

# Glenorchy City Council

## List of Delegations Given by Council to the General Manager

### PART 1 – Delegations Given under Statute

Act Section	Item Delegated	Conditions or Limitations
<b>Boundary Fences Act 1908</b>		
Various	Power to fulfil the obligations of Council as an owner of land (other than land to which the Act does not apply) to contribute to the cost of the construction, replacement or repair of boundary fences in accordance with the <i>Boundary Fences Act 1908</i> .	Where applicable, powers are to be exercised in accordance with Council's Contributions to Boundary Fences Policy (as amended from time to time).
Various	Authorisation to further delegate all of the functions and powers of Council under the <i>Boundary Fences Act 1908</i> that have been delegated by Council to the General Manager.	
<b>Building Act 2016</b>		
Various	To administer and undertake the powers and functions of Council under the <i>Building Act 2016</i> including (but not limited) to: <ul style="list-style-type: none"> <li>• keeping and managing records</li> <li>• recovering costs borne by Council and a permit authority in receipting money payable under the Act, and</li> <li>• determination (on advice) of lands that have a reasonable probability of flooding under for the purposes of identifying 'hazardous areas', as defined.</li> </ul>	
Various	To undertake the administrative actions consistent with Council's functions and obligations related to non-compliance with the provisions of the <i>Building Act 2016</i> , including (but not limited to): <ul style="list-style-type: none"> <li>• the undertaking of required work that is the subject of an emergency building or plumbing order</li> <li>• the serving of demolition orders</li> <li>• taking possession of a building site- undertaking demolition work, and</li> <li>• recovering costs incurred and the disposal of demolished building materials.</li> </ul>	
<b>Dog Control Act 2000</b>		
Section 7(3)(a) and (b)	Power to: <ul style="list-style-type: none"> <li>(a) invite public submissions relating to a proposed dog management policy; and</li> <li>(b) consult with any appropriate body or organisation</li> </ul>	
Section 24	Power to give notice and invite submissions before resolving to declare an area in one of these categories (exercise, training, prohibited or restricted area).	

Act Section	Item Delegated	Conditions or Limitations
Section 26	Power to review a declaration at least once every 5 years and give public notice of the review.	
Section 27	Power to erect and maintain signs sufficient to identify any exercise area, training area, prohibited area or restricted area.	
<b>Environmental Management and Pollution Control Act 1994</b>		
Various	All of Council's functions and powers under the <i>Environmental Management and Pollution Control Act 1994</i> .	
Various	Authorisation to further delegate Council's functions and powers under the <i>Environmental Management and Pollution Control Act 1994</i> that have been delegated by Council to the General Manager.	
<b>Food Act 2003</b>		
Various	All of Council's functions and powers under the <i>Food Act 2003</i> , including the powers of Council as an 'enforcement agency'.	
Various	Authorisation to further delegate all of the functions and powers of Council under the <i>Food Act 2003</i> that have been delegated to the General Manager by Council.	
<b>Glenorchy City Council Animal Management By-Law (No. 1 of 2014)</b>		
Various	All Council's functions and powers under the <i>Glenorchy City Council Animal Management By-Law (No. 1 of 2014)</i> .	
Various	Authority to further delegate the powers and functions of Council under the <i>Glenorchy City Council Animal Management By-Law (No. 1 of 2014)</i> that have been delegated by Council to the General Manager.	
<b>Land Acquisition Act 1993</b>		
Sections 9 and 10	The powers of an 'acquisition authority' under sections 9 and 10 of the <i>Land Acquisition Act 1993</i> .	To be exercised in accordance with relevant Financial and Contractual delegations.
<b>Land Use Planning and Approvals Act 1993</b>		
Part 3A Generally	<p><b>PART 3A - LOCAL PROVISIONS SCHEDULES</b></p> <p>Following a decision by Council to initiate preparation of a Local Provisions Schedule (LPS), or to provide advice, recommendations, views or opinions in respect of a draft LPS, the powers under Part 3A to:</p> <ol style="list-style-type: none"> <li>1. give any advice, recommendations, notifications or referrals, or undertake any consultations that are required under Part 3A;</li> <li>2. take any and all steps necessary to initiate and complete the public exhibition of a draft LPS in accordance with Part 3A;</li> <li>3. where no representations have been received during the exhibition period, recommend to the Commission that the draft LPS is approved (in addition to any other recommendations)</li> <li>4. modify a draft LPS, provided the modification is only to correct a minor error or omission, remove an anomaly,</li> </ol>	

