)	Power to extend the period of time for the making of representations relating to an application for a discretionary permit	No authority to sub-delegate in respect of the delegation	<ul style="list-style-type: none"> General Manager Manager Infrastructure and Development Services Planning Services Coordinator 	<ul style="list-style-type: none"> Planning Authority
32	S.57(6)	Duty to grant or refuse discretionary planning permit	<ol style="list-style-type: none"> No authority to sub-delegate in respect of the delegation The General Manager or the Manager Development Services is only to exercise this power where the decision is to: <ul style="list-style-type: none"> Grant the permit and does not have the power to refuse a permit The power to grant the permit can only be exercised when either of the following applies: <ul style="list-style-type: none"> No representations have been received in respect of the application; or Where the only representations received are in support of the proposal and any suggested condition of approval be included in a planning permit The power to grant or refuse the permit can only be exercised when the following applies: <ul style="list-style-type: none"> Where Council is not able to determine the application within the time period specified in Section 57(6)(b) of the <i>Land Use Planning & Approvals Act 1993</i>; following advice to Councilors; or Where an applicant does not agree to an extension of time. 	<ul style="list-style-type: none"> General Manager Manager Infrastructure and Development Services Planning Services Coordinator 	<ul style="list-style-type: none"> Planning Authority

No	Statutory Ref	Function or Power	Conditions or Restrictions	Delegation	Original Source of Power
33	S.57(6A)	Power to agree to a further extension of time under Section 57(6)(b) to grant a discretionary planning permit	No authority to sub-delegate in respect of the delegation	<ul style="list-style-type: none"> General Manager Manager Infrastructure and Development Services Planning Services Coordinator 	<ul style="list-style-type: none"> Planning Authority
34	S.57A	Power to enter into mediation on behalf of the Planning Authority regarding an application for a permit	<ol style="list-style-type: none"> No authority to sub-delegate in respect of the delegation Authority to undertake mediation on any appeal arising out of a decision on a planning permit and to bind Council to agreements within the mediation on any matter that the Council has a proper power relevant to the permit application under LUPAA 	<ul style="list-style-type: none"> General Manager Manager Infrastructure and Development Services Planning Services Coordinator 	<ul style="list-style-type: none"> Planning Authority
35	S.58	Power to grant planning permits which, under the provisions of a Council Planning Scheme the Council is bound to grant, either unconditionally or subject to conditions and issue notice to the applicant	<ol style="list-style-type: none"> No authority to sub-delegate in respect of the delegation Grant of a permit if the use or development complies to all applicable regulatory requirements The delegation to Building Services Coordinator is to exercise this delegated power for minor works only as determined by policy of Council The power to grant or refuse the permit can only be exercised when an applicant does not agree to an extension of time. 	<ul style="list-style-type: none"> General Manager Manager Infrastructure and Development Services Building Services Coordinator Planning Services Coordinator 	<ul style="list-style-type: none"> Planning Authority
36	S.59(7)	Power to make a determination in relation to an application for a discretionary planning permit where time periods in which to do so under the provisions of Sections 57 and 58 of the <i>Land Use Planning & Approvals Act 1993</i> have expired but where no application under Section 59(3) has been made by the applicant	<ol style="list-style-type: none"> No authority to sub-delegate in respect of the delegation Subject to the same qualifications as applied to a S.57 decision 	<ul style="list-style-type: none"> General Manager Manager Infrastructure and Development Services Planning Services Coordinator 	<ul style="list-style-type: none"> Planning Authority

No	Statutory Ref	Function or Power	Conditions or Restrictions	Delegation	Original Source of Power
37	S.60P(4)	Provide information in requested by the Tasmanian Planning Commission	No authority to sub-delegate in respect of the delegation	<ul style="list-style-type: none"> General Manager Manager Infrastructure and Development Services Planning Services Coordinator 	<ul style="list-style-type: none"> Planning Authority
38	S.60Q(5)	Notification and exhibition of project	No authority to sub-delegate in respect of the delegation	<ul style="list-style-type: none"> General Manager Manager Infrastructure and Development Services Planning Services Coordinator 	<ul style="list-style-type: none"> Planning Authority
39	S.60Y	Approve a consequential amendment of a planning scheme if required by a decision to approve a project of regional significance	No authority to sub-delegate in respect of the delegation	<ul style="list-style-type: none"> General Manager Manager Infrastructure and Development Services Planning Services Coordinator 	<ul style="list-style-type: none"> Planning Authority
40	S.60ZD	Issue of planning compliance certificates	<ol style="list-style-type: none"> No authority to sub-delegate in respect of the delegation Delegation/provision will commence when <i>Land Use Planning & Approvals Act 2013</i> is enacted 	<ul style="list-style-type: none"> General Manager Manager Infrastructure and Development Services Planning Services Coordinator Technical Officer Development Services 	<ul style="list-style-type: none"> Planning Authority
41	S.60ZE(3)	Grant an extension of planning compliance certificate	<ol style="list-style-type: none"> No authority to sub-delegate in respect of the delegation Delegation/provision will commence when <i>Land Use Planning & Approvals Act 2013</i> is enacted 	<ul style="list-style-type: none"> General Manager Manager Infrastructure and Development Services Planning Services Coordinator Technical Officer Development Services 	<ul style="list-style-type: none"> Planning Authority
42	S.60ZF	Cancellation of planning compliance certificates	<ol style="list-style-type: none"> No authority to sub-delegate in respect of the delegation Delegation/provision will commence when <i>Land Use Planning & Approvals Act 2013</i> is enacted 	<ul style="list-style-type: none"> General Manager Manager Infrastructure and Development Services Planning Services Coordinator Technical Officer Development Services 	<ul style="list-style-type: none"> Planning Authority
43	S.61	Represent the Council in an appeals against a permit decision	<ol style="list-style-type: none"> No authority to sub-delegate in respect of the delegation Not if the decision of the Council is contrary to the written recommendation 	<ul style="list-style-type: none"> General Manager Manager Infrastructure and Development Services Planning Services Coordinator Technical Officer Development Services 	<ul style="list-style-type: none"> Planning Authority
44	S.63	Initiate legal proceedings for obstruction of a planning scheme	No authority to sub-delegate in respect of the delegation	<ul style="list-style-type: none"> General Manager 	<ul style="list-style-type: none"> Planning Authority
45	S.63A	Initiate legal proceedings to enforce compliance with planning scheme or a permit	No authority to sub-delegate in respect of the delegation	<ul style="list-style-type: none"> General Manager 	<ul style="list-style-type: none"> Planning Authority

