

**Delegations to the General Manager from Council**Approved By: **Council**Document Number: **REG-CCS-CG-100**Version: **19.0** File: 15/2/5Doc Controller: **Executive Manager
Corporate Governance**Approved Date: **30 Jan 2024**Review Date: **30 Jan 2025**

Resolutions are ordered with most recent first.

This register displays current delegations. Revoked delegations are removed.

Acting General Manager – Current Appointment	Resolution	Date
2024 Appointment of Acting General Manager <i>THAT Council, in accordance with the provisions of the Local Government Act 1993 under section 61B, appoint Damien Aherne, Director Operations as the Acting General Manager during any absence of the General Manager Simon Overland for the period 1 February 2024 until 31 January 2025.</i>	AO016-24 24/2585	30 January 2024
Land Use Planning and Approvals Act 1993 <i>Delegation of specific powers from Council to Damien Aherne, while ever appointed as Acting General Manager during the period 1 February 2024 until 31 January 2025.</i>	AO011-24 24/2581	30 January 2024

Delegation	Resolution	Date
Local Government Act 1993 – Rates Resolution	AO097-23 23/17601	27 June 2023

(Relevant excerpts from **2023-24 Rates Resolution**):

1.4 Remissions

1.4.1 *In accordance with Section 129(3) of the Act, and by absolute majority, Council grants a remission of the Stormwater Removal Charge if:*

- (a) *A ratepayer has applied in accordance with Section 129(2) of the Act; and*
- (b) *The applicant has satisfied the General Manager that the remission of the Stormwater Removal Charge should be granted on the basis that the property does not have access to the stormwater system marked at Attachment 2 to this report, or meets the definition for exemption outlined in the Council's Rates and Charges Policy.*

1.4.2 *In accordance with Section 129(3) of the Act, and by absolute majority, Council grants a remission of the Waste Management Charge if:*

- (a) *A ratepayer has applied in accordance with Section 129(2) of the Act; and*
- (b) *The applicant has satisfied the General Manager that the remission of the Kerbside Collection Charge should be granted on the basis that collection is impractical due to limited presentation space at the kerbside or insufficient storage space within the property, in accordance with the Council's Rates and Charges Policy.*

1.4.3 *In accordance Section 129(4) of the Act, and by absolute majority, the Council grants the following remission of rates.*

- (a) *For all land that does not have access to the waste collection service in accordance with the Waste Collection Service Area Map, marked as Attachment 3 to this report, as amended from time to time, a remission of \$245.84 is to be granted;*

Delegation	Resolution	Date
<p>(b) For all land that does not have access to the recycling collection service in accordance with the Waste Collection Service Area Map, marked as Attachment 3 to this report, as amended from time to time, a remission of \$81.57 is to be granted;</p> <p>(c) For all land that has a registered Conservation Covenant under the Private Land Conservation Program, a rebate of \$5 per hectare per annum, with a minimum amount of \$50 and a maximum amount of \$500.</p>		
<p>1.6 Supplementary Rates</p> <p>1.6.1 In accordance with the provisions of Section 92 of the Act Council delegates to the General Manager the power to adjust a rate as a result of a supplementary valuation.</p> <p>2. Waste Vouchers</p> <p>2.1 Authorise the General Manager to provide each separately occupied tenement with four green waste vouchers and four general waste vouchers.</p>		
<p>Archives Act 1983 Public Interest Disclosures Act 2002 Right to Information Act 2009</p>	<p>AO114-22 22/19130</p>	<p>28 June 2022</p>

“THAT Council, in accordance with section 22 of the Local Government Act 1993:

- 1) Delegate all of its powers and functions as a Relevant Authority under the **Archives Act 1983**, including any Regulations made under this Act, to the General Manager, with the exception of section 10(1)(c);
- 2) Delegate all of its powers and functions as a Public Body under the **Public Interest Disclosures Act 2002**, including any Regulations made under this Act, to the General Manager, with the exception of section 60; and
- 3) Delegate all of its powers and functions as a Public Authority under the **Right to Information Act 2009**, including any Regulations made under this Act, to the General Manager, with no restrictions; and
- 4) Authorise the General Manager under section 64 of the Local Government Act 1993 to delegate any of the above delegated functions and powers to an employee of Council with the appropriate qualifications, skills and experience; and
- 5) As of 29 June 2022, revoke its previous delegations to the General Manager under the Archives Act 1983 (Item AO216-12 dated 18 September 2012), the Public Interest Disclosures Act 2002 (Item AO184-12 dated 21 August 2012), and the Right to Information Act 2009 (Item AO184-12 dated 21 August 2012).”

