



GEORGE TOWN COUNCIL

# DELEGATIONS

Delegations by Council

September 2014

# DELEGATIONS TO GENERAL MANAGER AND OFFICERS

Pursuant to

**Section 22 of the Local Government Act 1993**

and

**Section 6 of the Land Use Planning & Approvals Act 1993**

Pursuant to the powers of the Local Government Act 1993 (the LGA) the Council hereby delegates the exercise and performance of its functions and powers to the General Manager on the following conditions:

- 1: Each delegation is subject to the condition or restrictions (if any) referred to in the table to this delegation
- 2: Each delegation is subject to such policies, policy guidelines and directions as the Council may from time to time approve
- 3: Each delegation is subject to Council's By-Laws or the provision of any Act.
4. Subject to the Council in writing, delegating with or without conditions to the General Manager any of its functions or powers (Section 22 of the LGA), other than its power of delegation unless authorised by the Council and the powers referred to in Section 22(3) of the LGA.

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For and on behalf of the George Town Council

The George Town Council pursuant to a resolution of Council (TBA) dated (TBA) hereby approved these delegations.

Signed on the (TBA)

.....  
Roger Broomhall  
Mayor

.....  
Andrew Macnish  
General Manager

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## No. 1 Local Government Act 1993

Statutory Reference	Function of Power	Conditions or Restrictions
S.19 Corporation of Council	Affixing of Common Seal	1. No authority for the General Manager to sub-delegate 2. To comply with the provisions of the LGA relating to the Common seal. To comply with any policies and procedures of the Council relating to the Common Seal.
S.61 Appointment of General Manager	Appointment of Acting General Manager	To appoint an Acting General Manager in the absence of the General Manager
S.73 Source of funds	Raise funds in accordance with the provisions of Section 73 of the <i>Local Government Act 1993</i>	1. No authority for the General Manager to sub-delegate 2. Disposal of surplus plant, equipment and materials subject to the value of such items not exceeding a value of \$100,000
S. 74 Expenditure	Expend funds in accordance with the provisions of Section 74 of the <i>Local Government Act 1993</i>	In accordance with amounts included in the approved Annual Plan and Budget and for those activities under the control of the appropriate Officer to the maximum value allocated in accordance with the <i>financial and procurement delegations to staff</i> . Any purchase over this amount is to be authorised by the General Manager. All plant and equipment purchases including motor vehicles are to be authorised by the General Manager.
S. 76 Writing off bad debts	Power to write off bad debts owed to the Council in accordance with the provisions of Section 76 of the <i>Local Government Act 1993</i>	The General Manager may write-off up to a \$5,000.00 single debt. Any write-off up to \$2,500.00 by a sub-delegated Council officer.

**No. 1 Local Government Act 1993**

<b>Statutory Reference</b>	<b>Function of Power</b>	<b>Conditions or Restrictions</b>
S. 77 Grants & Benefits	Power to approve a pecuniary or non pecuniary benefit or grant.	<ol style="list-style-type: none"> <li>1. No authority for the General Manager to Sub-Delegate.</li> <li>2. The General Manager may only approve any such grant or pecuniary or non pecuniary benefit upon receiving application setting out the purpose, nature, date and location of the national sporting event for which the grant is sought or details of academic assistance sought.</li> <li>3. That only one (1) grant of up \$150.00 per applicant per calendar year can be approved by the General Manager.</li> <li>4. That a copy of the grant application must be included in the Council Information Papers.</li> <li>5. The total expenditure for the financial year under this delegation must be reported under the "Grants &amp; Benefits" section of the Annual report.</li> </ol>
S. 78 Borrowings	Borrowings in accordance with the provisions of Section 78 of the <i>Local Government Act 1993</i>	Subject to budget approval
S. 81 Authorised deposit taking institute accounts	Bank Accounts – in accordance with the provisions of Section 81 of the <i>Local Government Act 1993</i>	General Manager to consider the rate of credit fund interest and cost of account establishment.

**No. 1                      Local Government Act 1993**

<b>Statutory Reference</b>	<b>Function of Power</b>	<b>Conditions or Restrictions</b>
S. 92 Adjustment of amount payable	Supplementary rate adjustment in accordance with the provisions of Section 92 of the <i>Local Government Act 1993</i>	General Manager to consider the cost of recovering the new amount as opposed to its benefit.
S. 124 Instalment of payments	Postponement of payment in accordance with the provisions of Section 124 of the <i>Local Government Act 1993</i>	Nil Conditions or restrictions
S. 126 Condition of postponement	Power to grant postponement of the payment of rates in accordance with the provisions of Section 126 of the <i>Local Government Act 1993</i>	Request for postponement of the payment of rates must be received in writing addressed to the General Manager
S. 129 Remissions of Rates	Power to grant remission of all or part of any rates paid or payable by the ratepayers or any penalty imposed or interest charged in accordance with Section 129 of the <i>Local Government Act 1993</i>	Where it can be determined that the amount charged is incorrect or circumstances exist which deserves consideration of a remission.
S. 133 – 136 Recovery of Rates (Division 10)  Recovery of rates  Recovery from certain person  Rents under lease, & c. for unpaid rates  Indemnity	Power to recover unpaid rates.	In accordance with the provisions of Sections 133 – 136 of the <i>Local Government Act 1993</i>

