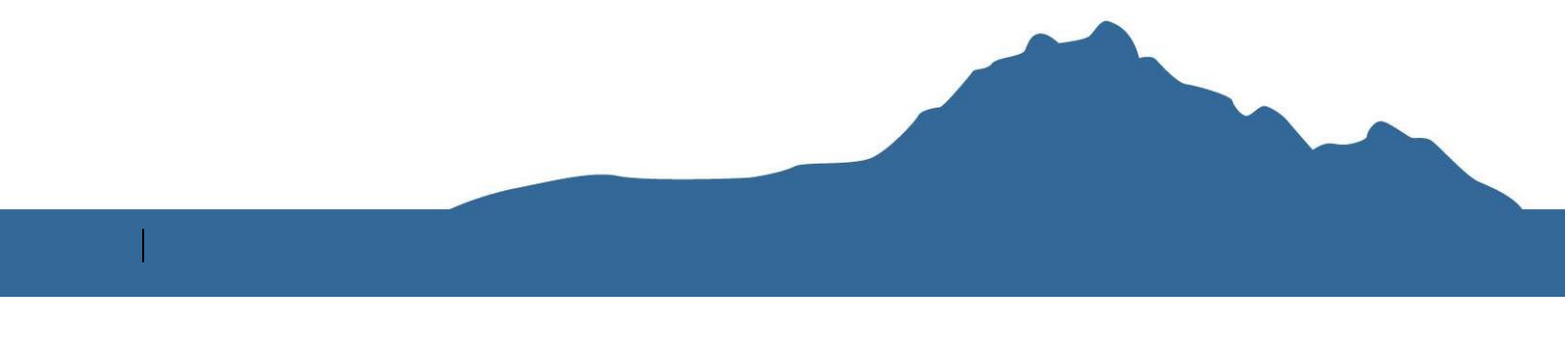


20.7.1 May 2023



# Council's Instrument of Delegation

May 2023



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## 1 DEFINITIONS

For the purposes of this Instrument of Delegation, the following terms have the following meanings unless the contrary intention appears:

- ‘Act’** means the *Local Government Act 1993* as may be amended, varied or replaced from time to time;
- ‘Council’** means the Flinders Council established pursuant to s.18 of the Act;
- ‘General Manager’** means the person appointed to the position of general manager of the Council pursuant to s.61 of the *Local Government Act 1993*; and
- ‘Officer’** means an employee of Council.

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## 2 REVOCATION OF PREVIOUS DELEGATIONS

Pursuant to s.23AA(2)(c) of the *Acts Interpretation Act 1931*, Council hereby revokes all previous delegations made and approved by the Council.

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## 3 DELEGATIONS

This part sets out the delegation of certain functions and powers of Council contained in the following statutes:

- (a) *Local Government Act 1993*;
- (b) *Local Government (Highways) Act 1982*;
- (c) *Local Government (Building and Miscellaneous Provisions) Act 1993*;
- (d) *Land Use Planning and Approvals Act 1993*;
- (e) *Building Act 2016*;
- (f) *Building Regulations 2016*;
- (g) *Public Health Act 1997*;
- (h) *Food Act 2003*;
- (i) *Environmental Management and Pollution Control Act 1994*;
- (j) *Roads & Jetties Act 1935*; and
- (k) *Strata Titles Act 1998*.

Once adopted by Council, this document constitutes Council’s register of delegations for the purposes of s.22(4) of the Act.

### 3.1 LOCAL GOVERNMENT ACT 1993

Pursuant to s.22(1) of the Act, Council hereby delegates the functions and powers in the Act specified in Column A of the delegation table below, to the General Manager, subject to the conditions (if any) specified in Column B.

Pursuant to s.64(1)(b) of the Act, Council hereby authorises the General Manager to delegate the functions and powers set out in Column A of the delegation table below, to the Officers who hold the positions (in either a permanent or acting capacity) specified in Column C, subject to the additional conditions (if any) specified in Column D.

#### DELEGATION TABLE

COLUMN A Function or Power	COLUMN B Conditions	COLUMN C Officers	COLUMN D Additional Conditions
Section 73(c) Source of Funds: selling property and assets	<ul style="list-style-type: none"> <li>• Selling surplus plant, equipment and materials only.</li> <li>• Delegation does not extend to selling real property.</li> <li>• Compliance with policies and procedures determined by Council (as may be amended from time to time) in relation to tenders and contracts.</li> </ul>	<ul style="list-style-type: none"> <li>• Nil</li> </ul>	<ul style="list-style-type: none"> <li>• Nil</li> </ul>