<p>Heavy Vehicle National Law (Tas) 2013 Local Government (Highways) Act 1982 Roads and Jetties Act 1935</p>	<p>AO113-22 22/19129</p>	<p>28 June 2022</p>
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“THAT Council, in accordance with section 22 of the Local Government Act 1993 and section 124 of the Local Government (Highways) Act 1982, as relevant:

Delegation	Resolution	Date
<p>6) Delegate its powers and functions as a Road Manager under sections 16(b) of the Heavy Vehicle National Law (Tas) 2013, and sections 156, 156A 158, 159, 160, 161, 162, 167, 169, 170, 172, 173, 174, 176, and 178 of the Heavy Vehicle National Law (Tasmania), to the General Manager with no restrictions;</p> <p>7) Delegate all of its powers and functions under the Local Government (Highways) Act 1982, including any Regulations made under this Act, to the General Manager, with the exception of sections 12, 19(1)(c), 43, 46(2C), 73, 80, 114(8), 124 and with the following condition, that section 104(2) be delegated in accordance with Council's annual Fees and Charges Schedule;</p> <p>8) Delegate all of its powers and functions as a Council, as a Road Authority, and as a Local Authority under the Roads and Jetties Act 1935, including any Regulations made under this Act, to the General Manager, with no restrictions;</p> <p>9) Authorise the General Manager under section 64 of the Local Government Act 1993 to delegate any of the above delegated functions and powers to an employee of Council with the appropriate qualifications, skills and experience; and</p> <p>10) As of 29 June 2022, revoke its previous delegations to the General Manager under the Heavy Vehicle National Law (Tas) 2013 (Item AO192-15 dated 18 August 2015), the Local Government (Highways) Act 1982 (Item AO216-12 dated 18 September 2012), and the Roads and Jetties Act 1935 (Item AO216-12 dated 18 September 2012)."</p>		
<p>Environmental Management and Pollution Control Act 1994 Burial and Cremation Act 2019 Dog Control Act 2000 Food Act 2003 Litter Act 2007 Monetary Penalties Enforcement Act 2005 Public Health Act 1997 Weed Management Act 1999</p>	<p>AO112-22 22/19128</p>	<p>28 June 2022</p>
<p>"THAT Council, in accordance with section 22 of the Local Government Act 1993:</p> <p>11) Delegate all of its powers and functions under the Environmental Management and Pollution Control Act 1994, including any Regulations made under this Act, to the General Manager with no restrictions;</p> <p>12) Delegate all of its powers and functions as a Council, as a Cemetery Manager, and as a Person in Charge of a Monument under the Burial and Cremation Act 2019, including any Regulations made under this Act, to the General Manager, with the exception of:</p> <p>a) Part 4 Division 4 Subdivisions 1, 2 and 3 (being sections 49-62 inclusive relating to the sale of cemeteries) and</p> <p>b) Sections 66, 67, 68, 69 and 71 (relating to the closure of cemeteries); and</p> <p>c) That section 39 of the Act be delegated with the condition that fees must be in accordance with Council's annual Fees and Charges Schedule;</p> <p>13) Delegate all of its powers and functions under the Dog Control Act 2000, including any Regulations made under this Act, to the General Manager with the exception of sections 7, 20, 21, 22, 23, 24, 25, 26 and 80;</p> <p>14) Delegate all of its powers and functions as a Council, as a Relevant Authority, and as an Enforcement Agency under the Food Act 2003, including any</p>		