Act Section	Item Delegated	Conditions or Limitations
	<p>clarify or simplify a provision, remove an inconsistency with any other provision of the draft LPS or any Act or make minor procedural changes, or is necessary to comply with the direction of the Commission or a Court or the any other lawful direction.</p>	
<p>Part 3B Generally</p>	<p><b>PART 3B - AMENDMENT OF LPSs</b></p> <p>Following a decision by Council to initiate preparation of a draft amendment of an LPS, or to provide advice, recommendations, views or opinions in respect of a draft amendment to an LPS the powers under Part 3B to:</p> <ol style="list-style-type: none"> <li>1. give any advice, recommendations, notifications or referrals, or undertake any consultations that are required under Part 3B;</li> <li>2. take any and all steps necessary to initiate and complete the public exhibition of a draft amendment of an LPS in accordance with Part 3B;</li> <li>3. where no representations have been received during the exhibition period, recommend to the Commission that a draft amendment of an LPS is approved (in addition to any other recommendations);</li> <li>4. modify a draft amendment of an LPS, provided the modification is only to correct a minor error or omission, remove an anomaly, clarify or simplify a provision, remove an inconsistency with any other provision of the draft LPS or any Act or make minor procedural changes, or is necessary to comply with a direction of the Commission or a Court or any other lawful direction.</li> </ol>	
<p>Part 4 Generally</p>	<p><b>PART 4 - ENFORCEMENT OF PLANNING CONTROL</b></p> <p>The powers under Part 4 to take any and all steps necessary to observe and enforce the observance of Council's planning scheme in respect of all use or development undertaken within the Glenorchy municipality, including (but not limited to) the power to:</p> <ol style="list-style-type: none"> <li>1. administer the receipt and processing of applications made under Part 4 (but not to approve or refuse applications)</li> <li>2. give any advice, recommendations, referrals or notifications, or undertake any consultations required under Part 4;</li> <li>3. represent Council in any proceedings before the Resource Management and Planning Appeals Tribunal (Tribunal), any Court or other body of competent jurisdiction, and any mediation under Part 4, and to give evidence on behalf of Council;</li> <li>4. take any and all steps necessary to comply with any order of the Tribunal, a Court, or any other body of competent jurisdiction, or any direction given lawfully under Part 4;</li> <li>5. initiate legal proceedings before the Tribunal or any Court under this or any other Act in relation to any use or development of land in the Glenorchy municipality, including (but not limited) any matter in respect of which proceedings may be initiated under Part 4.</li> </ol>	<p>Delegation excludes:</p> <ul style="list-style-type: none"> <li>power to amend a permit under section 56</li> <li>power to issue any approvals under sections 57 and 58, and any powers the subject of a specific delegation of a provision in Part 4.</li> </ul>