No	Statutory Ref	Function or Power	Conditions or Restrictions	Delegation	Original Source of Power
46	S.63B(3)	Notice of suspected contravention, &c., may be given	1. No authority to sub-delegate in respect of the delegation 2. Delegation/provision will commence when <i>Land Use Planning & Approvals Act 2013</i> is enacted	• General Manager	• Planning Authority
47	S.64	Power to apply to the Resource Management and Planning Appeal Tribunal for an order regarding the contravention of Part 4	1. No authority to sub-delegate in respect of the delegation 2. The General Manager may only apply to the Resource Management and Planning Appeal Tribunal for an order upon the advice from the Manager Development Services that the application is in compliance with the relevant legislation	• General Manager	• Planning Authority
48	S.65G	Cancellation of permits	1. No authority to sub-delegate in respect of the delegation 2. Delegation/provision will commence when <i>Land Use Planning & Approvals Act 2013</i> is enacted	• General Manager	• Planning Authority
49	S.71	Power to enter into agreements with owners or anticipated owners of land	1. No authority to sub-delegate in respect of the delegation 2. The General Manager may only enter into an agreement upon the advice from the Manager Development Services that the application to which the agreement relates to is in compliance with the relevant legislation 3. Except where the Council makes such decision contrary to the written advice or recommendation of the Director Land and Environmental Services	• General Manager	• Planning Authority
50	S.74(3)	Power to end agreements with the approval of the Tasmanian Planning Commission or with the agreement of all parties bound by any covenant contained in the agreement	1. No authority to sub-delegate in respect of the delegation 2. The General Manager may only end an agreement upon the advice from the Manager Development Services that the application to which the agreement relates to is in compliance with the relevant legislation	• General Manager	• Planning Authority
51	S.75	Amend agreements	No authority to sub-delegate in respect of the delegation	• General Manager • Manager Infrastructure and Development Services • Planning Services Coordinator	• Planning Authority

No	Statutory Ref	Function or Power	Conditions or Restrictions	Delegation	Original Source of Power
52	S.76	Lodge agreement with the Commission	No authority to sub-delegate in respect of the delegation	<ul style="list-style-type: none"> General Manager Manager Infrastructure and Development Services Planning Services Coordinator 	<ul style="list-style-type: none"> Planning Authority
53	S.78	Registration of agreements	No authority to sub-delegate in respect of the delegation	<ul style="list-style-type: none"> General Manager Manager Infrastructure and Development Services Planning Services Coordinator 	<ul style="list-style-type: none"> Planning Authority
54	S.80	Represent the Council or appoint a person (legal practitioner) to represent the Council in proceedings before the Appeal Tribunal	No authority to sub-delegate in respect of the delegation	<ul style="list-style-type: none"> General Manager 	<ul style="list-style-type: none"> Planning Authority
55	S.84	Serve notices or other documents	No authority to sub-delegate in respect of the delegation	<ul style="list-style-type: none"> General Manager 	<ul style="list-style-type: none"> Planning Authority

12. Land Use Planning and Approvals Regulations 2004

No	Statutory Ref	Function or Power	Conditions or Restrictions	Delegation	Original Source of Power
1	4	Advertisement of exhibition of draft planning scheme	No authority to sub-delegate in respect of delegation	<ul style="list-style-type: none"> General Manager Manager Infrastructure and Development Services Planning Services Coordinator 	<ul style="list-style-type: none"> Planning Authority
2	5	Notification of approval of draft planning scheme	No authority to sub-delegate in respect of delegation	<ul style="list-style-type: none"> General Manager Manager Infrastructure and Development Services Planning Services Coordinator 	<ul style="list-style-type: none"> Planning Authority
3	6	Advertisement of exhibition of draft amendment	No authority to sub-delegate in respect of delegation	<ul style="list-style-type: none"> General Manager Manager Infrastructure and Development Services Planning Services Coordinator 	<ul style="list-style-type: none"> Planning Authority

No	Statutory Ref	Function or Power	Conditions or Restrictions	Delegation	Original Source of Power
4	7	Notification of approval of draft amendment	No authority to sub-delegate in respect of delegation	<ul style="list-style-type: none"> General Manager Manager Infrastructure and Development Services Planning Services Coordinator 	<ul style="list-style-type: none"> Planning Authority
5	8	Notification of application for permit	No authority to sub-delegate in respect of delegation	<ul style="list-style-type: none"> General Manager Manager Infrastructure and Development Services Planning Services Coordinator 	<ul style="list-style-type: none"> Planning Authority

13. Dog Control Act 2000

No	Statutory Ref	Function or Power	Conditions or Restrictions	Delegation	Original Source of Power
1		The General Manager hereby delegates the named Officers/employees of Council all the powers, duties and functions conferred upon the General Manager in accordance with the provisions of the <i>Dog Control Act 2000</i>		<ul style="list-style-type: none"> Municipal Inspector Environmental Services Coordinator Environmental Health Officer Works Operations Manager Municipal Workers Manager Infrastructure and Development Services Works Support Officer Asset/GIS Officer 	<ul style="list-style-type: none"> General Manager

14. Right to Information Act 2009

No	Statutory Ref	Function or Power	Conditions or Restrictions	Delegation	Original Source of Power
1	S.12, 23, 33, 36, 37 & 49	The General Manager hereby delegates to the named Officers/employees of Council all the delegable powers, duties and functions conferred upon the General Manager as the Principal Officer	<ul style="list-style-type: none"> Nil Conditions or Restrictions 	<ul style="list-style-type: none"> General Manager Executive Assistant Records Officer 	<ul style="list-style-type: none"> Council General Manager
2	S.10	Electronic information	<ul style="list-style-type: none"> Nil Conditions or Restrictions 	<ul style="list-style-type: none"> General Manager 	<ul style="list-style-type: none"> Council
3	S.13(5)(6)(7)(8)	Application for assessed disclosure of information	<ul style="list-style-type: none"> Nil Conditions or Restrictions 	<ul style="list-style-type: none"> General Manager 	<ul style="list-style-type: none"> Council
4	S.14(1)	Transfer of applications	<ul style="list-style-type: none"> Nil Conditions or Restrictions 	<ul style="list-style-type: none"> General Manager 	<ul style="list-style-type: none"> Council
5	S.15	Time within which applications for assessed disclosure of information are to be decided	<ul style="list-style-type: none"> Nil Conditions or Restrictions 	<ul style="list-style-type: none"> General Manager 	<ul style="list-style-type: none"> Council
6	S.16	Charges for information	<ul style="list-style-type: none"> Nil Conditions or Restrictions 	<ul style="list-style-type: none"> General Manager 	<ul style="list-style-type: none"> Council
7	S.17	Deferment of provision of information	<ul style="list-style-type: none"> Nil Conditions or Restrictions 	<ul style="list-style-type: none"> General Manager 	<ul style="list-style-type: none"> Council
8	S.18	Provision of information	<ul style="list-style-type: none"> Nil Conditions or Restrictions 	<ul style="list-style-type: none"> General Manager 	<ul style="list-style-type: none"> Council
9	S.19	Requests may be refused if resources unreasonably diverted	<ul style="list-style-type: none"> Nil Conditions or Restrictions 	<ul style="list-style-type: none"> General Manager 	<ul style="list-style-type: none"> Council
10	S.20	Repeat or vexatious applications may be refused	<ul style="list-style-type: none"> Nil Conditions or Restrictions 	<ul style="list-style-type: none"> General Manager 	<ul style="list-style-type: none"> Council
11	S.21	Decision to be made on behalf of public authority by authorised person	<ul style="list-style-type: none"> Nil Conditions or Restrictions 	<ul style="list-style-type: none"> General Manager 	<ul style="list-style-type: none"> Council
12	S.22	Reasons to be given	<ul style="list-style-type: none"> Nil Conditions or Restrictions 	<ul style="list-style-type: none"> General Manager 	<ul style="list-style-type: none"> Council
13	S.43(4)(5)	Internal review	<ul style="list-style-type: none"> Nil Conditions or Restrictions 	<ul style="list-style-type: none"> General Manager 	<ul style="list-style-type: none"> Council