Delegation	Resolution	Date
<p><i>Regulations made under this Act, to the General Manager, with the exception of section 130;</i></p> <p>15) <i>Delegate all of its powers and functions under the Litter Act 2007, including any Regulations made under this Act, to the General Manager, with no restrictions;</i></p> <p>16) <i>Delegate its powers and functions as an Issuing Authority and a Fee Paying Public Sector Body, under sections 17(2), 18(1), 21, 23(1), 39(1), 40(3) and 40(5)(c) of the Monetary Penalties Enforcement Act 2005, to the General Manager;</i></p> <p>17) <i>Delegate all of its powers and functions as a Council, and as a Public Authority, under the Public Health Act 1997, including any Regulations made under this Act, to the General Manager, with the exception of section 185(1);</i></p> <p>18) <i>Delegate all of its powers and functions under the Weed Management Act 1999, including any Regulations made under this Act, to the General Manager, with no restrictions;</i></p> <p>19) <i>Authorise the General Manager under section 64 of the Local Government Act 1993 to delegate any of the above delegated functions and powers to an employee of Council with the appropriate qualifications, skills and experience; and</i></p> <p>20) <i>As of 29 June 2022, revoke its previous delegations to the General Manager under the Environmental Management and Pollution Control Act 1994 (Item AO184-12 dated 21 August 2012), the Burial and Cremation Act 2019 (Item AO218-20 dated 15 September 2020), the Dog Control Act 2000 (Item AO153-12 dated 17 July 2012), the Food Act 2003 (Item AO153-12 dated 17 July 2012), the Public Health Act 1997 (Item AO153-12 dated 17 July 2012), the Weed Management Act 1999 (Item AO216-12 dated 18 September 2012), and the Monetary Penalties Enforcement Act 2005 (Item AO91-14 dated 15 April 2014)."</i></p>		

Historic Cultural Heritage Act 1995

Local Government (Building and Miscellaneous Provisions) Act 1993

Place Names Act 2020

Strata Titles Act 1998

Survey Coordination Act 1994

AO111-22

28 June 2022

22/19127

"THAT Council, in accordance with section 22 of the Local Government Act 1993:

- 1) *Delegate its powers as a Planning Authority under sections 30, 36, 37, 38, 39, 39A, 39B and 41 of the **Historic Cultural Heritage Act 1995** to the General Manager;*
- 2) *Delegate its powers under sections 83, 84, 85, 86, 89, 91, 92, 93, 96, 103, 105(2), 107, 109(1)(6), 110, 115, 118, Part 7 (being sections 225-234 inclusive), sections 246 and 247 of the **Local Government (Building and Miscellaneous Provisions) Act 1993**, to the General Manager;*
- 3) *Delegate all of its powers and functions as a "responsible authority" under section 11 of the **Place Names Act 2020**, to name, or to alter, revoke, clarify extend or reduce the name of a highway, road, street, lane or thoroughfare within the Burnie municipal area, to the General Manager;*
- 4) *Delegate its powers under sections 6(1A), 12(2)(b), 14(2)(ab), 19(2)(b)(ii), 23(2)(d), 27(2)(d), 30, 31(6), 31AA, 37, 38, 41, 42(5), 42(6), 43(2)(b), 54, 55(1)(b), 57, 58, 59, 6(1A) of the **Strata Titles Act 1998**, to the General Manager;*

Delegation	Resolution	Date
5) Delegate its powers under S.5 of the Survey Co-ordination Act 1944 to the General Manager, and appoint Sally Pearce (Manager Development Services), under S.4(2) of the Survey Co-ordination Act 1944 , as the 'proper officer' for Burnie City Council, for the purposes of the Survey Co-ordination Act 1944;		
6) Authorise the General Manager under section 64 of the Local Government Act 1993 to delegate any of the above delegated functions and powers to an employee of Council with the appropriate qualifications, skills and experience; and		
7) As of 29 June 2022, revoke its previous delegations to the General Manager under the Historic Cultural Heritage Act 1995 (Item AO321-12 dated 11 December 2012), the Local Government (Building and Miscellaneous Provisions) Act 1993 (Item AO321-12 dated 11 December 2012), the Place Names Act 2000 (Item AO172-20 dated 21 July 2020), the Strata Titles Act 1998 (Item AO321-12 dated 11 December 2012), the Survey Coordination Act 1994 (Item AO321-12 dated 11 December 2012); and revoke its former appointment of Patrick Earle as the 'proper officer' for Burnie City Council, for the purposes of the Survey Co-ordination Act 1944 (Item AO321-12 dated 11 December 2012)."		