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Part 5 Generally	<b>PART 5 - AGREEMENTS</b> All of Council's powers under Part 5 in relation to the entry into, administration and amendment of agreements made under Part 5 (Part 5 Agreements), including authorisation to represent Council in any proceedings initiated in respect of a Part 5 Agreement.	Does not include the power to amend a Part 5 Agreement that was entered into pursuant to a resolution of Council.
Sections 57 and 58	Power to negotiate and approve an extension of time for the determination of a permit application, as provided under ss. 57(6) and (6A), and 58 (2) and (2A).	
Section 82	Authorisation to certify copies of any documents listed in section 82.	
Various	All of Council's powers (as a 'planning authority') under sections 48AA, 48A, 51(1A) and (1B), 53(5A) and (5B), 54, 55, 56(3) and (4), 57(6A), 57A, 59(8), 60P(4), 60Q(5), 63(5C), 63B(3), 64, 65B, 65C, 65E(5) and 65G of the Land Use Planning and Approvals Act 1993.	
<b>Land Use Planning and Approvals Regulations 2014</b>		
Various	All of Council's functions and powers (as a 'planning authority') under regulations 4, 5, 7, 8 and 9 of the <i>Land Use Planning and Approvals Regulations 2014</i> .	
Various	Authorisation to delegate the functions and powers of Council under regulations 4, 5, 7, 8 and 9 of the <i>Land Use Planning and Approvals Regulations 2014</i> that Council has delegated to the General Manager.	
<b>Local Government (Building and Miscellaneous Provisions) Act 1993</b>		
Various	All of the functions and powers of Council under the <i>Local Government (Building and Miscellaneous Provisions) Act 1993</i>	
Various	Authorisation to further delegate all of the powers and functions of Council under the <i>Local Government (Building and Miscellaneous Provisions) Act 1993</i> that have been delegated by Council to the General Manager.	
<b>Local Government (General) Regulations 2015</b>		
Regulation 23	The powers and functions of Council under regulations 23(3) and 23(5)(a) of the <i>Local Government (General) Regulations 2015</i> , including the power to extend contracts entered into under tender as specified in the contract.	Does not include the power to extend a contract where the contract does not specify extensions (which must be by an absolute majority of Council).
Various	The powers and functions of Council under sections 25 and 26 of the <i>Local Government (General) Regulations 2015</i> .	
Various	Authorisation to further delegate the functions and powers of Council under regulations 25 and 26 of the <i>Local Government (General) Regulations 2015</i> that have been delegated by Council to the General Manager.	
<b>Local Government (Highways) Act 1982</b>		
Various	All of Council's powers (including the powers of a 'corporation') under the <i>Local Government (Highways) Act 1982</i> , other than the powers under sections 12(1), 15(3),	

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	19(1)(c), 61, 73, 80, 114(8) and 124.	
<b>Local Government Act 1993</b>		
Various	All of Council's functions and powers under sections 75, 81, 175, 176, 185, 189, 197, 200, 201, 205, 207, 209 and 252.	
Various	Authorisation under section 64(b) to delegate the functions or powers delegated to the General Manager by Council under sections 75, 81, 175, 176, 185, 189, 197, 200, 201, 205, 209 and 252.	
Various	All of Council's functions and powers under sections 124, 126, 127, 128, 133, 134 and 135.	<p>The General Manager may only exercise the powers under these sections where Council has determined appropriate policies and procedures to be followed in relation to those powers.</p> <hr/> <p>The General Manager is not authorised to further delegate these powers.</p>
Various	All of Council's powers under sections 72A and 72B.	The General Manager is not authorised to further delegate these powers.
Section 19	Authorisation to use the Common Seal of Council to sign and seal documents requiring the use of the Common Seal on behalf of Council and to attest to the execution of documents sealed by Council.	Provided the use of the Common Seal sealed document is necessary to implement a decision of Council, or is otherwise required under an Act to be used.
Section 74	<p>Power to expend the funds of Council for the purpose of exercising Council's functions or powers under the <i>Local Government Act 1993</i> or any other Act within the following limits:</p> <p>(a) a maximum amount of \$500,000, or</p> <p>(b) a maximum amount of \$1,000,000 where all of the following apply:</p> <p>(i) a contract is to be awarded after the completion of a public tender process,</p> <p>(ii) the lowest tender is being accepted, and</p> <p>(iii) both the veracity of the tender process and the recommended tenderer have been reviewed and endorsed by Council's Tender Review Committee, to a maximum amount of \$1,000,000,</p> <p>(c) an <b>unlimited</b> amount where the payment is any of the following:</p> <p>(i) made under a contract or agreement approved by Council where the payments fall within the approved contractual framework (until the total approved value has been reached)</p> <p>(ii) government levies, taxes and contributions, or</p> <p>(iii) expenditure specifically authorised by a</p>	Expenditure must be in accordance with all legislative requirements, and any Council policy, procedure or directive including, but not limited to, Council's Code for Tenders and Contracts.