## No. 1 Local Government Act 1993

Statutory Reference	Function of Power	Conditions or Restrictions
<p>S. 137 – 140 Sale of Land (Division 11)</p> <p>Sale of Land for unpaid rates Title vests in purchaser Application of money from sale Procurement if Council cannot sell land</p>	<p>Power to recover unpaid rates.</p>	<p>Authority to implement the provisions of sections 137 – 140 of the <i>Local Government Act 1993</i></p>
<p>S. 185 Compliance with notice</p>	<p>Power to take action on non compliance with a notice to undertake work in accordance with the provisions of Section 185 (2) of the <i>Local Government Act 1993</i></p>	<p>The General Manager shall give an estimate of the cost of the work to the recipient of the notice in a reasonable time prior to the conducting of the proposed work.</p>
<p>S. 189 Closure of local highways</p>	<p>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 in accordance with the provisions of Section (189) 1 of the <i>Local Government Act 1993</i></p>	<p>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</p>
<p>S. 190 Objections</p>	<p>In accordance with the provisions of Section 190 of the <i>Local Government Act 1993</i></p>	<p>The General Manager must consider vehicular access to affected properties.</p>
<p>S.197 Sale or destruction of unclaimed animals</p>	<p>Power to sell, give away, or destroy an impounded animal in accordance with the provisions in Section 197 of the Local Government Act 1993</p>	<p>The General Manager shall not give an impounded animal back to its owner who bears the liability for its impounding nor to where the animal might in all probability be subject to cruelty.</p>
<p>S. 200 Abatement Notices</p>	<p>Power to determine whether a nuisance exists and to serve notices or display a copy of such notice in accordance with the provisions of Section 200 (1) and 200 (2) of the <i>Local Government Act</i></p>	<p>This power does not extend to the determination of court action occurring.</p>
<p>S. 201 (4) General Manager may take necessary action</p>	<p>Power to abate a nuisance in accordance with the provisions of Section 201 of the <i>Local Government Act 1993</i>. Power to recover costs.</p>	<p>In respect of Fire Hazard Abatement notices only</p>

**No. 1                      Local Government Act 1993**

<b>Statutory Reference</b>	<b>Function of Power</b>	<b>Conditions or Restrictions</b>
S. 207 Remission of fees and charges	Remit all or part of any fee or charge paid or payable in accordance with the provisions of Section 207 of the <i>Local Government Act 1993</i>	Where it can be determined that the amount charged is incorrect or circumstances exist which deserves consideration of a remission.
S 333A Tenders	Power to invite tenders for any contract Council intends to enter into for the supply of provisions of goods or services in accordance with Council's Code for Tender and Contracts September 2011 and in accordance with the provisions in Section 333A of the <i>Local Government Act 1993</i>	All tender information shall be uniformly supplied to all tenderers.



## No. 2 Local Government (Building and Miscellaneous Provisions) Act 1993

Statutory Reference	Function of Power	Conditions or Restrictions
S. 86 Security for payment	Power to require security for payments and execution of works before approving a plan or subdivision in accordance with the provisions of Section 86 of the <i>Local Government (Buildings &amp; Miscellaneous Provisions) Act 1993</i>	No authority for the General Manager to sub-delegate
S 89 (1) Approval of final plans by Council	Power to approve and seal final plans in accordance with the provisions of Section 89 (1) of the <i>Local Government (Buildings &amp; Miscellaneous Provisions) Act 1993</i>	<ol style="list-style-type: none"> <li>1. No authority for the General Manager to sub-delegate.</li> <li>2. The General Manager may only approve and seal a final plan where it is in accordance with a planning permit.</li> <li>3. The General Manager is not to approve a final plan unless he/she has received advice that the application is compliant with all the relevant legislation.</li> </ol>
S. 91 (3) Corrections to final plans	Power to object to the making of a correction to a final plan by the Recorder of Titles in accordance with the provisions of Section 91(3) of the <i>Local Government (Buildings &amp; Miscellaneous Provisions) Act 1993</i>	<ol style="list-style-type: none"> <li>1. No Authority for the General manager to sub-delegate.</li> <li>2. The General manager may only object to the making of a correction of a final plan upon advice that the application is compliant with all of the relevant legislation.</li> </ol>
S. 103 Amendment of sealed plans	<i>Power to amend sealed plans in accordance with the provisions of Section 103 of the Local Government (Buildings &amp; Miscellaneous Provisions) Act 1993</i>	<ol style="list-style-type: none"> <li>1. No authority for the General Manager to sub-delegate</li> <li>2. The General manager may only amend sealed plans upon advice that the amendment complies with the relevant legislation.</li> </ol>
S. 107 Access Orders	Power to make an order requiring sub-divider to carry out access works in accordance with the provisions of Section 107 of the <i>Local Government (Building &amp; Miscellaneous Provisions) Act 1993</i>	<ol style="list-style-type: none"> <li>1. No authority for the General Manager to sub-delegate.</li> <li>2. The General Manager may only make an order upon advice that the amendment complies with the relevant legislation</li> </ol>
S. 108 Road Widening	Road widening in accordance with the provisions of Section 108 of the <i>Local Government (Building &amp; Miscellaneous Provisions) Act 1993</i>	Nil Conditions or Restrictions