15. Public Interest Disclosure Act 2002

No	Statutory Ref	Function or Power	Conditions or Restrictions	Delegation	Original Source of Power
1		The General Manager hereby delegates to the named Officers/employees of Council all the delegable powers, duties and functions conferred upon the General Manager as the Principal Officer in accordance with the provisions of the <i>Public Interest Disclosure Act 2002</i>	<ul style="list-style-type: none"> Nil Conditions or Restrictions 	<ul style="list-style-type: none"> Executive Assistant Records Officer 	<ul style="list-style-type: none"> General Manager

16. Vehicle and Traffic Act 1999

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

17. Burial and Cremation Act 2002

No	Statutory Ref	Function or Power	Conditions or Restrictions	Delegation	Original Source of Power
COUNCIL AS CEMETERY MANAGER					
1	S.19(1)	Keep a cemetery so as not to be prejudicial to public health or public safety	<ul style="list-style-type: none"> No authority for the General Manager to sub-delegate 	<ul style="list-style-type: none"> General Manager Manager Infrastructure and Development Services Works Operations Manager Works Support Officer 	<ul style="list-style-type: none"> Council

No	Statutory Ref	Function or Power	Conditions or Restrictions	Delegation	Original Source of Power
2	S.19(2)	Keep records as prescribed of all interments in the cemetery	<ul style="list-style-type: none"> No authority for the General Manager to sub-delegate 	<ul style="list-style-type: none"> General Manager Manager Infrastructure and Development Services Works Operations Manager Works Support Officer 	<ul style="list-style-type: none"> Council
3	S.19(3)	Allow access to the cemetery	<ul style="list-style-type: none"> No authority for the General Manager to sub-delegate 	<ul style="list-style-type: none"> General Manager Manager Infrastructure and Development Services Works Operations Manager Works Support Officer 	<ul style="list-style-type: none"> Council
4	S.19(4)	a) improve, embellish and enlarge a cemetery under the control of that manager; b) restrict interments in any portion of the cemetery, except as may be required by an exclusive right of burial granted before the commencement of this Act; and c) take any other action as may be required for the proper management and maintenance of the cemetery	<ul style="list-style-type: none"> No authority for the General Manager to sub-delegate 	<ul style="list-style-type: none"> General Manager Manager Infrastructure and Development Services Works Operations Manager Works Support Officer 	<ul style="list-style-type: none"> Council
5	S.20(1)	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	<ul style="list-style-type: none"> No authority for the General Manager to sub-delegate 	<ul style="list-style-type: none"> General Manager Manager Infrastructure and Development Services Works Operations Manager Works Support Officer 	<ul style="list-style-type: none"> Council
6	S.20(2)	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	<ul style="list-style-type: none"> No authority for the General Manager to sub-delegate 	<ul style="list-style-type: none"> General Manager Manager Infrastructure and Development Services Works Operations Manager Works Support Officer 	<ul style="list-style-type: none"> Council
7	S.20(3)	Enter into an agreement for the maintenance of a vault, grave or monument	<ul style="list-style-type: none"> No authority for the General Manager to sub-delegate 	<ul style="list-style-type: none"> General Manager Manager Infrastructure and Development Services Works Operations Manager Works Support Officer 	<ul style="list-style-type: none"> Council

No	Statutory Ref	Function or Power	Conditions or Restrictions	Delegation	Original Source of Power
8	S.21(1)	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 General Manager, it is unsafe	<ul style="list-style-type: none"> No authority for the General Manager to sub-delegate 	<ul style="list-style-type: none"> General Manager Manager Infrastructure and Development Services Works Operations Manager Works Support Officer 	<ul style="list-style-type: none"> Council
9	S.21(2)(b)	To make enquiries to find a person who erected or placed a monument	<ul style="list-style-type: none"> No authority for the General Manager to sub-delegate 	<ul style="list-style-type: none"> General Manager Manager Infrastructure and Development Services Works Operations Manager Works Support Officer 	<ul style="list-style-type: none"> Council
10	S.21(2)(c)	Take a monument down and remove it, or render it safe, as the case may require where a notice served pursuant to S.21(1) has not been complied with or the person who erected or placed the monument has not been found	<ul style="list-style-type: none"> No authority for the General Manager to sub-delegate 	<ul style="list-style-type: none"> General Manager Manager Infrastructure and Development Services Works Operations Manager Works Support Officer 	<ul style="list-style-type: none"> Council
11	S.21(2)(d)	Recover any costs incurred in taking a monument down and remove it, or render it safe	<ul style="list-style-type: none"> No authority for the General Manager to sub-delegate 	<ul style="list-style-type: none"> General Manager Manager Infrastructure and Development Services Works Operations Manager Works Support Officer 	<ul style="list-style-type: none"> Council
12	S.21(4)	Provide notice of the removal of a monument and arrange for it to be re-erected if there is an agreement pursuant to S.20(3) which meets the requirements of the Act	<ul style="list-style-type: none"> No authority for the General Manager to sub-delegate 	<ul style="list-style-type: none"> General Manager Manager Infrastructure and Development Services Works Operations Manager Works Support Officer 	<ul style="list-style-type: none"> Council
13	S.23(2) & (3)	Grant an exclusive right of burial	<ul style="list-style-type: none"> No authority for the General Manager to sub-delegate 	<ul style="list-style-type: none"> General Manager Manager Infrastructure and Development Services Works Operations Manager Works Support Officer 	<ul style="list-style-type: none"> Council

No	Statutory Ref	Function or Power	Conditions or Restrictions	Delegation	Original Source of Power
14	S.27B	Make an application for approval to establish a new cemetery, with the Council as the cemetery manager	<ul style="list-style-type: none"> No authority for the General Manager to sub-delegate 	<ul style="list-style-type: none"> General Manager Manager Infrastructure and Development Services Works Operations Manager Works Support Officer 	<ul style="list-style-type: none"> Council
15	S.27C	Take steps to establish a new cemetery, as approved, including to issue a notice of the new cemetery	<ul style="list-style-type: none"> No authority for the General Manager to sub-delegate 	<ul style="list-style-type: none"> General Manager Manager Infrastructure and Development Services Works Operations Manager Works Support Officer 	<ul style="list-style-type: none"> Council
16	S.27E	Provide notice that a new cemetery will not be established	<ul style="list-style-type: none"> No authority for the General Manager to sub-delegate 	<ul style="list-style-type: none"> General Manager Manager Infrastructure and Development Services Works Operations Manager Works Support Officer 	<ul style="list-style-type: none"> Council
17	S.27F	Provide notice of the first interment or placing of human remains in a new cemetery	<ul style="list-style-type: none"> No authority for the General Manager to sub-delegate 	<ul style="list-style-type: none"> General Manager Manager Infrastructure and Development Services Works Operations Manager Works Support Officer 	<ul style="list-style-type: none"> Council
18	S.27J	Take required steps to notify of the intention to sell a cemetery, and provide notice to the regulator	<ul style="list-style-type: none"> No authority for the General Manager to sub-delegate 	<ul style="list-style-type: none"> General Manager Manager Infrastructure and Development Services Works Operations Manager Works Support Officer 	<ul style="list-style-type: none"> Council
19	S.27K	Carry out an audit within 6 months of publication of notice to sell a cemetery	<ul style="list-style-type: none"> No authority for the General Manager to sub-delegate 	<ul style="list-style-type: none"> General Manager Manager Infrastructure and Development Services Works Operations Manager Works Support Officer 	<ul style="list-style-type: none"> Council
20	S.27L	Apply for a certificate of compliance in relation to the sale of a cemetery	<ul style="list-style-type: none"> No authority for the General Manager to sub-delegate 	<ul style="list-style-type: none"> General Manager Manager Infrastructure and Development Services Works Operations Manager Works Support Officer 	<ul style="list-style-type: none"> Council