COLUMN A Function or Power	COLUMN B Conditions	COLUMN C Officers	COLUMN D Additional Conditions
<p>Section 74</p> <p>Expenditure: expend funds within the adopted budget estimates</p>	<p>Compliance with codes within their department budget as specified in the individual delegation letter; and compliance with policies adopted or endorsed by Council. *Above condition applies to all delegated authorities in this section.</p>	<p><u>Part A</u></p> <ul style="list-style-type: none"> <li>• Infrastructure Manager</li> <li>• Development Services Coordinator</li> <li>• Community Services Coordinator</li> <li>• Corporate Services Coordinator</li> </ul> <p><u>Part B</u></p> <ul style="list-style-type: none"> <li>• Workshop Coordinator</li> <li>• Airport Operations Officer</li> </ul> <p><u>Part C</u></p> <ul style="list-style-type: none"> <li>• Executive Officer</li> </ul> <p><u>Part D</u></p> <ul style="list-style-type: none"> <li>• Senior Finance Officer</li> <li>• Works Foreman</li> <li>• Safety and Works Administration Officer</li> <li>• Funeral Director</li> <li>• Community Development Officer</li> <li>• Development Services Officer</li> <li>• Executive Assistant</li> <li>• <u>Town Maintenance Supervisor</u></li> <li>• <u>Waste Management Supervisor</u></li> </ul>	<ul style="list-style-type: none"> <li>• Expenditure must accord with Council's annual plan, budget estimates and staff expenditure procedure.</li> </ul> <p><u>Part A</u></p> <ul style="list-style-type: none"> <li>• Expenditure in excess of <b>\$49,999</b> by Officers in Part A must be authorised by the General Manager.</li> </ul> <p><u>Part B</u></p> <ul style="list-style-type: none"> <li>• Expenditure in excess of <b>\$19,999</b> by Officers in Part B must be authorised by the officer's line Manager/Supervisor from Part A or by the General Manager.</li> </ul> <p><u>Part C</u></p> <ul style="list-style-type: none"> <li>• Expenditure in excess of <b>\$9,999</b> by Officers in Part C must be authorised by the officer's line Manager/Supervisor from Part A or Part B or the General Manager.</li> </ul> <p><u>Part D</u></p> <ul style="list-style-type: none"> <li>• Expenditure in excess of <b>\$4,999</b> by Officers in Part D must be authorised by the officer's line Manager/Supervisor from Part A, B or C or the General Manager.</li> </ul>
<p>Section 75</p> <p>Investments</p>	<ul style="list-style-type: none"> <li>• Compliance with all applicable codes and policies adopted or endorsed by Council.</li> </ul>	<ul style="list-style-type: none"> <li>• Nil</li> </ul>	<ul style="list-style-type: none"> <li>•</li> </ul>

<b>COLUMN A Function or Power</b>	<b>COLUMN B Conditions</b>	<b>COLUMN C Officers</b>	<b>COLUMN D Additional Conditions</b>
Section 76 Writing off bad debts	<ul style="list-style-type: none"> <li>Compliance with all applicable codes and policies adopted or endorsed by Council.</li> </ul>	<ul style="list-style-type: none"> <li>Nil</li> </ul>	<ul style="list-style-type: none"> <li></li> </ul>
Section 77 Grants and benefits	<ul style="list-style-type: none"> <li>Compliance with all applicable codes and policies adopted or endorsed by Council.</li> </ul>	<ul style="list-style-type: none"> <li>Nil</li> </ul>	<ul style="list-style-type: none"> <li>Nil</li> </ul>
Section 81 Authorised deposit-taking institution accounts	<ul style="list-style-type: none"> <li>Compliance with all applicable codes and policies adopted or endorsed by Council.</li> </ul>	<ul style="list-style-type: none"> <li>Corporate Services Coordinator</li> </ul>	<ul style="list-style-type: none"> <li>Nil</li> </ul>
Section 113 Declaration of land as urban farmland	<ul style="list-style-type: none"> <li>Compliance with all applicable codes and policies adopted or endorsed by Council.</li> </ul>	<ul style="list-style-type: none"> <li>Nil</li> </ul>	<ul style="list-style-type: none"> <li>Nil</li> </ul>
Section 126 Conditions of postponement of the payment of rates	<ul style="list-style-type: none"> <li>Compliance with all applicable codes and policies adopted or endorsed by Council.</li> </ul>	<ul style="list-style-type: none"> <li>Nil</li> </ul>	<ul style="list-style-type: none"> <li>Nil</li> </ul>
Section 127 Postponement of payment of rates ceases to operate	<ul style="list-style-type: none"> <li>Compliance with all applicable codes and policies adopted or endorsed by Council.</li> </ul>	<ul style="list-style-type: none"> <li>Nil</li> </ul>	<ul style="list-style-type: none"> <li>Nil</li> </ul>
Section 128 Penalty for late payments of rates or instalments	<ul style="list-style-type: none"> <li>Compliance with all applicable codes and policies adopted or endorsed by Council.</li> </ul>	<ul style="list-style-type: none"> <li>Nil</li> </ul>	<ul style="list-style-type: none"> <li>Nil</li> </ul>
Section 129(3) Granting of remission of rates	<ul style="list-style-type: none"> <li>Compliance with all applicable codes and policies adopted or endorsed by Council.</li> </ul>	<ul style="list-style-type: none"> <li>Nil</li> </ul>	<ul style="list-style-type: none"> <li>Nil</li> </ul>
Section 133 Recovery of unpaid rates	<ul style="list-style-type: none"> <li>Compliance with all applicable codes and policies adopted or endorsed by Council.</li> </ul>	<ul style="list-style-type: none"> <li>Nil</li> </ul>	<ul style="list-style-type: none"> <li>Nil</li> </ul>
Section 135 Payment of unpaid rates on leased land	<ul style="list-style-type: none"> <li>Compliance with all applicable codes and policies adopted or endorsed by Council.</li> </ul>	<ul style="list-style-type: none"> <li>Nil</li> </ul>	<ul style="list-style-type: none"> <li>Nil</li> </ul>
Section 140 Procedure if council cannot sell land for unpaid rates	<ul style="list-style-type: none"> <li>Compliance with all applicable codes and policies adopted or endorsed by Council.</li> </ul>	<ul style="list-style-type: none"> <li>Nil</li> </ul>	<ul style="list-style-type: none"> <li>Nil</li> </ul>
Section 175 Purchase or lease of land	<ul style="list-style-type: none"> <li>Compliance with all applicable codes and policies adopted or endorsed by Council.</li> </ul>	<ul style="list-style-type: none"> <li>Nil</li> </ul>	<ul style="list-style-type: none"> <li>Nil</li> </ul>
Section 176 Acquisition of land	<ul style="list-style-type: none"> <li>Compliance with all applicable codes and policies adopted or endorsed by Council.</li> </ul>	<ul style="list-style-type: none"> <li>Nil</li> </ul>	<ul style="list-style-type: none"> <li>Nil</li> </ul>