**No. 2 Local Government (Building and Miscellaneous Provisions) Act 1993**

<b>Statutory Reference</b>	<b>Function of Power</b>	<b>Conditions or Restrictions</b>
S. 110 Adhesions Order	Power to make adhesion orders in accordance with the provisions of Section 110 of the <i>Local Government (Building &amp; Miscellaneous Provisions) Act 1993</i>	1. No authority for the General Manager to sub-delegate. 2. The General Manager may only make adhesion order upon advice that the amendment complies with the relevant legislation
S. 115 Exemption	Power to exempt a subdivision from the provisions of Part 3 in accordance with the provisions of Section 115 of the <i>Local Government (Building &amp; Miscellaneous Provisions) Act 1993</i>	1. No authority for the General Manager to sub-delegate. 2. The General Manager may only exempt a subdivision upon advice that the amendment complies with the relevant legislation
S. 246 Advertising Hoarding	Power to issue a license to erect an advertising hoarding in accordance with the provisions in Section 246 of the <i>Local Government (Building &amp; Miscellaneous Provisions) Act 1993</i>	1. No authority for the General Manager to sub-delegate. 2. The General Manager may only issue a license upon advice that the amendment complies with the relevant legislation.
S. 247 Removal of Advertising Hoarding	Power to require the removal of an advertising hoarding in accordance with the provisions of Section 247 of the <i>Local Government (Building &amp; Miscellaneous Provisions) Act 1993</i>	Nil Conditions or Restrictions
S. 248 Building over drains prohibited	Power to demolish, remove or remedy any building erected or constructed over or under a Council <i>drain in accordance with the provisions of Section 248 of the</i> <i>Local Government (Building &amp; Miscellaneous Provisions) Act 1993</i>	Nil Conditions or Restrictions

### No. 3 Local Government (Highways) Act 1982

Statutory Reference	Function of Power	Conditions or Restrictions
S. 10 (2) Obligations on landowners opening highways	Power to approve a person to prepare plans and specifications for highways in accordance with the provisions of Section 10(2) of the <i>Local Government (Highways) Act 1982</i>	Nil Conditions or Restrictions
S. 10 (6) Obligations on landowners opening highways	Power to relieve an owner from having carry out construction works in accordance with the provisions of Section 10 (6) of the <i>Local Government (Highways) Act 1982</i>	Nil Conditions or Restrictions
S. 19 Closure of local highways for public functions, &c.	Power to close a local highway, forbid the use of a local highway or grant licenses for the use of a closed local highway in accordance with the provisions of Section 19 of the <i>Local Government (Highways) Act 1982</i>	Nil Conditions or Restrictions
S. 20 Closure of parts of local highways for sale of goods, & c.	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 in accordance with the provisions of Section 20 of the <i>Local Government (Highways) Act 1982</i>	Nil Conditions or Restrictions
S. 34 Drainage works	Power to make, cleanse and keep open Council drains and watercourses in and through land adjoining or near a local highway in accordance with the provisions of Section 34 of the <i>Local Government (Highways) Act 1982</i>	Nil Conditions or Restrictions
S. 35 Crossings over footpaths, table drains and gutters	Power to require an owner to carry out works to a vehicular crossing over a table-drain, gutter or footpath in accordance with the provisions of Section 35 of the <i>Local Government (Highways) Act 1982</i>	Nil Conditions or Restrictions
S. 36 Fencing of Streets in towns	Power to require an owner to fence in accordance with the provisions of Section 36 of the <i>Local Government (Highways) Act 1982</i>	Nil Conditions or Restrictions