No	Statutory Ref	Function or Power	Conditions or Restrictions	Delegation	Original Source of Power
21	S.27M	Offer for sale a cemetery which is the subject of a certificate of compliance	<ul style="list-style-type: none"> No authority for the General Manager to sub-delegate 	<ul style="list-style-type: none"> General Manager Manager Infrastructure and Development Services Works Operations Manager Works Support Officer 	<ul style="list-style-type: none"> Council
22	S.27O	Notify the regulator of a decision to no longer sell a cemetery	<ul style="list-style-type: none"> No authority for the General Manager to sub-delegate 	<ul style="list-style-type: none"> General Manager Manager Infrastructure and Development Services Works Operations Manager Works Support Officer 	<ul style="list-style-type: none"> Council
23	S.27P	Prepare and provide a disclosure document with the required information, in relation to the sale of a cemetery	<ul style="list-style-type: none"> No authority for the General Manager to sub-delegate 	<ul style="list-style-type: none"> General Manager Manager Infrastructure and Development Services Works Operations Manager Works Support Officer 	<ul style="list-style-type: none"> Council
24	S.27S	Provide notice of becoming a new owner of a cemetery	<ul style="list-style-type: none"> No authority for the General Manager to sub-delegate 	<ul style="list-style-type: none"> General Manager Manager Infrastructure and Development Services Works Operations Manager Works Support Officer 	<ul style="list-style-type: none"> Council
25	S.28	Take steps to comply with any notice given by the Director of Public Health, or to appeal that notice	<ul style="list-style-type: none"> No authority for the General Manager to sub-delegate 	<ul style="list-style-type: none"> General Manager Manager Infrastructure and Development Services Works Operations Manager Works Support Officer Environmental Services Coordinator Environmental Health Officer 	<ul style="list-style-type: none"> Council
26	S.29	Publish a notice of intention to close a cemetery and apply to the regulator to do so	<ul style="list-style-type: none"> No authority for the General Manager to sub-delegate 	<ul style="list-style-type: none"> General Manager Manager Infrastructure and Development Services Works Operations Manager Works Support Officer 	<ul style="list-style-type: none"> Council

No	Statutory Ref	Function or Power	Conditions or Restrictions	Delegation	Original Source of Power
27	S.29A	Provide notice, as required, of the closure of a cemetery and to close the cemetery	<ul style="list-style-type: none"> No authority for the General Manager to sub-delegate 	<ul style="list-style-type: none"> General Manager Manager Infrastructure and Development Services Works Operations Manager Works Support Officer 	<ul style="list-style-type: none"> Council
28	S.29B	Forward cemetery records to the State Archivist	<ul style="list-style-type: none"> No authority for the General Manager to sub-delegate 	<ul style="list-style-type: none"> General Manager Manager Infrastructure and Development Services Works Operations Manager Works Support Officer 	<ul style="list-style-type: none"> Council
29	S.29B(5)	Take steps permitted in relation to tombstones and monuments, and the surrounding features, as permitted	<ul style="list-style-type: none"> No authority for the General Manager to sub-delegate 	<ul style="list-style-type: none"> General Manager Manager Infrastructure and Development Services Works Operations Manager Works Support Officer 	<ul style="list-style-type: none"> Council
30	S.29C	Enter into an agreement with a person who holds an exclusive right of burial, and take action as agreed	<ul style="list-style-type: none"> No authority for the General Manager to sub-delegate 	<ul style="list-style-type: none"> General Manager Manager Infrastructure and Development Services Works Operations Manager Works Support Officer 	<ul style="list-style-type: none"> Council
31	S.30	Apply to the regulator for approval to lay out a closed cemetery as a park or garden, and take related steps	<ul style="list-style-type: none"> No authority for the General Manager to sub-delegate 	<ul style="list-style-type: none"> General Manager Manager Infrastructure and Development Services Works Operations Manager Works Support Officer 	<ul style="list-style-type: none"> Council
32	S.33	Provide notification and prepare a statement as required by S.34 prior to carrying out works	<ul style="list-style-type: none"> No authority for the General Manager to sub-delegate 	<ul style="list-style-type: none"> General Manager Manager Infrastructure and Development Services Works Operations Manager Works Support Officer 	<ul style="list-style-type: none"> Council
33	S.35	Make available land in another cemetery for interment of human remains or the relocation of the grave or the re-erection of the monument or vault from a closed cemetery	<ul style="list-style-type: none"> No authority for the General Manager to sub-delegate 	<ul style="list-style-type: none"> General Manager Manager Infrastructure and Development Services Works Operations Manager Works Support Officer 	<ul style="list-style-type: none"> Council

No	Statutory Ref	Function or Power	Conditions or Restrictions	Delegation	Original Source of Power
34	S.36(2) & (3)	Demolish and remove any grave, monument or vault, and reverently exhume and re-inter any human remains where a S.36(1) is satisfied, and to keep records as required	<ul style="list-style-type: none"> No authority for the General Manager to sub-delegate 	<ul style="list-style-type: none"> General Manager Manager Infrastructure and Development Services Works Operations Manager Works Support Officer 	<ul style="list-style-type: none"> Council
35	S.36(1A)	Offer a closed cemetery or a portion of a closed cemetery as a gift to a religious or cultural group	<ul style="list-style-type: none"> No authority for the General Manager to sub-delegate 	<ul style="list-style-type: none"> General Manager Manager Infrastructure and Development Services Works Operations Manager Works Support Officer 	<ul style="list-style-type: none"> Council
36	S.39(1)	Reopen a grave if it is not intended to remove any human remains	<ul style="list-style-type: none"> No authority for the General Manager to sub-delegate 	<ul style="list-style-type: none"> General Manager Manager Infrastructure and Development Services Works Operations Manager Works Support Officer 	<ul style="list-style-type: none"> Council
37	S.49B	Take steps to comply with a directive issued by the regulator	<ul style="list-style-type: none"> No authority for the General Manager to sub-delegate 	<ul style="list-style-type: none"> General Manager Manager Infrastructure and Development Services Works Operations Manager Works Support Officer 	<ul style="list-style-type: none"> Council
38	S.51A	Make an application to the regulator to take action even though less than 100 years have passed since the last interment in a closed cemetery, and take related steps	<ul style="list-style-type: none"> No authority for the General Manager to sub-delegate 	<ul style="list-style-type: none"> General Manager Manager Infrastructure and Development Services Works Operations Manager Works Support Officer 	<ul style="list-style-type: none"> Council
OTHER					
39	S.14(1)	Closure of crematorium – The General Manager may give notice to the crematorium manager (where the crematorium manager is not the Council) that the whole or part of the crematorium is to be closed	<ul style="list-style-type: none"> Nil Conditions or Restrictions 	<ul style="list-style-type: none"> Manager Infrastructure and Development Services Works Operations Manager Works Support Officer 	<ul style="list-style-type: none"> General Manager