<b>COLUMN A Function or Power</b>	<b>COLUMN B Conditions</b>	<b>COLUMN C Officers</b>	<b>COLUMN D Additional Conditions</b>
Section 185 Compliance with notice - Fences, land repairs and trees	<ul style="list-style-type: none"> <li>Compliance with all applicable codes and policies adopted or endorsed by Council.</li> </ul>	<ul style="list-style-type: none"> <li>Nil</li> </ul>	<ul style="list-style-type: none"> <li>Nil</li> </ul>
Section 189 Closure of local highways	<ul style="list-style-type: none"> <li>Compliance with all applicable codes and policies adopted or endorsed by Council.</li> </ul>	<ul style="list-style-type: none"> <li>Infrastructure Manager</li> </ul>	<ul style="list-style-type: none"> <li>Nil</li> </ul>
Section 197 Sale or destruction of unclaimed animals	<ul style="list-style-type: none"> <li>Compliance with all applicable codes and policies adopted or endorsed by Council.</li> </ul>	<ul style="list-style-type: none"> <li>Infrastructure Manager</li> <li>Development Services Coordinator</li> <li>Environmental Health Officer</li> </ul>	<ul style="list-style-type: none"> <li>Nil</li> </ul>
Section 200 Abatement notices	<ul style="list-style-type: none"> <li>Compliance with all applicable codes and policies adopted or endorsed by Council.</li> </ul>	<ul style="list-style-type: none"> <li>Environmental Health Officer</li> </ul>	<ul style="list-style-type: none"> <li>Nil</li> </ul>
Section 201(4) Charge for the cost of action taken to abate a nuisance	<ul style="list-style-type: none"> <li>Compliance with all applicable codes and policies adopted or endorsed by Council.</li> </ul>	<ul style="list-style-type: none"> <li>Environmental Health Officer</li> </ul>	<ul style="list-style-type: none"> <li>Nil</li> </ul>
Section 207 Remission of fees and charges	<ul style="list-style-type: none"> <li>Compliance with all applicable codes and policies adopted or endorsed by Council.</li> </ul>	<ul style="list-style-type: none"> <li>Nil</li> </ul>	<ul style="list-style-type: none"> <li>Nil</li> </ul>
Section 209 Corrections of Council's municipal area map	<ul style="list-style-type: none"> <li>Compliance with all applicable codes and policies adopted or endorsed by Council.</li> </ul>	<ul style="list-style-type: none"> <li>Infrastructure Manager</li> <li>Development Services Coordinator</li> </ul>	<ul style="list-style-type: none"> <li>Nil</li> </ul>
Section 252 Monies owed by several owners of land	<ul style="list-style-type: none"> <li>Compliance with all applicable codes and policies adopted or endorsed by Council.</li> </ul>	<ul style="list-style-type: none"> <li>Senior Finance Officer</li> <li>Finance Officer</li> </ul>	<ul style="list-style-type: none"> <li>Nil</li> </ul>

### 3.2 LOCAL GOVERNMENT (HIGHWAYS) ACT 1982

Pursuant to s.124(1) of the *Local Government (Highways) Act 1982*, Council by special resolution hereby delegates the functions and powers in the *Local Government (Highways) Act 1982* specified in Column A of the delegation table below to each of the Officers who hold the positions (in either a permanent or acting capacity) specified in Column B subject to the conditions (if any) specified in Column C.

#### DELEGATION TABLE

COLUMN A Function or Power	COLUMN B Officers	COLUMN C Conditions or restrictions
<p>All of Council's powers and functions contained in the <i>Local Government (Highways) Act 1982</i> save and except for the powers and functions contained in sections:</p> <ul style="list-style-type: none"> <li>• 12(1);</li> <li>• 15(3);</li> <li>• 19(1)(c);</li> <li>• 43;</li> <li>• 46(2C);</li> <li>• 61;</li> <li>• 73;</li> <li>• 80;</li> <li>• 114(8); and</li> <li>• 124.</li> </ul>	<ul style="list-style-type: none"> <li>• General Manager</li> </ul>	<ul style="list-style-type: none"> <li>• The imposition of all fees and charges must be in accordance with any applicable schedule of fees and charges.</li> </ul>
<p>The powers and functions contained in the following sections of the <i>Local Government (Highways) Act 1982</i>:</p> <ul style="list-style-type: none"> <li>• 19(1)(a);</li> <li>• 19(1)(b);</li> <li>• 20;</li> <li>• 37; and</li> <li>• 39.</li> </ul>	<ul style="list-style-type: none"> <li>• Infrastructure Manager</li> </ul>	<ul style="list-style-type: none"> <li>• Each exercise of the powers in s.20 (Closure of parts of local highways for sale of goods, &amp;c) must be in consultation with Tasmania Police.</li> </ul>

### 3.3 LOCAL GOVERNMENT (BUILDING AND MISCELLANEOUS PROVISIONS) ACT 1993

Pursuant to s.22(1) of the Act, Council hereby delegates the functions and powers in the *Local Government (Building and Miscellaneous Provisions) Act 1993* specified in Column A of the delegation table below to the General Manager subject to the conditions (if any) specified in Column B.

Pursuant to s.64(1)(b) of the Act, Council hereby authorises the General Manager to delegate the functions and powers set out in Column A of the delegation table below to the Officers who hold the positions (in either a permanent or acting capacity) specified in Column C, subject to the additional conditions (if any) specified in Column D.

