

Town of Victoria Park

Register of Delegations and Sub-delegations

Review		
Reviewed by	Date reviewed	Resolution/record number
Council	17 May 2022	109/2022
Chief Executive Officer	27 May 2022	D22/33087
Council	16 May 2023	101/2023
Chief Executive Officer	26 May 2023	D23/30454 D23/30566
Council		
Chief Executive Officer		

Amendments			
Delegation	Date approved	Resolution/ record number	Amendment summary
All	17 May 2022	109/2022	Amend to reflect the Town's current recordkeeping system.
1.1.11 Public Thoroughfare – Dangerous Excavations	17 May 2022	109/2022	Amend - Replace reference to Delegation 1.3.3 with 1.2.3 under Compliance to Links reflect the correct delegation reference.
1.1.13 Private Works on, over or under Public Places	17 May 2022	109/2022	Amend - Replace reference to Delegation 1.3.4 with 1.2.4 under Compliance Links to reflect the correct delegation reference.
1.1.16A Three bin system Tender	15 March 2022	55/2022	One-off delegation to the Chief Executive Officer.
1.1.7 Disposal of Sick or Injured Animals 5.1.1 Cat Registrations 5.1.2 Cat Control Notice	27 May 2022	D22/33087	Sub-delegations to the newly created Supervisor Parking and Rangers position. This is a newly created position and the functions of these delegations will form part of the core duties for this role.
1.1.7 Disposal of Sick or Injured Animals	27 May 2022	D22/33087	Revoked sub-delegation of 1.1.7 Disposal of Sick or Injured Animals and

Amendments			
Delegation	Date approved	Resolution/ record number	Amendment summary
5.1.1 Cat Registrations			5.1.1 Cat Registrations from all Rangers. The authority under this delegation should be limited to senior officers.
2.2.4 Issue a permit for advertising signs and portable direction signs	27 May 2022	D22/33087	Sub-delegation to the Chief Operations Officer, Manager Technical Services and Principal Traffic and Design Engineer. The Manager Technical Services is responsible for Policy 202 – Directional signs which is relevant to this delegation.
2.2.4 Issue a permit for advertising signs and portable direction signs	27 May 2022	D22/33087	Amend - Compliance Links to include reference to Policy 011 – Elections and Policy 202 – Directional signs as they are both relevant to this delegation.
5.1.2 Cat Control Notice	27 May 2022	D22/33087	Sub-delegation to be added to Ranger. This position has been omitted from this delegation in error.
6.1.1 Refuse or Cancel Registration	27 May 2022	D22/33087	Sub-delegation to be added to Coordinator Parking and Rangers. This position is currently delegated similar powers under the Cat Act 2011. Providing this delegation under the Dog Act 1976, will improve efficiency and is appropriate for this position.
2.2.18 Permit required for possession and consumption of liquor	27 May 2022	D22/33087	Remove sub-delegation from the following positions: - Chief Operations Officer - Manager Technical Services - Manager Infrastructure Operations. This sub-delegation is related to Environmental Health and not relevant to Operations.
1.1.3 Notices requiring certain things to be done by owner or occupier of land 1.1.8 Close Thoroughfares to Vehicles	13 June 2022	D22/036824	Amend title of delegate Street Operations Engineer to Street Operations Coordinator.
1.1.19 Payments from the Municipal, Reserve or Trust Funds	18 July 2022	D22/046339	Addition of Management Accountant sub-delegate to delegation 1.1.19.

Amendments			
Delegation	Date approved	Resolution/ record number	Amendment summary
1.1.15 Expressions of Interest for Goods and Services	3 November 2022	D22/075114	Addition of Manager Waste, Environment and Asset Management sub-delegate to delegation 1.1.15
1.1.16 Tenders for Goods and Services	3 November 2022	D22/075114	Addition of Manager Waste, Environment and Asset Management sub-delegate to delegation 1.1.16
1.1.17 Disposing of Property - Asset other than land or buildings	3 November 2022	D22/075114	Removal of Manager Technical Services and addition of Manager Waste, Environment and Asset Management sub-delegate to delegation 1.1.17
1.3.1 Execution of Documents	3 November 2022	D22/075114	Addition of Manager Waste, Environment and Asset Management sub-delegate to delegation 1.3.1
1.3.1 Execution of Documents and 1.3.2 Execution of Documents	15 December 2022	D22/080340	Amended Council Conditions on Authorisations.
1.1.32 Minor amendments to delegations and policies	15 August 2023	175/2023	Addition of delegation to allow for minor amendments to delegations and policies.
1.1.32 Minor amendments to delegations and policies	24 August 2023	D23/51492	Addition of sub-delegation to allow for minor amendments to delegations and policies.
1.1.15 Expressions of Interest for Goods and Services 1.1.16 Tenders for Goods and Services 1.1.17 Disposing of Property – Assets other than land or buildings 1.1.20 Reimbursement of expenses 1.1.32 Minor amendments to delegations and policies	19 September 2023	Delegation	Correction of position numbers for Delegates and sub-delegates

Amendments			
Delegation	Date approved	Resolution/ record number	Amendment summary
1.2.5 Electoral Enrolment Eligibility Claims and Electoral Roll 1.2.7 Information to be Available to the Public 1.2.8 Audit – CEO Review of Systems and Procedures 1.2.10 Power to preside 1.2.11 Acknowledge receipt of Primary Returns and Annual Returns 1.2.13 Expressions of Interest for Goods and Services – Notification of outcome			

Town of Victoria Park

Register of Delegations and Sub-delegations

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Guidance Notes

Council is responsible for the overall government of the Town's affairs and the performance of the Town's functions. The CEO is responsible for the management of the day to day operations of the Town. Delegations are made by the Council and the CEO under relevant legislation ~~in order~~ to enable the efficient and orderly governance of the Town.

In managing the delegations and sub-delegations the following principles apply:

- (a) all delegations must be consistent with the relevant legislation (including Acts, Regulations, Local Laws and the external conditions of granting bodies).
- (b) the exercise of delegations must be consistent with the policies of the Town and the Town's budget and financial position.
- (c) delegations are to be worded so that they are exercisable by a committee or the holder of a position, including anyone acting in that role, not by a specified individual.
- (d) delegations cannot authorise anything to be done that could not be done by the person or body delegating the function.
- (e) delegations may be subject to such conditions as may be set by the delegator and the delegate must adhere to those conditions.
- (f) a delegator may at any time, regardless of their delegation:
 - (i) exercise the delegated function; or
 - (ii) revoke or vary the delegation, in writing.
- (g) a delegate exercises a delegated function in their own right, not as an agent (or on behalf of) the delegator.
- (h) a true delegation only exists when the delegate in exercising the delegation is not expected to consult prior to making any decision with a superior body or role.
- (i) a delegation cannot be exercised by a person with a conflict of interest, if a conflict of interest exists, it must be declared and dealt with in accordance with the Act.
- (j) the principles of delegation above apply generally to sub-delegation.
- (k) sub-delegations should reflect the Town's organisational structure, responsibility and accountability.
- (l) sub-delegation should only be made to roles that should be substantively qualified to make that decision and will regularly be expected to make that decision.
- (m) the levels of authority are hierarchical through line management up to and including the CEO. Generally, any function exercisable by a delegate would be exercisable by the delegate's supervisor or line manager, providing due regard is had to requirements of professional qualifications or membership, and the relevant sub-delegation is in place.
- (n) sub-delegations should place decision-making authority as close as possible to the point of service delivery and minimise steps in decision-making processes, enabling decisions to be made faster and therefore be more responsive to the needs of stakeholders.

The following are the delegations made by the Council of the Town of Victoria Park under section 5.42 of the *Local Government Act 1995 (WA)*, section 127 of the *Building Act 2011 (WA)*, section 48 of the *Bush Fires Act 1954 (WA)*, section 44 of the *Cat Act 2011 (WA)*, section 10AA of the *Dog Act 1976 (WA)*, section 118 of the *Food Act 2008 (WA)*, section 16 of the *Graffiti Vandalism Act 2016 (WA)*, section 21 of the *Public Health Act 2016 (WA)* and Schedule 2 clause 82(1) of the *Planning and Development (Local Planning Schemes) Regulations 2015 (WA)*.

Part 1 – Local Government Act 1995 and Regulations

Division 1.1 – Council to the Chief Executive Officer

1.1.1 Compensation for Damage Incurred when Performing Executive Function

Delegator:	Local Government				
Express Power to Delegate:	<i>Local Government Act 1995:</i> §5.42 Delegation of some powers or duties to the CEO				
Express Power or Duty Delegated:	<i>Local Government Act 1995:</i> §3.22(1) Compensation §3.23 Arbitration				
Delegate:	Chief Executive Officer				
Function:	1. In accordance with the section 3.22 procedures, assess and determine the extent of damage to private property arising directly from performance of executive functions and make payment of compensation. 2. Where compensation is unable to be determined and agreed between parties, give effect to arbitration in accordance with section 3.23.				
Council Conditions on this Delegation:	Delegation is limited to compensation payments which do not exceed \$5,000.				
Express Power to Sub-Delegate:	<i>Local Government Act 1995:</i> 5.44 CEO may delegate some powers and duties to other employees				
Sub-Delegate/s:	1002.01	Chief Community Planner			
	1003.01	Chief Financial Officer			
	1004.01	Chief Operations Officer			
CEO Conditions on this Sub-Delegation:	Nil.				
Compliance Links:	N/A Not Applicable				
Record Keeping:	Exercise of authority to be recorded in CM9.				
Version	Approved, Amended, Rescinded	Date	Authority	Resolution Number	Key Changes/Notes
1	Approved	21/5/2019	Council	87/2019	Adopted.
2	Amended	28/6/2019	CEO	-	Sub-delegates and CEO conditions added.
3	Amended	16/5/2023	Council	101/2023	Annual Review

1.1.2 Notices requiring certain things to be done by owner or occupier of land

Delegator:	Local Government				
Express Power to Delegate:	<i>Local Government Act 1995:</i> §3.24 Authorising persons under Part 3, Division 3, Subdivision 2 §5.42 Delegation of some powers or duties to the CEO				
Express Power or Duty Delegated:	<i>Local Government Act 1995:</i> §3.25 Notices requiring certain things to be done by owner or occupier of land §3.26 Additional powers when notices given				
Delegate:	Chief Executive Officer				
Function:	1. Give a person who is the owner and occupier of the land a notice in writing requiring a person to do a thing required under Schedule 3.1 of the <i>Local Government Act 1995</i>. 2. Do anything necessary to achieve the purpose for which the notice was given under section 3.25. 3. Recover the cost from the person who failed to comply with the notice given under section 3.25 of anything done by the Town to meet the requirements of that notice.				
Council Conditions on this Delegation:	Nil.				
Express Power to Sub-Delegate:	<i>Local Government Act 1995:</i> §5.44 CEO may delegate some powers and duties to other employees				
Sub-Delegate/s:	1004.01	Chief Operations Officer			
	1127.01	Manager Technical Services			
	1114.01	Infrastructure Compliance Officer			
	1128.01	Manager Infrastructure Operations			
	1137.01	Street Operations Coordinator			
	1002.01	Chief Community Planner			
	1107.01	Manager Development Services			
	1118.01	Principal Building Surveyor			
	1081.01	Coordinator Environmental Health			
	1003.01	Chief Financial Officer			
	1027.01	Manager Business Services			
	1050.01	Coordinator Parking and Rangers			
CEO Conditions on this Sub-Delegation:	Nil.				
Compliance Links:	N/A Not Applicable				
Record Keeping:	Exercise of authority to be recorded in CM9.				
Version	Approved, Amended, Rescinded	Date	Authority	Resolution Number	Key Changes/Notes
1	Approved	21/5/2019	Council	87/2019	Adopted.
2	Amended	28/6/2019	CEO	-	Sub-delegates and CEO conditions added.
3	Amended	01/07/2020	CEO	-	Annual Sub-delegate Review

4	Amended	28/06/2021	CEO	D21/52148	Annual sub-delegates review.
5	Amended	16/05/2023	Council	101/2023	Annual review
6	Amended	26/05/2023	CEO	D23/30454 D23/30566	Annual sub-delegate review

1.1.3 Activities on Private Land

Delegator:		Local Government			
Express Power to Delegate:		<i>Local Government Act 1995:</i> §3.24 Authorising persons under Part 3, Division 3, Subdivision 2. §5.42 Delegation of some powers or duties to the CEO.			
Express Power or Duty Delegated:		<i>Local Government Act 1995:</i> §3.27 Particular things local government can do on land that is not local government property.			
Delegate:		Chief Executive Officer			
Function:		Authority to do any of the things prescribed in Schedule 3.2 of the <i>Local Government Act 1995</i> even though the land on which it is done is not local government property.			
Council Conditions on this Delegation:		Limited to those activities listed in Schedule 3.2 of the <i>Local Government Act 1995</i> <i>(the Act)</i> . Section 3.36 and Section 3.27(3) of the Act applies to some of those things.			
Express Power to Sub-Delegate:		<i>Local Government Act 1995:</i> §5.44 CEO may delegate some powers and duties to other employees			
Sub-Delegate/s:		1004.01	Chief Operations Officer		
		1127.01	Manager Technical Services		
		1114.01	Infrastructure Compliance Officer		
		1128.01	Manager Infrastructure Operations		
		1137.01	Street Operations Coordinator		
CEO Conditions on this Sub-Delegation:		Nil.			
Compliance Links:		<i>Local Government Act 1995:</i> Schedule 3.2 - Specifies some limitations to actions.			
Record Keeping:		Exercise of authority to be recorded in CM9.			
Version	Approved, Amended, Rescinded	Date	Authority	Resolution Number	Key Changes/Notes
1	Approved	16/05/2023	Council	101/2023	Adopted as part of Annual Review.

1.1.4 Powers of Entry

Delegator:	Local Government				
Express Power to Delegate:	<i>Local Government Act 1995:</i> §5.42 Delegation of some powers or duties to the CEO				
Express Power or Duty Delegated:	<i>Local Government Act 1995:</i> §3.28 When this Subdivision applies §3.32 Notice of entry §3.33 Entry under warrant §3.34 Entry in an emergency §3.36 Opening fences				
Delegate:	Chief Executive Officer				
Function:	1. Authority to exercise powers to enter onto land to perform any of the local government functions under this Act, other than entry under a Local Law. 2. Authority to give notice of entry. 3. Authority to seek and execute an entry under warrant. 4. Authority to execute entry in an emergency, using such force as is reasonable. 5. Authority to give notice and effect entry by opening a fence.				
Council Conditions on this Delegation:	Delegated authority may only be used, where there is imminent or substantial risk to public safety or property.				
Express Power to Sub-Delegate:	<i>Local Government Act 1995:</i> §5.44 CEO may delegate some powers and duties to other employees				
Sub-Delegate/s:	1004.01	Chief Operations Officer			
	1127.01	Manager Technical Services			
	1128.01	Manager Infrastructure Operations			
	1003.01	Chief Financial Officer			
	1027.01	Manager Business Services			
	1050.01	Coordinator Parking and Rangers			
	1002.01	Chief Community Planner			
	1107.01	Manager Development Services			
	1081.01	Coordinator Environmental Health			
1118.01	Principal Building Surveyor				
CEO Conditions on this Sub-Delegation:	Nil.				
Compliance Links:	<i>Local Government Act 1995:</i> • §9.10 Appointment of authorised persons – refer also §3.32(2) • Part 3, Division 3, Subdivision 3 – prescribes statutory processes for Powers of Entry • §3.34(2) Entry in an emergency				
Record Keeping:	Exercise of authority to be recorded in CM9.				
Version	Approved, Amended, Rescinded	Date	Authority	Resolution Number	Key Changes/Notes
1	Approved	21/5/2019	Council	87/2019	Adopted.

2	Amended	28/6/2019	CEO	-	Sub-delegates and CEO conditions added.
3	Amended	01/07/2020	CEO	-	Annual Sub-delegate Review
4	Amended	28/06/2021	CEO	D21/52148	Annual sub-delegates review.
5	Amended	26/05/2023	CEO	D23/30454 D23/30566	Annual sub-delegate review

1.1.5 Declare Vehicle is Abandoned Vehicle Wreck

Delegator:	Local Government				
Express Power to Delegate:	<i>Local Government Act 1995:</i> §5.42 Delegation of some powers or duties to the CEO				
Express Power or Duty Delegated:	<i>Local Government Act 1995:</i> §3.40A(4) Abandoned vehicle wreck may be taken				
Delegate:	Chief Executive Officer				
Function:	Declare that an impounded vehicle is an abandoned vehicle wreck.				
Council Conditions on this Delegation:	Nil.				
Express Power to Sub-Delegate:	<i>Local Government Act 1995:</i> §5.44 CEO may delegate some powers and duties to other employees				
Sub-Delegate/s:	1003.01	Chief Financial Officer			
	1027.01	Manager Business Services			
	1050.01	Coordinator Parking and Rangers			
CEO Conditions on this Sub-Delegation:	Nil.				
Compliance Links:	<i>Local Government Act 1995:</i> §3.40A(5) – an abandoned vehicle wreck is as defined by this section and up to a value that has been calculated in accordance with regulation 29A of the <i>Local Government (Functions and General) Regulations 1996</i> .				
Record Keeping:	Exercise of authority to be recorded in CM9.				
Version	Approved, Amended, Rescinded	Date	Authority	Resolution Number	Key Changes/Notes
1	Approved	21/5/2019	Council	87/2019	Adopted.
2	Amended	28/6/2019	CEO	-	Sub-delegates and CEO conditions added.
3	Amended	01/07/2020	CEO	-	Annual Sub-delegate Review
4	Amended	28/06/2021	CEO	D21/52148	Annual sub-delegates review.
5	Amended	16/05/2023	Council	101/2023	Annual Review

1.1.6 Confiscated or Uncollected Goods

Delegator:	Local Government	
Express Power to Delegate:	<i>Local Government Act 1995:</i> <u>s</u> 5.42 Delegation of some powers or duties to the CEO	
Express Power or Duty Delegated:	<i>Local Government Act 1995:</i> <u>s</u> 3.46 Goods May be withheld until costs paid <u>s</u> 3.47 Confiscated or uncollected goods, disposal of <u>s</u> 3.48 Impounding expenses, recovery of	
Delegate:	Chief Executive Officer	
Function:	1. Authority to refuse to allow goods impounded under <u>s</u>3.39 or <u>s</u>3.40A to be collected until the costs of removing, impounding and keeping them have been paid to the Town. 2. Authority to refuse to allow goods removed under <u>s</u>3.40 and <u>s</u>3.40A to be collected until the costs of removing and keeping them have been paid to the Town. 3. Authority to sell or otherwise dispose of confiscated or uncollected goods that have been ordered to be confiscated under <u>s</u>3.43. 4. Authority to sell or otherwise dispose of any vehicle that has not been collected within: (a) 2 months of a notice having been given under <u>s</u>3.40(3); (b) 7 days of a declaration being made under <u>s</u>3.40A(4) that the vehicle is an abandoned vehicle wreck. 5. Authority to sell or otherwise dispose of impounded goods that have not been collected within the period specified in <u>s</u>3.47(2b) of: (a) a notice having been given under <u>s</u>3.42(1)(b) or <u>s</u>3.44; or (b) being impounded if the Town has been unable, after making reasonable efforts to do so, to give that notice to the alleged offender. 6. Authority to recover expenses incurred for removing, impounding, and disposing of confiscated or uncollected goods, including seeking action of a court of competent jurisdiction.	
Council Conditions on this Delegation:	Disposal of confiscated or uncollected goods, including abandoned vehicles, with a market value less than \$20,000 may, in accordance with Functions and General Regulation 30, be disposed of by any means considered to provide best value, provided the process is transparent and accountable.	
Express Power to Sub-Delegate:	<i>Local Government Act 1995:</i> <u>s</u> 5.44 CEO may delegate some powers and duties to other employees	
Sub-Delegate/s:	1003.01	Chief Financial Officer
	1027.01	Manager Business Services
	1050.01	Coordinator Parking and Rangers
	1044.01	Supervisor Parking and Rangers
	1248.01-02	Senior Officer Parking and Rangers
CEO Conditions on this Sub-Delegation:	Nil.	

Compliance Links:		<i>Local Government Act 1995:</i> <u>s</u> 3.58 Disposing of Property – applies the sale of goods under 3.47 as if they were property referred to in that section.			
Record Keeping:		Exercise of authority to be recorded in CM9.			
Version	Approved, Amended, Rescinded	Date	Authority	Resolution Number	Key Changes/Notes
1	Approved	21/5/2019	Council	87/2019	Adopted.
2	Amended	28/6/2019	CEO	-	Sub-delegates and CEO conditions added.
3	Amended	01/07/2020	CEO	-	Annual Sub-delegate Review
4	Amended	28/06/2021	CEO	D21/52148	Annual sub-delegates review.
5	Amended	16/05/23	Council	101/2023	Annual review
6	Amended	26/05/2023	CEO	D23/30454 D23/30566	Annual sub-delegate review

1.1.7 Disposal of Sick or Injured Animals

Delegator:		Local Government			
Express Power to Delegate:		<i>Local Government Act 1995:</i> §5.42 Delegation of some powers or duties to the CEO			
Express Power or Duty Delegated:		<i>Local Government Act 1995:</i> §3.47A Sick or injured animals, disposal of			
Delegate:		Chief Executive Officer			
Function:		Authority to determine when an impounded animal is ill or injured, that treating it is not practicable, and to humanely destroy the animal and dispose of the carcass.			
Council Conditions on this Delegation:		Delegation only to be used where the Delegate’s reasonable efforts to identify and contact an owner have failed.			
Express Power to Sub-Delegate:		<i>Local Government Act 1995:</i> §5.44 CEO may delegate some powers and duties to other employees			
Sub-Delegate/s:		1003.01	Chief Financial Officer		
		1027.01	Manager Business Services		
		1050.01	Coordinator Parking and Rangers		
		1044.01	Supervisor Parking and Rangers		
		1248.01-02	Senior Officer Parking and Rangers		
CEO Conditions on this Sub-Delegation:		Nil.			
Compliance Links:		<i>Local Government Act 1995:</i> §3.47A sets out conditions for destruction.			
Record Keeping:		Exercise of authority to be recorded in CM9.			
Version	Approved, Amended, Rescinded	Date	Authority	Resolution Number	Key Changes/Notes
1	Approved	21/5/2019	Council	87/2019	Adopted.
2	Amended	28/6/2019	CEO	-	Sub-delegates and CEO conditions added.
3	Amended	01/07/2020	CEO	-	Annual Sub-delegate Review
4	Amended	28/06/2021	CEO	D21/52148	Annual sub-delegates review.
5	Amended	12/11/2021	CEO	D21/89662	New sub-delegate added
6	Amended	03/02/2022	CEO	D22/6422	New sub-delegate added
7	Amended	16/05/2023	Council	101/2023	Annual review

1.1.8 Close Thoroughfares to Vehicles

Delegator:	Local Government	
Express Power to Delegate:	<i>Local Government Act 1995:</i> <u>s</u> 5.42 Delegation of some powers or duties to the CEO	
Express Power or Duty Delegated:	<i>Local Government Act 1995:</i> <u>s</u> 3.50 Closing certain thoroughfares to vehicles <u>s</u> 3.50A Partial closure of thoroughfare for repairs or maintenance <u>s</u> 3.51 Affected owners to be notified of certain proposals	
Delegate:	Chief Executive Officer	
Function:	1. Authority to close a thoroughfare (wholly or partially) to vehicles or particular classes of vehicles for a period not exceeding 4-weeks. 2. Authority to determine to close a thoroughfare for a period exceeding 4-weeks and before doing so, to: a. give; public notice, written notice to the Commissioner of Main Roads and written notice to prescribed persons and persons that own prescribed land; and b. consider submissions relevant to the road closure/s proposed. 3. Authority to revoke an order to close a thoroughfare. 4. Authority to partially and temporarily close a thoroughfare without public notice for repairs or maintenance, where it is unlikely to have significant adverse effect on users of the thoroughfare. 5. Before doing anything to which section 3.51 applies, take action to notify affected owners and give public notice that allows reasonable time for submissions to be made and consider any submissions made before determining to fix or alter the level or alignment of a thoroughfare or draining water from a thoroughfare to private land.	
Council Conditions on this Delegation:	1. If, under <u>s</u>3.50(1), a thoroughfare is closed without giving local public notice, local public notice is to be given as soon as practicable after the thoroughfare is closed. 2. Maintain access to adjoining land.	
Express Power to Sub-Delegate:	<i>Local Government Act 1995:</i> <u>s</u> 5.44 CEO may delegate some powers and duties to other employees	
Sub-Delegate/s:	1004.01	Chief Operations Officer
	1127.01	Manager Technical Services
	1114.01	Infrastructure Compliance Officer
	1128.01	Manager Infrastructure Operations
	1137.01	Street Operations Coordinator
CEO Conditions on this Sub-Delegation:	Nil.	
Compliance Links:	N/A Not Applicable	
Record Keeping:	Exercise of authority to be recorded in CM9.	

Version	Approved, Amended, Rescinded	Date	Authority	Resolution Number	Key Changes/Notes
1	Approved	21/5/2019	Council	87/2019	Adopted.
2	Amended	28/6/2019	CEO	-	Sub-delegates and CEO conditions added.

1.1.9 Control Reserves and Certain Unvested Facilities

Delegator:		Local Government			
Express Power to Delegate:		<i>Local Government Act 1995:</i> §5.42 Delegation of some powers or duties to the CEO			
Express Power or Duty Delegated:		<i>Local Government Act 1995:</i> §3.53(3) Control of certain unvested facilities §3.54(1) Reserves under control of local government			
Delegate:		Chief Executive Officer			
Function:		1. Authority to agree the method for control and management of an unvested facility which is partially within 2 or more local government districts. 2. Authority to do anything for the purpose of controlling and managing land under the control and management of the Town that the Town could do under section 5 of the <i>Parks and Reserves Act 1895</i>.			
Council Conditions on this Delegation:		Limited to matters where the financial implications do not exceed a relevant and current budget allocation and which do not create a financial liability in future budgets.			
Express Power to Sub-Delegate:		<i>Local Government Act 1995:</i> §5.44 CEO may delegate some powers and duties to other employees			
Sub-Delegate/s:		1004.01	Chief Operations Officer		
		1128.01	Manager Infrastructure Operations		
CEO Conditions on this Sub-Delegation:		Nil.			
Compliance Links:		N/A Not Applicable			
Record Keeping:		Exercise of authority to be recorded in CM9.			
Version	Approved, Amended, Rescinded	Date	Authority	Resolution Number	Key Changes/Notes
1	Approved	21/5/2019	Council	87/2019	Adopted.
2	Amended	28/6/2019	CEO	-	Sub-delegates and CEO conditions added.