Building Act 2016

AO110-22
22/19126

28 June 2022

"THAT Council:

- 1) In accordance with section 8(3) of the **Building Act 2016**, delegate the following powers and functions under the Building Act 2016 and the Building Regulations 2016 to the General Manager with the conditions and restrictions as shown;

Provision	Function or Power	Condition or Restriction
Building Act 2016		
Section 16	To respond on any matter on which the Director of Building Control may liaise with the council	Nil
27(2)	Maintain records of the permit authority	Nil
27(3)	Make records of the permit authority available to authorised persons	Nil
27(3)(b)	Control access by council staff to records of the permit authority	Nil
27(4)	Collect any fee applicable for provision of a copy of the record of the permit authority	Nil
41	<ul style="list-style-type: none"> a) Ensure the owners of property are informed of their duties under the Act in relation to building, demolition and plumbing work and for the maintenance and occupation of buildings b) Be aware of building, demolition and plumbing work being performed, and the use and occupation of buildings, in the municipal area c) As applicable, ensure proceedings are initiated against any person or body failing to comply with the Building Act d) Enforce any order issued by a building surveyor if appropriate to do so 	Nil
75	Undertake the duties and protect the interests of the Council as an adjoining owner of premises where work is being performed on a building	Nil

Delegation			Resolution	Date
265(3)	Perform work required by an emergency order, building order or plumbing order if the person to whom the order is issued fails to comply	Nil		
265(4)	Undertake specified actions associated with performing work to rectify a breach	Nil		
266	Initiation of proceedings to take possession of a building or temporary structure resulting from the failure to comply with emergency, building or plumbing orders	Nil		
267(1) and (2)	Serve a demolition order	Nil		
267(3)	Enter onto land and perform demolition work	Nil		
269	Recover the cost of performing compliance work from a court	Nil		
271(1)	Sell materials acquired from demolition of a building	Nil		
271(2)	Grant the purchaser of building materials the right to perform work required by a demolition order under s265	Nil		
271(6) and (7)	Pay the owner of a building which is demolished the balance proceeds after deducting reasonable expenses	Nil		
324(4)	Collect any payment of penalties due under an infringement notice served by the general manager or the permit authority for the Burnie municipal area	Nil		
Building Regulations 2016				
43(1)	Written consent for plumbing work involving network utility operator's stormwater drainage systems (delegation of powers as a network utility operator for the stormwater drainage system)	Nil		
43(3)	Enter premises and perform necessary work to correctly seal connection (delegation of powers as a network utility operator for the stormwater drainage system)	Nil		
53	Riverine inundation - assessment of probability of flooding	Nil		

- 2) Note the General Manager's power under section 8(4) of the Building Act 2016 to delegate any of the General Manager's powers under this Act, including any of the above delegated functions and powers, to any person, as required; and
- 3) As of 29 June 2022, revoke its previous delegations to the General Manager under the Building Act 2016 (Item AO014-17 dated 31 January 2017)."

Local Government Act 1993

(See also LGA Rates Resolution listed separately in this document)

AO084-22

22/14203

24 May 2022

"THAT Council, by absolute majority:

- 1) Delegate all of its powers and functions under Section 19 from Part 3 of the **Local Government Act 1993** to the General Manager with the condition that all use of the common seal must be reported regularly to Council;
- 2) Delegate all of its powers and functions under Sections 74, 75, 76, 77 and 81 from Part 8 of the Local Government Act 1993, with the condition that:
 - a) A limit of \$5,000 per debt applies to Section 76, and