#### DELEGATION TABLE

COLUMN A Function or Power	COLUMN B Conditions	COLUMN C Officers	COLUMN D Additional Conditions
All of Council's powers and functions in the <i>Local Government (Building and Miscellaneous Provisions) Act 1993</i>	<ul style="list-style-type: none"> <li>• Nil</li> </ul>	<ul style="list-style-type: none"> <li>• Development Services Coordinator</li> </ul>	<ul style="list-style-type: none"> <li>• Each exercise of the power in s.117 (Payment instead of increasing public open space) must be reported to the General Manager</li> </ul>



### 3.4 LAND USE PLANNING AND APPROVALS ACT 1993

Pursuant to s.6(3) of the *Land Use Planning and Approvals Act 1993*, Council hereby delegates the functions and powers specified in Column A of the delegation table below to the Officers who hold the positions (in either a permanent or acting capacity) specified in Column B subject to the conditions (if any) specified in Column C.

#### DELEGATION TABLE

COLUMN A Function or Power	COLUMN B Officers	COLUMN C Conditions
Part 3 generally	<ul style="list-style-type: none"> <li>General Manager</li> </ul>	<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; and</p> <p>v) represent the Council and to give evidence and make submissions before any hearing conducted by the Tasmanian Planning Commission.</p>
Part 3A Division 5 & 6 Approval and Review of Local Provisions Schedule	<ul style="list-style-type: none"> <li>General Manager</li> </ul>	<ul style="list-style-type: none"> <li>Nil</li> </ul>
Part 3B Divisions 1 to 4 (inclusive)	<ul style="list-style-type: none"> <li>General Manager</li> </ul>	<ul style="list-style-type: none"> <li>Nil</li> </ul>
<b><u>Section 37(2)</u></b> <b><u>Determination that a request to amend the LPS is in a suitable form</u></b>	<ul style="list-style-type: none"> <li><b><u>General Manager</u></b></li> <li><b><u>Development Services Coordinator</u></b></li> </ul>	<ul style="list-style-type: none"> <li><b><u>Where supported by advice from Council's Strategic Planning advisor.</u></b></li> </ul>

COLUMN A Function or Power	COLUMN B Officers	COLUMN C Conditions
Section 38 Decision in relation to request for amendment of LPS Planning authority to make a decision in relation to the request and inform the person who made the request	<ul style="list-style-type: none"> <li>• General Manager</li> </ul>	<ul style="list-style-type: none"> <li>• Nil</li> </ul>
Section 40 Additional Information for LPS amendment Request may be requested. Planning authority may request additional information	<ul style="list-style-type: none"> <li>• General Manager</li> <li>• Development Services Coordinator</li> </ul>	<ul style="list-style-type: none"> <li>• Nil</li> </ul>
Section 40A(3) Review of requirement for additional information Planning Authority must provide material to commission if requested	<ul style="list-style-type: none"> <li>• General Manager</li> <li>• Development Services Coordinator</li> </ul>	<ul style="list-style-type: none"> <li>• Nil</li> </ul>
Section 40B (3) Review of refusal of request to amend LPS. A planning authority must give the Commission material if requested	<ul style="list-style-type: none"> <li>• General Manager</li> <li>• Development Services Coordinator</li> </ul>	<ul style="list-style-type: none"> <li>• Nil</li> </ul>
Section 40B (6) Review of refusal of request to amend LPS. Planning Authority that is given a notice must reconsider whether to prepare draft amendment and must notify the person who made the request	<ul style="list-style-type: none"> <li>• General Manager</li> <li>• Development Services Coordinator</li> </ul>	<ul style="list-style-type: none"> <li>• Nil</li> </ul>
Section 40D Preparation of draft amendments	<ul style="list-style-type: none"> <li>• General Manager</li> <li>• Development Services Coordinator</li> </ul>	<ul style="list-style-type: none"> <li>• Nil</li> </ul>
Section 40E Withdrawal of draft amendments	<ul style="list-style-type: none"> <li>• General Manager</li> <li>• Development Services Coordinator</li> </ul>	<ul style="list-style-type: none"> <li>• Nil</li> </ul>
Section 40FA Notice to certain agencies and State Authorities	<ul style="list-style-type: none"> <li>• General Manager</li> <li>• Development Services Coordinator</li> </ul>	<ul style="list-style-type: none"> <li>• Nil</li> </ul>
Section 40G Notice of exhibition A planning authority must ensure an exhibition notice in relation to the draft amendment of an LPS is published in accordance with this section	<ul style="list-style-type: none"> <li>• General Manager</li> <li>• Development Services Coordinator</li> </ul>	<ul style="list-style-type: none"> <li>• Nil</li> </ul>
Section 40H Exhibition Draft amendment available for public viewing	<ul style="list-style-type: none"> <li>• General Manager</li> <li>• Development Services Coordinator</li> </ul>	<ul style="list-style-type: none"> <li>• Nil</li> </ul>