1.1.10 Obstruction of Footpaths and Thoroughfares

Delegator:	Local Government
Express Power to Delegate:	<i>Local Government Act 1995:</i> §5.42 Delegation of some powers or duties to the CEO
Express Power or Duty Delegated:	<i>Local Government (Uniform Local Provisions) Regulations 1996:</i> r5(2) Interfering with, or taking from, local government land r6 Obstruction of public thoroughfare by things placed and left r7A Obstruction of public thoroughfare by fallen things r7 Encroaching on public thoroughfare
Delegate:	Chief Executive Officer
Function:	1. Authority to determine, by written notice served on a person who is carrying out plastering, painting or decorating operations (the work) over or near a footpath on land that is local government property, to require the person to cover the footpath during the period specified in the notice so as to: a. prevent damage to the footpath; or b. prevent inconvenience to the public or danger from falling materials. 2. Authority to provide permission including imposing appropriate conditions or to refuse to provide permission, for a person to place on a specified part of a public thoroughfare one or more specified things that may obstruct the public thoroughfare. 3. Authority to renew permission to obstruct a thoroughfare and to vary any condition imposed on the permission effective at the time written notice is given to the person to whom permission is granted. 4. Authority to require an owner or occupier of land to remove any thing that has fallen from the land or from anything on the land, which is obstructing a public thoroughfare. 5. Authority to require an owner occupier of land to remove any part of a structure, tree or plant that is encroaching, without lawful authority on a public thoroughfare.
Council Conditions on this Delegation:	1. Actions under this Delegation must comply with procedural requirements detailed in the <i>Local Government (Uniform Local Provisions) Regulations 1996</i>. 2. Permission may only be granted where, the proponent has, when deemed appropriate by a delegate: a. obtained written permission from each owner of adjoining or adjacent property which may be impacted by the proposed obstruction. b. Provided a bond, sufficient to the value of works that may be required if the proponent does not satisfactorily make good public assets damaged by the obstruction at the completion of works. c. Provided evidence of sufficient Public Liability Insurance.

	d. Provided pedestrian and traffic management plans which are sufficient for the protection of public safety and amenity.				
Express Power to Sub-Delegate:	Local Government Act 1995: §5.44 CEO may delegate some powers and duties to other employees				
Sub-Delegate/s:	1004.01	Chief Operations Officer			
	1127.01	Manager Technical Services			
	1114.01	Infrastructure Compliance Officer			
	1128.01	Manager Infrastructure Operations			
CEO Conditions on this Sub-Delegation:	Nil.				
Compliance Links:	Determination of Bond Value and Conditions - refer to CEO Delegation 1.2.2 – Public Thoroughfare Obstruction – Determine Conditions Local Government (Uniform Local Provisions) Regulations 1996 Penalties under the Uniform Local Provisions Regulations are administered in accordance with Part 9, Division 2 of the Local Government Act 1995				
Record Keeping:	Exercise of authority to be recorded in CM9.				
Version	Approved, Amended, Rescinded	Date	Authority	Resolution Number	Key Changes/Notes
1	Approved	21/5/2019	Council	87/2019	Adopted.
2	Amended	28/6/2019	CEO	-	Sub-delegates and CEO conditions added.
3	Amended	Council	16/05/2023	101/2023	Annual review

1.1.11 Public Thoroughfare – Dangerous Excavations

Delegator:	Local Government	
Express Power to Delegate:	<i>Local Government Act 1995:</i> <u>s5.42</u> Delegation of some powers or duties to the CEO	
Express Power or Duty Delegated:	<i>Local Government (Uniform Local Provisions) Regulations 1996:</i> <u>r11</u> (1), (4), (6) & (8) Dangerous excavation in or near public thoroughfare	
Delegate:	Chief Executive Officer	
Function:	1. Authority to determine if an excavation in or on land adjoining a public thoroughfare is dangerous and take action to fill it in or fence it or request the owner / occupier in writing to fill in or securely fence the excavation. 2. Authority to determine to give permission or refuse to give permission to make or make and leave an excavation in a public thoroughfare or land adjoining a public thoroughfare. 3. Authority to impose conditions on granting permission. 4. Authority to renew a permission granted or vary at any time, any condition imposed on a permission granted.	
Council Conditions on this Delegation:	1. Actions under this Delegation must comply with procedural requirements detailed in the <i>Local Government (Uniform Local Provisions) Regulations 1996</i>. 2. Permission may only be granted where, the proponent has, when deemed appropriate by a delegate: a. Obtained written permission from or entered into a legal agreement with, each owner of adjoining or adjacent property which may be impacted by the proposed works. b. Provided a bond, sufficient to the value of works that may be required if the proponent does not satisfactorily make good the public assets at the completion of works. c. Provided evidence of sufficient Public Liability Insurance. d. Provided pedestrian and traffic management plans which are sufficient for the protection of public safety and amenity.	
Express Power to Sub-Delegate:	<i>Local Government Act 1995:</i> <u>s5.44</u> CEO may delegate some powers and duties to other employeesNil	
Sub-Delegate/s:	1004.01	Chief Operations Officer
	1127.01	Manager Technical Services
	1114.01	Infrastructure Compliance Officer
CEO Conditions on this Sub-Delegation:	Nil.	
Compliance Links:	Determination of Bond Value and Conditions - refer to CEO Delegation 1.2.3 – Determine and Manage Conditions on Permission for Dangerous Excavations on or on land adjoining Public Thoroughfares	

		<i>Local Government (Uniform Local Provisions) Regulations 1996</i> – prescribe applicable statutory procedures. Penalties under the Uniform Local Provisions Regulations are administered in accordance with Part 9, Division 2 of the <i>Local Government Act 1995</i>.			
Record Keeping:		Exercise of authority to be recorded in CM9.			
Version	Approved, Amended, Rescinded	Date	Authority	Resolution Number	Key Changes/Notes
1	Approved	21/5/2019	Council	87/2019	Adopted.
2	Amended	28/6/2019	CEO	-	Sub-delegates and CEO conditions added.
3	Amended	16/05/2023	Council	101/2023	Annual review

1.1.12 Crossing – Construction, Repair and Removal

Delegator:	Local Government				
Express Power to Delegate:	<i>Local Government Act 1995:</i> §5.42 Delegation of some powers or duties to the CEO				
Express Power or Duty Delegated:	<i>Local Government (Uniform Local Provisions) Regulations 1996:</i> r12(1) Crossing from public thoroughfare to private land or private thoroughfare r13(1) Requirement to construct or repair crossing				
Delegate:	Chief Executive Officer				
Function:	1. Authority to approve or refuse to approve, applications for the construction of a crossing giving access from a public thoroughfare to land or private thoroughfare serving land. 2. Authority to determine the specifications for construction of crossings to the satisfaction of the Town. 3. Authority to give notice to an owner or occupier of land requiring the person to construct or repair a crossing. 4. Authority to initiate works to construct a crossing where the person fails to comply with a notice requiring them to construct or repair the crossing and recover 50% of the cost of doing so as a debt due from the person.				
Council Conditions on this Delegation:	Actions under this Delegation must comply with procedural requirements detailed in the <i>Local Government (Uniform Local Provisions) Regulations 1996</i> .				
Express Power to Sub-Delegate:	<i>Local Government Act 1995:</i> §5.44 CEO may delegate some powers and duties to other employees				
Sub-Delegate/s:	1004.01	Chief Operations Officer			
	1127.01	Manager Technical Services			
	1114.01	Infrastructure Compliance Officer			
CEO Conditions on this Sub-Delegation:	Nil.				
Compliance Links:	<i>Local Government (Uniform Local Provisions) Regulations 1996</i> – prescribe applicable statutory procedures. Penalties under the Uniform Local Provisions Regulations are administered in accordance with Part 9, Division 2 of the <i>Local Government Act 1995</i> . Policy 205 Vehicle crossover				
Record Keeping:	Exercise of authority to be recorded in CM9.				
Version	Approved, Amended, Rescinded	Date	Authority	Resolution Number	Key Changes/Notes
1	Approved	21/5/2019	Council	87/2019	Adopted.
2	Amended	28/6/2019	CEO	-	Sub-delegates and CEO conditions added.
3	Amended	16/05/2023	Council	101/2023	Annual review

1.1.13 Private Works on, over or under Public Places

Delegator:	Local Government	
Express Power to Delegate:	<i>Local Government Act 1995:</i> §5.42 Delegation of some powers or duties to the CEO	
Express Power or Duty Delegated:	<i>Local Government (Uniform Local Provisions) Regulations 1996:</i> 17 Private works on, over, or under public places	
Delegate:	Chief Executive Officer	
Function:	1. Authority to grant permission or refuse permission to construct a specified thing on, over, or under a specified public thoroughfare or public place that is local government property. 2. Authority to impose conditions on permission including those prescribed in Regulation 17(5) and (6) Uniform Local Provisions.	
Council Conditions on this Delegation:	1. Actions under this Delegation must comply with procedural requirements detailed in the <i>Local Government (Uniform Local Provisions) Regulations 1996</i>. 2. Permission may only be granted where, the proponent has, when deemed appropriate by a delegate: a. Obtained written permission from or entered into a legal agreement with, each owner of adjoining or adjacent property which may be impacted by the proposed works. b. Provided a bond, sufficient to the value of works that may be required if the proponent does not satisfactorily make good the public assets at the completion of works. c. Provided evidence of sufficient Public Liability Insurance. d. Provided pedestrian and traffic management plans which are sufficient for the protection of public safety and amenity.	
Express Power to Sub-Delegate:	<i>Local Government Act 1995:</i> §5.44 CEO may delegate some powers and duties to other employees	
Sub-Delegate/s:	1004.01	Chief Operations Officer
	1127.01	Manager Technical Services
	1114.01	Infrastructure Compliance Officer
CEO Conditions on this Sub-Delegation:	Nil.	
Compliance Links:	Determination of Bond Value and Conditions - refer to CEO Delegation 1.2.4 – Determine and Manage Conditions on Permission for Dangerous Excavations on or on land adjoining Public Thoroughfares <i>Local Government (Uniform Local Provisions) Regulations 1996</i> – prescribe applicable statutory procedures. Penalties under the Uniform Local Provisions Regulations are administered in accordance with Part 9, Division 2 of the <i>Local Government Act 1995</i>.	
Record Keeping:	Exercise of authority to be recorded in CM9.	

Version	Approved, Amended, Rescinded	Date	Authority	Resolution Number	Key Changes/Notes
1	Approved	21/5/2019	Council	87/2019	Adopted.
2	Amended	28/6/2019	CEO	-	Sub-delegates and CEO conditions added.
3	Amended	16/05/2023	Council	101/2023	Annual review

1.1.14 Give Notice to Prevent Damage to Local Government Property from Wind Erosion and Sand Drift

Delegator:	Local Government				
Express Power to Delegate:	<i>Local Government Act 1995:</i> <u>s</u> 5.42 Delegation of some powers or duties to the CEO				
Express Power or Duty Delegated:	<i>Local Government (Uniform Local Provisions) Regulations 1996:</i> <u>r</u> 21(1) Wind erosion and sand drifts				
Delegate:	Chief Executive Officer				
Function:	Authority to give notice to an owner/occupier of land if it is considered that clearing the owner/occupier’s land might cause local government land having a common boundary, will be adversely affected by wind erosion or sand drift.				
Council Conditions on this Delegation:	Nil.				
Express Power to Sub-Delegate:	<i>Local Government Act 1995:</i> <u>s</u> 5.44 CEO may delegate some powers and duties to other employees				
Sub-Delegate/s:	1004.01	Chief Operations Officer			
	1127.01	Manager Technical Services			
	1114.01	Infrastructure Compliance Officer			
	1002.01	Chief Community Planner			
	1107.01	Manager Development Services			
	1081.01	Coordinator Environmental Health			
CEO Conditions on this Sub-Delegation:	Nil.				
Compliance Links:	<i>Local Government (Uniform Local Provisions) Regulations 1996</i> – prescribe applicable statutory procedures. Penalties under the Uniform Local Provisions Regulations are administered in accordance with Part 9, Division 2 of the <i>Local Government Act 1995</i> .				
Record Keeping:	Exercise of authority to be recorded in CM9.				
Version	Approved, Amended, Rescinded	Date	Authority	Resolution Number	Key Changes/Notes
1	Approved	21/5/2019	Council	87/2019	Adopted.
2	Amended	28/6/2019	CEO	-	Sub-delegates and CEO conditions added.
3	Amended	26/05/2023	CEO	D23/30454 D23/30566	Annual sub-delegate review

1.1.15 Expressions of Interest for Goods and Services

Delegator:	Local Government	
Express Power to Delegate:	Local Government Act 1995: s5.42 Delegation of some powers or duties to the CEO	
Express Power or Duty Delegated:	Local Government Act 1995: s3.57 Tenders for providing goods or services Local Government (Functions and General) Regulations 1996: r21 Limiting who can tender, procedure for r23 Rejecting and accepting expressions of interest to be acceptable tenderer	
Delegate:	Chief Executive Officer	
Function:	1. Authority to determine when to seek Expressions of Interest and to invite Expressions of Interest for the supply of goods or services. 2. Authority to consider Expressions of Interest which have not been rejected and determine those which are capable of satisfactorily providing the goods or services, for listing as acceptable tenderers.	
Council Conditions on this Delegation:	Items in adopted budget only.	
Express Power to Sub-Delegate:	Local Government Act 1995: s5.44 CEO may delegate some powers and duties to other employees	
Sub-Delegate/s:	1209008.01	Manager Governance and Strategy
	1009.01	Manager Stakeholder Relations
	1014.01	Manager People and Culture
	1002.01	Chief Community Planner
	1115.01	Manager Place Planning
	1107.01	Manager Development Services
	1077.01	Manager Community
	1004.01	Chief Operations Officer
	1127.01	Manager Technical Services
	1128.01	Manager Infrastructure Operations
	1121.01	Manager Property Development and Leasing
	1124.01-04	Manager Strategic Projects
	1003.01	Chief Financial Officer
	1218.01	Manager Finance
	1219.01	Manager Technology and Digital Strategy
	1027.01	Manager Business Services
	1252.01	Manager Assets and Environment Waste, Environment and Asset Management
	1271.01	Manager Strategic Accounting
CEO Conditions on this Sub-Delegation:	Nil. 1. <u>Authority to publicly invite tenders.</u> 2. <u>Function 2 is not sub-delegated.</u>	
Compliance Links:	Local Government (Functions and General) Regulations 1996 – prescribe applicable statutory procedures. Policy 301 Purchasing	
Record Keeping:	Exercise of authority to be recorded in CM9.	

Version	Approved, Amended, Rescinded	Date	Authority	Resolution Number	Key Changes/Notes
1	Approved	21/5/2019	Council	87/2019	Adopted.
2	Amended	28/6/2019	CEO	-	Sub-delegates and CEO conditions added.
3	Amended	01/07/2020	CEO	-	Annual Sub-delegate Review
4	Amended	28/06/2021	CEO	D21/52148	Annual sub-delegates review.
5	Amended	28/07/2021	CEO	D21/62996	New sub-delegates added.
6	Amended	22/11/2022	CEO	D22/075114	New sub-delegate added.
7	Amended	26/05/2023	CEO	D23/30454 D23/30566	Annual sub-delegate review
8	Amended	19/09/2023	MGS	Delegation	Correction of position numbers for Delegates and sub-delegates
<u>9</u>	<u>Amended</u>		<u>CEO</u>		<u>Annual sub-delegate review, amended from Manager Waste, Environment and Asset Management</u>

1.1.16 Tenders for Goods and Services

Delegator:	Local Government
Express Power to Delegate:	<i>Local Government Act 1995:</i> §5.42 Delegation of some powers or duties to the CEO
Express Power or Duty Delegated:	<i>Local Government Act 1995:</i> §3.57 Tenders for providing goods or services <i>Local Government (Functions and General) Regulations 1996:</i> r11 When tenders have to be publicly invited r13 Requirements when local government invites tenders though not required to do so r14 Publicly inviting tenders, requirements for r18 Rejecting and accepting tenders r20 Variation of requirements before entry into contract r21A Varying a contract for the supply of goods or services r24AB Establish panels of pre-qualified suppliers r24AH Rejecting and accepting applications to join panel or pre-qualified suppliers r24AJ Contacts with pre-qualified suppliers
Delegate:	Chief Executive Officer
Function:	1. Authority to publicly invite tenders. 2. Authority to, because of the unique nature of the goods or services or for any other reason it is unlikely that there is more than one supplier, determine a sole supplier arrangement. 3. Authority to undertake tender exempt procurement, in accordance with the Purchasing Policy requirements, where the total consideration under the resulting contract is equal to or less than \$500,000 in value and a sufficient budget allocation is included in the adopted Annual Budget. 4. Authority to determine in writing, before tenders are publicly invited, the criteria for acceptance of tenders. 5. Authority to determine the information that is to be disclosed to those interested in submitting a tender. 6. Authority to vary tender information after public notice of invitation to tender and before the close of tenders, taking reasonable steps to ensure each person who has sought copies of the tender information is provided notice of the variation. 7. Authority to evaluate tenders, by written evaluation, and decide which is the most advantageous. 8. Authority to determine that a variation proposed is minor in context of the total goods or services sought through the invitation to tender, subject to a maximum 10% variation, and to then negotiate minor variations with the successful tenderer before entering into a contract. 9. Authority to seek clarification from tenderers in relation to information contained in their tender submission.

	10. Authority to decline any tender that is deemed non-compliant with the tender criteria. 11. If the chosen tenderer is unable or unwilling to form a contract OR the minor variation cannot be agreed with the successful tenderer, so that the tenderer ceases to be the chosen tenderer, authority to accept the next most advantageous tender. 12. Authority to: a. Vary a contract that has been entered into with a successful tenderer, provided the variation/s do not change the scope of the original contract-or increase the contract value beyond 10%. b. Exercise an extension option that was included in the original tender specification and contract in accordance with regulation 11(2)(j). 13. Authority to accept the most advantageous tender, if within 6-months of either accepting a tender, a contract has not been entered into OR the successful tenderer agrees to terminate the contract.
Council Conditions on this Delegation:	1. Sole supplier arrangements may only be approved where a record is retained that evidences: a. A detailed specification; b. The outcomes of market testing of the specification; c. The reasons why market testing has not met the requirements of the specification; and d. Rationale for why the supply is unique and cannot be sources through other suppliers. 2. Tenders may only be called publicly invited where there is an adopted budget for the proposed goods or services, with the exception being in the period immediately prior to the adoption of a new Annual Budget and where the: a. proposed goods or services are required to fulfil a routine contract related to the day to day operations of the Town Local Government, b. current supply contract expiry is imminent, c. value of the proposed new contract has been included in the draft Annual Budget proposed for adoption, and d. The tender specification includes a provision that the tender will only be awarded subject to the budget adoption by the Council. 3. The CEO is not delegated to accept a tender or establish a panel of pre-qualified suppliers (except in accordance with clause 11 or 13 of this delegation)

Express Power to Sub-Delegate:	<i>Local Government Act 1995:</i> <u>s</u> 5.44 CEO may delegate some powers and duties to other employees	
Sub-Delegate/s:	1209008.01	Manager Governance and Strategy
	1009.01	Manager Stakeholder Relations
	1014.01	Manager People and Culture
	1002.01	Chief Community Planner
	1115.01	Manager Place Planning
	1107.01	Manager Development Services
	1077.01	Manager Community
	1004.01	Chief Operations Officer
	1127.01	Manager Technical Services
	1128.01	Manager Infrastructure Operations
	1121.01	Manager Property Development and Leasing
	1124.01-04	Strategic Projects Manager
	1003.01	Chief Financial Officer
	1218.01	Manager Finance
	1219.01	Manager Technology and Digital Strategy
	1027.01	Manager Business Services
	1252.01	Manager <u>Assets and Environment Waste, Environment and Asset Management</u>
CEO Conditions on this Sub-Delegation:	In relation to the functions delegated above: - Function 1 may be exercisable by any sub-delegate. - Function 2 may only be exercised by the Chief Financial Officer. - Function 3 may only be exercised by a Chief. - Function 4 may be exercised by any sub-delegate. - Function 5 may be exercised by any sub-delegate. - Function 6 may be exercised by any sub-delegate. - Function 7 may be exercised by any sub-delegate. - Function 8 may only be exercised by a Chief. - Function 9 may be exercised by any sub-delegate. - Function 10 may be exercised by any sub-delegate. - Function 11 is not sub-delegated. - Function 12 is not sub-delegated. - Function 13 is not sub-delegated.	
Compliance Links:	<i>Local Government Act 1995:</i> <u>s</u> 5.43(b) limits the CEO accepting a tender that exceeds an amount determined by Council	

		Local Government (Functions and General) Regulations 1996 – prescribe applicable statutory procedures			
		Policy 301 Purchasing			
Record Keeping:		Exercise of authority to be recorded in CM9.			
Version	Approved, Amended, Rescinded	Date	Authority	Resolution Number	Key Changes/Notes
1	Approved	21/5/2019	Council	87/2019	Adopted.
2	Amended	28/6/2019	CEO	-	Sub-delegates and CEO conditions added.
3	Amended	19/5/2020	Council	393/2020	Item 11.1 Annual Review
4	Amended	01/07/2020	CEO	-	Annual Sub-delegate Review
5	Amended	15/06/2021	Council	108/2021	Item 11.1 Annual Review of Delegations
6	Amended	28/06/2021	CEO	D21/52148	Annual sub-delegates review.
7	Amended	28/07/2021	CEO	D262996	New sub-delegates added.
8	Amended	22/11/2022	CEO	D2022/075114	New sub-delegate added.
9	Amended	16/05/2023	Council	101/2023	Annual review
10	Amended	26/05/2023	CEO	D23/30454 D23/30566	Annual sub-delegate review
11	Amended	19/09/2023	MGS	Delegation	Correction of position numbers for Delegates and sub-delegates
<u>12</u>	<u>Amended</u>		<u>CEO</u>		<u>Annual sub-delegate review, amended from Manager Waste, Environment and Asset Management</u>

1.1.17 Disposing of Property – Assets other than land or buildings

Delegator:	Local Government
Express Power to Delegate:	<i>Local Government Act 1995:</i> §5.42 Delegation of some powers or duties to the CEO
Express Power or Duty Delegated:	<i>Local Government Act 1995:</i> §3.58(2) & (3) Disposing of Property
Delegate:	Chief Executive Officer
Function:	1. Authority to dispose of property, other than land or buildings, which has a market value of less than \$20,000 in accordance with the relevant Council policy. 2. Authority to dispose of property other than land or buildings which has a market value between \$20,000 and \$250,000 to: a. the highest bidder at public auction (as set out in section 3.58(2)(a)); or b. the person who at public tender publicly invited by the Town makes what is considered by the delegate to be, the most acceptable tender, whether or not it is the highest tenders (as set out in section 3.58(2)(b)). 3. Authority to dispose of property, other than land or buildings which has a market value between \$20,000 and \$250,000 by negotiating, and entering into, an agreement subject to compliance with section 3.58(3) and (4), including the consideration of any submissions received following the giving of public notice prior to the disposal. 4. Authority to dispose of property, other than land or buildings, where the entire consideration received for the disposition is used to purchase other property, and where the total consideration for the other property is not more, or worth more, than \$75,000. 5. Authority to dispose or discard of property, other than land or buildings, in an environmentally sustainable way, where no suitable purchaser can be found pursuant to the above functions.
Council Conditions on this Delegation:	1. Disposal of property under this delegation, for any single transaction must be for a maximum value of \$250,000. 2. Where the following methods of disposal of property are implemented, it is conditional on the corresponding requirements: a. for a public auction, a confidential independent valuation must be obtained in advance to operate as the "reserve price" and then any disposal must be: i. for no less than the reserve price; or ii. within 10% of the reserve price, if the reserve price is not achieved and an agreement that complies with section 3.58 is subsequently negotiated; b. for a public tender, if in the CEO's opinion no reasonable tender response is received, then the CEO is to determine if

	better value could be achieved through another disposal method and if so, must determine not to accept any tender and use an alternative disposal method; and c. for an agreement negotiated, and entered into in compliance with section 3.58(3), it must be for a price that is within 10% of an independent valuation obtained in accordance with section 3.58(4).				
Express Power to Sub-Delegate:	Local Government Act 1995: §5.44 CEO may delegate some powers and duties to other employees				
Sub-Delegate/s:	1003.01	Chief Financial Officer			
	1218.01	Manager Finance			
	1219.01	Manager Technology and Digital Strategy			
	1004.01	Chief Operations Officer			
	1252.01	Manager Assets and Environment Waste, Environment and Asset Management-			
	1129.01	Asset Procurement Coordinator			
	1151.01	Coordinator Strategic Assets			
CEO Conditions on this Sub-Delegation:	Nil.				
Compliance Links:	Local Government Act 1995 – §3.58 Disposal of Property Local Government (Functions and General) Regulations 1995 – 30 Dispositions of property excluded from Act 3.58 Policy 304 Disposal of disused equipment, machinery and other materials				
Record Keeping:	Exercise of authority to be recorded in CM9.				
Version	Approved, Amended, Rescinded	Date	Authority	Resolution Number	Key Changes/Notes
1	Approved	21/5/2019	Council	87/2019	Adopted.
2	Amended	28/6/2019	CEO	-	Sub-delegates and CEO conditions added.
3	Amended	19/5/2020	Council	393/2020	Item 11.1 Annual Review
4	Amended	01/07/2020	CEO	-	Annual Sub-delegate Review
5	Amended	15/06/2021	Council	108/2021	Item 11.1 Annual Review of Delegations
6	Amended	28/06/2021	CEO	D21/52148	Annual sub-delegates review.
7	Amended	22/11/2022	CEO	D2022/075114	Removal of sub-delegate and addition of new sub-delegate added.
8	Amended	16/05/2023	Council	101/2023	Annual review
9	Amended	26/05/2023	CEO	D23/30454 D23/30566	Annual sub-delegate review
	<u>Amended</u>		<u>CEO</u>		<u>Annual sub-delegate review, amended from Manager Waste.</u>

					<u>Environment and Asset Management</u>
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1.1.18 Disposing of Property – Land and Buildings

Delegator:	Local Government
Express Power to Delegate:	<i>Local Government Act 1995:</i> §5.42 Delegation of some powers or duties to the CEO
Express Power or Duty Delegated:	<i>Local Government Act 1995:</i> §3.58 Disposing of Property
Delegate:	Chief Executive Officer
Function:	- Authority to carry out the disposal of land and/or buildings by sale where the proposed sale has been provided for: - in the Annual Budget; or - a decision of the Council. - Authority to dispose of land to an adjoining owner where: - it has a market value of less than \$5,000; and - the delegate or sub-delegate does not consider the land would be of significant benefit to anyone other than the transferee. - Authority to carry out the disposal of land and/or buildings by way of a lease for a period of up to five years. - Authority to grant a licence to occupy land and/or buildings of up to three years. - Authority to carry out the disposal of land and/or buildings by way of a lease, where it constitutes a renewal or an extension of a lease with the same counter party or the successor to that counter party. - Authority to grant a licence of land and/or buildings, where it constitutes a renewal or extension of a current or existing licence to occupy with the same counter party or the successor to that counter party. - To the extent that a tenant under a lease exercising an option for a further term is a disposal of land and/or buildings, to agree to that option for a further term in accordance with the conditions of the relevant lease. - Authority to lease a residential property to a person. - Authority to exercise all of the powers and functions of the Town as landlord under lease or licence terms.
Council Conditions on this Delegation:	- Disposal of land and buildings must comply with the requirements of section 3.58 of the <i>Local Government Act 1995</i>, unless the disposal is an exempt disposition under the <i>Local Government (Functions and General) Regulations 1996</i>. - Disposal of land and/or buildings by way of a lease must comply with the relevant and applicable provisions of Policy 310 Leasing. - A licence to occupy property must comply with the relevant and applicable provisions of Policy 310 Leasing and Licensing.