Act Section	Item Delegated	Conditions or Limitations
	resolution of Council.	
Section 74	Authorisation to delegate the power to expend the funds of Council for the purpose of exercising Council's functions or powers under the <i>Local Government Act 1993</i> or any other Act.	The General Manager is only authorised to delegate the power to expend funds to a maximum of \$250,000.
Section 76	The power to write off any debts owed to the council in accordance with the requirements of section 76 to a maximum amount of \$20,000.	Note: Must be in accordance with an appropriate Council policy (s. 22(2)(ba) of the Act)
Section 77	Power to make a grant or provide a pecuniary benefit or a non-pecuniary benefit that is not a legal entitlement to any person, other than a councillor, for any purpose it considers appropriate, to a maximum value of \$10,000.	The benefit may include: (a) in-kind assistance and (b) fully or partially reduced fees, rates or charges, and (c) remission of rates or charges.
Section 82(6)	Authorisation to make minor adjustments to individual items within any estimate up to \$250,000, so long as the total amount of the estimate is not altered.	Must report any adjustment and an explanation of the adjustment at the first ordinary meeting of Council following the adjustment.  Authorisation must be by an absolute majority of Council. The General Manager is not authorised to delegate this function.
Section 129	Power to grant a remission of: (a) all or part of any rates, penalty or interest paid or payable by a ratepayer (b) any rates, penalty or interest paid or payable by a class of ratepayers.	Powers must be exercised in accordance with the relevant Council policy that addresses the remission of rates (as amended from time to time).
Section 333A	Power to authorise an exemption to the requirement to invite tenders for the supply or provision of goods or services valued at or above the prescribed amount, by determining that a situation or contract is a 'prescribed situation or contract' for the purposes of s. 333A(3) and r. 27 of the <i>Local Government (General) Regulations</i> .	NOTE: See also the delegation under clause 9.1 of <i>Council's Code for Tenders and Contracts</i> .
Section 333A	Authorisation to further delegate the powers under section 333A that have been delegated to the General Manager by Council.	NOTE: See also the delegation under clause 9.1 of <i>Council's Code for Tenders and Contracts</i> .
Section 336	Power to use and display Council's arms (coat or arms) in any manner the General Manager thinks fit, provided the General Manager notifies the Mayor or Commissioner (as the case may be) in writing of each occasion on which the General Manager exercises this power.	
<b>Monetary Penalties Enforcement Act 2005</b>		
Various	All of the functions and powers of Council under the <i>Monetary Penalties Enforcement Act 2005</i> , including to the extent that the relevant powers are those of a 'fee-paying public sector body' or an 'issuing authority'.	
Various	Authorisation to further delegate the functions and powers	

Act Section	Item Delegated	Conditions or Limitations
	of Council under the <i>Monetary Penalties Enforcement Act 2005</i> that have been delegated by Council to the General Manager.	
<b>Public Health Act 1995</b>		
Various	All of the functions and powers of Council under the <i>Public Health Act 1997</i> , other than the power to impose fees under section 185(1).	
Various	Authorisation to delegate the functions and powers of Council under the <i>Public Health Act 1997</i> that have been delegated to the General Manager by Council.	
<b>Right to Information Act 2009</b>		
Various	All of the functions and powers of Council as a 'public authority' under the <i>Right to Information Act 2009</i> .	
Various	Authorisation to delegate the functions and powers of Council as a public authority under the <i>Right to Information Act 2009</i> that have been delegated by Council to the General Manager.	
<b>Roads and Jetties Act 1935</b>		
Various	All of Council's functions and powers under the <i>Roads and Jetties Act 1995</i> .	
Various	Authorisation to further delegate the functions and powers of Council under the <i>Roads and Jetties Act 2005</i> that have been delegated by Council to the General Manager.	
<b>Strata Titles Act 1998</b>		
Various	Council's functions and powers under Part 2 and Part 3, and sections 58(5) and 142 of the <i>Strata Titles Act 1998</i> .	
Various	Authorisation to further delegate all of the functions and powers of Council under the <i>Strata Titles Act 1998</i> that have been delegated by Council to the General Manager.	
<b>Urban Drainage Act 2013</b>		
Various	All of Council's functions and powers of under the <i>Urban Drainage Act 2013</i> .	
Various	Authorisation to delegate the functions and powers of Council under the <i>Urban Drainage Act 2013</i> that have been delegated by Council to the General Manager.	
<b>Weed Management Act 1999</b>		
Section 34(3)	The power, with the approval of the Secretary, to appoint any person as an inspector for the purpose of the <i>Weed Management Act 1999</i> .	
<b>Workers Compensation and Rehabilitation Act 1988</b>		
Various	Authority to exercise all the powers and functions of an 'employer' under the <i>Workers Compensation and Rehabilitation Act 1988</i> on behalf of Council.	
Various	Authorisation to further delegate the to exercise the such powers of and functions of an 'employer' under the <i>Workers Compensation and Rehabilitation Act 1988</i> as are	