COLUMN A Function or Power	COLUMN B Officers	COLUMN C Conditions
<p><u>Section 40I</u> To provide a response to requests or directions from the Commission where the Planning Authority has sought an application under Section 40H for an Exemption from public exhibition</p>	<ul style="list-style-type: none"> <li>• <u>General Manager</u></li> <li>• <u>Development Services Coordinator</u></li> </ul>	<ul style="list-style-type: none"> <li>• <u>Nil</u></li> </ul>
<p><u>Section 40K</u> To submit a report to the Commission where no representations were received and no changes were identified to the amendment; or To respond to Directions from the Commission in response to the Section 40K Report on Representations</p>	<ul style="list-style-type: none"> <li>• <u>General Manager</u></li> <li>• <u>Development Services Coordinator</u></li> </ul>	<ul style="list-style-type: none"> <li>• <u>Nil</u></li> </ul>
<p><u>Section 40L</u> To provide a response to Directions from the Commission in response to matters raised at hearings under section 40L</p>	<ul style="list-style-type: none"> <li>• <u>General Manager</u></li> <li>• <u>Development Services Coordinator</u></li> </ul>	<ul style="list-style-type: none"> <li>• <u>Nil</u></li> </ul>
<p><u>Section 40O</u> To provide a response to direction from the Commission for modifications to an amendment</p>	<ul style="list-style-type: none"> <li>• <u>General Manager</u></li> <li>• <u>Development Services Coordinator</u></li> </ul>	<ul style="list-style-type: none"> <li>• <u>Nil</u></li> </ul>
<p><u>Section 40P</u> To provide a response to direction from the Commission for substantial modifications to an amendment</p>	<ul style="list-style-type: none"> <li>• <u>General Manager</u></li> <li>• <u>Development Services Coordinator</u></li> </ul>	<ul style="list-style-type: none"> <li>• <u>Nil</u></li> </ul>
<p>Section 40S(3) When amendments of LPS come into effect. Planning Authority must give the prescribed notice of approval of an amendment to an LPS to which the notice relates</p>	<ul style="list-style-type: none"> <li>• General Manager</li> <li>• Development Services Coordinator</li> </ul>	<ul style="list-style-type: none"> <li>• Nil</li> </ul>
<p>Section 40T(3) Permit applications that requires amendment of LPS. Planning authority can refuse to accept if application does not include valid declaration</p>	<ul style="list-style-type: none"> <li>• General Manager</li> <li>• Development Services Coordinator</li> </ul>	<ul style="list-style-type: none"> <li>• Nil</li> </ul>

COLUMN A Function or Power	COLUMN B Officers	COLUMN C Conditions
Section 40U Additional information A planning authority, within 28 days from the day on which it receives from a person an application for a permit, may, by notice in writing, require the person to provide to the planning authority additional information before it considers the application.	<ul style="list-style-type: none"> <li>• General Manager</li> <li>• Development Services Coordinator</li> </ul>	<ul style="list-style-type: none"> <li>• Nil</li> </ul>
Section 40W Determination of amendment where concurrent permit application sought	<ul style="list-style-type: none"> <li>• General Manager</li> <li>• Development Services Coordinator</li> </ul>	<ul style="list-style-type: none"> <li>• Nil</li> </ul>
Section 42D Correction of mistakes in permit	<ul style="list-style-type: none"> <li>• General Manager</li> <li>• Development Services Coordinator</li> </ul>	<ul style="list-style-type: none"> <li>• Nil</li> </ul>
Section 43 Minor amendment of permit	<ul style="list-style-type: none"> <li>• General Manager</li> <li>• Development Services Coordinator</li> </ul>	<ul style="list-style-type: none"> <li>• Nil</li> </ul>
Section 48AA Enforcement of major project permits	<ul style="list-style-type: none"> <li>• General Manager</li> <li>• Development Services Coordinator</li> </ul>	<ul style="list-style-type: none"> <li>• Nil</li> </ul>
Section 48A Notice to remove sign	<ul style="list-style-type: none"> <li>• General Manager</li> <li>• Development Services Coordinator</li> </ul>	<ul style="list-style-type: none"> <li>• Nil</li> </ul>
Section 51 Permits	<ul style="list-style-type: none"> <li>• General Manager</li> <li>• Development Services Coordinator</li> </ul>	<ul style="list-style-type: none"> <li>• Nil</li> </ul>
Section 53(5A) Permit lapses	<ul style="list-style-type: none"> <li>• General Manager</li> <li>• Development Services Coordinator</li> </ul>	<ul style="list-style-type: none"> <li>• Nil</li> </ul>
Section 54 Additional information - permits	<ul style="list-style-type: none"> <li>• General Manager</li> <li>• Development Services Coordinator</li> </ul>	<ul style="list-style-type: none"> <li>• Nil</li> </ul>
Section 55 Correction of mistakes in permit	<ul style="list-style-type: none"> <li>• General Manager</li> <li>• Development Services Coordinator</li> </ul>	<ul style="list-style-type: none"> <li>• Nil</li> </ul>
Section 56 Minor amendments of permits issued	<ul style="list-style-type: none"> <li>• General Manager</li> <li>• Development Services Coordinator</li> </ul>	<ul style="list-style-type: none"> <li>• Nil</li> </ul>
Section 57(2) Applications for discretionary permits – refusal to grant	<ul style="list-style-type: none"> <li>• General Manager</li> <li>• Development Services Coordinator</li> </ul>	<ul style="list-style-type: none"> <li>• Nil</li> </ul>
Section 57(3) Applications for discretionary permits - notice	<ul style="list-style-type: none"> <li>• General Manager</li> <li>• Development Services Coordinator</li> </ul>	<ul style="list-style-type: none"> <li>• Nil</li> </ul>