		4. The negotiation and the setting of terms and conditions of the transaction must comply within the relevant and applicable provisions of Policy 310 Leasing and Licensing, and as drafted by the Town's lawyers. 5. Unless the Council makes a decision expressly providing for the contrary, any disposal of land and buildings must be for a price within 10% of an independent valuation obtained in accordance with section 3.58(4)(c), except in respect to a lease: a. to a benevolent body, in accordance with regulation 30(2)(b) of the <i>Local Government (Functions and General) Regulations 1996</i> to a not for profit organisation for nominal consideration; and b. that is exempt from the requirements of section 3.58. 6. This delegation does not include the power: a. to accept the surrender of a lease, except a residential tenancy lease; nor b. to apply to subdivide or amalgamate Town property.			
Express Power to Sub-Delegate:		<i>Local Government Act 1995:</i> s 5.44 CEO may delegate some powers and duties to other employees			
Sub-Delegate/s:		Nil.			
CEO Conditions on this Sub-Delegation:		Not applicable.			
Compliance Links:		<i>Local Government Act 1995</i> – s 3.58 Disposal of Property <i>Local Government (Functions and General) Regulations 1995</i> – r -30 Dispositions of property excluded from the Act s 3.58 Policy 221 Strategic Management of Land and Building Assets Policy 304 Disposal of disused equipment, machinery and other materials Policy 310 Leasing and Licensing			
Record Keeping:		Exercise of authority to be recorded in CM9.			
Version	Approved, Amended, Rescinded	Date	Authority	Resolution Number	Key Changes/Notes
1	Adopted	19/5/2020	Council	393/2020	Item 11.1 Annual Review
2	Amended	16/05/2023	Council	101/2023	Annual Review
3	Amended		Council		

1.1.18A Lease of 15 (Lot 9000) Hill View Terrace, East Victoria Park

Delegator:		Local Government			
Express Power to Delegate:		<i>Local Government Act 1995</i> <u>s</u> 5.42 Delegation of some powers or duties to the CEO			
Express Power or Duty Delegated:		<i>Local Government Act 1995</i> <u>s</u> 3.58 Disposal of property			
Delegate:		Chief Executive Officer			
Function:		The following duties/powers in relation to 15 (Lot 9000) Hill View Terrace, East Victoria Park: 1. Authority to make and give any determination required by the Lease on behalf of the Lessor, approval, direction or order in relation to the Property. 2. Undertake any further minor commercial negotiations, if required to progress the development and commercial offer presented to the Town of Victoria Park by Blackoak Capital Ventures for TVP/20/13. 3. Monitor compliance with, and enforce as necessary, the provisions of the Ground Lease and all matters relating to the Ground Lease.			
Council Conditions on this Delegation:		1. In exercising this delegation of authority, the Chief Executive Officer shall not make a determination if the Chief Executive Officer believes the matter for decision is a material change to the terms and conditions of the Ground Lease. 2. If the Chief Executive Officer declines to give a determination (for reasons set out in condition 1, the Chief Executive Officer must report the matter to the Council for decision.			
Sub Delegation:		Nil.			
Compliance Links:		<i>Local Government Act 1995</i> – <u>s</u> 3.58 Disposal of Property <i>Local Government (Functions and General) Regulations 1995</i> – <u>r</u> 30 Dispositions of property excluded from Act 3.58 Policy 221 Strategic Management of Land and Building Assets Policy 310 Leasing <u>and Licensing</u>			
Record Keeping:		Exercise of authority to be recorded in CM9.			
Version	Approved, Amended, Rescinded	Date	Authority	Resolution Number	Key Changes/Notes
1	Approved	02/08/2022	Council	173/2021	Approved

1.1.19 Payments from the Municipal, Reserve or Trust Funds

Delegator:	Local Government	
Express Power to Delegate:	Local Government Act 1995: §5.42 Delegation of some powers or duties to the CEO	
Express Power or Duty Delegated:	Local Government (Financial Management) Regulations 1996: r12(1)(a) Payments from municipal fund or trust fund, restrictions on making	
Delegate:	Chief Executive Officer	
Function:	Authority to make payments from the municipal or trust funds.	
Council Conditions on this Delegation:	- Authority to make payments is subject to annual budget limitations. - Payments by Cheque or EFT transactions must be approved by two signatories, within the following signatory requirements: - Any two Category A signatories. - Any 1 Category A signatory and any 1 Category B signatory. - The Chief Executive Officer is a Category A signatory.	
Express Power to Sub-Delegate:	Local Government Act 1995: §5.44 CEO may delegate some powers and duties to other employees	
Sub-Delegate/s:	1002.01	Chief Community Planner
	1003.01	Chief Financial Officer
	1218.01	Manager Finance
	1028.01	Financial Services Controller
	1004.01	Chief Operations Officer
	1259.01	Management Accountant
	1014.01	Manager People and Culture
CEO Conditions on this Sub-Delegation:	- Category A signatories are as follows: - Chief Financial Officer. - Chief Community Planner. - Chief Operations Officer. - Manager Finance. - Category B signatories are as follows: - Management Accountant. - Financial Services Controller. - Manager People and Culture. - Delegates must comply with the Procedures approved by the CEO in accordance with Financial Management Regulations. - Delegates that approve the payment must not verify the liability. The verification of incurring the liability via the purchase order, invoice and evidence of goods / service received, must be undertaken independent of the payment approval.	
Compliance Links:	Local Government Act 1995	

		<i>Local Government (Financial Management) Regulations 1996</i> - refer specifically 13 Payments from municipal fund or trust fund by CEO, CEO's duties as to etc. <i>Local Government (Audit) Regulations 1996</i> Department of Local Government, Sport and Cultural Industries Operational Guideline No.11 – Use of Corporate Credit Cards Department of Local Government, Sport and Cultural Industries: Accounting Manual			
Record Keeping:		Exercise of authority to be recorded in CM9.			
Version	Approved, Amended, Rescinded	Date	Authority	Resolution Number	Key Changes/Notes
1	Approved	21/5/2019	Council	87/2019	Adopted.
2	Amended	28/6/2019	CEO	-	Sub-delegates and CEO conditions added.
3	Amended	28/05/2020	CEO	-	Addition of sub-delegate
4	Amended	01/07/2020	CEO	-	Annual Sub-delegate Review
5	Amended	18/07/2022	CEO		Addition of sub-delegate
6	Amended	16/05/2023	Council	101/2023	Annual Review
7	Amended	26/05/2023	CEO	D23/30454 D23/30566	Annual sub-delegate review

1.1.20 Reimbursement of expenses for Elected Members

Delegator:		Local Government			
Express Power to Delegate:		<i>Local Government Act 1995:</i> §5.42 Delegation of some powers or duties to the CEO			
Express Power or Duty Delegated:		<i>Local Government Act 1995:</i> §5.98(4) Fees etc. for council members			
Delegate:		Chief Executive Officer			
Function:		Authority to approve payments of fees and allowances and the reimbursement of an expense incurred by an elected member generally or in a particular case.			
Council Conditions on this Delegation:		Any payment or reimbursement can only be made in accordance with Policy 021 Elected Member Fees, Expenses and Allowances.			
Express Power to Sub-Delegate:		Local Government Act 1995: §5.44 CEO may delegate some powers and duties to other employees			
Sub-Delegate/s:		1209.01	Manager Governance and Strategy		
CEO Conditions on this Sub-Delegation:		Nil.			
Compliance Links:		Annual determinations made by the Salaries and Allowances Tribunal			
Record Keeping:		Exercise of authority to be recorded in CM9.			
Version	Approved, Amended, Rescinded	Date	Authority	Resolution Number	Key Changes/Notes
1	Approved	16/05/23	Council		Annual Review
2	Approved		CEO		Annual sub-delegate review
3	Amended	19/09/2023	MGS	Delegation	Correction of position numbers for Delegates and sub-delegates

1.1.21 Defer, Grant Discounts, Waive or Write off Debts

Delegator:	Local Government	
Express Power to Delegate:	Local Government Act 1995: §5.42 Delegation of some powers or duties to the CEO	
Express Power or Duty Delegated:	Local Government Act 1995: §6.12 Power to defer, grant discounts, waive or write off debts	
Delegate:	Chief Executive Officer	
Function:	1. Waive or grant a concession of a debt which is owed to the Town. 2. Write off an amount of money which is owed to the Town.	
Council Conditions on this Delegation:	1. This Delegation does not apply to debts, which are prescribed as debts that are taken to be a rate or service charge however the write off of penalty interest (excluding the penalty interest on any State Government charge such as the emergency services levy) or of any instalment fee or payment plan fee is not considered a rate or service charge. 2. A debt in relation to penalty interest or the fee for instalment charges or payment plans on a rate or service charge may be written off where it meets the requirements of Policy 308 Financial hardship. 3. A debt may only be written off where all necessary measures have been taken to locate / contact the debtor and where costs associated continued action to recover the debt will outweigh the net value of the debt if recovered by the Town. 4. Limited to individual non rates debts valued below \$5,000 or cumulative non rates debts of a single debtor valued below \$5,000. Write off of debts greater than these values must be referred for Council decision.	
Express Power to Sub-Delegate:	Local Government Act 1995: §5.44 CEO may delegate some powers and duties to other employees	
Sub-Delegate/s:	1003.01	Chief Financial Officer
	1027.01	Manager Business Services
	1218.01	Manager Finance
	1028.01	Financial Services Controller
	1002.01	Chief Community Planner
	1004.01	Chief Operations Officer
CEO Conditions on this Sub-Delegation:	Nil.	
Compliance Links:	Collection of Rates Debts – refer to Delegations: 1.1.24 Agreement as to Payment of Rates and Service Charges 1.1.25 Recovery of Rates or Service Charges 1.1.26 Recovery of Rates Debts – Require Lessee to Pay Rent 1.1.27 Recovery of Rates Debts – Actions to Take Possession of the Land Policy 303 Debt collection Policy 308 Financial hardship	

Record Keeping:		Exercise of authority to be recorded in CM9.			
Version	Approved, Amended, Rescinded	Date	Authority	Resolution Number	Key Changes/Notes
1	Approved	21/5/2019	Council	87/2019	Adopted.
2	Amended	28/6/2019	CEO	-	Sub-delegates and CEO conditions added.
3	Amended	28/6/2019	CEO	-	Sub-delegates revised
4	Amended	19/05/2020	Council	414/2020	Item 15.2 Adoption of financial hardship policy
5	Amended	01/07/2020	CEO	-	Annual Sub-delegate Review
6	Amended	15/06/2021	Council	108/2021	Item 11.1 Annual Review of Delegations
7	Amended	16/05/2023	Council	101/2023	Annual review
8	Amended	26/05/2023	CEO	D23/30454 D23/30566	Annual sub-delegate review

1.1.22 Power to Invest and Manage Investments

Delegator:	Local Government	
Express Power to Delegate:	<i>Local Government Act 1995:</i> <u>s</u> 5.42 Delegation of some powers or duties to the CEO	
Express Power or Duty Delegated:	<i>Local Government Act 1995:</i> <u>s</u> 6.14 Power to invest <i>Local Government (Financial Management) Regulations 1996:</i> <u>r</u> 19 Investments, control procedures for	
Delegate:	Chief Executive Officer	
Function:	1. Authority to invest money held in the municipal fund or reserve fund that is not, for the time being, required for any other purpose. 2. Authority to establish and document internal control procedures to be followed in the investment and management of investments.	
Council Conditions on this Delegation:	1. All investment activity must comply with the Financial Management Regulation 19C and Policy 302 Investments. 2. Investments are limited to: a. interest bearing term deposits in an authorised deposit-taking institution for a term not exceeding three years; b. interest bearing term deposits with the Western Australian Treasury Corporation for a term not exceeding three years; c. Bonds guaranteed by the Commonwealth Government, or a State Government or a Territory Government for a term not exceeding three years; d. Managed funds having a Standard and Poor Rating of: i. A1 short term or better; and ii. A+ long term; as recommended by the Town's independent investment advisor 3. A report detailing the interest, earnings and changes since last reporting, is to be provided as part of the Monthly Financial Reports. 4. Procedures are to be systematically documented and retained in accordance with the Record Keeping Plan, and must include references that enable recognition of statutory requirements and assign responsibility for actions to position titles. 5. Procedures are to be administratively reviewed for continuing compliance and confirmed as 'fit for purpose' and subsequently considered by the Audit Committee at least once each financial year.	
Express Power to Sub-Delegate:	<i>Local Government Act 1995:</i> <u>s</u> 5.44 CEO may delegate some powers and duties to other employees	
Sub-Delegate/s:	1003.01	Chief Financial Officer
	1218.01	Manager Finance

CEO Conditions on this Sub-Delegation:		Nil.			
Compliance Links:		Local Government (Financial Management) Regulations 1996 – refer to r 19C Investment of money, restrictions on Policy 302 Investments			
Record Keeping:		Exercise of authority to be recorded in CM9.			
Version	Approved, Amended, Rescinded	Date	Authority	Resolution Number	Key Changes/Notes
1	Approved	21/5/2019	Council	87/2019	Adopted.
2	Amended	28/6/2019	CEO	-	Sub-delegates and CEO conditions added.
3	Amended	19/5/2020	Council	393/2020	Item 11.1 Annual Review
4	Amended	01/07/2020	CEO	-	Annual Sub-delegate Review
5	Amended	26/05/2023	CEO	D23/30454 D23/30566	Annual sub-delegate review
	Amended		Council		Annual Review

1.1.23 Rate Record Amendment

Delegator:	Local Government				
Express Power to Delegate:	<i>Local Government Act 1995:</i> §5.42 Delegation of some powers or duties to the CEO				
Express Power or Duty Delegated:	<i>Local Government Act 1995:</i> §6.39(2)(b) Rate record				
Delegate:	Chief Executive Officer				
Function:	Authority to determine any requirement to amend the rate record for the 5-years preceding the current financial year.				
Council Conditions on this Delegation:	Delegates must comply with the requirements of §6.40 of the Act.				
Express Power to Sub-Delegate:	<i>Local Government Act 1995:</i> §5.44 CEO may delegate some powers and duties to other employees				
Sub-Delegate/s:	1003.01	Chief Financial Officer			
	1218.01	Manager Finance			
	1028.01	Financial Services Controller			
CEO Conditions on this Sub-Delegation:	Nil.				
Compliance Links:	<i>Local Government Act 1995 – §6.40 prescribes consequential actions that may be required following a decision to amend the rate record.</i> <i>Note – Decisions under this delegation may be referred for review by the State Administrative Tribunal</i>				
Record Keeping:	Exercise of authority to be recorded in CM9.				
Version	Approved, Amended, Rescinded	Date	Authority	Resolution Number	Key Changes/Notes
1	Approved	21/5/2019	Council	87/2019	Adopted.
2	Amended	28/6/2019	CEO	-	Sub-delegates and CEO conditions added.
3	Amended	01/07/2020	CEO	-	Annual Sub-delegate Review
4	Amended	26/05/2023	CEO	D23/30454 D23/30566	Annual sub-delegate review
<u>5</u>	<u>Amended</u>		<u>Council</u>		<u>Annual review – compliance links amended</u>

1.1.24 Agreement as to Payment of Rates and Service Charges

Delegator:	Local Government				
Express Power to Delegate:	<i>Local Government Act 1995:</i> §5.42 Delegation of some powers or duties to the CEO				
Express Power or Duty Delegated:	<i>Local Government Act 1995:</i> §6.49 Agreement as to payment of rates and service charges				
Delegate:	Chief Executive Officer				
Function:	Authority to make an agreement with a person for the payment of rates or service charges.				
Council Conditions on this Delegation:	1 Agreements must be in writing and must ensure acquittal of the rates or service charge debt within two financial years, including the year that the rates notice was issued. 2 Applicants for agreements as to alternate payment arrangements must meet the requirements of Policy 308 Financial Hardship.				
Express Power to Sub-Delegate:	<i>Local Government Act 1995:</i> §5.44 CEO may delegate some powers and duties to other employees				
Sub-Delegate/s:	1003.01	Chief Financial Officer			
	1218.01	Manager Finance			
	1028.01	Financial Services Controller			
	1034.01	Senior Rates Officer			
CEO Conditions on this Sub-Delegation:	Nil.				
Compliance Links:		Policy 308 Financial Hardship			
Record Keeping:		Exercise of authority to be recorded in CM9.			
Version	Approved, Amended, Rescinded	Date	Authority	Resolution Number	Key Changes/Notes
1	Approved	21/5/2019	Council	87/2019	Adopted.
2	Amended	28/6/2019	CEO	-	Sub-delegates and CEO conditions added.
3	Amended	19/05/2020	Council	414/2020	Item 15.2 Adoption of financial hardship policy
4	Amended	01/07/2020	CEO	-	Annual Sub-delegate Review
5	Amended	26/05/2023	CEO	D23/30454 D23/30566	Annual sub-delegate review

1.1.25 Determine Instalment Due Dates for Rates or Service Charges

Delegator:	Local Government				
Express Power to Delegate:	<i>Local Government Act 1995:</i> §5.42 Delegation of some powers or duties to the CEO				
Express Power or Duty Delegated:	<i>Local Government Act 1995:</i> §6.50 Rates or service charges due and payable <i>Local Government (Financial Management) Regulations 1996:</i> r66(2) Instalments, when right to pay ceases				
Delegate:	Chief Executive Officer				
Function:	Authority to determine the instalment date on which rates or service charges become due and payable to the Town.				
Council Conditions on this Delegation:	4 —Excludes determining the due date and instalment due dates applicable to levying rates as part of the adoption of the annual budget.				
Express Power to Sub-Delegate:	<i>Local Government Act 1995:</i> §5.44 CEO may delegate some powers and duties to other employees				
Sub-Delegate/s:	1003.01	Chief Financial Officer			
	1218.01	Manager Finance			
CEO Conditions on this Sub-Delegation:	Nil.				
Compliance Links:	Nil.				
Record Keeping:	Exercise of authority to be recorded in CM9.				
Version	Approved, Amended, Rescinded	Date	Authority	Resolution Number	Key Changes/Notes
1	Approved	21/5/2019	Council	87/2019	Adopted.
2	Amended	28/6/2019	CEO	-	Sub-delegates and CEO conditions added.
3	Amended	01/07/2020	CEO	-	Annual Sub-delegate Review
4	Amended	16/05/2023	Council	101/2023	Annual Review
5	Amended	26/05/2023	CEO	D23/30454 D23/30566	Annual sub-delegate review
6	Amended		Council		Annual Review

1.1.26 Recovery of Rates and Service Charges

Delegator:		Local Government			
Express Power to Delegate:		<i>Local Government Act 1995:</i> §5.42 Delegation of some powers or duties to the CEO			
Express Power or Duty Delegated:		<i>Local Government Act 1995:</i> §6.56 Rates or service charges recoverable in court			
Delegate:		Chief Executive Officer			
Function:		Authority to recover rates or service charges, as well as costs of proceedings for the recovery, in a court of competent jurisdiction.			
Council Conditions on this Delegation:		Compliance with the requirements of Policy 303 Debt collection and Policy 308 Financial hardship.			
Express Power to Sub-Delegate:		<i>Local Government Act 1995:</i> §5.44 CEO may delegate some powers and duties to other employees			
Sub-Delegate/s:		1003.01	Chief Financial Officer		
		1218.01	Manager Finance		
		1028.01	Financial Services Controller		
		1034.01	Senior Rates Officer		
CEO Conditions on this Sub-Delegation:		Nil.			
Compliance Links:		Policy 303 Debt collection Policy 308 Financial Hardship			
Record Keeping:		Exercise of authority to be recorded in CM9.			
Version	Approved, Amended, Rescinded	Date	Authority	Resolution Number	Key Changes/Notes
1	Approved	21/5/2019	Council	87/2019	Adopted.
2	Amended	28/6/2019	CEO	-	Sub-delegates and CEO conditions added.
3	Amended	19/05/2020	Council	414/2020	Item 15.2 Adoption of financial hardship policy
4	Amended	01/07/2020	CEO	-	Annual Sub-delegate Review
5	Amended	26/05/2023	CEO	D23/30454 D23/30566	Annual sub-delegate review
6	Amended		Council		Annual Review

1.1.27 Recovery of Rates Debts – Require Lessee to Pay Rent

Delegator:	Local Government				
Express Power to Delegate:	<i>Local Government Act 1995:</i> §5.42 Delegation of some powers or duties to the CEO				
Express Power or Duty Delegated:	<i>Local Government Act 1995:</i> §6.60 Local government may require lessee to pay rent				
Delegate:	Chief Executive Officer				
Function:	1. Authority to give notice to a lessee of land in respect of which there is an unpaid rate or service charge, requiring the lessee to pay its rent to the Town. 2. Authority to recover the amount of the rate or service charge as a debt from the lessee if rent is not paid in accordance with a notice.				
Council Conditions on this Delegation:	Nil.				
Express Power to Sub-Delegate:	<i>Local Government Act 1995:</i> §5.44 CEO may delegate some powers and duties to other employees				
Sub-Delegate/s:	1003.01	Chief Financial Officer			
	1218.01	Manager Finance			
	1028.01	Financial Services Controller			
	1034.01	Senior Rates Officer			
CEO Conditions on this Sub-Delegation:	Nil.				
Compliance Links:	Policy 303 Debt collection Policy 308 Financial Hardship				
Record Keeping:	Exercise of authority to be recorded in CM9.				
Version	Approved, Amended, Rescinded	Date	Authority	Resolution Number	Key Changes/Notes
1	Approved	21/5/2019	Council	87/2019	Adopted.
2	Amended	28/6/2019	CEO	-	Sub-delegates and CEO conditions added.
3	Amended	19/05/2020	Council	414/2020	Item 15.2 Adoption of financial hardship policy
4	Amended	01/07/2020	CEO	-	Annual Sub-delegate Review
5	Amended	16/05/2023	Council	101/2023	Annual review
6	Amended	26/05/2023	CEO	D23/30454 D23/30566	Annual sub-delegate review
7	Amended		Council		Annual Review

1.1.28 Recovery of Rates Debts – Actions to Take Possession of Land

Delegator:	Local Government				
Express Power to Delegate:	<i>Local Government Act 1995:</i> s5.42 Delegation of some powers or duties to the CEO				
Express Power or Duty Delegated:	<i>Local Government Act 1995 (the Act):</i> s6.64(1) & (3) Actions to be taken s6.69(2) Right to pay rates, service charges and costs, and stay proceedings s6.71 Power to transfer land to Crown or local government s6.74 Power to have land revested in Crown if rates in arrears 3 years				
Delegate:	Chief Executive Officer				
Function:	- Authority to take possession of land and hold the land against a person having an estate or interest in the land where rates or service charges have remained unpaid for at least three years, including: - lease the land, or - sell the land; or where land is offered for sale and a contract of sale has not been entered into after 12 months: - cause the land to be transferred to the Crown; or - cause the land to be transferred to the Town. - Authority to lodge (and withdraw) a caveat to preclude dealings in respect of land where payment of rates or service charges imposed on that land is in arrears. - Authority to agree terms and conditions with a person having estate or interest in land and to accept payment of outstanding rates, service charges and costs within 7 days of and prior to the proposed sale.				
Council Conditions on this Delegation:	In accordance with s.6.68(3A) <i>of the Act</i> , this delegation cannot be used where a decision relates to exercising a power of sale without having, within the previous 3-years attempted to recover the outstanding rates / charges through a court under s6.56, as s6.68(3A) requires that the reasons why court action has not been pursued must be recorded in Council Minutes.				
Express Power to Sub-Delegate:	<i>Local Government Act 1995:</i> s5.44 CEO may delegate some powers and duties to other employees				
Sub-Delegate/s:	Nil.				
CEO Conditions on this Sub-Delegation:	Nil.				
Compliance Links:	Policy 303 Debt collection Policy 308 Financial Hardship				
Record Keeping:	Exercise of authority to be recorded in CM9.				
Version	Approved, Amended, Rescinded	Date	Authority	Resolution Number	Key Changes/Notes
1	Approved	21/5/2019	Council	87/2019	Adopted.

2	Amended	19/05/2020	Council	414/2020	Item 15.2 Adoption of financial hardship policy
3	Amended	01/07/2020	CEO	-	Annual Sub-delegate Review
<u>4</u>	<u>Amended</u>		<u>Council</u>		<u>Annual Review</u>

1.1.29 Rate Record – Objections

Delegator:	Local Government				
Express Power to Delegate:	<i>Local Government Act 1995:</i> §5.42 Delegation of some powers or duties to the CEO				
Express Power or Duty Delegated:	<i>Local Government Act 1995:</i> §6.76 Grounds of objection				
Delegate:	Chief Executive Officer				
Function:	1. Authority to extend the time for a person to make an objection to a rate record. 2. Authority to consider an objection to a rate record and either allow it or disallow it, wholly or in part, providing the decision and reasons for the decision in a notice promptly served upon the person whom made the objection.				
Council Conditions on this Delegation:	A delegate who has participated in any matter contributing to a decision related to the rate record, which is the subject of a Rates Record Objection, must not be party to any determination under this Delegation.				
Express Power to Sub-Delegate:	<i>Local Government Act 1995:</i> §5.44 CEO may delegate some powers and duties to other employees				
Sub-Delegate/s:	1003.01	Chief Financial Officer			
CEO Conditions on this Sub-Delegation:	Nil.				
Compliance Links:	Policy 303 Debt collection				
Record Keeping:	Exercise of authority to be recorded in CM9.				
Version	Approved, Amended, Rescinded	Date	Authority	Resolution Number	Key Changes/Notes
1	Approved	21/5/2019	Council	87/2019	Adopted.
2	Amended	28/6/2019	CEO	-	Sub-delegates and CEO conditions added.
3	Amended		Council		Annual Review

1.1.30 Extension of Time for Objections Against a Decision

Delegator:	Local Government				
Express Power to Delegate:	<i>Local Government Act 1995:</i> §5.42 Delegation of some powers or duties to the CEO				
Express Power or Duty Delegated:	<i>Local Government Act 1995:</i> §9.5 Objection may be lodged				
Delegate:	Chief Executive Officer				
Function:	Authority to extend the time for a person to make an objection to a decision.				
Council Conditions on this Delegation:	Nil.				
Express Power to Sub-Delegate:	<i>Local Government Act 1995:</i> §5.44 CEO may delegate some powers and duties to other employees				
Sub-Delegate/s:	1002.01	Chief Community Planner			
	1003.01	Chief Financial Officer			
	1004.01	Chief Operations Officer			
CEO Conditions on this Sub-Delegation:	Nil.				
Compliance Links:	Nil.				
Record Keeping:	Exercise of authority to be recorded in CM9.				
Version	Approved, Amended, Rescinded	Date	Authority	Resolution Number	Key Changes/Notes
1	Approved	21/5/2019	Council	87/2019	Adopted.
2	Amended	28/6/2019	CEO	-	Sub-delegates and CEO conditions added.
3	Amended	19/5/2020	Council	393/2020	Item 11.1 Annual Review
4	Amended	01/07/2020	CEO	-	Annual Sub-delegate Review
4	Amended		Council		Annual Review

1.1.31 Appointment of an Acting Chief Executive Officer

Delegator:	Local Government				
Express Power to Delegate:	Local Government Act 1995: §5.42 Delegation of some powers or duties to the CEO				
Express Power or Duty Delegated:	Local Government Act 1995: §5.36 Local Government Employees §5.39 Contracts for CEO and senior employees				
Delegate:	Chief Executive Officer				
Function:	Appointment of an Acting Chief Executive Officer.				
Council Conditions on this Delegation:	Appointments must be in accordance with Policy 005 Acting Chief Executive Officer.				
Express Power to Sub-Delegate:	Local Government Act 1995: §5.44 CEO may delegate some powers and duties to other employees				
Sub-Delegate/s:	Nil.				
CEO Conditions on this Sub-Delegation:	Nil.				
Compliance Links:	Policy 005 Acting Chief Executive Officer				
Record Keeping:	Exercise of authority to be recorded in CM9.				
Version	Approved, Amended, Rescinded	Date	Authority	Resolution Number	Key Changes/Notes
1	Approved	21/5/2019	Council	87/2019	Adopted.
2	Amended	19/5/2020	Council	393/2020	Item 11.1 Annual Review
3	Amended		Council		Annual Review

1.1.32 Minor amendments to delegations and policies

Delegator		Local Government			
Express Power to Delegate:		<i>Local Government Act 1995:</i> §5.42 Delegation of some powers or duties to the CEO			
Express Power or Duty Delegated:		<i>Local Government Act 1995:</i> §5.42 Delegations of some powers and duties to CEO			
Delegate:		Chief Executive Officer			
Function:		To make amendments to format, spelling, grammar, officer titles, business units, legislation and minor errors within the text of Delegations and Policies that have been endorsed by Council.			
Council Conditions on this Delegation:		Amendments must not alter the intent of the document.			
Express Power to Sub-Delegate:		<i>Local Government Act 1995:</i> §5.44 CEO may delegate powers and duties to other employees			
Sub-Delegate/s:		1209.01	Manager Governance and Strategy		
CEO Condition on this Sub-Delegation:		Nil.			
Compliance Links:		N/A Not Applicable			
Record Keeping:		Exercise of authority to be recorded in CM9			
Version	Approved, Amended, Rescinded	Date	Authority	Resolution Number	Key Changes/Notes
1	Approved	15/08/2023	Council	175/2023	Adopted
2	Approved	24/08/2023	CEO	D23/51492	Sub-delegation to Manager Governance and Strategy authorised.
3	Amended	19/09/2023	MGS	Delegation	Correction of position numbers for Delegates and sub-delegates
4	Amended		Council		Annual Review

Division 1.2 – CEO to Employees

1.2.1 Determine **if** an Emergency for Emergency Powers of Entry

Delegator:		Chief Executive Officer		
Express Power to Delegate:		Local Government Act 1995: §5.44 CEO may delegate some powers and duties to other employees		
Express Power or Duty Delegated:		Local Government Act 1995: §3.34(2) Entry in an Emergency		
Delegate/s:		1003.01	Chief Financial Officer	
		1027.01	Manager Business Services	
		1050.01	Coordinator Parking and Rangers	
		1004.01	Chief Operations Officer	
		1127.01	Manager Technical Services	
		1128.01	Manager Infrastructure Operations	
Function:		Authority to determine on behalf of the CEO that an emergency exists for the purposes of performing local government functions.		
CEO Conditions on this Delegation:		Nil.		
Compliance Links:		N/A <u>Not Applicable</u>		
Record Keeping:		Exercise of authority to be recorded in CM9.		
Version	Approved, Amended, Rescinded	Date	Authority	Key Changes/Notes
1	Approved	28/6/2019	CEO	Sub-delegates and CEO conditions added.
2	Amended	01/07/2020	CEO	Annual Sub-delegate Review
3	Amended	28/06/2021	CEO	Annual sub-delegates review.
4	Amended		CEO	Annual sub-delegates review.