Act Section	Item Delegated	Conditions or Limitations
	required to discharge Council's functions and powers under that Act.	

## PART 2 – Other Powers Delegated to the General Manager

Clause / Category	Item Delegated	Conditions or Limitations
<b>Contractual Delegations - Contractual Powers of Council</b>		
Delegation of contractual powers given to Council under section 20 of the <i>Local Government Act 1993</i> .		
Execution of Documents Approved by Council	Authority to execute any document on behalf of Council where the execution is necessary to give effect to a decision of Council.	
Execution of Documents Approved by Council	Authorisation to further delegate the power to execute documents on behalf of Council where the execution is necessary to give effect to a decision of Council.	
Execution of Land Titles Office Documents	Authority to execute any document requiring registration at the Land Titles Office (including easements, caveats and registration of leases) on behalf of Council.	
Execution of Land Titles Office Documents	Authority to further delegate the power to execute any document requiring registration at the Land Titles Office (including easements, caveats and registration of leases).	
Agreements to Settle Disputes	Authority to enter into agreements to settle disputes, including deeds of release, up to a total value of \$500,000.	
Agreements to Settle Disputes	Authorisation to delegate the authority to enter into agreements to settle disputes.	Delegation must not exceed the delegate's financial expenditure limit.
Real Property Contracts: Purchase of Real Property	Authority to approve contracts for the purchase of real property by Council to a maximum value of \$500,000.	
Real Property Contracts: Leases, Occupation Licenses etc.	Authority to enter into leases, and licence arrangements for the occupation by Council of real property, where: (a) lease/licence term is not capable of exceeding 20 years; and (b) value (including outgoings) does not exceed the higher of \$25,000 per annum for the life of the agreement (including options) or \$500,000 for the life of the agreement (including options)	Limit is for total life of agreement, not including options
Real Property Contracts	Authority to delegate the authority to enter into contracts for the purchase, or leases, and licence arrangements.	Delegation must not exceed the delegate's financial expenditure limit.
Receive	Unlimited authority to approve the receipt of grant funds	Provided the combined



Clause / Category	Item Delegated	Conditions or Limitations
Grant Funding	by Council.	amount of any co-contribution by Council does not exceed \$500,000.
Receive Grant Funding	Authorisation to further delegate the power to receive grant funding.	Any delegations to authorise co-contributions by Council must not exceed the delegate's financial expenditure limit.
<b>Delegations under Council's Code for Tenders and Contracts</b>		
<b><i>Glenorchy City Council Code for Tenders and Contracts (October 2017)</i></b>		
Various	Any powers of Council under the <i>Glenorchy City Council Code for Tenders and Contracts (Code)</i> necessary to properly administer and ensure compliance with the Code.	
Clause 7.1	Power to authorise procurement through a public tender process for amounts under \$250,000.	
Clause 9.1	Power to authorise the use of the statutory exemptions listed in clause 9.1.	NOTE: Included for reference purposes only. The actual delegated authority for this is under s. 333A of the Local Government Act 1993 and r. 27 of the <i>Local Government (General) Regulations 2015</i>
Clause 9.2	Power to authorise the use of the exceptions listed in 9.2, 1.(a) to (f) to the requirements in clauses 7.3.2, 7.3.3 and 7.3.4 of the Code for Tenders and Contracts.	
Various	Authorisation to further delegate the functions and powers delegated to the General Manager under the <i>Glenorchy City Council Code for Tenders and Contracts</i> .	