COLUMN A Function or Power	COLUMN B Officers	COLUMN C Conditions
Section 57(5) Applications for discretionary permits – representations	<ul style="list-style-type: none"> <li>General Manager</li> </ul>	<ul style="list-style-type: none"> <li>Nil</li> </ul>
Section 57(6) Applications for discretionary permits – timeframe to grant or refuse	<ul style="list-style-type: none"> <li>General Manager</li> </ul>	<p>Only in those cases where:</p> <ul style="list-style-type: none"> <li>No representations have been received in respect of the relevant application; or</li> <li>Council is for any reason unable to determine the application within the period of time prescribed by s.57(6)(b) of the <i>Land Use Planning and Approvals Act 1993</i>.</li> </ul>
Section 57(6A) Applications for discretionary permits – extension of timeframe	<ul style="list-style-type: none"> <li>General Manager</li> <li>Development Services Coordinator</li> </ul>	<ul style="list-style-type: none"> <li>Nil</li> </ul>
Section 57A Mediation	<ul style="list-style-type: none"> <li>General Manager</li> <li>Development Services Coordinator</li> </ul>	<ul style="list-style-type: none"> <li>Nil</li> </ul>
Section 58 Application of other permits	<ul style="list-style-type: none"> <li>General Manager</li> <li>Development Services Coordinator</li> </ul>	<ul style="list-style-type: none"> <li>Nil</li> </ul>
Section 59(7) Decision on application for permit under s.57 & s.58	<ul style="list-style-type: none"> <li>General Manager</li> </ul>	<ul style="list-style-type: none"> <li>Nil</li> </ul>
Section 60 Council responding and issuing notices relating to compliance with certain permit conditions	<ul style="list-style-type: none"> <li>General Manager</li> </ul>	<ul style="list-style-type: none"> <li>Nil</li> </ul>
Section 61 Appeals against planning decisions	<ul style="list-style-type: none"> <li>General Manager</li> <li>Development Services Coordinator</li> </ul>	<ul style="list-style-type: none"> <li>Nil</li> </ul>
Section 63 Obstruction of sealed schemes	<ul style="list-style-type: none"> <li>General Manager</li> <li>Development Services Coordinator</li> </ul>	<ul style="list-style-type: none"> <li>Nil</li> </ul>
Section 63A Enforcing compliance with planning schemes	<ul style="list-style-type: none"> <li>General Manager</li> <li>Development Services Coordinator</li> </ul>	<ul style="list-style-type: none"> <li>Nil</li> </ul>
Section 63B(3) Notice of suspected contravention	<ul style="list-style-type: none"> <li>General Manager</li> <li>Development Services Coordinator</li> </ul>	<ul style="list-style-type: none"> <li>Nil</li> </ul>
Section 65G Cancellation of permits	<ul style="list-style-type: none"> <li>General Manager</li> </ul>	<ul style="list-style-type: none"> <li>Nil</li> </ul>

COLUMN A Function or Power	COLUMN B Officers	COLUMN C Conditions
Section 71 Planning authority may enter into agreements	<ul style="list-style-type: none"> <li>General Manager</li> </ul>	<ul style="list-style-type: none"> <li>Nil</li> </ul>
Section 74(3) Ending of agreement	<ul style="list-style-type: none"> <li>General Manager</li> </ul>	<ul style="list-style-type: none"> <li>Nil</li> </ul>
Section 75 Amendment of agreements	<ul style="list-style-type: none"> <li>General Manager</li> </ul>	<ul style="list-style-type: none"> <li>Nil</li> </ul>
Section 76 Agreement to be lodged with Commission	<ul style="list-style-type: none"> <li>General Manager</li> </ul>	<ul style="list-style-type: none"> <li>Nil</li> </ul>
Section 78 Registration of agreements	<ul style="list-style-type: none"> <li>General Manager</li> </ul>	<ul style="list-style-type: none"> <li>Nil</li> </ul>
Section 80 Application to Appeal Tribunal	<ul style="list-style-type: none"> <li>General Manager</li> <li>Development Services Coordinator</li> </ul>	<ul style="list-style-type: none"> <li>Nil</li> </ul>
Section 34(1) Schedule 6 Provision (Transitional Provision) that applies Initiate amendment of planning scheme	<ul style="list-style-type: none"> <li>General Manager</li> <li>Development Services Coordinator</li> </ul>	<ul style="list-style-type: none"> <li>Nil</li> </ul>
Section 34(3) Schedule 6 Provision (Transitional Provision) that applies Withdrawal of amendment of planning scheme	<ul style="list-style-type: none"> <li>General Manager</li> <li>Development Services Coordinator</li> </ul>	<ul style="list-style-type: none"> <li>Nil</li> </ul>
Section 34(4) Schedule 6 Provision (Transitional Provision) that applies Notice of Withdrawal of amendment of planning scheme	<ul style="list-style-type: none"> <li>General Manager</li> <li>Development Services Coordinator</li> </ul>	<ul style="list-style-type: none"> <li>Nil</li> </ul>
Section 38(1) Schedule 6 Provision (Transitional Provision) that applies Public exhibition of draft amendment	<ul style="list-style-type: none"> <li>General Manager</li> <li>Development Services Coordinator</li> </ul>	<ul style="list-style-type: none"> <li>Nil</li> </ul>
Section 39(2) Schedule 6 Provision (Transitional Provision) that applies Representations to be provided to Commission in respect of draft amendments	<ul style="list-style-type: none"> <li>General Manager</li> <li>Development Services Coordinator</li> </ul>	<ul style="list-style-type: none"> <li>Nil</li> </ul>
Section 43J Schedule 6 Provision (Transitional Provision) that applies Correction of mistake in permits referred to in s43H	<ul style="list-style-type: none"> <li>General Manager</li> <li>Development Services Coordinator</li> </ul>	<ul style="list-style-type: none"> <li>Nil</li> </ul>

COLUMN A Function or Power	COLUMN B Officers	COLUMN C Conditions
Section 43K Schedule 6 Provision (Transitional Provision) that applies Minor amendment of permits referred to in section s43H	<ul style="list-style-type: none"> <li>• General Manager</li> <li>• Development Services Coordinator</li> </ul>	<ul style="list-style-type: none"> <li>• Nil</li> </ul>

### 3.5 BUILDING ACT 2016

Pursuant to s.8(3) of the *Building Act 2016*, Council hereby delegates those functions and powers in the *Building Act 2016* specified in Column A of the delegation table below to the persons, and Officers who hold the positions (in either a permanent or acting capacity), specified in Column B subject to the conditions (if any) specified in Column C.