### No. 3 Local Government (Highways) Act 1982

Statutory Reference	Function of Power	Conditions or Restrictions
S. 37 Alterations, & C., of entrances to highways	Power to make alterations to entrances to highways in accordance with the provisions of Section 37 of the <i>Local Government (Highways) Act 1982</i>	Nil Conditions or Restrictions
S. 38 Removal of trees near highways	Power to remove trees as required for the facilitation and good management of local highways in accordance with the provisions of Section 38 of the <i>Local Government (Highways) Act 1982</i>	Nil Conditions or Restrictions
S. 39 Obligation of occupiers to cut back vegetation, & C.	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 in accordance with the provisions of Section 39 of the <i>Local Government (Highways) Act 1982</i>	Nil Conditions or Restrictions.
S. 41 Prohibition of traffic likely to cause damage to highways	Power to give consent or prepare a report prohibiting the use of a local highway by traffic likely to seriously injure a local highway in accordance with the provisions of Section 41 of the <i>Local Government (Highways) Act 1982</i>	Nil Conditions or Restrictions
S. 42 Closure of dangerous highways	Power to close a dangerous highway in accordance with the provisions in Section 42 of the <i>Local Government (Highways) Act 1982</i>	Nil Conditions or Restrictions
S. 44 Protection of bridges from excessive loading	Power to put up notice restricting the use of bridges by vehicles over a certain weight in accordance with the provisions of Section 44 of the <i>Local Government (Highways) Act 1982</i>	Nil Conditions or Restrictions
S. 45 Removal & disposal of abandoned vehicle	Power to remove an abandoned article from a highway in accordance with the provisions of Section 45 of the <i>Local Government (Highways) Act 1982</i>	Nil Conditions or Restrictions

### No. 3 Local Government (Highways) Act 1982

Statutory Reference	Function of Power	Conditions or Restrictions
S. 52 Projections on to highways, & c.	Power to remove or alter an obstruction to the safe and convenient passage along a local highway in accordance with the provisions of Section 52 of the <i>Local Government (Highways) Act 1982</i>	Nil Conditions or Restrictions
S. 54 Names of highways, & c.	Power to put up names of highways in accordance with the provisions of section 54 of the <i>Local Government (Highways) Act 1982</i>	Nil Conditions or Restrictions

**No. 4 Environmental Management and Pollution Control Act 1994**

<b>Statutory Reference</b>	<b>Function of Power</b>	<b>Conditions or Restrictions</b>
S. 94 (3) Provisions relating to seizure	Power to authorise the release of a thing that has been seized in relation to an offence under the Act in accordance with the provisions of Section 94 (3) of <i>the Environmental Management and Pollution Control Act 1994</i>	Nil Conditions or Restrictions

**No. 5                      Public Health Act 1997**

<b>Statutory Reference</b>	<b>Function of Power</b>	<b>Conditions or Restrictions</b>
S. 77, 78, 81, 82, 83, 87, 88, 89, 92, 97, 98, 101, 102, 103, 106, 107, 110, 111, 112, 115, 116, 119, 121, 122, 123, 129, 135, 136, 136B, & 136C	The Council hereby delegates to the General Manager all of the powers, duties and functions conferred upon the Council contained in the stated Sections of the <i>Public Health Act 1997</i>	This delegation is only to be used if it is in the best interest of the community on public health grounds, to take immediate action. A report is to be provided to the next ordinary council meeting following the issuance of the order.

*Pursuant to Section 6 of the Land Use Planning & Approvals act 1993 Council delegates the following functions and powers:*

- (a) To each of the employees who are the holders of the office or position specified in the table to this delegation;
- (b) Subject to the conditions or restrictions (if any) specified in the table;
- (c) The Delegation is subject to such policies, policy guidelines and directions as the authority may from time to time approve;
- (d) The delegation is subject to any Council's by-laws or the provisions of any Act

## No. 6 Land use Planning and Planning Approvals Act 1993

Statutory Reference	Function of Power	Conditions or Restrictions
S. 54 Additional Information	Power to require an applicant to provide additional information before considering an application for a planning permit in accordance with the provisions in Section 54 of the <i>Land Use Planning &amp; Approvals Act 1993</i>	Nil Conditions or Restrictions
S. 55 Correction of mistakes	Power to amend a planning permit where there is a mistake in accordance with the provisions in Section 55 of the <i>Land Use Planning &amp; Approvals Act 1993</i>	Nil Conditions or Restrictions
S. 56 Minor amendments to a permit	<p>Power to make minor amendments to planning permits in accordance with the provisions of Section 56 (2) of the <i>Land Use Planning &amp; Approvals Act 1993</i></p> <p>This power is delegated along with the duty to service notices in accordance with the provisions of Section 56 (3) and 56 (4) of the <i>Land Use Planning &amp; Approvals Act 1993</i></p>	Nil Conditions or Restrictions
S. 57 (5) Application for discretionary permits	Power to extend the period of time for the making of representations relating to an application for a discretionary permit in accordance with the provisions of Section 57 (5) of the <i>Land Use Planning &amp; Approvals Act 1993</i>	No authority to sub-delegate in respect of the delegation