No	Statutory Ref	Function or Power	Conditions or Restrictions	Delegation	Original Source of Power
40	S.28(1)	Permit the carrying out of activity in a cemetery – The General Manager may give notice to the cemetery manager (where the cemetery manager is not the Council) that the whole or part of the cemetery is to be closed. The notice may require works or other action within a specified time	<ul style="list-style-type: none"> Nil Conditions or Restrictions 	<ul style="list-style-type: none"> Manager Infrastructure and Development Services Works Operations Manager Works Support Officer 	<ul style="list-style-type: none"> General Manager
41	S.37(1)	Closure of cemetery and notice to carry out works – The General Manager may permit the carrying out of activity consistent with quiet recreation in a closed cemetery	<ul style="list-style-type: none"> Nil Conditions or Restrictions 	<ul style="list-style-type: none"> Manager Infrastructure and Development Services Works Operations Manager Works Support Officer 	<ul style="list-style-type: none"> General Manager
42	S.40(2)	Consultation with Director of Public Health in relation to cremation on Aboriginal Land – The Director of Public Health must consult with the General Manager in relation to an application for a cremation on Aboriginal Land	<ul style="list-style-type: none"> Nil Conditions or Restrictions 	<ul style="list-style-type: none"> Manager Infrastructure and Development Services Works Operations Manager Works Support Officer Environmental Services Coordinator Environmental Health Officer 	<ul style="list-style-type: none"> General Manager
43	S.41(1)	Written permission to intern human remains other than in a cemetery – The General Manager's permission (and the landholder's) is required to intern human remains otherwise than in a cemetery	<ul style="list-style-type: none"> Nil Conditions or Restrictions 	<ul style="list-style-type: none"> Manager Infrastructure and Development Services Works Operations Manager Works Support Officer Environmental Services Coordinator Environmental Health Officer 	<ul style="list-style-type: none"> General Manager
44	S.41(2)	General Manager must be provided with certain information – A person wishing to intern human remains otherwise than in a cemetery must provide the General Manager with certain information	<ul style="list-style-type: none"> Nil Conditions or Restrictions 	<ul style="list-style-type: none"> Manager Infrastructure and Development Services Works Operations Manager Works Support Officer Environmental Services Coordinator Environmental Health Officer 	<ul style="list-style-type: none"> General Manager
45	S.41(4)	General Manager must ensure a record is kept – The General Manager must ensure Council keep a record of the location of the proposed grave and ensure it is included on any S.337 LGA certificate issued by Council	<ul style="list-style-type: none"> Nil Conditions or Restrictions 	<ul style="list-style-type: none"> Manager Infrastructure and Development Services Works Operations Manager Works Support Officer Environmental Services Coordinator Environmental Health Officer 	<ul style="list-style-type: none"> General Manager

No	Statutory Ref	Function or Power	Conditions or Restrictions	Delegation	Original Source of Power
46	S.41(5)	Closure of cemetery and notice to carry out works – The General Manager may permit the carrying out of activity consistent with quiet recreation in a closed cemetery	<ul style="list-style-type: none"> Nil Conditions or Restrictions 	<ul style="list-style-type: none"> Manager Infrastructure and Development Services Works Operations Manager Works Support Officer 	<ul style="list-style-type: none"> General Manager

18. Heavy Vehicle National Law (Tasmania) Act 2013

No	Statutory Ref	Function or Power	Conditions or Restrictions	Delegation	Original Source of Power
1	S.118(1)(b)	Granting consent for exemption on mass or dimension restriction	<ul style="list-style-type: none"> Nil Conditions or Restrictions 	<ul style="list-style-type: none"> General Manager Manager Infrastructure and Development Services Works Operations Manager Works Support Officer 	<ul style="list-style-type: none"> Council General Manager
2	S.124(1)(b)	Granting consent for exemption (permit) on mass or dimension restriction	<ul style="list-style-type: none"> Nil Conditions or Restrictions 	<ul style="list-style-type: none"> General Manager Manager Infrastructure and Development Services Works Operations Manager Works Support Officer 	<ul style="list-style-type: none"> Council General Manager
3	S.145(1)(b)	Granting consent for a class 2 heavy vehicle authorisation	<ul style="list-style-type: none"> Nil Conditions or Restrictions 	<ul style="list-style-type: none"> General Manager Manager Infrastructure and Development Services Works Operations Manager Works Support Officer 	<ul style="list-style-type: none"> Council General Manager
4	S.156(2)	Asking the Regulator for a longer period to decide whether to grant consent for a mass or dimension authority	<ul style="list-style-type: none"> Nil Conditions or Restrictions 	<ul style="list-style-type: none"> General Manager Manager Infrastructure and Development Services Works Operations Manager Works Support Officer 	<ul style="list-style-type: none"> Council General Manager

No	Statutory Ref	Function or Power	Conditions or Restrictions	Delegation	Original Source of Power
5	S.156(6)	Providing written statement explaining road manager's reasons not to give consent for a mass or dimension authority	<ul style="list-style-type: none"> Nil Conditions or Restrictions 	<ul style="list-style-type: none"> General Manager Manager Infrastructure and Development Services Works Operations Manager Works Support Officer 	<ul style="list-style-type: none"> Council General Manager
6	S.156A	Decide whether to grant consent, after considering the specific matters in S.156A and provide written reasons to the Regulator for the decision in relation to consent	<ul style="list-style-type: none"> Nil Conditions or Restrictions 	<ul style="list-style-type: none"> General Manager Manager Infrastructure and Development Services Works Operations Manager Works Support Officer 	<ul style="list-style-type: none"> Council General Manager
7	S.158	Deal with a request for consent and decide to give or not give consent for a mass or dimension authority	<ul style="list-style-type: none"> Nil Conditions or Restrictions 	<ul style="list-style-type: none"> General Manager Manager Infrastructure and Development Services Works Operations Manager Works Support Officer 	<ul style="list-style-type: none"> Council General Manager
8	S.159(2)	Notifying the Regulator that route assessment is required by the road manager in deciding whether to give consent and the fee payable	<ul style="list-style-type: none"> Nil Conditions or Restrictions 	<ul style="list-style-type: none"> General Manager Manager Infrastructure and Development Services Works Operations Manager Works Support Officer 	<ul style="list-style-type: none"> Council General Manager
9	S.160(1)	Specifying road condition(s) to which the granting of consent is subject	<ul style="list-style-type: none"> Nil Conditions or Restrictions 	<ul style="list-style-type: none"> General Manager Manager Infrastructure and Development Services Works Operations Manager Works Support Officer 	<ul style="list-style-type: none"> Council General Manager
10	S.160(2)	Providing the Regulator with a written statement explaining the road manager's decision to grant consent subject to road conditions	<ul style="list-style-type: none"> Nil Conditions or Restrictions 	<ul style="list-style-type: none"> General Manager Manager Infrastructure and Development Services Works Operations Manager Works Support Officer 	<ul style="list-style-type: none"> Council General Manager
11	S.161(1)	Specifying travel condition(s) to which the granting of consent is subject	<ul style="list-style-type: none"> Nil Conditions or Restrictions 	<ul style="list-style-type: none"> General Manager Manager Infrastructure and Development Services Works Operations Manager Works Support Officer 	<ul style="list-style-type: none"> Council General Manager