COLUMN A Function or Power	COLUMN B Persons & Officers	COLUMN C Conditions
Section 27(3) & (4) Records of Permit Authority	<ul style="list-style-type: none"> <li>• Permit Authority duly appointed for the Municipal area of Flinders</li> <li>• Development Services Officer</li> </ul>	<ul style="list-style-type: none"> <li>• Nil</li> </ul>
Section 41 (1 & (2) Councils	<ul style="list-style-type: none"> <li>• General Manager</li> <li>• Permit Authority duly appointed for the Municipal area of Flinders</li> </ul>	<ul style="list-style-type: none"> <li>• Nil</li> </ul>
Section 265(3) & (4) Failure to comply with emergency, building or plumbing order	<ul style="list-style-type: none"> <li>• General Manager</li> <li>• Infrastructure Manager</li> <li>• Permit Authority duly appointed for the Municipal area of Flinders</li> </ul>	<ul style="list-style-type: none"> <li>• Nil</li> </ul>
Section 266 Possession of building	<ul style="list-style-type: none"> <li>• General Manager</li> <li>• Infrastructure Manager</li> <li>• Development Services Coordinator</li> <li>• Permit Authority duly appointed for the Municipal area of Flinders</li> </ul>	<ul style="list-style-type: none"> <li>• Nil</li> </ul>
Section 267(1) & (2) Demolition order – serving an order	<ul style="list-style-type: none"> <li>• General Manager</li> <li>• Development Services Coordinator</li> <li>• Permit Authority duly appointed for the Municipal area of Flinders</li> </ul>	<ul style="list-style-type: none"> <li>• Nil</li> </ul>
Section 267(3) Demolition order – demolition	<ul style="list-style-type: none"> <li>• General Manager</li> </ul>	<ul style="list-style-type: none"> <li>• Nil</li> </ul>
Section 269 Recovery of performance costs	<ul style="list-style-type: none"> <li>• General Manager</li> </ul>	<ul style="list-style-type: none"> <li>• Nil</li> </ul>
Section 271(1) Sale of demolished buildings and materials	<ul style="list-style-type: none"> <li>• General Manager</li> </ul>	<ul style="list-style-type: none"> <li>• Nil</li> </ul>
Section 271(2) Powers granted to purchaser	<ul style="list-style-type: none"> <li>• General Manager</li> </ul>	<ul style="list-style-type: none"> <li>• Nil</li> </ul>
Section 271(6) balance of any proceeds of the sale	<ul style="list-style-type: none"> <li>• General Manager</li> </ul>	<ul style="list-style-type: none"> <li>• Nil</li> </ul>



### 3.6 BUILDING REGULATIONS 2016

Pursuant to s.8(3) of the *Building Act 2016*\*, Council hereby delegates those functions and powers in the *Building Regulations 2016* specified in Column A of the delegation table below to the persons, and Officers who hold the positions (in either a permanent or acting capacity), specified in Column B subject to the conditions (if any) specified in Column C.

COLUMN A Function or Power	COLUMN B Persons & Officers	COLUMN C Conditions
Regulation 43(1) Plumbing work involving network utility operator's stormwater drainage systems	<ul style="list-style-type: none"> <li>• General Manager</li> <li>• Development Services Coordinator</li> </ul>	<ul style="list-style-type: none"> <li>• Nil</li> </ul>
Regulation 43(3) Correction of plumbing work involving network utility operator's stormwater drainage systems	<ul style="list-style-type: none"> <li>• General Manager</li> <li>• Infrastructure Manager</li> </ul>	<ul style="list-style-type: none"> <li>• Nil</li> </ul>
Regulation 43(5)(a) Cost recovery	<ul style="list-style-type: none"> <li>• General Manager</li> </ul>	<ul style="list-style-type: none"> <li>• Nil</li> </ul>
Regulation 53 Riverine inundation	<ul style="list-style-type: none"> <li>• General Manager</li> <li>• Infrastructure Manager</li> </ul>	<ul style="list-style-type: none"> <li>• Nil</li> </ul>
Regulation 78(3) Building Maintenance requirements	<ul style="list-style-type: none"> <li>• General Manager</li> </ul>	<ul style="list-style-type: none"> <li>• Nil</li> </ul>

\*The *Acts Interpretation Act 1931*, s.5(2) confirms the use of s.8(3) of the *Building Act 2016* to delegate powers contained in the *Building Regulations 2016*.

### 3.7 PUBLIC HEALTH ACT 1997

Pursuant to s.22(1) of the Act, Council hereby delegates the functions and powers in the *Public Health Act 1997* specified in Column A of the delegation table below to the General Manager subject to the conditions (if any) specified in Column B.

Pursuant to s.64(1)(b) of the Act, Council hereby authorises the General Manager to delegate the functions and powers set out in Column A of the delegation table below to the Officers who hold the positions (in either a permanent or acting capacity) specified in Column C, subject to the additional conditions (if any) specified in Column D.