1.2.2 Determine and Manage Conditions on Approvals to Obstruct a Public Thoroughfare

Delegator:	Chief Executive Officer			
Express Power to Delegate:	<i>Local Government Act 1995:</i> §5.44 CEO may delegate some powers and duties to other employees			
Express Power or Duty Delegated:	<i>Local Government (Uniform Local Provisions) Regulations 1996:</i> r6(4)(d) Obstruction of public thoroughfare by things placed and left			
Delegate/s:	1004.01	Chief Operations Officer		
	1127.01	Manager Technical Services		
	1114.01	Infrastructure Compliance Officer		
	1128.01	Manager Infrastructure Operations		
Function:	When determining to grant permission to obstruct a public footpath or thoroughfare under Delegated Authority 1.1.10: a. Authority to determine the sum sufficient to cover the cost of repairing damage to the public thoroughfare resulting from the placement of a thing or a protective structure, on the basis that the local government may retain from that sum the amount required for the cost of repairs by the local government if the damage is not made good by the applicant. b. Authority to determine the requirements for protective structures, during such time as it is considered necessary for public safety and convenience. c. Authority to determine and require in writing, that the person granted permission to obstruct a public thoroughfare repair damage caused by things placed on the thoroughfare and authority to determine if such repairs are to the satisfaction of the local government.			
CEO Conditions on this Delegation:	1. Decisions under this Delegation must be exercised in alignment with Council’s Delegated Authority 1.1.10 Obstruction of Footpaths and Thoroughfares. 2. Actions under this Delegation must comply with the procedural requirements detailed in <i>the Local Government (Uniform Local Provisions) Regulations 1996</i>.			
Compliance Links:	This delegated authority is effective only in alignment with Delegated Authority 1.1.10 Obstructions of Footpaths and Thoroughfares. <i>Local Government (Uniform Local Provisions) Regulations 1996</i> Penalties under the Uniform Local Provisions Regulations are administered in accordance with Part 9, Division 2 of the <i>Local Government Act 1995</i>.			
Record Keeping:	Exercise of authority to be recorded in CM9.			
Version	Approved, Amended, Rescinded	Date	Authority	Key Changes/Notes
1	Approved	28/6/2019	CEO	Sub-delegates and CEO conditions added.
2	Amended		CEO	Annual sub-delegates review.

1.2.3 Determine and Manage Conditions on Permissions for Dangerous Excavations on or on land adjoining Public Thoroughfares

Delegator:		Chief Executive Officer		
Express Power to Delegate:		<i>Local Government Act 1995:</i> s5.44 CEO may delegate some powers and duties to other employees		
Express Power or Duty Delegated:		<i>Local Government (Uniform Local Provisions) Regulations 1996:</i> r11(6)(c) and r11(7)(c) Dangerous excavation in or near public thoroughfare		
Delegate/s:		1004.01	Chief Operations Officer	
		1127.01	Manager Technical Services	
		1114.01	Infrastructure Compliance Officer	
Function:		When determining to grant permission to for a dangerous excavation under Delegated Authority 1.1.11: a. Authority to determine, as a condition of granting permission, the sum sufficient to deposit to cover the cost of repairing damage to the public thoroughfare or adjoining land resulting from the excavation or a protective structure, on the basis that the local government may retain from that sum the amount required for the cost of repairs by the local government if the damage is not made good by the applicant. b. Authority to determine, as a condition of granting permission, requirements for protective structures and for the protective structures to be maintained and kept in satisfactory condition necessary for public safety and convenience. c. Authority to determine if repairs to damage resulting from excavation or protective structures have been repaired satisfactorily.		
CEO Conditions on this Delegation:		1. Decisions under this Delegation must be exercised in alignment with Council’s Delegated Authority 1.1.11 Public Thoroughfares – Dangerous Excavations. 2. Actions under this Delegation must comply with the procedural requirements detailed in <i>the Local Government (Uniform Local Provisions) Regulations 1996</i> .		
Compliance Links:		This delegated authority is effective only in alignment with Delegated Authority 1.1.11 Public Thoroughfares – Dangerous Excavations. <i>Local Government (Uniform Local Provisions) Regulations 1996</i> Penalties under the Uniform Local Provisions Regulations are administered in accordance with Part 9, Division 2 of the <i>Local Government Act 1995</i>		
Record Keeping:		Exercise of authority to be recorded in CM9.		
Version	Approved, Amended, Rescinded	Date	Authority	Key Changes/Notes
1	Approved	28/6/2019	CEO	Sub-delegates and CEO conditions added.
2	Amended		CEO	Annual sub-delegates review.

1.2.4 Determine and Manage Conditions on Permission for Private Works on, over, or under Public Places

Delegator:		Chief Executive Officer		
Express Power to Delegate:		Local Government Act 1995: s5.44 CEO may delegate some powers and duties to other employees		
Express Power or Duty Delegated:		Local Government (Uniform Local Provisions) Regulations 1996: r17(5)(b) and r17(6)(c) Private works on, over, or under public places		
Delegate/s:		1004.01	Chief Operations Officer	
		1127.01	Manager Technical Services	
		1114.01	Infrastructure Compliance Officer	
Function:		1. Authority to determine, as a condition of granting permission for Private Works in Public Places, the sum sufficient to deposit with the Local Government to cover the cost of repairing damage to the public thoroughfare or public place resulting from the crossing construction, on the basis that the Local Government may retain from that sum the amount required for the cost of repairs by the local government if the damage is not made good by the applicant. 2. Authority to determine if repairs to damage resulting from excavation or protective structures have been repaired satisfactorily.		
CEO Conditions on this Delegation:		Nil.		
Compliance Links:		This delegated authority is effective only in alignment with Delegated Authority 1.1.13 Private Works on, over or under Public Places Local Government (Uniform Local Provisions) Regulations 1996		
Record Keeping:		Exercise of authority to be recorded in CM9.		
Version	Approved, Amended, Rescinded	Date	Authority	Key Changes/Notes
1	Approved	28/6/2019	CEO	Sub-delegates and CEO conditions added.
2	Amended		CEO	Annual sub-delegates review.

1.2.5 Electoral Enrolment Eligibility Claims and Electoral Roll

Delegator:	Chief Executive Officer	
Express Power to Delegate:	<i>Local Government Act 1995:</i> <u>s5.44</u> CEO may delegate some powers and duties to other employees	
Express Power or Duty Delegated:	<i>Local Government Act 1995 (the Act):</i> <u>s4.32(4), (5A) & (5)</u> Eligibility to enrol under s.4.30, how to claim <u>s4.34</u> Accuracy of enrolment details to be maintained <u>s4.35</u> Decision that eligibility to enrol under s.4.30 has ended <u>s4.37</u> New roll for each election <i>Local Government (Elections) Regulations 1995:</i> <u>r(4) Register</u> <u>r11(1a) Nomination of co-owners or co-occupiers under s.4.31(1E) or (1F)</u> <u>r11A Nomination under s.4.31(1G)</u> <u>r13(2) & (4) Register</u>	
Delegate/s:	1209.01	Manager Governance and Strategy
Function:	1. Authority to require the written notice for co-owners or co-occupiers to be incorporated into Form 2 <u>Form as approved by Departmental CEO as per regulations 11, r11A, 12A, 12B, and 12C.</u> 2. Authority to decide whether or not the claimant is eligible under <u>s4.30(1)(a)</u> and <u>s4.30(1)(b)</u> and accept or reject the claim accordingly. 3. Authority to decide to accept or reject a claim made before the close of enrolments, but less than 14-days before the close of nominations. 4. Authority to make any enquiries necessary in order to make a decision on an eligibility claim. 5. Authority to approve the omission of an elector's address from the Owners and Occupiers Register on the basis of a declaration from the elector that the publication of this information would place the elector's or their families safety at risk. 6. Authority to amend the Owners and Occupiers Register from time to time to make sure that the information recorded in it is accurate. 7. Authority to ensure that the information about electors that is recorded from enrolment eligibility claims is maintained in an up to date and accurate form. 8. Authority to decide that a person is no longer eligible under 4.30 to be enrolled on the Owners and Occupiers Electoral Roll and to give notice and consider submissions, before making such determination. 9. Authority to determine to take any action necessary to give effect to advice received from the Electoral Commissioner. 10. Decide, with the approval of the Electoral Commissioner, that a new electoral roll is not required for an election day which is less than 100 days since the last election day.	

CEO Conditions on this Delegation:		Decisions on enrolment eligibility are to be recorded in the Enrolment Eligibility Register in accordance with s4.32(6) and s4.35(7) .		
Compliance Links:		Department of Local Government, Sport and Cultural Industries: Returning Officer Manual		
Record Keeping:		Exercise of authority to be recorded in CM9.		
Version	Approved, Amended, Rescinded	Date	Authority	Key Changes/Notes
1	Approved	28/6/2019	CEO	Sub-delegates and CEO conditions added.
2	Amended	19/09/2023	MGS by Delegation	Correction of position numbers for Delegates and sub-delegates
3	Amended		CEO	Annual sub-delegates review. Changes to forms nomination criteria for co-owners and co-occupiers

1.2.6 Destruction of Electoral Papers

Delegator:	Chief Executive Officer			
Express Power to Delegate:	Local Government Act 1995: §5.44 CEO may delegate some powers and duties to other employees			
Express Power or Duty Delegated:	Local Government (Elections) Regulations 1996: r82(4) Keeping election papers			
Delegate/s:	1209.01	Manager Governance and Strategy		
	1219.01	Manager Technology and Digital Strategy		
Function:	Authority to, after a period of 4-years, destroy the parcels of election papers in the presence of at least 2 other employees.			
CEO Conditions on this Delegation:	Nil.			
Compliance Links:	Department of Local Government, Sport and Cultural Industries: Returning Officer Manual			
Record Keeping:	Exercise of authority to be recorded in CM9.			
Version	Approved, Amended, Rescinded	Date	Authority	Key Changes/Notes
1	Approved	28/6/2019	CEO	Sub-delegates and CEO conditions added.
2	Amended	01/07/2020	CEO	Annual Sub-delegate Review
3	Amended	28/06/2021	CEO	Annual sub-delegates review.
4	Amended	26/05/2023	CEO	Annual sub-delegate review
5	Amended		CEO	Annual sub-delegates review.

1.2.7 Information to be Available to the Public

Delegator:	Chief Executive Officer			
Express Power to Delegate:	<i>Local Government Act 1995:</i> §5.44 CEO may delegate some powers and duties to other employees			
Express Power or Duty Delegated:	<i>Local Government (Administration) Regulations 1996:</i> r29(2) & r(3) Information to be available for public inspection r29B Copies of certain information not to be provided <i>Local Government Act 1995:</i> §9.95(1)(b) & §9.95(3)(b) Limits on right to inspect local government information			
Delegate/s:	1002.01	Chief Community Planner		
	1003.01	Chief Financial Officer		
	1004.01	Chief Operations Officer		
	1209.01	Manager Governance and Strategy		
	1219.01	Manager Technology and Digital Strategy		
	1218.01	Manager Finance		
Function:	1. Authority to determine the manner and form by which a person may request copies of rates record information or owners and occupiers register and electoral rolls and to make the information available, if satisfied, by statutory declaration or otherwise, that the information will not be used for commercial purposes. 2. Authority to determine not to provide a right to inspect information, where it is considered that in doing so would divert a substantial and unreasonable portion of the local government’s resources away from its other functions.			
CEO Conditions on this Delegation:	1 —Function 1 is only exercisable by Chief Financial Officer, Manager Finance and Manager Governance and Strategy.			
Compliance Links:		Nil.		
Record Keeping:		Exercise of authority to be recorded in CM9.		
Version	Approved, Amended, Rescinded	Date	Authority	Key Changes/Notes
1	Approved	28/6/2019	CEO	Sub-delegates and CEO conditions added.
2	Amended	26/05/2023	CEO	Annual sub-delegate review
3	Amended	19/09/2023	MGS	Correction of position numbers for Delegates and sub-delegates
4	Amended		CEO	Annual sub-delegates review.

1.2.8 Audit – CEO Review of Systems and Procedures

Delegator:	Chief Executive Officer			
Express Power to Delegate:	Local Government Act 1995: §5.44 CEO may delegate some powers and duties to other employees			
Express Power or Duty Delegated:	Local Government (Audit) Regulations 1996: r17 CEO to review certain systems and procedures			
Delegate/s:	1209.01	Manager Governance and Strategy		
Function:	Authority to conduct the review of the appropriateness and effectiveness of the Town’s systems and procedures in relation to a. risk management; and b. internal controls; and c. legislative compliance.			
CEO Conditions on this Delegation:	Each matter is to be reviewed at least once in every 3 financial years, with a report on each matter to be provided to the Audit and Risk Committee that details the findings, including any identified deficiencies, and actions required.			
Compliance Links:		Local Government (Audit) Regulations 1996		
Record Keeping:		Exercise of authority to be recorded in CM9.		
Version	Approved, Amended, Rescinded	Date	Authority	Key Changes/Notes
1	Approved	28/6/2019	CEO	Sub-delegates and CEO conditions added.
2	Amended	19/09/2023	MGS	Correction of position numbers for Delegates and sub-delegates
3	Amended		CEO	Annual sub-delegates review.

1.2.9 Infringement Notices

Delegator:	Chief Executive Officer			
Express Power to Delegate:	Local Government Act 1995: §5.44 CEO may delegate some powers and duties to other employees			
Express Power or Duty Delegated:	Local Government Act 1995: §9.13(6)(b) Onus of proof in vehicle offences may be shifted §9.19 Extension of Time §9.20 Withdrawal of Notice			
Delegate/s:	1003.01	Chief Financial Officer		
	1027.01	Manager Business Services		
	1050.01	Coordinator Parking and Rangers		
	1044.01	Supervisor Parking		
	1002.01	Chief Community Planner		
	1107.01	Manager Development Services		
	1118.01	Principal Building Surveyor		
	1081.01	Coordinator Environmental Health		
	1004.01	Chief Operations Officer		
	1252.01	Manager Assets and Environment		
1128.01	Manager Infrastructure Operations			
Function:	1. Authority to consider an owner of a vehicle’s submission that the vehicle that is subject of an infringement notice, had been stolen or unlawfully taken at the time of the alleged offence. 2. Authority to extend the 28-day period within which payment of a modified penalty may be paid, whether or not the period of 28-days has elapsed. 3. Authority to withdraw an infringement notice within one year after the notice was given, whether or not the modified penalty has been paid by sending a withdrawal notice (in the prescribed form) to the alleged offender and if the modified penalty has been paid, providing a refund.			
CEO Conditions on this Delegation:	A delegate who participated in a decision to issue an infringement notice, must NOT determine any matter related to that infringement notice under this Delegation.			
Compliance Links:		Nil.		
Record Keeping:		Exercise of authority to be recorded in CM9.		
Version	Approved, Amended, Rescinded	Date	Authority	Key Changes/Notes
1	Approved	28/6/2019	CEO	Sub-delegates and CEO conditions added.
2	Amended	01/07/2020	CEO	Annual Sub-delegate Review
3	Amended	28/06/2021	CEO	Annual sub-delegates review.
4	Amended	26/05/2023	CEO	Annual sub-delegate review
<u>5</u>	<u>Amended</u>		<u>CEO</u>	<u>Annual sub-delegates review. Removal of Coordinator and Supervisor Parking Services and addition of Chief Operations Officer, Manager Assets and Environment and Manager Infrastructure Operations</u>

1.2.10 Power to preside

Delegator:		Chief Executive Officer			
Express Power to Delegate:		Local Government Act 1995 s5.44 CEO may delegate powers and duties to other employees			
Express Power or Duty Delegated:		Local Government Act 1995 CI 3, Schedule 2.3, Division 1 CEO to preside CI 4, Schedule 2.3, Division 1 – How mayor or president is elected			
Delegate/s:		1003.01	Chief Financial Officer		
		1209.01	Manager Governance and Strategy		
Function:		1. Authority to preside at a first meeting of a committee following an ordinary local government election, until such time the office of Presiding Member is filled. 2. Authority to conduct the election of a presiding member of a committee.			
CEO Conditions on this Delegation:		1. Delegation only exercisable where the Chief Executive Officer is absent or on leave. 2. Conducting of the election is to be in accordance with Schedule 2.3 of the Act.			
Compliance Links:		Nil.			
Record Keeping:		Exercise of authority to be recorded in CM9.			
Version	Approved, Amended, Rescinded	Date	Authority	Resolution Number	Key Changes/Notes
1	Amended	26/05/2023	CEO	D23/30454 D23/30566	Annual sub-delegate review
2	Amended	19/09/2023	MGS	Delegation	Correction of position numbers for Delegates and sub-delegates
<u>3</u>	<u>Amended</u>		<u>CEO</u>		<u>Annual sub-delegates review.</u>

1.2.11 Acknowledge receipt of Primary Returns and Annual Returns

Delegator:		Chief Executive Officer			
Express Power to Delegate:		Local Government Act 1995 §5.44 CEO may delegate powers and duties to other employees			
Express Power or Duty Delegated:		Local Government Act 1995 §5.77 Acknowledging Receipt of Returns			
Delegate/s:		1209.01	Manager Governance and Strategy		
Function:		To provide written acknowledgement of the receipt of Primary and Annual returns.			
CEO Conditions on this Delegation:		Nil.			
Compliance Links:		Nil.			
Record Keeping:		Exercise of authority to be recorded in CM9.			
Version	Approved, Amended, Rescinded	Date	Authority	Resolution Number	Key Changes/Notes
1	Amended	26/05/2023	CEO	D23/30454 D23/30566	Annual sub-delegate review
2	Amended	19/09/2023	MGS	Delegation	Correction of position numbers for Delegates and sub-delegates
<u>3</u>	<u>Amended</u>		<u>CEO</u>		<u>Annual sub-delegates review.</u>

1.2.12 Appoint Authorised Persons

Delegator:	Chief Executive Officer	
Express Power to Delegate:	<i>Local Government Act 1995</i> §5.44 CEO may delegate powers and duties to other employees	
Express Power or Duty Delegated:	<i>Local Government Act 1995:</i> §9.10 Appointment of authorised persons Part 9, Division 2, Subdivision 4 Evidence in Legal Proceedings	
Delegate/s:	1002.01	Chief Community Planner
	1003.01	Chief Financial Officer
	1004.01	Chief Operations Officer
Function:	- Authority to appoint persons or classes of persons as authorised persons for the purpose of fulfilling functions of an authorised person prescribed in the following legislation inclusive of subsidiary legislation made under each Act i.e. Regulations: <i>Local Government Act 1995 (WA);</i> <i>Local Government (Miscellaneous Provisions) Act 1960 (WA);</i> <i>Caravan Parks and Camping Grounds Act 1995 (WA);</i> <i>Cat Act 2011 (WA);</i> <i>Cemeteries Act 1986 (WA);</i> <i>Control of Vehicles (Off-road Areas) Act 1978 (WA);</i> <i>Dog Act 1976 (WA);</i> <i>Graffiti Vandalism Act 2016 (WA); and</i> - any other legislation prescribed for the purposed of s9.10 of the Act. - Authority to appoint and authorise persons to exercise the powers and duties of an authorised person under the Town's local laws made under the <i>Local Government Act 1995</i>. - Authority to authorise an employee to certify copies of local laws or any other document adopted by Council as a true copy.	
CEO Conditions on this Delegation:	- Each appointed Authorised Person is to be recorded on the Register of Authorised Persons, issued a certificate detailing their authorisation and an identity card. - Only persons who are appropriately qualified and trained may be appointed as authorised persons.	
Compliance Links:	N/A Not Applicable	
Record Keeping:	Instruments or Certificates of Authorisation – Copies are to be retained on the Authorised Person's personnel file. A record of each Authorisation is to be retained in the Authorised Persons Register, retained as a Local Government Record. Exercise of authority to be recorded in CM9.	

Version	Approved, Amended, Rescinded	Date	Authority	Resolution Number	Key Changes/Notes
1	Amended	26/05/2023	CEO	D23/30454 D23/30566	Annual sub-delegate review
<u>2</u>	<u>Amended</u>		<u>CEO</u>		<u>Annual sub-delegates review.</u>

1.2.13 Expressions of Interest for Goods and Services – Notification of outcome

Delegator:	Chief Executive Officer				
Express Power to Delegate:	Local Government Act 1995: §5.44 CEO may delegate some powers or duties to the other employees				
Express Power or Duty Delegated:	Local Government (Functions and General) Regulations 1996: r24 People who submitted expression of interest to be notified of outcome				
Delegate/s:	1209.01	Manager Governance and Strategy			
	1009.01	Manager Stakeholder Relations			
	1014.01	Manager People and Culture			
	1002.01	Chief Community Planner			
	1115.01	Manager Place Planning			
	1107.01	Manager Development Services			
	1077.01	Manager Community			
	1004.01	Chief Operations Officer			
	1127.01	Manager Technical Services			
	1128.01	Manager Infrastructure Operations			
	1121.01	Manager Property Development and Leasing			
	1124.01-04	Manager Strategic Projects			
	1003.01	Chief Financial Officer			
	1218.01	Manager Finance			
	1219.01	Manager Technology and Digital Strategy			
	1027.01	Manager Business Services			
	1252.01	Manager Waste, Environment and Asset Assets and Environment			
Function:	Authority to give written notice to each person who submitted an expression of interest the particulars of listed acceptable tenderers; whether any expressions of interests have been invited to tender; or any other appropriate outcome relating to the expression of interest.				
CEO Conditions on this Delegation:	Items in adopted budget only.				
Compliance Links:	Local Government (Functions and General) Regulations 1996 – prescribe applicable statutory procedures. Policy 301 Purchasing				
Record Keeping:	Exercise of authority to be recorded in CM9.				
Version	Approved, Amended, Rescinded	Date	Authority	Resolution Number	Key Changes/Notes
1	Amended	26/05/2023	CEO	D23/30454 D23/30566	Annual sub-delegate review
2	Amended	19/09/2023	MGS	Delegation	Correction of position numbers for Delegates and sub-delegates
<u>3</u>	<u>Amended</u>		<u>CEO</u>		<u>Annual sub-delegates review. Amend from Manager Waste.</u>

					<u>Environment and Asset Management</u>
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1.2.14 Financial Management Systems and Procedures

Delegator:	Chief Executive Officer				
Express Power to Delegate:	Local Government Act 1995: s5.44 CEO may delegate some powers or duties to the other employees				
Express Power or Duty Delegated:	Local Government (Financial Management) Regulations 1996: r5 CEO's Duties as to financial management				
Delegate/s:	1003.01	Chief Financial Officer			
	1218.01	Manager Finance			
Function:	Authority to establish systems and procedures that give effect to internal controls and risk mitigation for the: 1 Collection of money owed to the Town; 2 Safe custody and security of money collected or held by the Town; 3 Maintenance and security of all financial records, including payroll, stock control and costing records; 4 Proper accounting of the Municipal and Trust Funds, including revenue, expenses and assets and liabilities; 5 Proper authorisation of employees for incurring liabilities, including authority for initiating Requisition Orders, Purchase Orders and use of Credit and Transaction Cards; 6 Making of payments in accordance with Delegated Authority 1.1.9; 7 Preparation of budgets, budget reviews, accounts and reports as required by legislation or operational requirements.				
CEO Conditions on this Delegation:	1 Procedures are to be systematically documented and retained in accordance with the Record Keeping Plan, and must include references that enable recognition of statutory requirements and assign responsibility for actions to position titles. 2 Procedures are to be administratively reviewed for continuing compliance and confirmed as 'fit for purpose' and subsequently considered by the Audit and Risk Committee at least once within each 3 financial years.				
Compliance Links:	Local Government Act 1995 Local Government (Financial Management) Regulations 1996 Local Government (Audit) Regulations 1996 Department of Local Government, Sport and Cultural Industries Operational Guideline No.11 – Use of Corporate Credit Cards				
Record Keeping:	Exercise of authority to be recorded in CM9.				
Version	Approved, Amended, Rescinded	Date	Authority	Resolution Number	Key Changes/Notes
1	Amended	26/05/2023	CEO	D23/30454 D23/30566	Annual sub-delegate review
<u>2</u>	<u>Amended</u>		<u>CEO</u>		<u>Annual sub-delegates review.</u>

Division 1.3 – Other Resolutions of Council Authorising Officers

1.3.1 Execution of Documents

Authoriser:		Local Government			
Express Power to Authorise:		Local Government Act 1995: Section 9.49A(4) authorisation to sign documents on behalf of the Town			
Express Power Authorised:		Local Government Act 1995: Section 9.49A(4) Execution of documents			
Authorised Person:		Chief Executive Officer, Chiefs and Managers, including any persons appointed as Acting in relation to any such position.			
Function:		Authority to sign documents on behalf of the Town.			
Council Conditions on this Authorisation:		Council's authorisation for the execution of documents is given on the basis that the Execution of Documents Policy is to be followed in relation to any exercise of the authorisation.			
Compliance Links:		Nil.Policy 009 Execution of Documents			
Record Keeping:		Documents executed to be recorded in CM9.			
Version	Approved, Amended, Rescinded	Date	Authority	Resolution Number	Key Changes/Notes
1	Approved	21/5/2019	Council	87/2019	Adopted.
2	Amended	19/5/2020	Council	393/2020	Item 11.1 Annual Review
3	Amended	22/11/2022	CEO	D22/075114	New sub-delegate added.
4	Amended	15/12/2022	Council	265/2022	Amended Council Conditions
5	Amended		CEO		Annual sub-delegates review. Amended compliance links.