**No. 6**

**Land use Planning and Planning Approvals Act 1993**

Statutory Reference	Function of Power	Conditions or Restrictions
S. 57 (6) Grant or refuse to grant a permit	Duty to grant or refuse discretionary planning permit in accordance with the provisions of Section 57 (6) of the <i>Land Use Planning &amp; Approvals Act 1993</i>	<p>1. The General Manager or the Director of Infrastructure &amp; Development Services is only to exercise this power where the decision is to:</p> <ul style="list-style-type: none"> <li>• Grant the permit and does not have the power to refuse a permit</li> </ul> <p>2. The power to grant the permit can only be exercised when either of the following applies:</p> <ul style="list-style-type: none"> <li>• No representations have been received in respect of the application; or</li> <li>• 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 &amp; Approvals Act 1993</i>; following advice to Councillors; or</li> <li>• Where the only representations received are in support of the proposal and any suggested conditions of approval; be included in a planning permit</li> </ul>
S. 57 (6A) Extend or further extend	Power to agree to a further extension of time under Section 57 (6) (b) to grant a discretionary planning permit in accordance with the provisions of section 57 (6A) of the <i>Land Use Planning &amp; Approvals Act 1993</i>	Nil Conditions or Restrictions
S. 58 Application for other permits	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 in accordance with the provisions of Section 58 of the <i>Land Use Planning &amp; Approvals Act 1993</i>	The delegation to Director Infrastructure & Development Services is to exercise this delegated power of minor works only as determined by policy of Council
S. 58 (2) To extend time	Power to extend time in accordance with the provisions of Section 58 (2) of the <i>Land Use Planning &amp; Approvals Act 1993</i>	Nil Conditions or Restrictions

**No. 6 Land use Planning and Planning Approvals Act 1993**

Statutory Reference	Function of Power	Conditions or Restrictions
S. 59 (7) Failure to determine an application for permit	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 &amp; Approvals Act 1993</i> have expired but where no application under Section 59 (3) has been made by the applicant in accordance with the provisions of Section 59 (7) of the <i>Land Use Planning &amp; Approvals Act 1993</i>	Nil Conditions or Restrictions
S. 60 Repealed		
S. 64 Civil enforcement procedures	Power to apply to the Resource Management and Planning Appeal Tribunal for an order regarding the contravention of Part 4 in accordance with the provisions of Section 64 of the <i>Land Use Planning &amp; Approvals Act 1993</i>	The General Manager may only apply to the Resource Management and Planning Appeal tribunal for an order upon the advice that the application is in compliance with the relevant legislation.

**No. 7            Roads and Jetties Act 1935**

<b>Statutory Reference</b>	<b>Function of Power</b>	<b>Conditions or Restrictions</b>
S. 40 Power to make drains on adjoining land	Power to make, cleanse and keep open drains or watercourses in and through land adjoining or near any road in accordance with the provisions of Section 40 of the <i>Roads and Jetties Act 1935</i>	Nil Conditions or Restrictions
S. 44 Culverts to be constructed by owners at entrances to lands adjoining roads	Power to require an owner of land to construct a culvert over a table-drain, gutter or road in accordance with the provisions of Section 44 of the <i>Roads and Jetties Act 1935</i>	Nil Conditions or Restrictions

Pursuant to Section 11 (4) of the Building Act 2000, Council delegates the following functions and powers:

- a) To each of the persons who are the holders of the office or positions specified in the table to this delegation; and
- b) Subject to the conditions or restrictions (if any) specified in the table

**No. 8 Building Act 2000**

<b>Statutory Reference</b>	<b>Function of Power</b>	<b>Conditions or Restrictions</b>
S. 18 Duties of Councils	Power to ensure owners of property are informed of their duties under the Act in accordance with the provisions of Section 18 of the <i>Building Act 2000</i>	Nil Conditions or Restrictions
S. 61 Building works without a permit	Power to take action where building work carried out without a permit in accordance with the provisions of Section 61 of the <i>Building Act 2000</i>	Nil Conditions or Restrictions
S. 72 Granting Building Permit	Duty to grant a building permit within the period specified under the Act in accordance with the provisions of Section 72 of the <i>Building Act 2000</i>	Nil Conditions or Restrictions
S. 76 Plumbing work without a permit	Power to take action where plumbing work carried out without a permit in accordance with the provisions of Section 76 of the <i>Building Act 2000</i>	Nil Conditions or Restrictions
S. 80 Form of application for plumbing permit	Power to require an applicant for a plumbing permit to provide documents or to amend an application in accordance with the provisions of section 80 of the <i>Building Act 2000</i>	Nil Conditions or Restrictions
S. 82 Granting Plumbing Permit	Duty to grant a plumbing permit within the period specified under the Act in accordance with the provisions of Section 82 of the <i>Building Act 2000</i>	Nil Conditions or Restrictions