No	Statutory Ref	Function or Power	Conditions or Restrictions	Delegation	Original Source of Power
12	S.161(2)	Providing the Regulator with a written statement explaining the road manager's decision to grant consent subject to road conditions	<ul style="list-style-type: none"> Nil Conditions or Restrictions 	<ul style="list-style-type: none"> General Manager Manager Infrastructure and Development Services Works Operations Manager Works Support Officer 	<ul style="list-style-type: none"> Council General Manager
13	S.162(2)	Requesting specified vehicle condition(s) be imposed on the mass or dimension authority	<ul style="list-style-type: none"> Nil Conditions or Restrictions 	<ul style="list-style-type: none"> General Manager Manager Infrastructure and Development Services Works Operations Manager Works Support Officer 	<ul style="list-style-type: none"> Council General Manager
14	S.167(2)(b)	Giving notice to the Regulator of objection to the application of this section [which provides for expedited process for renewal of mass or dimension authority]	<ul style="list-style-type: none"> Nil Conditions or Restrictions 	<ul style="list-style-type: none"> General Manager Manager Infrastructure and Development Services Works Operations Manager Works Support Officer 	<ul style="list-style-type: none"> Council General Manager
15	S.169	Giving consent to the grant of a mass or dimension authority for a trial period or no more than 3 months	<ul style="list-style-type: none"> Nil Conditions or Restrictions 	<ul style="list-style-type: none"> General Manager Manager Infrastructure and Development Services Works Operations Manager Works Support Officer 	<ul style="list-style-type: none"> Council General Manager
16	S.170	Provide the Regulator with a written objection to a renewal of a mass or dimension authority	<ul style="list-style-type: none"> Nil Conditions or Restrictions 	<ul style="list-style-type: none"> General Manager Manager Infrastructure and Development Services Works Operations Manager Works Support Officer 	<ul style="list-style-type: none"> Council General Manager
17	S.174(2)	Asking the Regulator to amend or cancel the mass or dimension authority granted by Commonwealth Gazette notice due to adverse effect of heavy vehicles	<ul style="list-style-type: none"> Nil Conditions or Restrictions 	<ul style="list-style-type: none"> General Manager Manager Infrastructure and Development Services Works Operations Manager Works Support Officer 	<ul style="list-style-type: none"> Council General Manager
18	S.176	Provide consent to an amendment of a permit for a mass or dimension authority	<ul style="list-style-type: none"> Nil Conditions or Restrictions 	<ul style="list-style-type: none"> General Manager Manager Infrastructure and Development Services Works Operations Manager Works Support Officer 	<ul style="list-style-type: none"> Council General Manager

No	Statutory Ref	Function or Power	Conditions or Restrictions	Delegation	Original Source of Power
19	S.178(2)	Asking the Regulator amend or cancel the mass or dimension authority granted by Commonwealth Gazette notice due to adverse effect of heavy vehicles	<ul style="list-style-type: none"> Nil Conditions or Restrictions 	<ul style="list-style-type: none"> General Manager Manager Infrastructure and Development Services Works Operations Manager Works Support Officer 	<ul style="list-style-type: none"> Council General Manager
20	S.645	Decide a review of a reviewable decision under the Act	<ul style="list-style-type: none"> Nil Conditions or Restrictions 	<ul style="list-style-type: none"> General Manager Manager Infrastructure and Development Services Works Operations Manager Works Support Officer 	<ul style="list-style-type: none"> Council General Manager

19. Monetary Penalties Enforcement Act 2005

No	Statutory Ref	Function or Power	Conditions or Restrictions	Delegation	Original Source of Power
1	S.17(2)	Options for dealing with infringement notice – approve or refuse an application for the withdrawal of an infringement notice or a variation of an infringement notice, and notify the applicant of the approval or refusal	<ul style="list-style-type: none"> Nil Conditions or Restrictions 	<ul style="list-style-type: none"> General Manager 	<ul style="list-style-type: none"> Council General Manager
2	S.18(1)	Referral to Director of Monetary Penalties Enforcement Service – The Council may refer an infringement notice served by it to the Director for enforcement	<ul style="list-style-type: none"> Nil Conditions or Restrictions 	<ul style="list-style-type: none"> General Manager Administration Officer – Customer Service Technical Officer Development Services 	<ul style="list-style-type: none"> Council General Manager
3	S.23	Withdrawal of infringement notice – The Council may withdraw an infringement notice served by it. The Council is required to advise the offender in writing and advise the Director MPES if the notice was referred to MPES	<ul style="list-style-type: none"> Nil Conditions or Restrictions 	<ul style="list-style-type: none"> General Manager 	<ul style="list-style-type: none"> Council General Manager

Delegations @ 20 February 2019

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No	Statutory Ref	Function or Power	Conditions or Restrictions	Delegation	Original Source of Power
4	S.28(1)	Receive application for variation of payment conditions – A person served with an infringement notice may apply to the Council for a variation of payment conditions	<ul style="list-style-type: none"> Nil Conditions or Restrictions 	<ul style="list-style-type: none"> General Manager 	<ul style="list-style-type: none"> Council General Manager
5	S.39(1)	Council may issue proceedings if alleged offender elects hearing – If an alleged offender elects to have offences heard and determined by a court the Council may commence proceedings	<ul style="list-style-type: none"> Nil Conditions or Restrictions 	<ul style="list-style-type: none"> General Manager 	<ul style="list-style-type: none"> Council General Manager
6	S.40(3)	Council may consent to setting aside of conviction – The Council may consent to an application by a person convicted to the setting aside of that conviction	<ul style="list-style-type: none"> Nil Conditions or Restrictions 	<ul style="list-style-type: none"> General Manager 	<ul style="list-style-type: none"> Council General Manager

20. Miscellaneous Powers and Functions to the General Manager and an Officer / Employee

No	Function or Power	Delegation	Original Source of Power
1	To call for and accept quotations, tenders or auction the disposal of surplus or redundant plant, equipment or materials.	<ul style="list-style-type: none"> General Manager Manager Infrastructure and Development Services Manager Corporate Services 	<ul style="list-style-type: none"> Council General Manager
2	To approve the taking over by the Council of engineering works involved in the development of a subdivision subject to certification by the Engineering Technical Officer or Consultant Engineer that all the items, including maintenance, have been satisfactorily completed and "as constructed" drawings have been received.	<ul style="list-style-type: none"> General Manager Manager Infrastructure and Development Services 	<ul style="list-style-type: none"> Council General Manager
3	To institute, defend, abandon, settle or compromise any proceedings before any tribunal for the recovery of debts due to the Council or for breaches of any By-laws or statutes affecting the Council, or to protect, recover or secure recompense for damage to or loss of any property of the Council.	<ul style="list-style-type: none"> General Manager Manager Corporate Services 	<ul style="list-style-type: none"> Council General Manager