1.3.2 Use of the common seal

Authoriser:		Local Government			
Express Power to Authorise:		Local Government Act 1995: Section 9.49A(2) authorisation to affix the common seal			
Express Power Authorised:		Local Government Act 1995: Section 9.49A(3) affixing the common seal to documents			
Authorised person:		Mayor and Chief Executive Officer, including any person appointed as Acting in relation to either position.			
Function:		Authority to affix the common seal of the Town of Victoria Park to duly execute documents.			
Council Conditions on this Authorisation:		Council's authorisation for the execution of documents is given on the basis that the Execution of Documents Policy is to be followed in relation to any exercise of the authorisation.			
Compliance Links:		Nil.Policy 009 Execution of Documents			
Record Keeping:		Documents executed to be recorded in CM9.			
Version	Approved, Amended, Rescinded	Date	Authority	Resolution Number	Key Changes/Notes
1	Adopted	19/5/2020	Council	393/2020	Item 11.1 Annual Review
2	Amended	15/12/2022	Council	265/2022	Amended Council Conditions
3	Amended		CEO		Annual sub-delegates review. Amended compliance links.

1.3.3 Certificates under sections 39 of the Liquor Control Act 1988

Authoriser:	Local Government				
Express Power to Authorise:	<i>Local Government Act 1995:</i> Section 9.49A(4) authorisation to sign documents on behalf of the Town				
Express Power Authorised:	<i>Liquor Control Act 1988:</i> Section 39 Certificate of local government as to whether premises comply with laws				
Authorised Persons:	Chief Executive Officer Chief Community Planner Manager Development Services Principal Building Surveyor Coordinator Environmental Health				
Function:	Authority to issue the "Certificate of local government as to whether premises comply with laws" under section 39 of the <i>Liquor Control Act 1988</i>				
Council Conditions on this Authorisation:	Nil.				
Compliance Links:	Nil.				
Record Keeping:	Documents executed to be recorded in CM9.				
Version	Approved, Amended, Rescinded	Date	Authority	Resolution Number	Key Changes/Notes
1	Adopted	19/5/2020	Council	393/2020	Item 11.1 Annual Review
2	Amended	16/05/2023	Council	101/2023	Annual Review

1.3.4 Certificates under sections 40 of the Liquor Control Act 1988

Authoriser:	Planning Authority				
Express Power to Authorise:	<i>Local Government Act 1995:</i> Section 9.49A(4) authorisation to sign documents on behalf of the Town				
Express Power Authorised:	<i>Liquor Control Act 1988:</i> Section 40 Certificate of planning authority as to whether use of premises complies with planning laws				
Authorised Person:	Chief Executive Officer Chief Community Planner Manager Development Services Urban Planning Coordinator				
Function:	Authority to issue the "to issue the "Certificate of planning authority as to whether use of premises complies with planning laws" under section 40 of the <i>Liquor Control Act 1988</i>				
Council Conditions on this Authorisation:	Nil.				
Compliance Links:	Nil.				
Record Keeping:	Documents executed to be recorded in CM9.				
Version	Approved, Amended, Rescinded	Date	Authority	Resolution Number	Key Changes/Notes
1	Adopted	19/05/2020	Council	393/2020	Item 11.1 Annual Review

Part 2 – Local Laws

Division 2.1 - Council to the CEO

2.1.1 Activities on Thoroughfares and Trading in Thoroughfares and Public Places Local Law 2000

Delegator:	Local Government				
Express Power to Delegate:	Local Government Act 1995: §5.42 Delegation of some powers or duties to the CEO				
Express Power or Duty Delegated:	Activities on Thoroughfares and Trading in Thoroughfares and Public Places Local Law 2000				
Delegate:	Chief Executive Officer				
Function:	All functions of the local government under the <i>Activities on Thoroughfares and Trading in Thoroughfares and Public Places Local Law 2000</i>				
Council Conditions on this Delegation:	Nil.				
Sub Delegation:	See Division 2.2				
Compliance Links:	Nil.				
Record Keeping:	Exercise of authority to be recorded in CM9.				
Version	Approved, Amended, Rescinded	Date	Authority	Resolution Number	Key Changes/Notes
1	Approved	21/5/2019	Council	87/2019	Adopted.
2	Amended	19/5/2020	Council	393/2020	Item 11.1 Annual Review
<u>3</u>	<u>Amended</u>		<u>Council</u>		<u>Annual review.</u>

2.1.2 Dog Local Law 2018

Delegator:	Local Government				
Express Power to Delegate:	Local Government Act 1995: <u>s5.42</u> Delegation of some powers or duties to the CEO				
Express Power or Duty Delegated:	Dog Local Law 2018				
Delegate:	Chief Executive Officer				
Function:	All functions of the local government under the <i>Dog Local Law 2018</i>				
Council Conditions on this Delegation:	Nil.				
Sub Delegation:	See Division 2.2				
Compliance Links:	Nil.				
Record Keeping:	Exercise of authority to be recorded in CM9.				
Version	Approved, Amended, Rescinded	Date	Authority	Resolution Number	Key Changes/Notes
1	Approved	21/5/2019	Council	87/2019	Adopted.
2	Amended	19/5/2020	Council	393/2020	Item 11.1 Annual Review
<u>3</u>	<u>Amended</u>		<u>Council</u>		<u>Annual Review</u>

2.1.3 Fencing Local Law 2021

Delegator:	Local Government				
Express Power to Delegate:	Local Government Act 1995: <u>s</u> 5.42 Delegation of some powers or duties to the CEO				
Express Power or Duty Delegated:	Fencing Local Law 2021				
Delegate:	Chief Executive Officer				
Function:	All functions of the local government under the <i>Fencing Local Law 2021</i> .				
Council Conditions on this Delegation:	Nil.				
Sub Delegation:	See Division 2.2				
Compliance Links:	Nil.				
Record Keeping:	Exercise of authority to be recorded in CM9.				
Version	Approved, Amended, Rescinded	Date	Authority	Resolution Number	Key Changes/Notes
1	Approved	15/06/2021	Council	108/2021	Item 11.1 Annual Review of Delegations
<u>2</u>	<u>Amended</u>		<u>Council</u>		<u>Annual Review</u>

2.1.4 Health Local Law 2003

Delegator:	Local Government				
Express Power to Delegate:	Local Government Act 1995: §5.42 Delegation of some powers or duties to the CEO				
Express Power or Duty Delegated:	Health Local Law 2003				
Delegate:	Chief Executive Officer				
Function:	All functions of the local government under the <i>Health Local Law 2003</i>				
Council Conditions on this Delegation:	Nil.				
Sub Delegation:	See Division 2.2				
Compliance Links:	Nil.				
Record Keeping:	Exercise of authority to be recorded in CM9.				
Version	Approved, Amended, Rescinded	Date	Authority	Resolution Number	Key Changes/Notes
1	Approved	21/5/2019	Council	87/2019	Adopted.
2	Amended	19/5/2020	Council	393/2020	Item 11.1 Annual Review
3	Amended		Council		Annual Review

2.1.5 Local Government Property Local Law 2000

Delegator:	Local Government				
Express Power to Delegate:	Local Government Act 1995: s5.42 Delegation of some powers or duties to the CEO				
Express Power or Duty Delegated:	Local Government Property Local Law 2000				
Delegate:	Chief Executive Officer				
Function:	All functions of the local government under the <i>Local Government Property Local Law 2000</i>				
Council Conditions on this Delegation:	Nil.				
Sub Delegation:	See Division 2.2				
Compliance Links:	Nil.				
Record Keeping:	Exercise of authority to be recorded in CM9.				
Version	Approved, Amended, Rescinded	Date	Authority	Resolution Number	Key Changes/Notes
1	Approved	21/5/2019	Council	87/2019	Adopted.
2	Amended	19/5/2020	Council	393/2020	Item 11.1 Annual Review
<u>3</u>	<u>Amended</u>		<u>Council</u>		<u>Annual Review</u>

2.1.6 Vehicle Management Local Law 2021

Delegator:	Local Government				
Express Power to Delegate:	Local Government Act 1995: §5.42 Delegation of some powers or duties to the CEO				
Express Power or Duty Delegated:	Vehicle Management Local Law 2021				
Delegate:	Chief Executive Officer				
Function:	All functions of the local government under the <i>Vehicle Management Local Law 2021</i>				
Council Conditions on this Delegation:	All functions of the local government are delegated, with the exception of those requiring a resolution of Council. (other than clause 10 of the local law).				
Sub Delegation:	See Division 2.2				
Compliance Links:	Nil.				
Record Keeping:	Exercise of authority to be recorded in CM9.				
Version	Approved, Amended, Rescinded	Date	Authority	Resolution Number	Key Changes/Notes
1	Approved	15/06/2021	Council	108/2021	Item 11.1 Annual Review of Delegations
2	Amended	16/05/2023	Council	101/2023	Annual Review
<u>3</u>	<u>Amended</u>		<u>Council</u>		<u>Annual Review</u>

Division 2.2 – CEO to Employees

2.2.1 Determine activities allowed on a thoroughfare with a permit

Delegator:		Chief Executive Officer		
Express Power to Delegate:		<i>Local Government Act 1995:</i> s5.44 CEO may delegate some powers and duties to other employees		
Express Power or Duty Delegated:		<i>Activities on Thoroughfares and Trading in Thoroughfares and Public Places Local Law 2000</i> cl2.2. Activities allowed with a permit - general cl6.1. Application for a permit cl6.2. Decision on Application for a permit cl6.3. Conditions which may be imposed on a permit cl6.4. Imposing conditions under a policy cl6.5 Compliance with and variation of conditions		
Delegate/s:		1004.01	Chief Operations Officer	
		1127.01	Manager Technical Services	
		1128.01	Manager Infrastructure Operations	
Function:		Determine activities allowed on a thoroughfare with a permit.		
CEO Conditions on this Delegation:		Nil.		
Compliance Links:		<i>Activities on Thoroughfares and Trading in Thoroughfares and Public Places Local Law 2000</i>		
Record Keeping:		Exercise of authority to be recorded in CM9.		
Version	Approved, Amended, Rescinded	Date	Authority	Key Changes/Notes
1	Approved	28/6/2019	CEO	Sub-delegates and CEO conditions added.
2	Amended	26/05/2023	CEO	Annual sub-delegate review
3	Amended		CEO	Annual sub-delegate review

2.2.2 Issue a permit for the construction of a temporary vehicle crossing

Delegator:		Chief Executive Officer		
Express Power to Delegate:		<i>Local Government Act 1995:</i> §5.44 CEO may delegate some powers and duties to other employees		
Express Power or Duty Delegated:		<i>Activities on Thoroughfares and Trading in Thoroughfares and Public Places Local Law 2000</i> cl2.4. Permit required cl6.1. Application for a permit cl6.2. Decision on Application for a permit cl6.3. Conditions which may be imposed on a permit cl6.4. Imposing conditions under a policy cl6.5 Compliance with and variation of conditions		
Delegate/s:		1004.01	Chief Operations Officer	
		1127.01	Manager Technical Services	
		1114.01	Infrastructure Compliance Officer	
Function:		Issue a permit for the construction of a temporary vehicle crossing.		
CEO Conditions on this Delegation:		Nil.		
Compliance Links:		<i>Activities on Thoroughfares and Trading in Thoroughfares and Public Places Local Law 2000</i>		
Record Keeping:		Exercise of authority to be recorded in CM9.		
Version	Approved, Amended, Rescinded	Date	Authority	Key Changes/Notes
1	Approved	28/6/2019	CEO	Sub-delegates and CEO conditions added.
2	Amended		CEO	Annual sub-delegate review

2.2.3 Permissible verge treatments and notice to owner or occupier

Delegator:		Chief Executive Officer		
Express Power to Delegate:		Local Government Act 1995: §5.44 CEO may delegate some powers and duties to other employees		
Express Power or Duty Delegated:		Activities on Thoroughfares and Trading in Thoroughfares and Public Places Local Law 2000 cl2.7 Permissible verge treatments cl2.10 Notice to owner or occupier		
Delegate/s:		1004.01	Chief Operations Officer	
		1127.01	Manager Technical Services	
		1128.01	Manager Infrastructure Operations	
Function:		1. Approve permissible verge treatments. 2. Issue a notice to an owner or occupier of a lot abutting a verge to make good a breach.		
CEO Conditions on this Delegation:		Nil.		
Compliance Links:		Activities on Thoroughfares and Trading in Thoroughfares and Public Places Local Law 2000		
Record Keeping:		Exercise of authority to be recorded in CM9.		
Version	Approved, Amended, Rescinded	Date	Authority	Key Changes/Notes
1	Approved	28/6/2019	CEO	Sub-delegates and CEO conditions added.
1	Amended		CEO	Annual sub-delegate review

2.2.4 Issue a permit for advertising signs and portable direction signs

Delegator:	Chief Executive Officer			
Express Power to Delegate:	<i>Local Government Act 1995:</i> <u>s</u> 5.44 CEO may delegate some powers and duties to other employees			
Express Power or Duty Delegated:	<i>Activities on Thoroughfares and Trading in Thoroughfares and Public Places Local Law 2000</i> <u>d</u> 3.2. Advertising signs and portable direction signs <u>d</u> 6.1. Application for a permit <u>d</u> 6.2. Decision on Application for a permit <u>d</u> 6.3. Conditions which may be imposed on a permit <u>d</u> 6.4. Imposing conditions under a policy <u>d</u> 6.5 Compliance with and variation of conditions			
Delegate/s:	1003.01	Chief Financial Officer		
	1027.01	Manager Business Services		
	1050.01	Coordinator Parking and Rangers		
	1004.01	Chief Operations Officer		
	1127.01	Manager Technical Services		
	1131.01	Principal Traffic and Design Coordinator		
Function:	Issue a permit for advertising signs and portable direction signs.			
CEO Conditions on this Delegation:	Election signs not permitted.			
Compliance Links:		<i>Activities on Thoroughfares and Trading in Thoroughfares and Public Places Local Law 2000</i> Policy 011— Elections Policy 202— Directional signs		
Record Keeping:		Exercise of authority to be recorded in CM9.		
Version	Approved, Amended, Rescinded	Date	Authority	Key Changes/Notes
1	Approved	28/6/2019	CEO	Sub-delegates and CEO conditions added.
2	Amended	01/07/2020	CEO	Annual Sub-delegate Review
3	Amended	28/06/2021	CEO	Annual sub-delegates review.
4	Amended		CEO	Annual sub-delegate review

2.2.5 Issue a permit for leaving an animal or vehicle in a public place or on local government property

Delegator:	Chief Executive Officer			
Express Power to Delegate:	<i>Local Government Act 1995:</i> s5.44 CEO may delegate some powers and duties to other employees			
Express Power or Duty Delegated:	<i>Activities on Thoroughfares and Trading in Thoroughfares and Public Places Local Law 2000</i> cl4.1. Leaving Animal or vehicle in public place or on local government property cl6.1. Application for a permit cl6.2. Decision on Application for a permit cl6.3. Conditions which may be imposed on a permit cl6.4. Imposing conditions under a policy cl6.5 Compliance with and variation of conditions			
Delegate/s:	1003.01	Chief Financial Officer		
	1027.01	Manager Business Services		
	1050.01	Coordinator Parking and Rangers		
Function:	Issue a permit for leaving an animal or vehicle in a public place or on local government property.			
CEO Conditions on this Delegation:	Nil.			
Compliance Links:	<i>Activities on Thoroughfares and Trading in Thoroughfares and Public Places Local Law 2000</i>			
Record Keeping:	Exercise of authority to be recorded in CM9.			
Version	Approved, Amended, Rescinded	Date	Authority	Key Changes/Notes
1	Approved	28/6/2019	CEO	Sub-delegates and CEO conditions added.
2	Amended	01/07/2020	CEO	Annual Sub-delegate Review
3	Amended	28/06/2021	CEO	Annual sub-delegates review.
4	Amended		CEO	Annual sub-delegate review

2.2.6 Determine Applications for a Stallholder's or Trader's Permit

Delegator:	Chief Executive Officer			
Express Power to Delegate:	<i>Local Government Act 1995:</i> s5.44 CEO may delegate some powers and duties to other employees			
Express Power or Duty Delegated:	<i>Activities on Thoroughfares and Trading in Thoroughfares and Public Places Local Law 2000</i> cl5.4 Determine applications for a Stallholder’s or Trader’s Permit cl6.1. Application for a permit cl6.2. Decision on Application for a permit cl6.3. Conditions which may be imposed on a permit cl6.4. Imposing conditions under a policy cl6.5 Compliance with and variation of conditions			
Delegate/s:	1002.01	Chief Community Planner		
	1077.01	Manager Community		
	1096.01	Coordinator Community Development		
	1235.01	Coordinator Events, Arts and Funding		
	1115.01	Manager Place Planning		
	1107.01	Manager Development Services		
	1081.01	Coordinator Environmental Health		
	1004.01	Chief Operations Officer		
	1127.01	Manager Technical Services		
1114.01	Infrastructure Compliance Officer			
Function:	Determine applications for a Stallholder’s or Trader’s permit.			
CEO Conditions on this Delegation:	Nil.			
Compliance Links:		<i>Activities on Thoroughfares and Trading in Thoroughfares and Public Places Local Law 2000</i>		
Record Keeping:		Exercise of authority to be recorded in CM9.		
Version	Approved, Amended, Rescinded	Date	Authority	Key Changes/Notes
1	Approved	28/6/2019	CEO	Sub-delegates and CEO conditions added.
2	Amended	28/06/2021	CEO	Annual sub-delegates review.
3	Amended	26/05/2023	CEO	Annual sub-delegate review
4	Amended		CEO	Annual sub-delegate review

2.2.7 Determine exemptions from the requirement to pay a fee for a Stallholder's or Traders Permit

Delegator:	Chief Executive Officer			
Express Power to Delegate:	<i>Local Government Act 1995:</i> s5.44 CEO may delegate some powers and duties to other employees			
Express Power or Duty Delegated:	<i>Activities on Thoroughfares and Trading in Thoroughfares and Public Places Local Law 2000</i> cl5.6 Exemptions from requirement to pay fee or obtain permit cl6.1. Application for a permit cl6.2. Decision on Application for a permit cl6.3. Conditions which may be imposed on a permit cl6.4. Imposing conditions under a policy cl6.5 Compliance with and variation of conditions			
Delegate/s:	1002.01	Chief Community Planner		
	1077.01	Manager Community		
	1115.01	Manager Place Planning		
	1107.01	Manager Development Services		
Function:	Determine exemptions from the requirement to pay a fee for a Stallholder’s or Trader’s permit.			
CEO Conditions on this Delegation:	Nil.			
Compliance Links:	<i>Activities on Thoroughfares and Trading in Thoroughfares and Public Places Local Law 2000</i>			
Record Keeping:	Exercise of authority to be recorded in CM9.			
Version	Approved, Amended, Rescinded	Date	Authority	Key Changes/Notes
1	Approved	28/6/2019	CEO	Sub-delegates and CEO conditions added.
2	Amended		CEO	Annual sub-delegate review

2.2.8 Issue a permit for street entertainers to perform in a public place

Delegator:	Chief Executive Officer			
Express Power to Delegate:	<i>Local Government Act 1995:</i> s5.44 CEO may delegate some powers and duties to other employees			
Express Power or Duty Delegated:	<i>Activities on Thoroughfares and Trading in Thoroughfares and Public Places Local Law 2000</i> cl5.9 Permit required to perform cl5.10 Variation of permitted area and permitted time cl5.11 Duration of permit cl5.12 Cancellation of permit cl6.1. Application for a permit cl6.2. Decision on Application for a permit cl6.3. Conditions which may be imposed on a permit cl6.4. Imposing conditions under a policy cl6.5 Compliance with and variation of conditions			
Delegate/s:	1002.01	Chief Community Planner		
	1077.01	Manager Community		
	1096.01	Coordinator Community Development		
	1235.01	Coordinator Events, Arts and Funding		
	1115.01	Manager Place Planning		
	1107.01	Manager Development Services		
	1081.01	Coordinator Environmental Health		
	1004.01	Chief Operations Officer		
	1127.01	Manager Technical Services		
	1114.01	Infrastructure Compliance Officer		
Function:	Issue a permit for street entertainers to perform in a public place.			
CEO Conditions on this Delegation:	Nil.			
Compliance Links:		<i>Activities on Thoroughfares and Trading in Thoroughfares and Public Places Local Law 2000</i>		
Record Keeping:		Exercise of authority to be recorded in CM9.		
Version	Approved, Amended, Rescinded	Date	Authority	Key Changes/Notes
1	Approved	28/6/2019	CEO	Sub-delegates and CEO conditions added.
2	Amended	28/06/2021	CEO	Annual sub-delegates review.
3	Amended	26/05/2023	CEO	Annual sub-delegate review
4	Amended		CEO	Annual sub-delegate review

2.2.9 Issue a permit for outdoor eating facilities in a public place

Delegator:		Chief Executive Officer		
Express Power to Delegate:		<i>Local Government Act 1995:</i> <u>s</u> 5.44 CEO may delegate some powers and duties to other employees		
Express Power or Duty Delegated:		<i>Activities on Thoroughfares and Trading in Thoroughfares and Public Places Local Law 2000</i> <u>c</u> l5.15 Permit required to conduct Facility <u>c</u> l5.16 Matters to be considered in determining application <u>c</u> l5.17 Obligations of permit holder <u>c</u> l5.18 Removal of Facility unlawfully conducted <u>c</u> l5.19 Use of Facility by public <u>c</u> l5.20 Temporary removal of Facility may be requested <u>c</u> l6.1. Application for a permit <u>c</u> l6.2. Decision on Application for a permit <u>c</u> l6.3. Conditions which may be imposed on a permit <u>c</u> l6.4. Imposing conditions under a policy <u>c</u> l6.5 Compliance with and variation of conditions		
Delegate/s:		1002.01	Chief Community Planner	
		1107.01	Manager Development Services	
		1081.01	Coordinator Environmental Health	
			Chief Operations Officer	
			Infrastructure Compliance Officer	
			Manager Technical Services	
Function:		Issue a permit for outdoor eating facilities in a public place.		
CEO Conditions on this Delegation:		Nil.		
Compliance Links:		<i>Activities on Thoroughfares and Trading in Thoroughfares and Public Places Local Law 2000</i>		
Record Keeping:		Exercise of authority to be recorded in CM9.		
Version	Approved, Amended, Rescinded	Date	Authority	Key Changes/Notes
1	Approved	28/6/2019	CEO	Sub-delegates and CEO conditions added.
2	Amended	26/05/2023	CEO	Annual sub-delegate review
3	Amended		CEO	Annual sub-delegate review

2.2.10 Give a notice to an owner or occupier to redirect or repair a sprinkler or to remove a hazardous plant

Delegator:		Chief Executive Officer		
Express Power to Delegate:		Local Government Act 1995: s5.44 CEO may delegate some powers and duties to other employees		
Express Power or Duty Delegated:		Activities on Thoroughfares and Trading in Thoroughfares and Public Places Local Law 2000 cl8.1. Notice to redirect or repair sprinkler cl8.2. Hazardous plants		
Delegate/s:		1004.01	Chief Operations Officer	
		1127.01	Manager Technical Services	
		1114.01	Infrastructure Compliance Officer	
		1128.01	Manager Infrastructure Operations	
Function:		1. Give notice to an owner or occupier to redirect or repair a sprinkler. 2. Give notice to an owner or occupier to remove a hazardous plant.		
CEO Conditions on this Delegation:		Nil.		
Compliance Links:		Activities on Thoroughfares and Trading in Thoroughfares and Public Places Local Law 2000		
Record Keeping:		Exercise of authority to be recorded in CM9.		
Version	Approved, Amended, Rescinded	Date	Authority	Key Changes/Notes
1	Approved	28/6/2019	CEO	Sub-delegates and CEO conditions added.
2	Amended		CEO	Annual sub-delegate review

2.2.11 Give a notice to an owner or occupier to repair damage to a thoroughfare or to remove a thing unlawfully placed on a thoroughfare

Delegator:		Chief Executive Officer		
Express Power to Delegate:		Local Government Act 1995: §5.44 CEO may delegate some powers and duties to other employees		
Express Power or Duty Delegated:		Activities on Thoroughfares and Trading in Thoroughfares and Public Places Local Law 2000 cl8.3. Notice to repair damage to thoroughfare cl8.4. Notice to remove thing unlawfully placed on thoroughfare		
Delegate/s:		1004.01	Chief Operations Officer	
		1127.01	Manager Technical Services	
		1114.01	Infrastructure Compliance Officer	
		1128.01	Manager Infrastructure Operations	
Function:		1. Give notice to an owner or occupier to repair damage to a thoroughfare. 2. Give notice to an owner or occupier to remove a thing unlawfully placed on a thoroughfare.		
CEO Conditions on this Delegation:		Nil.		
Compliance Links:		Activities on Thoroughfares and Trading in Thoroughfares and Public Places Local Law 2000		
Record Keeping:		Exercise of authority to be recorded in CM9.		
Version	Approved, Amended, Rescinded	Date	Authority	Key Changes/Notes
1	Approved	28/6/2019	CEO	Sub-delegates and CEO conditions added.
2	Amended		CEO	Annual sub-delegate review

2.2.12 Give a Notice that premises does not comply with requirements of 3.1 of Dog Local Law 2018

Delegator:	Chief Executive Officer			
Express Power to Delegate:	<i>Local Government Act 1995:</i> s5.44 CEO may delegate some powers and duties to other employees			
Express Power or Duty Delegated:	<i>Dog Local Law 2018</i> cl3.1 Dogs to be confined cl3.2 Notice to Occupier			
Delegate/s:	1003.01	Chief Financial Officer		
	1027.01	Manager Business Services		
	1050.01	Coordinator Parking and Rangers		
Function:	Authority to issue notice to an occupier of a premises that their premises does not comply with cl3.1(1) of the <i>Dog Local Law 2018</i> and set out the measures required to address the non-compliance.			
CEO Conditions on this Delegation:	Exercise of delegation must be consistent with Council Resolution 71/2019.			
Compliance Links:	<i>Dog Act 1976</i> <i>Dog Local Law 2018</i>			
Record Keeping:	Exercise of authority to be recorded in CM9.			
Version	Approved, Amended, Rescinded	Date	Authority	Key Changes/Notes
1	Approved	28/6/2019	CEO	Sub-delegates and CEO conditions added.
2	Amended	01/07/2020	CEO	Annual Sub-delegate Review
3	Amended	28/06/2021	CEO	Annual sub-delegates review.
4	Amended		CEO	Annual sub-delegate review