**No. 8 Building Act 2000**

<b>Statutory Reference</b>	<b>Function of Power</b>	<b>Conditions or Restrictions</b>
S. 85 Carrying out Building Work	Power to consent to building work that varies from the certificate of likely compliance in accordance with the provisions of section 85 of the <i>Building Act 2000</i>	Nil Conditions or Restrictions
S. 86 Carrying out Plumbing Work	Power to consent to plumbing work that varies from the certificate of likely compliance in accordance with the provisions of Section 86 of the <i>Building Act 2000</i>	Nil Conditions or Restrictions
S. 89 Inspections	Power to inspect or cause to be inspected plumbing works in accordance with the provisions of Section 89 of the <i>Building Act 2000</i>	Nil Conditions or Restrictions
S. 90 Powers in relation to inspectors	Power to require plumbing works to be demolished, opened, cut into or tested for the purpose of inspecting the same in accordance with the provisions of Section 90 of the <i>Building Act 2000</i>	Nil Conditions or Restrictions
S. 91 Directions in relating to building & plumbing work	Power to direct the Plumber to carry out work so that it complies with the plumbing permit in accordance with the provisions of Section 91 of the <i>Building Act 2000</i>	Nil Conditions or Restrictions
S. 108 Granting temporary occupancy permit	Power to grant temporary occupancy permit in accordance with the provisions of Section 108 of the <i>Building Act 2000</i>	Nil Conditions or Restrictions
S. 109 Cancellation of temporary occupancy permit	Power to cancel temporary occupancy permit in accordance with the provisions of Section 109 of the <i>Building Act 2000</i>	Nil Conditions or Restrictions
S. 112 Completion of Building Work	Duty/Power to issue certificate of completion of building work where satisfied of the matters in Section 112(3) in accordance with the provisions of section 112 of the <i>Building Act 2000</i>	Nil Conditions or Restrictions

**No. 8 Building Act 2000**

<b>Statutory Reference</b>	<b>Function of Power</b>	<b>Conditions or Restrictions</b>
S. 113 Completion of Plumbing Work	Duty/Power to issue certificate of completion of plumbing work where satisfied of the matters in Section 113 (3) or refuse to issue a certificate of completion under Section 113 (4) in accordance with the provisions of Section 114 of the <i>Building Act 2000</i>	Nil Conditions or Restrictions
S. 119 Building Certificates	Power to grant a building certificate in accordance with the provisions of Section 119 of the <i>Building Act 2000</i>	Nil Conditions or Restrictions
S. 157 Contaminated or undrainable sites	Power to be satisfied that land which is contaminated, unhealthy and unsuitable is now cleaned and remedied in accordance with the provisions of Section 157 of the Building Act 2000	Nil Conditions or Restrictions
S. 158 Requirement of effluent disposal	Power to be satisfied that effluent can be drained into a sewerage system in accordance with the provisions in Section 158 of the <i>Building Act 2000</i>	Nil Conditions or Restrictions
S. 160 Protection of existing drains	Power to consent to building work over a Council drain in accordance with the provisions of Section 160 of the <i>Building Act 2000</i>	Nil Conditions or Restrictions
S. 161 Protection of service easements	Power to consent to work being carried out over a Council service easement in accordance with the provisions of Section 161 of the <i>Building Act 2000</i>	Nil Conditions or Restrictions
S. 163 Building Notices	Duty to issuing building notices to the owner of a building or temporary structure in accordance with the provisions of Section 163 of the <i>Building Act 2000</i>	Nil Conditions or Restrictions
S.164 Plumbing Work	Duty to issue a plumbing notice in accordance with the provisions of Section 164 of the <i>Building Act 2000</i>	Nil Conditions or Restrictions