Delegation	Resolution	Date
<ul style="list-style-type: none"> b) Any write off made under Section 76 be reported regularly to Council; 		
<ul style="list-style-type: none"> 3) Authorises the General Manager to make minor adjustments up to \$350,000 to any individual estimate item (including capital works) as deemed necessary during the financial year, provided that: <ul style="list-style-type: none"> a) The total of the Estimates remains unaltered, and b) The General Manager advises Councillors of the changes with 14 days' notice of their taking effect, and c) The General Manager advises of the changes as part of the regular financial reporting to Council; 		
<ul style="list-style-type: none"> 4) Delegate all of its powers and functions under Sections 113, 127, 128, 133 and 135 from <u>Part 9</u> of the Local Government Act 1993 to the General Manager, with the condition that the delegated powers must be exercised in accordance with the Rates and Charges Policy, and the Investment Policy, as reviewed from time to time; 		
<ul style="list-style-type: none"> 5) Delegate the power to grant remissions of rates, penalty or interest under Section 129(3) of the Local Government Act 1993, up to a value of \$1,000 per debt, on the condition that: <ul style="list-style-type: none"> a) The ratepayer has applied in accordance with Section 129(2) of the Act, and b) The applicant has satisfied the General Manager that the remission should be granted; And with the requirement that any decision taken under the delegation of Section 129(3) that exceeds \$500 in value, must be reported regularly to the Council; 		
<ul style="list-style-type: none"> 6) Delegate all of its powers and functions under Sections 175, 176, 189, 197, 200, 201, 205, 207 and 209 from <u>Part 12</u> of the Local Government Act 1993 to the General Manager with: <ul style="list-style-type: none"> a) The condition that the delegation under Section 175 that applies to leasing of land only and does not include the purchase of land, b) The restriction on Section 176 to apply only to the delegated provisions under Regulations 37 (d) (e) (f) (g) and (h) of the Local Government (General) Regulations 2015, and c) The condition that the delegation under Section 205 applies only to items not contained in the annual Fees and Charges Schedule, and d) The condition that the delegation under Section 207 is limited to \$2,500 per remission; and 		
<ul style="list-style-type: none"> 7) Delegate all of its powers and functions under Section 252 from <u>Part 14</u> of the Local Government Act 1993 to the General Manager; 		
<ul style="list-style-type: none"> 8) Delegate all of its powers and functions under Regulations 25 and 37 (d) (e) (f) (g) and (h) of the Local Government (General) Regulations 2015; 		
<ul style="list-style-type: none"> 9) In accordance with Section 64 of the Act, authorise the General Manager to delegate the above powers and functions to an employee of Council with the appropriate qualifications, skills and experience; and 		
<ul style="list-style-type: none"> 10) As of 24 May 2022, with the exception of the annual Rates Resolution approved each year, revoke its previous delegations to the General Manager under the Local Government Act 1993 and associated Regulations thereunder." 		

Delegation	Resolution	Date
Land Use Planning and Approvals Act 1993 Delegation of specific powers from Council to named persons: <ul style="list-style-type: none"> • Simon Overland - Refer CM Document 24/2581 • Sally Pearce – Refer CM Document 24/2581 • Damien Aherne (when Acting GM up to 31 Jan 2025) – Refer CM Document 24/2581 	AO011-24 24/2581	30 Jan 2024
Street Dining By-law, Number 1 of 2020 “THAT Council: ... 2) <i>Delegate all of its powers and functions under the <u>Street Dining By-law Number 1 of 2020</u>, to the General Manager with no restrictions; and</i> 3) <i>Authorise the General Manager to delegate the above powers and functions to an employee of Council with the appropriate qualifications, skills and experience.”</i>	AO085-22 22/14205	24 May 2022
Strategic Infrastructure Corridor (Strategic And Recreational Use) Act 2016 (Relevant excerpts from AO213-21) That Council: ... 2) <i>Delegate all of its powers and functions as an appointed Corridor Manager under the Strategic Infrastructure Corridors (Strategic and Recreational Use) Act 2016 including any Regulations made under this Act, to the General Manager with no restrictions; and</i> 3) <i>That the General Manager be authorised to delegate the above powers and functions to an employee of Council with the appropriate qualifications, skills and experience.</i>	AO213-21 21/56393	15 December 2021
Realty Developments Contract – Marine Terrace (relevant excerpts) 1) <i>Delegate full authority to the General Manager to determine whether the outstanding contractual obligations with respect to the development of stage 3 of the land at 1 North Terrace, Burnie is satisfied if a proposed development by Realty Developments Pty Ltd proceeds to completion;</i>	AC086-21 21/45791	24 August 2021
Highways By-law, Number 3 of 2013 THAT Council 1) <i>Delegate all of its powers and functions under the Highways By-law, By-law Number 3 of 2013 to the General Manager with no restrictions; and</i> 2) <i>That the General Manager be authorised to delegate the above powers and functions to an employee of Council with the appropriate qualifications, skills and experience;</i>	AO010-14	28 Jan 2014

Document Management	
Responsibility:	The Executive Manager Corporate Governance is responsible for maintaining this document in the Corporate Document Framework.
Review Requirements:	Delegations to the General Manager are to be reviewed every two years. This Register is also updated in the interim as required by further resolutions of Council.
Documents Superseded:	Version 19.0 supercedes version 18.0 dated 4 July 2023. Subsequent revisions are made periodically to add new delegations made since the last review (version).
Strategic Plan Reference:	Strategy 7.3.1 Ensure Council remains compliant with all its statutory and regulatory obligations and contributes to the regulatory environment which affects our community.
Legislative Reference:	Section 22 of the <i>Local Government Act 1993</i> <i>(4) The general manager is to –</i> <i>(a) keep a register of any delegation; and</i> <i>(b) make the register available for inspection at a public office.</i>