2.2.13 Determine applications under the Fencing Local Law 2021

Delegator:		Chief Executive Officer		
Express Power to Delegate:		Local Government Act 1995: s5.44 CEO may delegate some powers and duties to other employees		
Express Power or Duty Delegated:		Fencing Local Law 2021 cl22 Decision on application for approval cl26 Variation or cancellation of approval		
Delegate/s:		1002.01	Chief Community Planner	
		1107.01	Manager Development Services	
		1118.01	Principal Building Surveyor	
		1119.01	Senior Building Surveyor	
		1120.01	Building Surveyor	
Function:		1. Grant approval for an application and impose conditions (where appropriate) in accordance with Clause 22(1)(a) of the <i>Fencing Local Law 2021</i> . 2. Refuse to grant approval for an application in accordance with Clause 22(1)(b) of the <i>Fencing Local Law 2021</i> . 3. Vary the conditions of approval after the approval has been issued, by written notice to the owner, in accordance with Clause 26(1) of the <i>Fencing Local Law 2021</i> . 4. Cancel an approval, by written notice to the owner, in accordance with Clause 26(2) of the <i>Fencing Local Law 2021</i> .		
CEO Conditions on this Delegation:		1. If the local government grants an application for approval, it is to issue to the applicant an approval in the form determined by the CEO. 2. If the local government refuses to grant an application for approval, it must give written notice of that refusal. and reasons for the refusal to the applicant.		
Compliance Links:		Dividing Fences Act 1961 Fencing Local Law 2021		
Record Keeping:		Exercise of authority to be recorded in CM9.		
Version	Approved, Amended, Rescinded	Date	Authority	Key Changes/Notes
1	Approved	28/06/2021	CEO	Annual sub-delegates review.
2	Amended		CEO	Annual sub-delegate review

2.2.14 Activities needing a permit

Delegator:		Chief Executive Officer		
Express Power to Delegate:		Local Government Act 1995: §5.44 CEO may delegate some powers and duties to other employees		
Express Power or Duty Delegated:		Local Government Property Local Law 2000 cl3.13 Activities needing a permit.		
Delegate/s:		1002.01	Chief Community Planner	
		1107.01	Manager Development Services	
		1081.01	Coordinator Environmental Health	
		1004.01	Chief Operations Officer	
		1127.01	Manager Technical Services	
		1128.01	Manager Infrastructure Operations	
Function:		Issue a permit for any of the activities on local government property listed in cl3.13 of the Local Government Property Local Law 2000.		
CEO Conditions on this Delegation:		Nil.		
Compliance Links:		Local Government Property Local Law 2000		
Record Keeping:		Exercise of authority to be recorded in CM9.		
Version	Approved, Amended, Rescinded	Date	Authority	Key Changes/Notes
1	Approved	28/6/2019	CEO	Sub-delegates and CEO conditions added.
2	Amended	26/05/2023	CEO	Annual sub-delegate review
3	Amended		CEO	Annual sub-delegate review

2.2.15 Permit required to camp outside a facility

Delegator:		Chief Executive Officer		
Express Power to Delegate:		Local Government Act 1995: §5.44 CEO may delegate some powers and duties to other employees		
Express Power or Duty Delegated:		Local Government Property Local Law 2000 cl3.14 Permit required to camp outside a facility		
Delegate/s:		1002.01	Chief Community Planner	
		1107.01	Manager Development Services	
		1081.01	Coordinator Environmental Health	
		1004.01	Chief Operations Officer	
		1127.01	Manager Technical Services	
		1128.01	Manager Infrastructure Operations	
Function:		Issue a permit to camp outside a facility.		
CEO Conditions on this Delegation:		Nil.		
Compliance Links:		Local Government Property Local Law 2000 Caravan Parks and Camping Grounds Act 1995		
Record Keeping:		Exercise of authority to be recorded in CM9.		
Version	Approved, Amended, Rescinded	Date	Authority	Key Changes/Notes
1	Approved	28/6/2019	CEO	Sub-delegates and CEO conditions added.
2	Amended	26/05/2023	CEO	Annual sub-delegate review
3	Amended		CEO	Annual sub-delegate review

2.2.16 Permit required for possession and consumption of liquor

Delegator:	Chief Executive Officer			
Express Power to Delegate:	Local Government Act 1995: s5.44 CEO may delegate some powers and duties to other employees			
Express Power or Duty Delegated:	Local Government Property Local Law 2000 cl3.13 Permit required for possession and consumption of liquor			
Delegate/s:	1002.01	Chief Community Planner		
	1107.01	Manager Development Services		
	1081.01	Coordinator Environmental Health		
Function:	Issue a permit for the possession and consumption of liquor on local government property.			
CEO Conditions on this Delegation:	Nil.			
Compliance Links:	Local Government Property Local Law 2000 Liquor Control Act 1988			
Record Keeping:	Exercise of authority to be recorded in CM9.			
Version	Approved, Amended, Rescinded	Date	Authority	Key Changes/Notes
1	Approved	28/6/2019	CEO	Sub-delegates and CEO conditions added.
2	Amended	26/05/2023	CEO	Annual sub-delegate review
3	Amended		CEO	Annual sub-delegate review

2.2.17 Determine applications under the Vehicle Management Local Law 2021

Delegator:		Chief Executive Officer		
Express Power to Delegate:		Local Government Act 1995: s5.44 CEO may delegate some powers and duties to other employees		
Express Power or Duty Delegated:		Vehicle Management Local Law 2021 cl76 Parking Permits cl77 Conditions of Exemption for Permit Holders cl79 Revocation of a permit cl80 Replacement of permit		
Delegate/s:		1003.01	Chief Financial Officer	
		1027.01	Manager Business Services	
		1050.01	Coordinator Parking and Rangers	
Function:		1. Grant approval for an application and impose conditions (where appropriate) in accordance with Clause 76(3) of the <i>Vehicle Management Local Law 2021</i> . 2. Refuse to grant approval for an application in accordance with Clause 76(3)(c) of the <i>Vehicle Management Local Law 2021</i> . 3. Revoke a permit, following the required notice period, in accordance with Clause 79 of the <i>Vehicle Management Local Law 2021</i> . 4. Replace a permit, in accordance with Clause 80(1) of the <i>Vehicle Management Local Law 2021</i> .		
CEO Conditions on this Delegation:		Nil.		
Compliance Links:		Vehicle Management Local Law 2021		
Record Keeping:		Exercise of authority to be recorded in CM9.		
Version	Approved, Amended, Rescinded	Date	Authority	Key Changes/Notes
1	Approved	28/06/2021	CEO	Annual sub-delegates review.

Part 3 – Building Act 2011

3.1.1 Building Permits

Delegator:	Permit Authority (Local Government)	
Express Power to Delegate:	<i>Building Act 2011:</i> <u>s</u> 127 Delegation: special permit authorities and local government	
Express Power or Duty Delegated:	<i>Building Act 2011:</i> <u>s</u> 18 Further Information <u>s</u> 20 Grant of building permit <u>s</u> 22 Further grounds for not granting an application <u>s</u> 27 Impose Conditions on Permit <i>Building Regulations 2012:</i> <u>r</u> 23 Application to extend time during which permit has effect. <u>r</u> 24 Extension of time during which permit has effect. <u>r</u> 26 Approval of new responsible person	
Delegate:	Chief Executive Officer	
Function:	- Authority to require an applicant to provide any documentation or information required to determine a building permit application. - Authority to grant or refuse to grant a building permit. - Authority to impose, vary or revoke conditions on a building permit. - Authority to determine an application to extend time during which a building permit has effect: - subject to being satisfied that work for which the building permit was granted has not been completed; or - the extension is necessary to allow rectification of defects of works for which the permit was granted. - Authority to approve, or refuse to approve, an application for a new responsible person for a building permit. - Authority to impose any condition on the building permit extension that could have been imposed.	
Council Conditions on this Delegation:	Nil.	
Express Power to Sub-Delegate:	<i>Building Act 2011:</i> <u>s</u> 127(6A) Delegation: special permit authorities and local governments (powers of sub-delegation limited to CEO)	
Sub-Delegate/s:	1002.01	Chief Community Planner
	1107.01	Manager Development Services
	1118.01	Principal Building Surveyor
	1119.01	Senior Building Surveyor
	1120.01	Building Surveyor
CEO Conditions on this Sub-Delegation:	The Building Surveyor may only exercise this delegation in relation to applications for Class 10A and Class 10B structures as those classes are defined in Building Code of Australia.	

Compliance Links:		<i>Building Act 2011</i> s119 Building and demolition permits – application for review by SAT s23 Time for deciding application for building or demolition permit s17 Uncertified application to be considered by building surveyor <i>Building Regulations 2012</i> r25 Review of decision to refuse to extend time during which permit has effect (32(3)) – reviewable by SAT <i>Building Services (Registration Act) 2011 – Section 7</i> <i>Home Building Contracts Act 1991 –</i> Part 3A, Division 2 Part 7, Division 2 <i>Building and Construction Industry Training Levy Act 1990</i> <i>Heritage Act 2018</i>			
Record Keeping:		Exercise of authority to be recorded in CM9.			
Version	Approved, Amended, Rescinded	Date	Authority	Resolution Number	Key Changes/Notes
1	Approved	21/5/2019	Council	87/2019	Adopted.
2	Amended	28/6/2019	CEO	-	Sub-delegates and CEO conditions added.
3	Amended	19/5/2020	Council	393/2020	Item 11.1 Annual Review
4	Amended		CEO		Annual Review

3.1.2 Demolition Permits

Delegator:	Permit Authority (Local Government)	
Express Power to Delegate:	<i>Building Act 2011:</i> §127 Delegation: special permit authorities and local government	
Express Power or Duty Delegated:	<i>Building Act 2011:</i> §18 Further Information §21 Grant of demolition permit §22 Further grounds for not granting an application §27 Impose Conditions on Permit <i>Building Regulations 2012:</i> r23 Application to extend time during which permit has effect. r24 Extension of time during which permit has effect. r26 Approval of new responsible person	
Delegate:	Chief Executive Officer	
Function:	1. Authority to require an applicant to provide any documentation or information required to determine a demolition permit application. 2. Authority to grant or refuse to grant a demolition permit on the basis that all section 21(1) of the <i>Building Act 2011</i> requirements have been satisfied. 3. Authority to impose, vary or revoke conditions on a demolition permit. 4. Authority to determine an application to extend time during which a demolition permit has effect: a. subject to being satisfied that work for which the demolition permit was granted has not been completed; or b. the extension is necessary to allow rectification of defects of works for which the permit was granted. 5. Authority to approve, or refuse to approve, an application for a new responsible person for a demolition permit. 6. Authority to impose any condition on the demolition permit extension that could have been imposed under section 27 of the <i>Building Act 2011</i>.	
Council Conditions on this Delegation:	Nil.	
Express Power to Sub-Delegate:	<i>Building Act 2011:</i> §127(6A) Delegation: special permit authorities and local governments (powers of sub-delegation limited to CEO)	
Sub-Delegate/s:	1002.01	Chief Community Planner
	1107.01	Manager Development Services
	1118.01	Principal Building Surveyor
	1119.01	Senior Building Surveyor
CEO Conditions on this Sub-Delegation:	N/A Not Applicable	
Compliance Links:	<i>Building Act 2011</i>	

		<u>s</u>119 Building and demolition permits – application for review by SAT <u>s</u>23 Time for deciding application for building or demolition permit <i>Building Services (Complaint Resolution and Administration) Act 2011</i> Part 7, Division 2 <i>Building and Construction Industry Training Levy Act 1990</i> <i>Heritage Act 2018</i>			
Record Keeping:		Exercise of authority to be recorded in CM9.			
Version	Approved, Amended, Rescinded	Date	Authority	Resolution Number	Key Changes/Notes
1	Approved	21/5/2019	Council	87/2019	Adopted.
2	Amended	28/6/2019	CEO	-	Sub-delegates and CEO conditions added.
3	Amended	19/5/2020	Council	393/2020	Item 11.1 Annual Review
<u>4</u>	<u>Amended</u>		<u>Council</u>		<u>Annual Review</u>

3.1.3 Occupancy Permits and Building Approval Certificates

Delegator:	Permit Authority (Local Government)	
Express Power to Delegate:	<i>Building Act 2011:</i> §127 Delegation: special permit authorities and local government	
Express Power or Duty Delegated:	<i>Building Act 2011:</i> §55 Further information §58 Grant of occupancy permit, building approval certificate §62 Conditions imposed by permit authority §65 Extension of period of duration <i>Building Regulations 2012:</i> r40 Extension of period of duration of time limited occupancy permit or building approval certificate	
Delegate:	Chief Executive Officer	
Function:	1. Authority to require an applicant to provide any documentation or information required in order to determine an application. 2. Authority to grant, refuse to grant or to modify an occupancy permit or building approval certificate. 3. Authority to impose, add, vary or revoke conditions on an occupancy permit. 4. Authority to extend, or refuse to extend, the period in which an occupancy permit or modification or building approval certificate has effect.	
Council Conditions on this Delegation:	Nil.	
Express Power to Sub-Delegate:	<i>Building Act 2011:</i> §127(6A) Delegation: special permit authorities and local governments (powers of sub-delegation limited to CEO)	
Sub-Delegate/s:	1002.01	Chief Community Planner
	1107.01	Manager Development Services
	1118.01	Principal Building Surveyor
	1119.01	Senior Building Surveyor
CEO Conditions on this Sub-Delegation:	N/A <u>Not Applicable</u>	
Compliance Links:	<i>Building Act 2011</i> §59 time for granting occupancy permit or building approval certificate §60 Notice of decision not to grant occupancy permit or grant building approval certificate §121 Occupancy permits and building approval certificates – application for review by SAT <i>Building Services (Complaint Resolution and Administration) Act 2011</i> Part 7, Division 2 <i>Building and Construction Industry Training Levy Act 1990</i> <i>Heritage Act 2018</i>	
Record Keeping:	Exercise of authority to be recorded in CM9.	

Version	Approved, Amended, Rescinded	Date	Authority	Resolution Number	Key Changes/Notes
1	Approved	21/5/2019	Council	87/2019	Adopted.
2	Amended	28/6/2019	CEO	-	Sub-delegates and CEO conditions added.
3	Amended	19/5/2020	Council	393/2020	Item 11.1 Annual Review
<u>4</u>	<u>Amended</u>		<u>Council</u>		<u>Annual Review</u>

3.1.4 Designate employees as authorised persons, approved officers and authorised officers

Delegator:	Permit Authority (Local Government)				
Express Power to Delegate:	<i>Building Act 2011:</i> §127 Delegation: special permit authorities and local government				
Express Power or Duty Delegated:	<i>Building Act 2011:</i> §96 Authorised persons §99 Limitation on powers of authorised person <i>Building Regulations 2012</i> r70 Approved officers and authorised officers				
Delegate:	Chief Executive Officer				
Function:	1. Authority to designate an employee as an authorised person. 2. Authority to revoke or vary a condition of designation as an authorised person or give written notice to an authorised person limiting powers that may be exercised by that person. 3. Authority to appoint approved officers and authorised officers for the purposes of the <i>Building Act 2011</i> and <i>Building Regulations 2012</i>.				
Council Conditions on this Delegation:	Decisions under this delegated authority should be in accordance with r5 of the <i>Building Regulations 2012</i> .				
Express Power to Sub-Delegate:	<i>Building Act 2011:</i> r127(6A) Delegation: special permit authorities and local governments (powers of sub-delegation limited to CEO)				
Sub-Delegate/s:	Nil.				
CEO Conditions on this Sub-Delegation:	Nil.				
Compliance Links:	<i>Building Act 2011:</i> §97 requires each person designated as an authorised person must have an identity card. <i>Building Regulations 2012</i> r5A Authorised persons r70 Approved officers and authorised officers				
Record Keeping:	Exercise of authority to be recorded in CM9.				
Version	Approved, Amended, Rescinded	Date	Authority	Resolution Number	Key Changes/Notes
1	Approved	21/5/2019	Council	87/2019	Adopted.
2	Amended	19/5/2020	Council	393/2020	Item 11.1 Annual Review
3	Amended		Council		Annual Review

3.1.5 Building Orders

Delegator:	Permit Authority (Local Government)	
Express Power to Delegate:	<i>Building Act 2011:</i> §127 Delegation: special permit authorities and local government	
Express Power or Duty Delegated:	<i>Building Act 2011:</i> §110 A permit authority may make a building order §111 Notice of proposed building order other than building order (emergency) §117 A permit authority may revoke a building order or notify that it remains in effect §118 Permit authority may give effect to building order if non-compliance §133 A permit authority may commence a prosecution for an offence against this Act	
Delegate:	Chief Executive Officer	
Function:	- Authority to make Building Orders in relation to: - Building work - Demolition work - An existing building or incidental structure. - Authority to give notice of a proposed building order and consider submissions received in response and determine actions. - Authority to revoke a building order. - If there is non-compliance with a building order, authority to cause an authorised person to: - take any action specified in the order ; or - commence or complete any work specified in the order; or - if any specified action was required by the order to cease, to take such steps as are reasonable to cause the action to cease. - Authority to take court action to recover as a debt, reasonable costs and expense incurred in doing anything in regard to non-compliance with a building order. - Authority to initiate a prosecution pursuant to section 133(1) for non-compliance with a building order made pursuant to section 110 of the Building Act 2011.	
Council Conditions on this Delegation:	Decisions under this delegated authority should be in accordance with r5 of the <i>Building Regulations 2012</i> .	
Express Power to Sub-Delegate:	<i>Building Act 2011:</i> §127(6A) Delegation: special permit authorities and local governments (powers of sub-delegation limited to CEO)	
Sub-Delegate/s:	1002.01	Chief Community Planner
	1107.01	Manager Development Services
	1118.01	Principal Building Surveyor

CEO Conditions on this Sub-Delegation:		Nil.			
Compliance Links:		<i>Building Act 2011:</i> Section 111 Notice of proposed building order other than building order (emergency) Section 112 Content of building order Section 113 Limitation on effect of building order Section 114 Service of building order Part 9 Review - <u>s</u> 122 Building orders – application for review by SAT			
Record Keeping:		Exercise of authority to be recorded in CM9.			
Version	Approved, Amended, Rescinded	Date	Authority	Resolution Number	Key Changes/Notes
1	Approved	21/5/2019	Council	87/2019	Adopted.
2	Amended	28/6/2019	CEO	-	Sub-delegates and CEO conditions added.
<u>3</u>	<u>Amended</u>		<u>Council</u>		<u>Annual Review</u>

3.1.6 Inspection and Copies of Building Records

Delegator:	Permit Authority (Local Government)				
Express Power to Delegate:	<i>Building Act 2011:</i> §127 Delegation: special permit authorities and local government				
Express Power or Duty Delegated:	<i>Building Act 2011:</i> §131 Inspection, copies of building records				
Delegate:	Chief Executive Officer				
Function:	Authority to determine an application from an interested person to inspect and copy a building record.				
Council Conditions on this Delegation:	Nil.				
Express Power to Sub-Delegate:	<i>Building Act 2011:</i> §127(6A) Delegation: special permit authorities and local governments (powers of sub-delegation limited to CEO)				
Sub-Delegate/s:	1002.01	Chief Community Planner			
	1107.01	Manager Development Services			
	1118.01	Principal Building Surveyor			
CEO Conditions on this Sub-Delegation:	Sub-delegates must ensure that the persons seeking access to any record have a legitimate reason to access such a record and set out such reasons on a statutory declaration.				
Compliance Links:	<i>Building Act 2011</i> - §146 Confidentiality				
Record Keeping:	Exercise of authority to be recorded in CM9.				
Version	Approved, Amended, Rescinded	Date	Authority	Resolution Number	Key Changes/Notes
1	Approved	21/5/2019	Council	87/2019	Adopted.
2	Amended	28/6/2019	CEO	-	Sub-delegates and CEO conditions added.
3	Amended		Council		Annual Review

3.1.7 Referrals and Issuing Certificates

Delegator:	Permit Authority (Local Government)				
Express Power to Delegate:	<i>Building Act 2011 (the Act):</i> §127 Delegation: special permit authorities and local government				
Express Power or Duty Delegated:	<i>Building Act 2011:</i> §145 Local Government Functions				
Delegate:	Chief Executive Officer				
Function:	1. Authority to refer uncertified applications under §17(1) of the Act to a building surveyor who is not employed by the local government. 2. Authority to issue a certificate for Design Compliance, Construction Compliance or Building Compliance whether or not the land subject of the application is located in the Town’s District.				
Council Conditions on this Delegation:	Nil.				
Express Power to Sub-Delegate:	<i>Building Act 2011:</i> §127(6A) Delegation: special permit authorities and local governments (powers of sub-delegation limited to CEO)				
Sub-Delegate/s:	1002.01	Chief Community Planner			
	1107.01	Manager Development Services			
	1118.01	Principal Building Surveyor			
CEO Conditions on this Sub-Delegation:	Nil.				
Compliance Links:	<i>Building Act 2011</i>				
Record Keeping:	Exercise of authority to be recorded in CM9.				
Version	Approved, Amended, Rescinded	Date	Authority	Resolution Number	Key Changes/Notes
1	Approved	21/5/2019	Council	87/2019	Adopted.
2	Amended	28/6/2019	CEO	-	Sub-delegates and CEO conditions added.
3	Amended		CEO		Annual Review

3.1.8 Private Pool Barrier – Alternative and Performance Solutions

Delegator:	Permit Authority (Local Government)				
Express Power to Delegate:	<i>Building Act 2011:</i> §127 Delegation: special permit authorities and local government				
Express Power or Duty Delegated:	<i>Building Regulations 2012:</i> r51 Approvals by permit authority				
Delegate:	Chief Executive Officer				
Function:	1. Authority to approve requirements alternative to a fence, wall, gate or other component included in the barrier, if satisfied that the alternative requirements will restrict access by young children as effectively as if there were compliance with AS 1926.1. 2. Authority to approve a door for the purposes of compliance with AS 1926.1, where a fence or barrier would cause significant structural or other problem which is beyond the control of the owner / occupier or the pool is totally enclosed by a building or a fence or barrier between the building and pool would create a significant access problem for a person with a disability. 3. Authority to approve a performance solution to a Building Code pool barrier requirement if satisfied that the performance solution complies with the relevant performance requirement. 4. Authority to reject those alternative requirements in functions 1 to 3 above where the relevant criteria are considered to have not been satisfied.				
Council Conditions on this Delegation:	Nil.				
Express Power to Sub-Delegate:	<i>Building Act 2011:</i> §127(6A) Delegation: special permit authorities and local governments (powers of sub-delegation limited to CEO)				
Sub-Delegate/s:	1002.01	Chief Community Planner			
	1107.01	Manager Development Services			
	1118.01	Principal Building Surveyor			
	1119.01	Senior Building Surveyor			
CEO Conditions on this Sub-Delegation:	Nil.				
Compliance Links:	<i>Building Act 2011</i>				
Record Keeping:	Exercise of authority to be recorded in CM9.				
Version	Approved, Amended, Rescinded	Date	Authority	Resolution Number	Key Changes/Notes
1	Approved	21/5/2019	Council	87/2019	Adopted.
2	Amended	28/6/2019	CEO	-	Sub-delegates and CEO conditions added.
3	Amended	16/7/2019	Council	134/2019	Item 11.2
4	Amended		Council		Annual Review

3.1.9 Smoke Alarms – Alternative Solutions

Delegator:	Permit Authority (Local Government)				
Express Power to Delegate:	<i>Building Act 2011:</i> §127 Delegation: special permit authorities and local government				
Express Power or Duty Delegated:	<i>Building Regulations 2012:</i> r55 Terms Used (alternative building solution approval) r61 Local Government approval of battery powered smoke alarms				
Delegate:	Chief Executive Officer				
Function:	1. Authority to approve alternative building solutions which meet the performance requirement of the Building Code relating to fire detection and early warning. 2. Authority to approve or refuse to approve a battery powered smoke alarm and to determine the form of an application for such approval. 3. Authority to reject alternative building solutions which do not meet the performance requirement of the Building Code relating to fire detection and early warning.				
Council Conditions on this Delegation:	Nil.				
Express Power to Sub-Delegate:	<i>Building Act 2011:</i> §127(6A) Delegation: special permit authorities and local governments (powers of sub-delegation limited to CEO)				
Sub-Delegate/s:	1002.01	Chief Community Planner			
	1107.01	Manager Development Services			
	1118.01	Principal Building Surveyor			
	1119.01	Senior Building Surveyor			
CEO Conditions on this Sub-Delegation:	Nil.				
Compliance Links:	<i>Building Act 2011</i>				
Record Keeping:	Exercise of authority to be recorded in CM9.				
Version	Approved, Amended, Rescinded	Date	Authority	Resolution Number	Key Changes/Notes
1	Approved	21/5/2019	Council	87/2019	Adopted.
2	Amended	28/6/2019	CEO	-	Sub-delegates and CEO conditions added.
3	Amended	16/7/2019	Council	134/2019	Item 11.2
4	Amended		Council		Annual Review

Part 4 - Bush Fires Act 1954

Division 4.1 – Council to CEO

4.1.1 Functions of a Local Government

Delegator:	Local Government				
Express Power to Delegate:	<i>Bush Fires Act 1954:</i> s 48(1) Delegation by local governments				
Express Power or Duty Delegated:	<i>Bush Fires Act 1954</i> Functions of a local government. <i>Bush Fire Regulations 1954</i>				
Delegate:	Chief Executive Officer				
Function:	Authority to perform all of the functions of the local government under the <i>Bush Fires Act 1954</i> <u>other than those functions under Section 33(5a)</u> and <i>Bush Fire Regulations 1954</i> .				
Council Conditions on this Delegation:	Excludes powers and duties that: 1 are prescribed in the Act with a requirement for a resolution of Council; 2 are prescribed by the Act for performance by appointed officers.				
Express Power to Sub-Delegate:	Sub-delegation is prohibited by section 48(3).				
Compliance Links:	<i>Bush Fires Act 1954</i> <i>Bush Fire Regulations 1954</i>				
Record Keeping:	Exercise of authority to be recorded in CM9.				
Version	Approved, Amended, Rescinded	Date	Authority	Resolution Number	Key Changes/Notes
1	Approved	16/05/2023	Council	101/2023	Annual Review
<u>2</u>	<u>Amended</u>		<u>Council</u>		<u>Annual Review</u>

4.1.3 Prosecution of Offences

<u>Delegator:</u>	<u>Local Government</u>				
<u>Express Power to Delegate:</u>	<u>Bush Fires Act 1954:</u> <u>s48 Delegation by local governments</u>				
<u>Express Power or Duty Delegated:</u>	<u>s59(3) Bush Fires Act 1954</u>				
<u>Delegate:</u>	<u>Chief Executive Officer</u>				
<u>Function:</u>	<u>Institute and carry on proceedings against a person for an offence alleged to be committed against the <i>Bush Fires Act 1954</i>.</u>				
<u>Council Conditions on this Delegation:</u>	<u>Nil</u>				
<u>Express Power to Sub-Delegate:</u>	<u>s59(3) Bush Fires Act 1954</u>				
<u>Delegate/s:</u>	<u>(Position #)</u>	<u>Chief Bush Fire Control Officer</u>			
	<u>(Position #)</u>	<u>Deputy Chief Bush Fire Control Officer</u>			
<u>Compliance Links:</u>	<u>Bush Fires Act 1954</u> <u>Bush Fire Regulations 1954</u>				
<u>Record Keeping:</u>	<u>Exercise of authority to be recorded in CM9.</u>				
<u>Version</u>	<u>Approved, Amended, Rescinded</u>	<u>Date</u>	<u>Authority</u>	<u>Resolution Number</u>	<u>Key Changes/Notes</u>
1	Adopted		Council		Adopted