**No. 8 Building Act 2000**

<b>Statutory Reference</b>	<b>Function of Power</b>	<b>Conditions or Restrictions</b>
S. 165 Fire Hazards	Power to consider a structure a fire hazard due to presenting a risk to life or property in accordance with the provisions of Section 165 of the <i>Building Act 2000</i>	Nil Conditions or Restrictions
S. 166 Fire upgrading report	Power to inspect and report on a property considered to be a fire hazard in accordance with the provisions of Section 166 of the <i>Building Act 2000</i>	Nil Conditions or Restrictions
S. 173 Building order relating to fire hazards	Power/duty to serve a building order where a fire upgrading notice is not revoked in accordance with the provisions of Section 173 of the <i>Building Act 2000</i>	Nil Conditions or Restrictions
S. 180 Granting permit to proceed	Duty/power to grant a permit to proceed in accordance with the provisions of Section 180 of the <i>Building Act 2000</i>	Nil Conditions or Restrictions
S. 191 (1-3) Demolition Order	Power to serve an order to demolish building work in accordance with the provisions of Section 191 (1-3) of the <i>Building Act 2000</i>	Nil Conditions or Restrictions
S. 192 (2) Failure to comply with building or plumbing order	In accordance with the provisions of Section 192 (2) of the <i>Building Act 2000</i>	Nil Conditions or Restrictions
S. 192 (3) Carry out work	Power to ensure owner carries out work under sub-section (2) in accordance with the provisions of Section 192 (3) of the <i>Building Act 2000</i>	Nil Conditions or Restrictions
S. 193 Possession of Building	Power to obtain possession of the building or temporary structure in accordance with the provisions of Section 193 of the <i>Building Act 2000</i>	Nil Conditions or Restrictions
S. 194 Purchasing building and materials	In accordance with the provisions of Section 194 of the <i>Building Act 2000</i>	Nil Conditions or Restrictions
S. 197 Recovery of Costs	Power to recover costs as per the provisions of Section 197 of the <i>Building Act 2000</i>	Nil Conditions or Restrictions

**No. 8 Building Act 2000**

<b>Statutory Reference</b>	<b>Function of Power</b>	<b>Conditions or Restrictions</b>
S. 198 Police assistance	Power to request the assistance of a Police Officer to evacuate or remove a person from a building in accordance with the provisions of Section 198 of the <i>Building Act 2000</i>	Nil Conditions or Restrictions
S. 199 Notification of completion of works	Power/duty to notify owner that order is complied with or require that the order be complied with in accordance with the provisions of Section 199 of the <i>Building Act 2000</i>	Nil Conditions or Restrictions
S. 200 Amendment or revocation of building order	Power to amend or revoke a building order at request of owner in accordance with the provisions of Section 200 of the <i>Building Act 2000</i>	Nil Conditions or Restrictions
S. 201 Compliance with regulations	Power to require a person who carries out work under an emergency order to obtain a building permit to comply with the Building regulations in accordance with the provisions of Section 201 of the <i>Building Act 2000</i>	Nil Conditions or Restrictions
S. 210 Appeal relating to occupancy	Power to appeal an occupancy permit in accordance with Section 210 of the <i>Building Act 2000</i>	Nil Conditions or Restrictions
S. 214 Appeal relating to Building Surveyor	Upon recommendation of the Director of Infrastructure and Development Services and in accordance with Section 214 of the <i>Building Act 2000</i>	Nil Conditions or Restrictions
Part 14 Division 4 - Authorised persons	Power to act an "Authorised Officer" – delegated by Section 260 of the <i>Building Act 2000</i>	Nil Conditions or Restrictions



Pursuant to the provisions of section 22 of the Local Government Act 1993 and the provisions of the Dog Control Act 2000, Council hereby delegates the following functions and powers:

- a) To each of the persons who are the holders of the office or positions specified in the table to this delegation; and
- b) Subject to the conditions or restrictions (if any) specified in the table;
- c) Where specified in the table, in respect of a delegation the General Manager is authorized pursuant to Section 64 of the Local Government Act 1993 to further delegate such functions or powers to an employee of the Council who holds the office or position specified (or a person acting in the position of the officer or position)

## No. 9 Dog Control Act 2000

Statutory Reference	Function of Power	Conditions or Restrictions
S. 64 Infringement Notices	Power to serve an infringement notice in accordance with Section 64 of the <i>Dog Control Act 2000</i>	Nil Conditions or Restrictions
S. 82 Delegation	Power to undertake duties associated with:  <b>Part 2</b> –Registration and identification <b>Part 3</b> – Control of Dogs <b>Part 4</b> – Legal proceedings <b>Part 5</b> – Miscellaneous in accordance with the provisions of Section 82 of the <i>Dog Control Act 2000</i>	The General Manager may delegate to any person any of his or her functions or powers under this Act other than this power of delegation

## No. 10 Plumbing Regulations 2004

Statutory Reference	Function of Power	Conditions or Restrictions
S. 20 Variations to permits	Power to vary a special plumbing permit in accordance with the provisions of Section 20 of the <i>Plumbing Regulations 2004</i>	Nil Conditions or Restrictions
S. 22 Suspension of special plumbing permits	Power to suspend a special plumbing permit in accordance with the provisions in Section 22 of the <i>Plumbing Regulations 2004</i>	Nil Conditions or Restrictions
S. 23 Cancellation of special plumbing permit	Power to cancel a special plumbing permit in accordance with the provisions of Section 23 of the <i>Plumbing Regulations 2004</i>	Nil Conditions or Restrictions
S. 39 Issue & refusal of start-work authorisation	Power to issue a start work authorisation for plumbing work in accordance with the provisions of Section 39 of the <i>Plumbing Regulations 2004</i>	Nil Conditions or Restrictions