Delegations @ 20 February 2019

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No	Function or Power	Delegation	Original Source of Power
4	To authorise and to institute proceedings for non-compliance with any order or notice lawfully made or given by or on behalf of the Council, and where such order or notice is not complied with, to authorise the carrying out of the necessary work where the Council has the power to do so.	<ul style="list-style-type: none"> • General Manager • Technical Officer Development Services • Building Services Coordinator • Environmental Services Coordinator • Environmental Health Officer • Manager Infrastructure and Development Services 	<ul style="list-style-type: none"> • Council • General Manager
5	To issue or publish or cause to be issued or published statements of fact relating to Council's activities or policies.	<ul style="list-style-type: none"> • General Manager 	<ul style="list-style-type: none"> • Council
6	To seek legal advice and to complete affidavits on behalf of Council in accordance with Council policies.	<ul style="list-style-type: none"> • General Manager 	<ul style="list-style-type: none"> • Council
7	To sign all contracts, leases and agreements on behalf of Council in accordance with Council policies.	<ul style="list-style-type: none"> • General Manager 	<ul style="list-style-type: none"> • Council
8	To control and supervise all contracts and to approve expenditure authorised thereunder in the relevant budget, including contingency provisions.	<ul style="list-style-type: none"> • Manager Corporate Services • Manager Infrastructure and Development Services 	<ul style="list-style-type: none"> • Council • General Manager
9	To authorise the carrying out by Council of private works for other parties.	<ul style="list-style-type: none"> • General Manager • Manager Infrastructure and Development Services 	<ul style="list-style-type: none"> • Council • General Manager
10	To authorise the joining in or the contribution by the Council, to the erection or repair of any fence between land of the Council and adjoining land in accordance with the Boundary Fences Act 1908 and in keeping with the Council budget estimates.	<ul style="list-style-type: none"> • General Manager • Manager Infrastructure and Development Services 	<ul style="list-style-type: none"> • Council • General Manager
11	To determine the use of public roads for walk-a-thons, charitable collections or other like events.	<ul style="list-style-type: none"> • General Manager • Manager Infrastructure and Development Services 	<ul style="list-style-type: none"> • Council • General Manager
12	To authorise the closure of roads or parts thereof temporarily for repairs or construction.	<ul style="list-style-type: none"> • General Manager • Manager Infrastructure and Development Services 	<ul style="list-style-type: none"> • Council • General Manager
13	To authorise the total or partial release of bonds, guarantees and security deposits where the relevant Manager has certified that the work or thing which the bond, guarantee or security deposit relates has been satisfied in whole or in part and to call on any bonds, guarantees or security deposits where the work secured has not been carried out in accordance with Council requirements.	<ul style="list-style-type: none"> • General Manager • Manager Corporate Services • Manager Infrastructure and Development Services 	<ul style="list-style-type: none"> • Council • General Manager
14	To authorise the use of Council's plant and equipment in emergencies at the request of the State Emergency Services, Tasmania Police or the State Fire Authority.	<ul style="list-style-type: none"> • General Manager • Manager Infrastructure and Development Services 	<ul style="list-style-type: none"> • Council • General Manager

No	Function or Power	Delegation	Original Source of Power
15	To make payments and donations in keeping with Council policy.	<ul style="list-style-type: none"> General Manager Manager Corporate Services Manager Community Services 	<ul style="list-style-type: none"> Council General Manager
16	To approve or disapprove, upon written application, requests to consume intoxicating liquor on Council reserves or premises.	<ul style="list-style-type: none"> General Manager 	<ul style="list-style-type: none"> Council
17	To lend materials from Council stores stock in emergency circumstances as determined by the General Manager subject to the provision of a written acknowledgement of receipt of an undertaking to replace within a set time.	<ul style="list-style-type: none"> General Manager Manager Infrastructure and Development Services 	<ul style="list-style-type: none"> Council General Manager
18	Power to approve demolition of buildings not classified by the National Trust or Heritage listed.	<ul style="list-style-type: none"> General Manager Manager Infrastructure and Development Services Building Services Coordinator Technical Officer Development Services 	<ul style="list-style-type: none"> Council General Manager
19	To approve conditionally or otherwise all temporary signs and hoardings.	<ul style="list-style-type: none"> General Manager Manager Infrastructure and Development Services 	<ul style="list-style-type: none"> Council General Manager
20	Authority to appoint "Authorised Officers" or "Council Officers" where such are required to be appointed under the Local Government Act 1993 or any other Act and to issue "Certificates of Authority" to those officers where required.	<ul style="list-style-type: none"> General Manager 	<ul style="list-style-type: none"> Council
21	<p>The Affixing of the Common Seal as per the following conditions:</p> <ol style="list-style-type: none"> The General Manager may only affix the Council Seal to Sealed Plans The General Manager may only affix the Council Seal to Grant Deeds/Funding Agreements All use of the Seal must be reported to Council at its next Ordinary Meeting 		
22	<p>To act in the role of Permit Authority to facilitate the powers and functions in administration, enforcement and responsibilities in accordance with the provisions of the Building Act 2016.</p> <p>**NOTE CONDITION:</p> <ol style="list-style-type: none"> This authority does not grant the Officers the power to delegate this function to any other persons. 	<ul style="list-style-type: none"> Building Services Coordinator Development Services Administration Officer - Building Technical Officer Development Services Project Officer Environmental Services Coordinator Environmental Health Officer 	<ul style="list-style-type: none"> General Manager
23	To act in the role of administering and facilitating the orderly administration of the Act in accordance with the provisions of the Litter Act 2007.	<ul style="list-style-type: none"> Municipal Inspector Environmental Services Coordinator Environmental Health Officer Manager Infrastructure and Development Services Works Operations Manager Works Support Officer 	<ul style="list-style-type: none"> General Manager

ACTION	DECISION
PROPONENT	Council Officer
OFFICER	John Brown, General Manager
FILE REFERENCE	039\011\003\
ASSOCIATED REPORTS AND DOCUMENTS	Nil

OFFICER'S RECOMMENDATION:

That Council support the following five (5) Regional Priority Projects identified by NTDC for advocacy during the forthcoming Federal Election:

1. Population Program
2. Translink Launceston Gateway
3. FermenTasmania Centre
4. Bioenergy Plant Westbury
5. Hydrogen Energy

INTRODUCTION:

Council has reviewed the draft Regional Economic Development Plan prepared by NTDC and forming part of the Plan are a range of regional projects which have been classified as Tier 1 projects. NTDC in conjunction with Mayors of the northern region (excluding Dorset who are not a member) have discussed and identified five (5) projects which will form the basis of advocacy during the forthcoming Federal Election.

PREVIOUS COUNCIL CONSIDERATION:

Not directly, but as part of reviewing the draft REDP at the February 2019 Council meeting.

OFFICER'S REPORT:

A number of months ago Council identified a number of local (Break O'Day area) projects which have formed the basis of lobbying activities which have been occurring. At a regional perspective NTDC has been developing a Regional Economic Development Plan which also includes a number of regional projects which have been assessed and classified based on their strategic importance to the region.

NTDC is seeking a region wide expression of support for the five (5) Tier 1 projects which have been nominated for Federal election advocacy. Mayors of the northern region (excluding Dorset) met to discuss the identified projects and it was agreed the following:

- a. NTDC is to submit comprehensive details (attached)
- b. Councils would draft a resolution seeking formal Council support to be tabled at the next available Council meeting.

- c. If all Councils agree to support NTDC's request then we can do either a joint declaration of support in writing or via a media event attended by Mayors targeting both major parties in the upcoming Federal Election.

The five (5) Regional Priority Projects are as follows:

1. Population Program
2. Translink Launceston Gateway
3. FermenTasmania Centre
4. Bioenergy Plant Westbury
5. Hydrogen Energy

Projects have been assigned a 'NTDC score' which is determined in accordance with the NTDC Project Prioritisation Process (as approved by members in May 2017). This is a structured assessment process for identifying and prioritizing regional projects that will facilitate high levels of regional economic growth. Key aspects considered in the score out of 100 are:

- Economic Growth and Capacity
- Project Definition
- Community Support
- Ability to Finance
- Readiness to Proceed
- Strategic Links

The key points that have changed since the Regional Priorities were last reviewed are as follows:

- Population Program has been added as it is a project that needs funding from State and Commonwealth
- Hydrogen Energy – has been further developed because of the Federal Government's COAG focus and a Federal Opposition policy to allocate \$1B to hydrogen energy development in Australia
- Launceston Sewerage Improvement Program – was raised as a potential opportunity but discussion with Taswater have indicated they are not in a position to lobby for any more funds until further advice is received from the EPA.