Part 5 – Cat Act 2011

Division 5.1 – Council to CEO

5.1.1 Functions of a Local Government

Delegator:	Local Government				
Express Power to Delegate:	<i>Cat Act 2011:</i> <u>s</u> 44 Delegation by local government				
Express Power or Duty Delegated:	<i>Cat Act 2011</i> <i>Cat Regulations 2012</i> <i>Cat (Uniform Local Provisions) Regulations 2013</i>				
Delegate:	Chief Executive Officer				
Function:	All the powers and duties of the local government under the <i>Cat Act 2011</i> , <i>Cat Regulations 2012</i> and <i>Cat (Uniform Local Provisions) Regulations 2013</i> .				
Council Conditions on this Delegation:	Excludes powers and duties that: 1. are prescribed in the Act with a requirement for a resolution of Council; 2. are prescribed by the Act for performance by appointed officers.				
Express Power to Sub-Delegate:	<i>Cat Act 2011:</i> <u>s</u> 45 Delegation by CEO of local government				
Sub-Delegate/s:	Nil				
CEO Conditions on this Sub-Delegation:	N/A Not Applicable				
Compliance Links:	N/A Not Applicable				
Record Keeping:	Exercise of authority to be recorded in CM9.				
Version	Approved, Amended, Rescinded	Date	Authority	Resolution Number	Key Changes/Notes
1	Approved	16/05/2023	Council	101/2023	Annual Review
<u>2</u>	<u>Amended</u>		<u>Council</u>		<u>Annual Review</u>

Division 5.2 – CEO to Employees

5.2.1 Cat Registrations

Delegator:	Chief Executive Officer	
Express Power to Delegate:	<i>Cat Act 2011:</i> §45 Delegation by CEO of local government	
Express Power or Duty Delegated:	<i>Cat Act 2011:</i> §9 Registration §10 Cancellation of registration §11 Registration numbers, certificates and tags <i>Cat Regulations 2012</i> Schedule 3, clause 1(4) Fees Payable	
Delegate/s:	1003.01	Chief Financial Officer
	1027.01	Manager Business Services
	1050.01	Coordinator Parking and Rangers
	1044.01	Supervisor Parking and Rangers
	1248.01-02	Senior Officer Parking and Rangers
	1009.01	Manager Stakeholder Relations
	1021.01	Customer Engagement Coordinator
	1023.01	Team Leader Customer Relations
	1024.01-08 & 1244.01	Customer Relations Officer
	1245.01	Customer Service Support Officer
Function:	1. Authority to grant, or refuse to grant, a cat registration or renewal of a cat registration. 2. Authority to refuse to consider an application for registration or renewal where an applicant does not comply with a requirement to give any document or information required to determine the application. 3. Authority to cancel a cat registration. 4. Authority to give the cat owner a new registration certificate or tag, if satisfied that the original has been stolen, lost, damaged or destroyed. 5. Authority to reduce or waive a registration or approval to breed fee, in respect of any individual cat or any class of cats within the Town's District.	
CEO Conditions on this Delegation:	1. Notices of decisions must include advice as to Objection and Review rights in accordance with Part 4, Division 5 of the <i>Cat Act 2011</i>. 2. Function 5. is only sub-delegated to the Chief Financial Officer, Manager Corporate Services and Coordinator Parking and Rangers.	
Compliance Links:	<i>Cat Regulations 2012</i> r11 Application for registration prescribes the Form of applications for registration. r12 Period of registration r13 Changes in registration	

		r14 Registration certificate r15 Registration tags Decisions are subject to Objection and Review by the State Administration State Administrative Tribunal rights – refer Part 4, Division 5 of the <i>Cat Act 2011</i>.			
Record Keeping:		Exercise of authority to be recorded in CM9.			
Version	Approved, Amended, Rescinded	Date	Authority	Resolution Number	Key Changes/Notes
1	Approved	21/5/2019	Council	87/2019	Adopted.
2	Amended	28/6/2019	CEO	-	Sub-delegates and CEO conditions added.
3	Amended	01/07/2020	CEO	-	Annual Sub-delegate Review
4	Amended	28/06/2021	CEO	D21/52148	Annual sub-delegates review.
5	Amended	28/07/2021	CEO	D21/62996	New sub-delegates added.
5	Amended	12/11/2021	CEO	D21/89662	New sub-delegate added
6	Amended	03/02/2022	CEO	D22/6422	New sub-delegate added
7	Amended	16/02/2022	CEO	D22/09092	New sub-delegate added
8	Amended	16/05/2023	Council	101/2023	Annual review
9	Amended		Council		Annual Review

5.2.2 Cat Control Notice

Delegator:	Chief Executive Officer				
Express Power to Delegate:	<i>Cat Act 2011:</i> §45 Delegation by CEO of local government				
Express Power or Duty Delegated:	<i>Cat Act 2011:</i> §26 Cat control notice may be given to cat owner				
Delegate/s:	1003.01	Chief Financial Officer			
	1027.01	Manager Business Services			
	1050.01	Coordinator Parking and Rangers			
	1044.01	Supervisor Parking and Rangers			
	1248.01-02	Senior Officer Parking and Rangers			
	1049.01 & 1053.01-05	Ranger			
Function:	Authority to give a cat control notice to a person who is the owner of a cat ordinarily kept within the Town’s District.				
CEO Conditions on this Delegation:	N/A Not Applicable				
Compliance Links:	<i>Cat Regulations 2012</i> r20 Cat control notice, prescribes the Form of the notice				
Record Keeping:	Exercise of authority to be recorded in CM9.				
Version	Approved, Amended, Rescinded	Date	Authority	Resolution Number	Key Changes/Notes
1	Approved	21/5/2019	Council	87/2019	Adopted.
2	Amended	28/6/2019	CEO	-	Sub-delegates and CEO conditions added.
3	Amended	01/07/2020	CEO	-	Annual Sub-delegate Review
4	Amended	28/06/2021	CEO	D21/52148	Annual sub-delegates review.
5	Amended	12/11/2021	CEO	D21/89662	New sub-delegate added
6	Amended	03/02/2022	CEO	D22/6422	New sub-delegate added
7	Amended	16/05/2023	Council	101/2023	Annual Review
8	Amended		Council		Annual Review

5.2.3 Applications to Keep Additional Cats

Delegator:		Chief Executive Officer			
Express Power to Delegate:		<i>Cat Act 2011:</i> s45 Delegation by CEO of local government			
Express Power or Duty Delegated:		<i>Cat (Uniform Local Provisions) Regulations 2013:</i> r8 Application to keep additional number of cats r9 Grant of approval to keep additional number of cats			
Delegate/s:		1003.01	Chief Financial Officer		
		1027.01	Manager Business Services		
		1050.01	Coordinator Parking and Rangers		
Function:		1. Authority to require any document or additional information required to determine an application. 2. Authority to refuse to consider an application if the applicant does not comply with a requirement to provide any document or information required to determine an application. 3. Authority to grant or refuse approval for additional number of cats specified in an application to be kept at the prescribed premises and to determine any condition reasonably necessary to ensure premises are suitable for the additional number of cats.			
CEO Conditions on this Delegation:		Notices of decisions must include advice as to Review rights in accordance with r11 of the <i>Cat (Uniform Local Provisions) Regulations 2013</i> .			
Compliance Links:		<i>Cat (Uniform Local Provisions) Regulations 2013</i> <i>Health Local Law 2003</i>			
Record Keeping:		Exercise of authority to be recorded in CM9.			
Version	Approved, Amended, Rescinded	Date	Authority	Resolution Number	Key Changes/Notes
1	Approved	21/5/2019	Council	87/2019	Adopted.
2	Amended	28/6/2019	CEO	-	Sub-delegates and CEO conditions added.
3	Amended	01/07/2020	CEO	-	Annual Sub-delegate Review
4	Amended	28/06/2021	CEO	D21/52148	Annual sub-delegates review.
5	Amended	16/05/2023	Council	101/2023	Annual review
<u>6</u>	<u>Amended</u>		<u>CEO</u>		<u>Annual sub-delegates review</u>

5.2.4 Infringement Notices – Extension and Withdrawals

Delegator:	Chief Executive Officer			
Express Power to Delegate:	<i>Cat Act 2011:</i> §45 Delegation by CEO of local government			
Express Power or Duty Delegated:	<i>Cat Act 2011:</i> §64 Extension of time §65 Withdrawal of notice			
Delegate/s:	1003.01	Chief Financial Officer		
	1027.01	Manager Business Services		
	1050.01	Coordinator Parking and Rangers		
Function:	1. Authority to extend the period of 28 days within which the modified penalty may be paid and the extension may be allowed whether or not the period of 28 days has elapsed. 2.1. 3.2. Authority, within one year of the infringement notice being given and whether or not the modified penalty has been paid, to withdraw an infringement notice.			
CEO Conditions on this Delegation:	An infringement notice cannot be withdrawn by the same delegate that issued the corresponding infringement notice.			
Compliance Links:	<i>Cat Regulations 2012:</i> r28 Withdrawal of infringement notice			
Record Keeping:	Exercise of authority to be recorded in CM9.			
Version	Approved, Amended, Rescinded	Date	Authority	Key Changes/Notes
1	Approved	28/6/2019	CEO	Sub-delegates and CEO conditions added.
2	Amended	01/07/2020	CEO	Annual Sub-delegate Review
3	Amended	28/06/2021	CEO	Annual sub-delegates review.
4	Amended	26/05/2023	CEO	Annual sub-delegates review
5	Amended		CEO	Annual sub-delegates review

Part 6 – Dog Act 1976

Division 6.1 – Council to CEO

6.1.1 Functions of a Local Government

Delegator:	Local Government				
Express Power to Delegate:	<i>Dog Act 1976:</i> <u>s</u> 10AA(1) Delegation of local government powers and duties <u>s</u> 10AA(3) Further delegate local government powers and duties				
Express Power or Duty Delegated:	<i>Dog Act 1976:</i> All powers and duties of a local government				
Delegate:	Chief Executive Officer				
Function:	Authority to exercise the powers or discharge the duties of the local government under the <i>Dog Act 1976</i> , including the authority to delegate the powers and duties of a local government to other persons.				
Council Conditions on this Delegation:	The authority does not extend to matters requiring the absolute majority of Council.				
Express Power to Sub-Delegate:	<i>Dog Act 1976:</i> <u>s</u> 10AA(3) Delegation of local government powers and duties (NOTE – sub-delegation only permitted where delegation to the CEO expressly authorises sub-delegation)				
Sub-Delegate/s:	Nil				
CEO Conditions on this Sub-Delegation:	N/A Not Applicable				
Compliance Links:	<i>Dog Act 1976</i>				
Record Keeping:	Exercise of authority to be recorded in CM9.				
Version	Approved, Amended, Rescinded	Date	Authority	Resolution Number	Key Changes/Notes
1	Approved	16/05/2023	Council	101/2023	Annual review.
<u>2</u>	<u>Amended</u>		<u>Council</u>		<u>Annual Review</u>

Division 6.2 – CEO to Employees

6.2.1 Payments for Sterilisation

Delegator:		Chief Executive Officer		
Express Power to Delegate:		<i>Dog Act 1976:</i> §10AA(3) Further delegate local government powers and duties		
Express Power or Duty Delegated:		<i>Dog Act 1976:</i> §10A Payment to veterinarians towards cost of sterilisation		
Delegate/s:		1003.01	Chief Financial Officer	
		1027.01	Manager Business Services	
Function:		Authority to make payments to veterinarians towards the cost of sterilisation of a dog owned by an eligible person.		
CEO Conditions on this Delegation:		Conditions with sections 10A(2) and (3) of the <i>Dog Act 1976</i> must be complied with.		
Compliance Links:		<i>Dog Act 1976:</i> §10A Payment to veterinarians towards cost of sterilisation		
Record Keeping:		Exercise of authority to be recorded in CM9.		
Version	Approved, Amended, Rescinded	Date	Authority	Key Changes/Notes
1	Approved	26/05/2023	CEO	Annual sub-delegate review
2	Amended		CEO	Annual sub-delegate review

6.2.2 Refuse or Cancel Registration

Delegator:	Chief Executive Officer	
Express Power to Delegate:	<i>Dog Act 1976:</i> <u>s</u> 10AA(3) Further delegate local government powers and duties	
Express Power or Duty Delegated:	<i>Dog Act 1976:</i> <u>s</u> 15 Registration periods and fees <u>s</u> 16 Registration procedure <u>s</u> 17A If no application for registration made <u>s</u> 17 Refusal or cancellation of registration	
Delegate/s:	1003.01	Chief Financial Officer
	1027.01	Manager Business Services
	1050.01	Coordinator Parking and Rangers
Function:	- Authority to determine to refuse a dog registration and refund the fee, if any. - Authority to direct the registration officer to refuse to effect or renew or to cancel the registration of a dog, and to give notice of such decisions, where: - the applicant, owner or registered owner has been convicted of an offence or paid a modified penalty within the past 3-years in respect of 2 or more offences against this Act, the <i>Cat Act 2011</i> or the <i>Animal Welfare Act 2002</i>; or - the dog is determined to be destructive, unduly mischievous or to be suffering from a contagious or infectious disease or - the delegate is not satisfied that the dog is or will be effectively confined in or at premises where the dog is ordinarily kept - the dog is required to be microchipped but is not microchipped; or - the dog is a dangerous dog. - Authority to discount or waive a registration fee, including a concessional fee, for any individual dog or any class of dogs within the Town's District.	
CEO Conditions on this Delegation:	N/A Not Applicable	
Compliance Links:	<i>Dog Act 1976</i> <u>s</u> 17A If no application for registration made – procedure for giving notice of decision under s.16(3) Note – Decisions under this delegation may be referred for review by to the State Administration State Administrative-Tribunal – sections (6), 16A and, s 17(4), and (6) <i>Dog Local Law 2018</i>	
Record Keeping:	Exercise of authority to be recorded in CM9.	

Version	Approved, Amended, Rescinded	Date	Authority	Resolution Number	Key Changes/Notes
1	Approved	21/5/2019	Council	87/2019	Adopted.
2	Amended	28/6/2019	CEO	-	Sub-delegates and CEO conditions added.
3	Amended	01/07/2020	CEO	-	Annual Sub-delegate Review
4	Amended	26/05/2023	CEO	D23/30454 D23/30566	Annual sub-delegate review
<u>5</u>	<u>Amended</u>		<u>CEO</u>		<u>Annual sub-delegate review</u>

6.2.3 Seize Dog

Delegator:	Chief Executive Officer				
Express Power to Delegate:	<i>Dog Act 1976:</i> <u>s</u> 10AA(3) Further delegate local government powers and duties				
Express Power or Duty Delegated:	<i>Dog Act 1976:</i> <u>s</u> 15 Registration periods and fees <u>s</u> 16 Registration procedure <u>s</u> 17A If no application for registration made <u>s</u> 17 Refusal or cancellation of registration				
Delegate/s:	1003.01	Chief Financial Officer			
	1027.01	Manager Business Services			
	1050.01	Coordinator Parking and Rangers			
Function:	1. Authority to apply to a Justice of the Peace for an order to seize a dog where, following a decision to refuse or cancel a registration and the applicant / owner has not applied to the State Administration<u>State Administrative</u> Tribunal for the decision to be reviewed. 2. Authority, following seizure, to determine to cause the dog to be detained or destroyed or otherwise disposed of as though it had been found in contravention of sections<u>s</u> 31, 32 or 33A and had not been claimed.				
CEO Conditions on this Delegation:	N/A <u>Not Applicable</u>				
Compliance Links:	<i>Dog Act 1976</i> <u>s</u> 17A If no application for registration made – procedure for giving notice of decision under s.16(3) Note – Decisions under this delegation may be referred for review by the State Administration <u>State Administrative</u> Tribunal – 16A, 17(4) and (6) <i>Dog Local Law 2018</i>				
Record Keeping:	Exercise of authority to be recorded in CM9.				
Version	Approved, Amended, Rescinded	Date	Authority	Resolution Number	Key Changes/Notes
1	Approved	21/5/2019	Council	87/2019	Adopted.
2	Amended	28/6/2019	CEO	-	Sub-delegates and CEO conditions added.
3	Amended	01/07/2020	CEO	-	Annual Sub-delegate Review
4	Amended	28/06/2021	CEO	D21/52148	Annual sub-delegates review.
5	Amended	26/05/2023	CEO	D23/30454 D23/30566	Annual sub-delegate review
<u>6</u>	<u>Amended</u>		<u>CEO</u>		<u>Annual sub-delegate review</u>

6.2.4 Recovery of Monies Due Under this Act

Delegator:	Chief Executive Officer				
Express Power to Delegate:	<i>Dog Act 1976:</i> §10AA(3) Further delegate local government powers and duties				
Express Power or Duty Delegated:	<i>Dog Act 1976:</i> §29 Power to seize dogs				
Function:	Authority to recover monies, in a court of competent jurisdiction, due in relation to a dog for which the owner is liable.				
Delegate/s:	1003.01	Chief Financial Officer			
	1027.01	Manager Business Services			
	1050.01	Coordinator Parking and Rangers			
CEO Conditions on this - Delegation:	N/A Not Applicable				
Compliance Links:	<i>Dog Act 1976</i>				
	Includes recovery of expenses relevant to:				
	§30A(3) Operator of dog management facility may have dog microchipped at owner's expense				
	§33M Local government expenses to be recoverable.				
	§47 Veterinary service expenses recoverable from local government				
Record Keeping:	<i>Dog Regulations 2013</i>				
	r31 Local government expenses as to dangerous dogs (declared)				
	<i>Dog Local Law 2018</i>				
	Exercise of authority to be recorded in CM9.				
Version	Approved, Amended, Rescinded	Date	Authority	Resolution Number	Key Changes/Notes
1	Approved	21/5/2019	Council	87/2019	Adopted.
2	Amended	28/6/2019	CEO	-	Sub-delegates and CEO conditions added.
3	Amended	01/07/2020	CEO	-	Annual Sub-delegate Review
4	Amended	28/06/2021	CEO	D21/52148	Annual sub-delegates review.
5	Amended	26/05/2023	CEO	D23/30454 D23/30566	Annual sub-delegate review
6	Amended		CEO		Annual sub-delegate review

6.2.5 Dispose of or Sell Dogs Liable to be Destroyed

Delegator:		Chief Executive Officer			
Express Power to Delegate:		<i>Dog Act 1976:</i> §10AA(3) Further delegate local government powers and duties			
Express Power or Duty Delegated:		<i>Dog Act 1976:</i> §29 Power to seize dogs			
Function:		Authority to dispose of or sell a dog which is liable to be destroyed.			
Delegate/s:		1003.01	Chief Financial Officer		
		1027.01	Manager Business Services		
		1050.01	Coordinator Parking and Rangers		
CEO Conditions on this Delegation:		Proceeds from the sale of dogs are to be directed into the Municipal Fund.			
Compliance Links:		<i>Dog Act 1976</i> <i>Dog Local Law 2018</i>			
Record Keeping:		Exercise of authority to be recorded in CM9.			
Version	Approved, Amended, Rescinded	Date	Authority	Resolution Number	Key Changes/Notes
1	Approved	21/5/2019	Council	87/2019	Adopted.
2	Amended	28/6/2019	CEO	-	Sub-delegates and CEO conditions added.
3	Amended	01/07/2020	CEO	-	Annual Sub-delegate Review
4	Amended	28/06/2021	CEO	D21/52148	Annual sub-delegates review.
5	Amended	26/05/2023	CEO	D23/30454 D23/30566	Annual sub-delegate review
<u>6</u>	<u>Amended</u>		<u>CEO</u>		<u>Annual sub-delegate review</u>

6.2.6 Dangerous Dog Declared or Seized – Deal with Objections and Determine when to Revoke

Delegator:	Chief Executive Officer				
Express Power to Delegate:	<i>Dog Act 1976:</i> §10AA(3) Further delegate local government powers and duties				
Express Power or Duty Delegated:	<i>Dog Act 1976:</i> §33F Owners to be notified of making of declaration §33G Seizure and destruction §33H Local government may revoke declaration or proposal to destroy				
Delegate/s:	1003.01	Chief Financial Officer			
	1027.01	Manager Business Services			
	1050.01	Coordinator Parking and Rangers			
Function:	1. Authority to consider and determine to either dismiss or uphold an objection to the declaration of a dangerous dog. 2. Authority to consider and determine to either dismiss or uphold an objection to seizure of a dangerous dog. 3. Authority to revoke a declaration of a dangerous dog or revoke notice proposing to cause a dog to be destroyed, only where satisfied that the dog can be kept without likelihood of any contravention of this Act. 4. Authority to, before dealing with an application to revoke a declaration or notice, require the owner of the dog to attend with the dog a course in behaviour and training or otherwise demonstrate a change in the behaviour of the dog.				
CEO Conditions on this Delegation:	Delegation not to be exercised by Officer who declared a dog to be a dangerous dog.				
Compliance Links:	<i>Dog Act 1976</i> <i>Dog Local Law 2018</i> Note – Decisions under this delegation may be referred for review by the State Administration State Administrative Tribunal.				
Record Keeping:	Exercise of authority to be recorded in CM9.				
Version	Approved, Amended, Rescinded	Date	Authority	Resolution Number	Key Changes/Notes
1	Approved	21/5/2019	Council	87/2019	Adopted.
2	Amended	28/6/2019	CEO	-	Sub-delegates and CEO conditions added.
3	Amended	01/07/2020	CEO	-	Annual Sub-delegate Review
4	Amended	28/06/2021	CEO	D21/52148	Annual sub-delegates review.
5	Amended	26/05/2023	CEO	D23/30454 D23/30566	Annual sub-delegate review
6	Amended		CEO		Annual sub-delegate review

6.2.7 Deal with Objection to Notice to Revoke Dangerous Dog Declaration or Destruction Notice

Delegator:		Chief Executive Officer			
Express Power to Delegate:		<i>Dog Act 1976:</i> §10AA(3) Further delegate local government powers and duties			
Express Power or Duty Delegated:		<i>Dog Act 1976:</i> §33H Local government may revoke declaration or proposal to destroy			
Delegate/s:		1003.01	Chief Financial Officer		
		1027.01	Manager Business Services		
		1050.01	Coordinator Parking and Rangers		
Function:		Authority to consider and determine to either dismiss or uphold an objection to a decision to revoke: a. a notice declaring a dog to be dangerous; or b. a notice proposing to cause a dog to be destroyed.			
CEO Conditions on this Delegation:		Delegation not to be exercised by Officer who declared a dog to be a dangerous dog.			
Compliance Links:		<i>Dog Act 1976</i> <i>Dog Local Law 2018</i> Note – Decisions under this delegation may be referred for review by the State Administration <u>State Administrative</u> Tribunal.			
Record Keeping:		Exercise of authority to be recorded in CM9.			
Version	Approved, Amended, Rescinded	Date	Authority	Resolution Number	Key Changes/Notes
1	Approved	21/5/2019	Council	87/2019	Adopted.
2	Amended	28/6/2019	CEO	-	Sub-delegates and CEO conditions added.
3	Amended	01/07/2020	CEO	-	Annual Sub-delegate Review
4	Amended	28/06/2021	CEO	D21/52148	Annual sub-delegates review.
5	Amended	26/05/2023	CEO	D23/30454 D23/30566	Annual sub-delegate review
<u>6</u>	<u>Amended</u>		<u>CEO</u>		<u>Annual sub-delegate review</u>

6.2.8 Determine Recoverable Expenses for Dangerous Dog Declaration

Delegator:	Chief Executive Officer				
Express Power to Delegate:	<i>Dog Act 1976:</i> <u>s</u> 10AA(3) Further delegate local government powers and duties				
Express Power or Duty Delegated:	<i>Dog Act 1976:</i> <u>s</u> 33M(1)(a) Local Government expenses to be recoverable				
Delegate/s:	1003.01	Chief Financial Officer			
	1027.01	Manager Business Services			
	1050.01	Coordinator Parking and Rangers			
Function:	Authority to determine the reasonable charge to be paid by an owner at the time of payment of the registration fee under section 15, up to any maximum amount prescribed, having regard to the expenses incurred by the Local Government in making inquiries, investigations and inspections concerning the behaviour of a dog declared to be dangerous.				
CEO Conditions on this Delegation:	<u>N/A</u> <u>Not Applicable</u>				
Compliance Links:	<i>Dog Act 1976</i> <i>Dog Local Law 2018</i> Note – Decisions under this delegation may be referred for review by the State Administration <u>State Administrative</u> Tribunal.				
Record Keeping:	Exercise of authority to be recorded in CM9.				
Version	Approved, Amended, Rescinded	Date	Authority	Resolution Number	Key Changes/Notes
1	Approved	21/5/2019	Council	87/2019	Adopted.
2	Amended	28/6/2019	CEO	-	Sub-delegates and CEO conditions added.
3	Amended	01/07/2020	CEO	-	Annual Sub-delegate Review
4	Amended	28/06/2021	CEO	D21/52148	Annual sub-delegates review.
5	Amended	26/05/2023	CEO	D23/30454 D23/30566	Annual sub-delegate review
<u>6</u>	<u>Amended</u>		<u>CEO</u>		<u>Annual sub-delegate review</u>

6.2.9 Grant an Exemption to Keep More Than 2 Dogs

Delegator:	Chief Executive Officer				
Express Power to Delegate:	<i>Dog Act 1976:</i> §10AA(3) Further delegate local government powers and duties				
Express Power or Duty Delegated:	<i>Dog Act 1976:</i> §26(3) Limitations as to numbers				
Sub-Delegate/s:	1003.01	Chief Financial Officer			
	1027.01	Manager Business Services			
	1050.01	Coordinator Parking and Rangers			
Function:	Authority to grant an exemption to the limitation of the number of dogs to be kept at a premise, as set out in clause 3.3 of the <i>Dog Local Law 2018</i> , and apply conditions to the exemption.				
CEO Conditions on this Delegation:	Exemptions: a. may be made subject to conditions, including a condition that it applies only to the dogs specified in the exemption; and b. cannot authorise the keeping in or at those premises of: i. more than 4 dogs that have reached 3 months of age; or ii. a dog under that age unless it is a pup of a dog whose keeping is authorised by the exemption; and c. may be revoked or varied at any time.				
Compliance Links:	<i>Dog Act 1976</i> <i>Dog Local Law 2018</i> Note – Decisions under this delegation may be referred for review by the State Administration State Administrative Tribunal.				
Record Keeping:	Exercise of authority to be recorded in CM9.				
Version	Approved, Amended, Rescinded	Date	Authority	Resolution Number	Key Changes/Notes
1	Approved	15/06/2021	Council	108/2021	Item 11.1 Annual Review of Delegations
2	Amended	28/06/2021	CEO	D21/52148	Annual sub-delegates review.
3	Amended	26/05/2023	CEO	D23/30454 D23/30566	Annual sub-delegate review
4	Amended		CEO		Annual sub-delegate review

Part 7 - Food Act 2008

Note: There is no power of sub-delegation under the Food Act 2008, all delegations are made directly by Council to employees.