Pursuant to Section 102 to the *Food Act 2003* to exercise the powers in respect of the following sections of the Act on behalf of the Council

**No. 11      Food Act 2003**

Statutory Reference	Function of Power	Conditions or Restrictions
S. 33 & 34 Making an order and nature of order	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 in accordance with the provisions of Sections 33 & 34 of the <i>Food Act 2003</i>	Nil Conditions or restrictions
S. 37 Compensation	Power to make a determination in relation to an application for compensation where there were insufficient grounds for making an order under Sections 33 & 34 in accordance with the provisions of Section 37 of the <i>Food Act 2003</i>	Nil Conditions or restrictions
S. 51 Cost of destruction or disposal of forfeited item	Power to make a determination in relation to an application for compensation where an item has been seized under Part 4 in accordance with the provisions of Section 51 of the <i>Food Act 2003</i>	Nil Conditions or restrictions
S. 65 Request for re-inspection upon request	Power to make an order for an authorised office to inspect a vehicle or equipment in accordance with the provisions of Section 65 of the <i>Food act 2003</i>	Nil Conditions or restrictions

**No. 11      Food Act 2003**

<b>Statutory Reference</b>	<b>Function of Power</b>	<b>Conditions or Restrictions</b>
S. 68 Compensation	Duty to pay compensation and provide notices where a person suffers loss as a result of a prohibition order made on unreasonable grounds in accordance with the provisions of Section 68 of the <i>Food Act 2003</i>	Nil Conditions or restrictions
S. 87 Registration of food business	Power to register food businesses in accordance with the provisions of Section 87 of the <i>Food Act 2003</i>	Nil Conditions or restrictions
S. 89 Renewal of registration	Power to grant or refuse applications for renewal of registration for food businesses in accordance with the provisions of Section 89 of the <i>Food Act 2003</i>	Nil Conditions or restrictions
S. 91 Variation of condition or suspension or cancellation of registration	Power to vary the conditions of or suspend or cancel the registration of a food business in accordance with the provisions of section 91 of the <i>Food Act 2003</i>	Nil Conditions or restrictions
S. 94 Register of food businesses to be maintained	Duty to prepare and maintain a list food business in accordance with the provisions of section 94 of the <i>Food Act 2003</i>	Nil Conditions or restrictions
S. 100 Reports by councils to the Director	Duty to report to the Director of Public Health on the performance under the Food Act in accordance with the provisions of Section 100 of the <i>Food Act 2003</i>	Nil Conditions or restrictions
S. 101 Appointment of authorised officers	Power to appoint Authorised Officers under the Food Act in accordance with the provisions of Section 101 of the <i>Food Act 2003</i>	Nil Conditions or restrictions

**No. 11      Food Act 2003**

<b>Statutory Reference</b>	<b>Function of Power</b>	<b>Conditions or Restrictions</b>
S. 102 Certificates of Authority	Power to provide an Authorised Officer with a certificate of Authority in accordance with the provisions of Section 102 of the <i>Food Act 2003</i>	Nil Conditions or Restrictions

## No. 12 Miscellaneous Powers and Functions to the General Manager

No	Function of Power
1	To call for an accept quotations, tenders or auction the disposal of surplus or redundant plant, equipment or materials.
2	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.
3	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.
4	To issue or publish or cause to be issued or published statements of fact relating to Council's activities or policies.
5	To seek legal advice and to complete affidavits on behalf of Council in accordance with Council policies.
6	To sign all contracts, leases and agreements on behalf of Council in accordance with Council policies.
7	To control and supervise all contracts and to approve expenditure authorised there under in the relevant budget, including contingency provisions.
8	To authorise the carrying out by Council of private works for other parties.
9	To determine the use of public roads for walk-a-thons, charitable collections or other like events.
10	To authorise the closure of roads or parts thereof temporarily for repairs or construction.
11	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.
12	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.
13	To make payments and donations in keeping with Council policy.
14	To approve or disapprove, upon written application, requests to consume intoxicating liquor on Council reserves or premises.
15	To lend materials from Council stores stock in emergency circumstances as determined by the General Manager subject to the provisions of a written acknowledgement of receipt of an undertaking to replace within a set time.
16	Power to approve demolition of buildings not classified by the National Trust or Heritage listed.
17	To approve conditionally or otherwise all temporary signs and hoardings.
18	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.
19	The affixing of the Common Seal as per the following conditions: <ol style="list-style-type: none"> <li>1. The General Manager may only affix the Council Seal to Sealed Plans.</li> <li>2. The General Manager may only affix the Council Seal to Grant Deeds/Funding Agreements.</li> <li>3. All use of the Seal must be reported to Council at its next Ordinary meeting.</li> </ol>