Project: Population Strategy

Location: Northern Tas.

Description: Population Taskforce Strategy includes a number of pilot projects over the next two (2) years to address the need to increase the working age population in Northern Tasmania;

- Small business attraction program

- Interstate skills program

- Skills retention strategy

- International talent attraction & retention (Welcoming city & region strategy)

Proposal will include a program co-ordinator

Value: \$600k

Timeframe: 2019 – 2021

NTDC Score: 79

Funding Request: Federal - \$200k (\$100k/yr over 2 yrs)
State - \$200k (\$100k/yr over 2 yrs)
NTDC - \$100k (in cash and in-kind project management)
Councils - \$100k (\$50k/yr over 2 yrs)

Project: TRANSlink - Launceston Gateway Project

Location: Breadalbane (NMC)

Description: The TRANSlink precinct is rapidly developing as a high quality industrial, business and transport location. The precinct is adjacent and surrounding Launceston Airport – the largest freight operation in Tasmania. Improvements are required to improve access, stormwater management, provide additional lots and an intermodal facility, rail spur and gas reticulation. Working with TasRail - investigating options for rail spur & relocation of TasRail yards. Increased advocacy required to develop TasRail proposition in a timely manner. NMC are asking for the following: 1. TRANSlink Stormwater Renewal Master Plan including the creation of the missing road link between TRANSlink Avenue and TRANSlink Avenue South): ũ total project cost is \$5,482,805 ũ two TRANSlink businesses have committed \$1,215,780 to the project and Council has committed \$1,525,623 ũ funding source for the remaining \$2,741,402 is sought 2. Launceston Gateway Precinct gas reticulation: \$2.2 million 3. Expansion of TRANSlink area to the south, including progressing the preliminary concept plans for a TRANSlink Intermodal Facility that would include a 24/7 freight hub and a new railway line extending from the existing line for access to a concrete apron for loading/unloading, a warehouse and administration building. This proposal has yet to be released for community consultation – estimated project cost \$70.4 million.

Value: \$75M

Timeframe: 2019 - 2020+

NTDC Score: 76

Funding Request: Total seeking: \$75.34M

Next Stage Stormwater upgrades: Seeking Commonwealth \$2.74M (\$5.5M in total - businesses have committed \$1.2M and Council\$1.5M)

Gas Reticulation: \$2.2 million

Expansion of TRANSlink area to the south, including progressing the preliminary concept plans for a TRANSlink Intermodal Facility that would include a 24/7 freight hub and a new railway line – estimated project cost \$70.4 million.

Project: Fermentation and Food precinct

Location: Legana (WTC)

Description: A Centre of Excellence for Fermentation – including shared equipment facility, training, and visitor engagement. Also a Food Precinct area in the Northern Region is required. Fermentas will seek to stimulate the growth of the fermentation industry and associated compatible businesses through the establishment of an incubator facility which will be collaboration- driven and will represent a mix of fermentation technologies. A world-class, regional economic driver that assists to position Tasmania and Australia globally by: generating new fermentation-based

businesses and opportunities; supporting university-industry research collaborations; encouraging entrepreneurship and innovation; creating tourism opportunities around the making and appreciation of fermented products.

Value: \$10m

Timeframe: 2019 - 2021

NTDC Score: 71

Funding Request: Seeking \$10m over 3 yrs.

Federal - >\$5m

State - \$5m

Councils - contributed thru NTDC \$ and in-kind also potential

Land/site contribution by West Tamar Council

Project: Bioenergy Plant

Location: Valley Central (MVC)

Description: A \$20-\$50 million facility (depending on demand) could deliver industrial development clustering at Valley Central worth hundreds of millions to the region. Prefeasibility Stage underway to firm up business case. AD and combustion will be separated. AD likely to proceed. Combustion is unlikely to proceed in the near term even with significant capital investment from government. Funding request for C'wealth Regional Growth underway. ARENA is involved in this project which provides additional credibility.

Value: \$20-50m

Timeframe: 2019

NTDC Score: 60

Funding Request: Seeking \$2M for Stage 1 Anaerobic Digester of Total \$20M project

Council - \$18M

Federal - \$2M

Stage 2 - Combustion Plant Total \$40M

Council - \$32M

Federal - \$8M

Project: Hydrogen Energy Proposal

Location: Bell Bay (GTC)

Description: Electrolytic hydrogen production and export - using Tasmania's renewable hydroelectric, solar and wind resources to produce electrolyser based hydrogen energy from Tasmania's natural water supplies. Hydrogen production could become a new and substantial export industry for Tasmania and the Bell Bay industrial precinct is a priority location for hydrogen production and export. Hydrogen is a viable addition to the energy market, it is not in conflict with Project Marinus/Battery of the Nation, it is conceivable to have both. The Tasmanian Hydrogen Proposal is not as far progressed as Marinus, so it will lag in implementation. Federal funding is currently focused on supporting Project Marinus as it is already established - National agenda is progressing (COAG) - Tasmania's Hydrogen Proposal needs more advocacy to get started in developing business case so that we can convert our potential to meet market needs.

Value: >\$1b
Timeframe: 2020 – 2030
NTDC Score: 59
Funding Request: Seeking \$500k funding to undertake Scoping Study (Pre-Feasibility)
Federal - \$250k
State - \$200k
NTDC/Councils - In-kind \$50k (project management)

STRATEGIC PLAN & ANNUAL PLAN:

Strategic Plan 2017-2027

Goal

Economy - To foster innovation and develop vibrant and growing local economies which offer opportunities for employment and development of businesses across a range of industry sectors.

Strategies

- Develop and highlight opportunities which exist and can be realised in a manner that respects the natural environment and lifestyle of the BOD area.
- Support and encourage innovation and growth in the economy through local leadership; infrastructure provision; support services and customer focussed service delivery.

2018-2019 Annual Plan

Key Focus Area

Stakeholder Management

Action 6.1.15.1

NTDC

Participate in NTDC activities focussed on developing the regional economy. Monitor activities to ensure value for money is achieved and BODC can benefit in the future.

LEGISLATION & POLICIES:

Not Applicable.

BUDGET; FUNDING AND FINANCIAL IMPLICATIONS:

Financial implication of providing support for regional projects would be restricted to the Population Strategy project. This will require separate Council consideration if the project proceeds in the future.

VOTING REQUIREMENTS:

Simple Majority.

Pursuant to Regulation 15(1) of the Local Government (Meeting Procedures) Regulations 2015 that Council move into Closed Council.

IN CONFIDENCE

03/19.17.0 CLOSED COUNCIL

03/19.17.1 Confirmation of Closed Council Minutes – Council Meeting 18 February 2019

03/19.17.2 Outstanding Actions List for Closed Council

03/19.17.3 Litter Collection for Council Infrastructure – Closed Council Item Pursuant to Section 15(2)d of the Local Government (Meeting Procedures) Regulations 2015

Pursuant to Regulation 15(1) of the Local Government (Meeting Procedures) Regulations 2005 that Council move out of Closed Council.