#### DELEGATION TABLE

COLUMN A Function or Power	COLUMN B Conditions	COLUMN C Officers	COLUMN D Additional Conditions
All of Council's powers and functions in the <i>Public Health Act 1997</i> save and except for the powers and functions contained in s.185(1) (Council fees)	<ul style="list-style-type: none"> <li>Where the power in s.87 (Closure order) is exercised, a report of same must be delivered at the next ordinary meeting of Council following the issue of the relevant closure order.</li> </ul>	<ul style="list-style-type: none"> <li>Environmental Health Officer</li> </ul>	<ul style="list-style-type: none"> <li>Nil</li> </ul>

### 3.8 FOOD ACT 2003

Pursuant to s.22(1) of the Act, Council hereby delegates the functions and powers in the *Food Act 2003* specified in Column A of the delegation table below to the General Manager subject to the conditions (if any) specified in Column B.

Pursuant to s.64(1)(b) of the Act, Council hereby authorises the General Manager to delegate the functions and powers set out in Column A of the delegation table below to the Officers who hold the positions (in either a permanent or acting capacity) specified in Column C, subject to the additional conditions (if any) specified in Column D.

#### DELEGATION TABLE

COLUMN A Function or Power	COLUMN B Conditions	COLUMN C Officers	COLUMN D Additional Conditions
All of Council's powers and functions in the <i>Food Act 2003</i>	<ul style="list-style-type: none"> <li>• Nil</li> </ul>	<ul style="list-style-type: none"> <li>• Environmental Health Officer</li> </ul>	<ul style="list-style-type: none"> <li>• Nil</li> </ul>

### 3.9 ENVIRONMENTAL MANAGEMENT AND POLLUTION CONTROL ACT 1994

Pursuant to s.22(1) of the Act, Council hereby delegates the functions and powers in the *Environmental Management and Pollution Control Act 1994* specified in Column A of the delegation table below to the General Manager subject to the conditions (if any) specified in Column B.

Pursuant to s.64(1)(b) of the Act, Council hereby authorises the General Manager to delegate the functions and powers set out in Column A of the delegation table below to the Officers who hold the positions (in either a permanent or acting capacity) specified in Column C, subject to the additional conditions (if any) specified in Column D.

**DELEGATION TABLE**

<b>COLUMN A Function or Power</b>	<b>COLUMN B Conditions</b>	<b>COLUMN C Officers</b>	<b>COLUMN D Additional Conditions</b>
All of Council's powers and functions in the <i>Environmental Management and Pollution Control Act 1994</i>	<ul style="list-style-type: none"> <li>• Nil</li> </ul>	<ul style="list-style-type: none"> <li>• Environmental Health Officer</li> <li>• Infrastructure Manager</li> </ul>	<ul style="list-style-type: none"> <li>• Nil</li> </ul>

### 3.10 ROADS AND JETTIES ACT 1935

Pursuant to s.22(1) of the Act, Council hereby delegates the functions and powers in the *Roads and Jetties Act 1935* specified in Column A of the delegation table below to the General Manager subject to the conditions (if any) specified in Column B.

Pursuant to s.64(1)(b) of the Act, Council hereby authorises the General Manager to delegate the functions and powers set out in Column A of the delegation table below to the Officers who hold the positions (in either a permanent or acting capacity) specified in Column C, subject to the additional conditions (if any) specified in Column D.

**DELEGATION TABLE**

<b>COLUMN A Function or Power</b>	<b>COLUMN B Conditions</b>	<b>COLUMN C Officers</b>	<b>COLUMN D Additional Conditions</b>
All of Council's powers and functions in the <i>Roads and Jetties Act 1935</i>	<ul style="list-style-type: none"> <li>• Nil</li> </ul>	<ul style="list-style-type: none"> <li>• Infrastructure Manager</li> </ul>	<ul style="list-style-type: none"> <li>• Nil</li> </ul>

### 3.11 STRATA TITLES ACT 1998

Pursuant to s.22(1) of the Act, Council hereby delegates the functions and powers in the *Strata Titles Act 1998* specified in Column A of the delegation table below to the General Manager subject to the conditions (if any) specified in Column B.

Pursuant to s.64(1)(b) of the Act, Council hereby authorises the General Manager to delegate the functions and powers set out in Column A of the delegation table below to the Officers who hold the positions (in either a permanent or acting capacity) specified in Column, subject to the additional conditions (if any) specified in Column D.

#### DELEGATION TABLE

COLUMN A Function or Power	COLUMN B Conditions	COLUMN C Officers	COLUMN D Additional Conditions
All of Council's powers and functions contained in the <i>Strata Titles Act 1998</i> save and except for the powers and functions contained in sections: <ul style="list-style-type: none"> <li>• 31(3);</li> <li>• 37(1)(a); and</li> <li>• 37(1)(b).</li> </ul>	<ul style="list-style-type: none"> <li>• Nil</li> </ul>	<ul style="list-style-type: none"> <li>• Development Services Coordinator</li> </ul>	<ul style="list-style-type: none"> <li>• Nil</li> </ul>
Section 31(3) Issuing a certificate of approval	<ul style="list-style-type: none"> <li>• Nil</li> </ul>	<ul style="list-style-type: none"> <li>• Nil</li> </ul>	<ul style="list-style-type: none"> <li>• Nil</li> </ul>
Section 37(1) Approval of staged scheme in principle	<ul style="list-style-type: none"> <li>• Nil</li> </ul>	<ul style="list-style-type: none"> <li>• Nil</li> </ul>	<ul style="list-style-type: none"> <li>• Nil</li> </ul>

This instrument and the delegations made herein are hereby made and adopted by the Flinders Council by unanimous resolution passed at the ordinary meeting of the Flinders Council held on the 20<sup>th</sup> day of September 2022.

The Common Seal of the Flinders Council was hereto affixed with the authorisation of the Flinders Council by and in the presence of the following persons:

.....  
Signature of Mayor

.....  
Common Seal of the Flinders Council

.....  
Signature of General Manager