Division 1 – Council to Employees

7.1.1 Determine Compensation

Delegator:	Enforcement Agency (Local Government)				
Express Power to Delegate:	Food Act 2008: §118 Functions of enforcement agencies and delegation				
Express Power or Duty Delegated:	Food Act 2008: §56 Compensation to be paid in certain circumstances §70 Compensation				
Delegate:	Chief Executive Officer Manager Development Services Coordinator Environmental Health Chief Community Planner				
Function:	1. Authority to determine applications for compensation in relation to any item seized, if no contravention has been committed and the item cannot be returned. 2. Authority to determine an application for compensation from a person on whom a prohibition notice has been served and who has suffered loss as the result of the making of the order and who considers that there were insufficient grounds for making the order.				
Council Conditions on this Delegation:	1. In accordance with §118(3)(b), this delegation is subject to relevant Department of Health CEO Guidelines, as amended from time to time. 2. Compensation under this delegation may only be determined upon documented losses up to a maximum of \$1,000. Compensation requests above this value are to be reported to Council.				
Sub-Delegation:	Nil – Food Regulations 2009 do not provide for sub-delegation.				
Compliance Links:	Food Act 2008 Note – Decisions under this delegation may be referred for review by the State Administration State Administrative Tribunal.				
Record Keeping:	Exercise of authority to be recorded in CM9.				
Version	Approved, Amended, Rescinded	Date	Authority	Resolution Number	Key Changes/Notes
1	Approved	21/5/2019	Council	87/2019	Adopted.
<u>2</u>	<u>Amended</u>		<u>Council</u>		<u>Annual review</u>

7.1.2 Prohibition Orders

Delegator:	Enforcement Agency (Local Government)				
Express Power to Delegate:	<i>Food Act 2008:</i> §118 Functions of enforcement agencies and delegation				
Express Power or Duty Delegated:	<i>Food Act 2008:</i> §65 Prohibition orders §66 Certificate of clearance to be given in certain circumstances §67 Request for re-inspection				
Delegate:	Chief Executive Officer Chief Community Planner Manager Development Services Coordinator Environmental Health				
Function:	1. Authority to serve a prohibition order on the proprietor of a food business in accordance with §65 of the <i>Food Act 2008</i>. 2. Authority to give a certificate of clearance, where inspection demonstrates compliance with a prohibition order and any relevant improvement notices. 3. Authority to give written notice to proprietor of a food business on whom a prohibition order has been served of the decision not to give a certificate of clearance after an inspection.				
Council Conditions on this Delegation:	In accordance with §118(3)(b), this delegation is subject to relevant Department of Health CEO Guidelines, as amended from time to time.				
Sub-Delegation:	Nil – Food Regulations 2009 do not provide for sub-delegation.				
Compliance Links:	<i>Food Act 2008</i> Note – Decisions under this delegation may be referred for review by the State Administration State Administrative Tribunal.				
Record Keeping:	Exercise of authority to be recorded in CM9.				
Version	Approved, Amended, Rescinded	Date	Authority	Resolution Number	Key Changes/Notes
1	Approved	21/5/2019	Council	87/2019	Adopted.
2	Amended	16/05/2023	Council	101/2023	Annual review
<u>3</u>	<u>Amended</u>		<u>Council</u>		<u>Annual Review</u>

7.1.3 Food Business Registrations

Delegator:	Enforcement Agency (Local Government)				
Express Power to Delegate:	<i>Food Act 2008:</i> §118 Functions of enforcement agencies and delegation				
Express Power or Duty Delegated:	<i>Food Act 2008:</i> §110 Registration of food business §112 Variation of conditions or cancellation of registration of food businesses				
Delegate:	Chief Executive Officer Chief Community Planner Manager Development Services Coordinator Environmental Health				
Function:	1. Authority to consider applications and determine registration of a food business and grant the application with or without conditions or refuse the registration. 2. Authority to vary the conditions or cancel the registration of a food business.				
Council Conditions on this Delegation:	In accordance with §118(3)(b), this delegation is subject to relevant Department of Health CEO Guidelines, as amended from time to time, including but not limited to: • Food Act 2008 Regulatory Guideline No.1 Introduction of Regulatory Food Safety Auditing in WA • Food Unit Fact Sheet 8 – Guide to Regulatory Guideline No.1 • WA Priority Classification System • Verification of Food Safety Program Guideline				
Sub-Delegation:	Nil – <i>Food Regulations 2009</i> do not provide for sub-delegation.				
Compliance Links:	<i>Food Act 2008</i> Note – Decisions under this delegation may be referred for review by the State Administration State Administrative Tribunal.				
Record Keeping:	Exercise of authority to be recorded in CM9.				
Version	Approved, Amended, Rescinded	Date	Authority	Resolution Number	Key Changes/Notes
1	Approved	21/5/2019	Council	87/2019	Adopted.
2	Amended	16/05/2023	Council	101/2023	Annual review
<u>3</u>	<u>Amended</u>		<u>Council</u>		<u>Annual Review</u>

7.1.4 Appoint Authorised Officers and Designated Officers

Delegator:	Enforcement Agency (Local Government)				
Express Power to Delegate:	<i>Food Act 2008:</i> §118 Functions of enforcement agencies and delegation				
Express Power or Duty Delegated:	<i>Food Act 2008:</i> §122 Appointment of authorised officers §126 Infringement Officers				
Delegate:	Chief Executive Officer				
Function:	1. Authority to appoint a person to be an authorised officer for the purposes of the <i>Food Act 2008</i>. 2. Authority to appoint an Authorised Officer appointed under §122(2) of this Act or the §24(1) of the <i>Public Health Act 2016</i>, to be a Designated Officer for the purposes of issuing Infringement Notices under the <i>Food Act 2008</i>. 3. Authority to appoint an Authorised Officer to be a Designated Officer (who is prohibited by §126(13) from also being a Designated Officer for the purpose of issuing infringements), for the purpose of extending the time for payment of modified penalties §126(6) and determining withdrawal of an infringement notice §126(7).				
Council Conditions on this Delegation:	In accordance with §118(3)(b), this delegation is subject to relevant Department of Health CEO Guidelines, as amended from time to time, including but not limited to: • Appointment of Authorised Officers as Meat Inspectors • Appointment of Authorised Officers • Appointment of Authorised Officers – Designated Officers only • Appointment of Authorised Officers – Appointment of persons to assist with the discharge of duties of an Authorised Officer				
Sub-Delegation:	Nil – <i>Food Regulations 2009</i> do not provide for sub-delegation.				
Compliance Links:	<i>Food Act 2008</i> §122(3) requires an Enforcement Agency to maintain a list of appointed authorised officers §123(1) requires an Enforcement Agency to provide each Authorised Officer with a Certificate of Authority as prescribed				
Record Keeping:	Exercise of authority to be recorded in CM9.				
Version	Approved, Amended, Rescinded	Date	Authority	Resolution Number	Key Changes/Notes
1	Approved	21/5/2019	Council	87/2019	Adopted.
2	Amended		Council		Annual Review

7.1.5 Debt Recovery and Prosecutions

Delegator:	Enforcement Agency (Local Government)				
Express Power to Delegate:	<i>Food Act 2008:</i> §118 Functions of enforcement agencies and delegation				
Express Power or Duty Delegated:	<i>Food Act 2008:</i> §54 Cost of destruction or disposal of forfeited item §125 Institution of proceedings				
Delegate:	Chief Executive Officer Chief Community Planner Manager Development Services Coordinator Environmental Health				
Function:	1. Authority to recover costs incurred in connection with the lawful destruction or disposal of an item (seized) including any storage costs and the costs of any subsequent proceedings in a court of competent jurisdiction. 2. Authority to institute proceedings for an offence under the <i>Food Act 2008</i>.				
Council Conditions on this Delegation:	In accordance with §118(3)(b), this delegation is subject to relevant Department of Health CEO Guidelines, as amended from time to time.				
Sub-Delegation:	Nil – <i>Food Regulations 2009</i> do not provide for sub-delegation.				
Compliance Links:	<i>Food Act 2008</i>				
Record Keeping:	Exercise of authority to be recorded in CM9.				
Version	Approved, Amended, Rescinded	Date	Authority	Resolution Number	Key Changes/Notes
1	Approved	21/5/2019	Council	87/2019	Adopted.
2	Amended	16/05/2023	Council	101/2023	Annual review
<u>3</u>	<u>Amended</u>		<u>Council</u>		<u>Annual Review</u>

7.1.6 Food Businesses List – Public Access

Delegator:	Enforcement Agency (Local Government)				
Express Power to Delegate:	<i>Food Act 2008:</i> §118 Functions of enforcement agencies and delegation				
Express Power or Duty Delegated:	<i>Food Act 2008:</i> §51 Enforcement agency may make list of food				
Delegate:	Chief Executive Officer <u>Manager Development Services</u> <u>Coordinator Environmental Health</u> <u>Chief Community Planner</u>				
Function:	Authority to decide to make a list of food businesses maintained under section 115 publicly available.				
Council Conditions on this Delegation:	In accordance with 118(3)(b), this delegation is subject to relevant Department of Health CEO Guidelines, as amended from time to time.				
Sub-Delegation:	Nil – <i>Food Regulations 2009</i> do not provide for sub-delegation.				
Compliance Links:	<i>Food Act 2008</i>				
Record Keeping:	Exercise of authority to be recorded in CM9.				
Version	Approved, Amended, Rescinded	Date	Authority	Resolution Number	Key Changes/Notes
1	Approved	21/5/2019	Council	87/2019	Adopted.
<u>2</u>	<u>Amended</u>		<u>Council</u>		<u>Annual Review</u>

Part 8 – Graffiti Vandalism Act 2016

Division 1 – Council to CEO

8.1.1 Functions of the Local Government

Delegator:	Local Government				
Express Power to Delegate:	<i>Graffiti Vandalism Act 2016:</i> <u>s</u> 16 Delegation by local government				
Express Power or Duty Delegated:	<i>Graffiti Vandalism Act 2016:</i>				
Delegate:	Chief Executive Officer				
Function:	Authority to exercise the powers or discharge the duties of the local government under the <i>Graffiti Vandalism Act 2016</i> .				
Council Conditions on this Delegation:	Excludes powers and duties that: 1 are prescribed in the Act with a requirement for a resolution of Council; 2 are prescribed by the Act for performance by appointed officers.				
Sub-Delegate/s:	Nil.				
CEO Conditions on this Sub-Delegation:	N/A Not Applicable				
Compliance Links:	N/A Not Applicable				
Record Keeping:	Exercise of authority to be recorded in CM9.				
Version	Approved, Amended, Rescinded	Date	Authority	Resolution Number	Key Changes/Notes
1	Approved	16/05/2023	Council	101/2023	Annual review
<u>2</u>	<u>Amended</u>		<u>Council</u>		<u>Annual Review</u>

Division 2 – CEO to Employees

8.2.1 Give Notices Requiring Obliteration of Graffiti

Delegator:	Chief Executive Officer				
Express Power to Delegate:	<i>Graffiti Vandalism Act 2016:</i> <u>s</u> 17 Delegation by CEO of local government				
Express Power or Duty Delegated:	<i>Graffiti Vandalism Act 2016:</i> <u>s</u> 18 Notice requiring removal of graffiti <u>s</u> 19 Additional powers when notice is given				
Delegate/s:	1004.01	Chief Operations Officer			
	1128.01	Manager Infrastructure Operations			
Function:	1. Authority to give written notice to a person who is an owner or occupier of property on which graffiti is applied, requiring the person to ensure that the graffiti is obliterated in an acceptable manner, within the time set out in the notice. 2. Authority, where a person fails to comply with a notice, to do anything considered necessary to obliterate the graffiti in an acceptable manner and to take action to recover costs incurred as a debt due from the person who failed to comply with the notice.				
CEO Conditions on this Delegation:	Nil				
Compliance Links:	<i>Graffiti Vandalism Act 2016</i> Note – Decisions under this delegation may be referred for review by the State Administration <u>State Administrative</u> Tribunal.				
Record Keeping:	Exercise of authority to be recorded in CM9.				
Version	Approved, Amended, Rescinded	Date	Authority	Resolution Number	Key Changes/Notes
1	Approved	21/5/2019	Council	87/2019	Adopted.
2	Amended	28/6/2019	CEO	-	Sub-delegates and CEO conditions added.
3	Amended	26/05/2023	CEO	D23/30454 D23/30566	Annual sub-delegate review
4	Amended		CEO		Annual sub-delegate Review

8.2.2 Notices – Deal with Objections and Give Effect to Notices

Delegator:	Chief Executive Officer				
Express Power to Delegate:	Graffiti Vandalism Act 2016: §17 Delegation by CEO of local government				
Express Power or Duty Delegated:	Graffiti Vandalism Act 2016: §22 Objection may be lodged §24 Suspension of effect of notice				
Delegate/s:	1004.01	Chief Operations Officer			
	1128.01	Manager Infrastructure Operations			
Function:	1. Authority to deal with an objection to a notice. 2. Authority, where an objection has been lodged, to: a. determine and take action to give effect to the notice, where it is determined that there are urgent reasons or an endangerment to public safety or likely damage to property or serious nuisance, if action is not taken; and b. to give notice to the affected person, before taking the necessary actions.				
CEO Conditions on this Delegation:	Nil.				
Compliance Links:	Graffiti Vandalism Act 2016 Note – Decisions under this delegation may be referred for review by the State Administration State Administrative Tribunal.				
Record Keeping:	Exercise of authority to be recorded in CM9.				
Version	Approved, Amended, Rescinded	Date	Authority	Resolution Number	Key Changes/Notes
1	Approved	21/5/2019	Council	87/2019	Adopted.
2	Amended	28/6/2019	CEO	-	Sub-delegates and CEO conditions added.
3	Amended	26/05/2023	CEO	D23/30454 D23/30566	Annual sub-delegate review
4	Amended		CEO		Annual sub-delegate Review

8.2.3 Obliterate Graffiti on Private Property

Delegator:		Chief Executive Officer			
Express Power to Delegate:		<i>Graffiti Vandalism Act 2016:</i> §17 Delegation by CEO of local government			
Express Power or Duty Delegated:		<i>Graffiti Vandalism Act 2016:</i> §25 Local government graffiti powers on land not local government property			
Delegate/s:		1004.01	Chief Operations Officer		
		1127.01	Manager Technical Services		
		1128.01	Manager Infrastructure Operations		
Function:		Authority to determine to obliterate graffiti applied without consent of the owner or occupier, even though the land on which it is done is not local government property and the local government does not have consent.			
CEO Conditions on this Delegation:		Nil			
Compliance Links:		<i>Graffiti Vandalism Act 2016</i>			
Record Keeping:		Exercise of authority to be recorded in CM9.			
Version	Approved, Amended, Rescinded	Date	Authority	Resolution Number	Key Changes/Notes
1	Approved	21/5/2019	Council	87/2019	Adopted.
2	Amended	28/6/2019	CEO	-	Sub-delegates and CEO conditions added.
3	Amended	26/05/2023	CEO	D23/30454 D23/30566	Annual sub-delegate review
4	Amended		CEO		Annual sub-delegate Review

8.2.4 Powers of Entry

Delegator:	Chief Executive Officer				
Express Power to Delegate:	<i>Graffiti Vandalism Act 2016:</i> §17 Delegation by CEO of local government				
Express Power or Duty Delegated:	<i>Graffiti Vandalism Act 2016:</i> §28 Notice of entry §29 Entry under warrant				
Delegate:	Chief Executive Officer				
Delegate/s:	1004.01	Chief Operations Officer			
	1127.01	Manager Technical Services			
	1128.01	Manager Infrastructure Operations			
Function:	1. Authority to give notice of an intended entry to the owner or occupier of land, premises or thing, specifying the purpose for which entry is required. 2. Authority to obtain a warrant to enable entry onto any land, premises or thing for the purposes of this Act.				
CEO Conditions on this Delegation:	Nil.				
Compliance Links:	<i>Graffiti Vandalism Act 2016</i>				
Record Keeping:	Exercise of authority to be recorded in CM9.				
Version	Approved, Amended, Rescinded	Date	Authority	Resolution Number	Key Changes/Notes
1	Approved	21/5/2019	Council	87/2019	Adopted.
2	Amended	28/6/2019	CEO	-	Sub-delegates and CEO conditions added.
3	Amended	26/05/2023	CEO	D23/30454 D23/30566	Annual sub-delegate review
4	Amended		CEO		Annual sub-delegate Review

Part 9 – Public Health Act 2016

Note: There is no power of sub-delegation under the Public Health Act 2016, all delegations are made directly by Council to employees.

Division 1 – Council to Employees

9.1.1 Appoint Authorised Officer or Approved Officer (Asbestos Regulations)

Delegator:	Local Government				
Express Power to Delegate:	<i>Health (Asbestos) Regulations 1992:</i> r15D Infringement Notices				
Express Power or Duty Delegated:	<i>Health (Asbestos) Regulations 1992:</i> r15D Infringement Notices				
Delegate:	Chief Executive Officer				
Function:	Authority to appoint a person or classes of persons as an authorised officer or approved officer for the purposes of the <i>Criminal Procedure Act 2004</i> .				
Council Conditions on this Delegation:	Subject to each person so appointed being issued with a certificate, badge or identity card identifying the officer as a person authorised to issue infringement notice.				
Sub Delegation:	Nil. <i>Health (Asbestos) Regulations 1992</i> do not provide a power to sub-delegate.				
Compliance Links:	<i>Criminal Procedure Act 2004</i> – Part 2				
Record Keeping:	Exercise of authority to be recorded in CM9.				
Version	Approved, Amended, Rescinded	Date	Authority	Resolution Number	Key Changes/Notes
1	Approved	21/5/2019	Council	87/2019	Adopted.
<u>2</u>	<u>Amended</u>		<u>Council</u>		<u>Annual Review</u>

9.1.2 Enforcement Agency Reports to Chief Health Officer

Delegator:	Enforcement Agency (Local Government)				
Express Power to Delegate:	<i>Public Health Act 2016:</i> §21 Enforcement agency may delegate				
Express Power or Duty Delegated:	<i>Public Health Act 2016</i> §22 Reports by and about enforcement agencies				
Delegate:	Chief Executive Officer Chief Community Planner Manager Development Services Coordinator Environmental Health				
Function:	1. Authority to prepare and provide to the Chief Health Officer, the Local Government's report on the performance of its functions under this Act and the performance of functions by persons employed or engaged by the Town. 2. Authority to prepare and provide to the Chief Health Officer, a report detailing any proceedings for an offence under this Act.				
Council Conditions on this Delegation:	Nil.				
Sub Delegation:	Nil. Unless a Regulation enacted under the <i>Public Health Act 2016</i> , specifically authorises a delegated power or duty of an enforcement agency to be further delegated.				
Compliance Links:	<i>Public Health Act 2016</i> §20 Conditions on performance of functions by enforcement agencies.				
Record Keeping:	Exercise of authority to be recorded in CM9.				
Version	Approved, Amended, Rescinded	Date	Authority	Resolution Number	Key Changes/Notes
1	Approved	21/5/2019	Council	87/2019	Adopted.
2	Amended	16/05/2023	Council	101/2023	Annual review
3	Amended		Council		Annual review

9.1.3 Designate Authorised Officers

Delegator:	Enforcement Agency (Local Government)
Express Power to Delegate:	<i>Public Health Act 2016:</i> §21 Enforcement agency may delegate
Express Power or Duty Delegated:	<i>Public Health Act 2016</i> §24 Designation of authorised officers
Delegate:	Chief Executive Officer
Function:	Authority to designate a person or class of persons as authorised officers for the purposes of: - The <i>Public Health Act 2016</i> or other specified Act; - Specified provisions of the <i>Public Health Act 2016</i> or other specified Act; - Provisions of the <i>Public Health Act 2016</i> or another specified Act, other than the specified provisions of that Act. Including: - an environmental health officer or environmental health officers as a class; OR - a person who is not an environmental health officer or a class of persons who are not environmental health officers, OR - a mixture of the two.
Council Conditions on this Delegation:	- Subject to each person so appointed being; - Appropriately qualified and experienced; and - Issued with a certificate, badge or identity card identifying the authorised officer - A Register (list) of authorised officers is to be maintained in accordance with section 27.
Sub Delegation:	Nil. Unless a Regulation enacted under the <i>Public Health Act 2016</i> , specifically authorises a delegated power or duty of an enforcement agency to be further delegated.
Compliance Links:	<i>Public Health Act 2016</i> §20 Conditions on performance of functions by enforcement agencies. §25 Certain authorised officers required to have qualifications and experience. §26 Further provisions relating to designations §27 Lists of authorised officers to be maintained §28 When designation as authorised officer ceases §29 Chief Health Officer may issue guidelines about qualifications and experience of authorised officers §30 Certificates of authority §31 Issuing and production of certificate of authority for purposes of other written laws §32 Certificate of authority to be returned. §136 Authorised officer to produce evidence of authority

		<i>Criminal Investigation Act 2006</i> , Parts 6 and 13 – refer s.245 of the <i>Public Health Act 2016</i> <i>The Criminal Code</i> , Chapter XXVI – refer s.252 of the <i>Public Health Act 2016</i>			
Record Keeping:		Exercise of authority to be recorded in CM9.			
Version	Approved, Amended, Rescinded	Date	Authority	Resolution Number	Key Changes/Notes
1	Approved	21/5/2019	Council	87/2019	Adopted.
<u>2</u>	<u>Amended</u>		<u>Council</u>		<u>Annual Review</u>

9.1.4 Determine Compensation for Seized Items

Delegator:	Enforcement Agency (Local Government)				
Express Power to Delegate:	<i>Public Health Act 2016:</i> <u>s</u> 21 Enforcement agency may delegate				
Express Power or Duty Delegated:	<i>Public Health Act 2016</i> <u>s</u> 264 Compensation				
Delegate:	Chief Executive Officer Chief Community Planner Manager Development Services Coordinator Environmental Health				
Function:	Authority, in response to an application for compensation, to determine compensation that is just and reasonable in relation to any item seized under Part 16 if there has been no contravention of the Act and the item cannot be returned or has in consequence of the seizure depreciated in value.				
Council Conditions on this Delegation:	Compensation is limited to a maximum value of \$1,000, with any proposal for compensation above this value to be referred for Council's determination.				
Sub Delegation:	Nil. Unless a Regulation enacted under the <i>Public Health Act 2016</i> , specifically authorises a delegated power or duty of an enforcement agency to be further delegated.				
Compliance Links:	<i>Public Health Act 2016</i> <u>s</u> 20 Conditions on performance of functions by enforcement agencies. Note – Decisions under this delegation may be referred for review by the State Administration State Administrative Tribunal				
Record Keeping:	Exercise of authority to be recorded in CM9.				
Version	Approved, Amended, Rescinded	Date	Authority	Resolution Number	Key Changes/Notes
1	Approved	21/5/2019	Council	87/2019	Adopted.
<u>2</u>	<u>Amended</u>		<u>Council</u>		<u>Annual Review</u>

9.1.5 Commence Proceedings

Delegator:	Enforcement Agency (Local Government)				
Express Power to Delegate:	<i>Public Health Act 2016:</i> §21 Enforcement agency may delegate				
Express Power or Duty Delegated:	<i>Public Health Act 2016</i> §280 Commencing Proceedings				
Delegate:	Chief Executive Officer Chief Community Planner Manager Development Services Coordinator Environmental Health				
Function:	Authority to commence proceedings for an offence under the <i>Public Health Act 2016</i>				
Council Conditions on this Delegation:	Nil.				
Sub Delegation:	Nil. Unless a Regulation enacted under the <i>Public Health Act 2016</i> , specifically authorises a delegated power or duty of an enforcement agency to be further delegated.				
Compliance Links:	<i>Public Health Act 2016</i> §20 Conditions on performance of functions by enforcement agencies.				
Record Keeping:	Exercise of authority to be recorded in CM9.				
Version	Approved, Amended, Rescinded	Date	Authority	Resolution Number	Key Changes/Notes
1	Approved	21/5/2019	Council	87/2019	Adopted.
2	Amended	16/05/2023	Council	101/2023	Annual review
<u>3</u>	<u>Amended</u>		<u>Council</u>		<u>Annual review</u>

Part 10 – Planning and Development Act 2005 and Associated Functions

Division 1 - Council to CEO - Planning and Development Act 2005

10.1.1 Illegal Development

Delegator:	Responsible Authority (Local Government)				
Express Power to Delegate:	<i>Local Government Act 1995:</i> §5.42 Delegation of some powers or duties to the CEO				
Express Power or Duty Delegated:	<i>Planning and Development Act 2005:</i> §214 Illegal development, responsible authority’s powers as to				
Delegate:	Chief Executive Officer				
Function:	1. Give a written direction to the owner or any other person undertaking an unauthorised development to stop, and not recommence, the development or that part of the development that is undertaken in contravention of the planning scheme, interim development order or planning control area requirements. 2. Give a written direction to the owner or any other person who undertook an unauthorised development: a. to remove, pull down, take up, or alter the development; and b. to restore the land as nearly as practicable to its condition immediately before the development started, to the satisfaction of the responsible authority. 3. Give a written direction to the person whose duty it is to execute work to execute that work where it appears that delay in the execution of the work to be executed under a planning scheme or interim development order would prejudice the effective operation of the planning scheme or interim development order.				
Council Conditions on this Delegation:	Nil.				
Express Power to Sub-Delegate:	<i>Local Government Act 1995:</i> §5.44 CEO may delegate some powers and duties to other employees				
Sub-Delegate/s:	1002.01	Chief Community Planner			
	1107.01	Manager Development Services			
CEO Conditions on this Sub-Delegation:	Nil				
Compliance Links:	<i>Planning and Development Act 2005</i>				
Record Keeping:	Exercise of authority to be recorded in CM9.				
Version	Approved, Amended, Rescinded	Date	Authority	Resolution Number	Key Changes/Notes
1	Approved	21/5/2019	Council	87/2019	Adopted.
2	Amended	28/6/2019	CEO	-	Sub-delegates and CEO conditions added.
3	Amended		CEO		Annual Review

Division 2 – Council to CEO – Town Planning Scheme No.1

10.2.1 Determination of Applications for Development Approval

Delegator:	Local Government
Express Power to Delegate:	<i>Planning and Development (Local Planning Schemes) Regulations 2015: Schedule 2, Clause 82 Delegations by local government</i>
Express Power or Duty Delegated:	<i>Planning and Development (Local Planning Schemes) Regulations 2015: Schedule 2:</i> <u>r</u>61. Development for which development approval is not required <u>r</u>62. Form of application <u>r</u>63. Accompanying material <u>r</u>64. Advertising applications <u>r</u>65. Subsequent approval of development <u>r</u>66. Consultation with other authorities <u>r</u>67. Matters to be considered by local government <u>r</u>68. Determination of applications <u>r</u>69. Application not to be refused if development contribution plan not in place <u>r</u>70. Form and date of determination <u>r</u>71. Commencement of development under development approval <u>r</u>72. Temporary development approval <u>r</u>73. Scope of development approval <u>r</u>74. Approval subject to later approval of details <u>r</u>75. Time for deciding application for development approval <u>r</u>76. Review of decisions <u>r</u>77. Amending or cancelling development approval <i>Town Planning Scheme No.1</i>
Delegate:	Chief Executive Officer
Function:	<u>1. Authority to determine all applications for 'prescribed single house development' not in a 'heritage protected place'</u> <u>Note 1 – The effect of section 257C of the <i>Planning and Development Act 2005</i> and Schedule 2 of the <i>Planning and Development (Local Planning Schemes) Regulations 2015</i>, is that applications for 'prescribed single house development' must be determined by the CEO or employees authorised by the CEO, and cannot be determined by the Council.</u> <u>Note 2 – 'Prescribed single house development' is defined under Schedule 2 of the <i>Planning and Development (Local Planning Schemes) Regulations 2015</i> as development that consists of :</u>

- (a) the erection of, or alterations or additions to, a single house; or
 - (b) the erection or installation of, or alterations or additions to, any of the following that is ancillary or incidental to a single house —
 - (i) an ancillary dwelling;
 - (ii) an outbuilding;
-
- (iii) an external fixture;
 - (iv) a boundary wall or fence;
 - (v) a patio;
 - (vi) a pergola;
 - (vii) a verandah;
 - (viii) a deck;
 - (ix) a garage;
 - (x) a carport.
-

Note 3 – “Heritage protected place” is defined under Schedule 2 of the Planning and Development (Local Planning Schemes) Regulations 2015 as a place :

- (a) that is entered in the State Register of Heritage Places under the *Heritage Act 2018* section 42; or
 - (b) that is under consideration for entry into the State Register of Heritage Places as described in subclause (2); or
 - (c) that is the subject of an order under the *Heritage Act 2018* Part 4; or
-
- (d) that is the subject of a heritage agreement that has been certified under the *Heritage Act 2018* section 90; or
 - (e) that is included on a heritage list as defined in clause 7; or
 - (f) that is within a heritage area as defined in clause 7.
-

4.2. Authority to determine applications for development approval of a kind not addressed in item 1 above, including the exercise of discretion under Town Planning Scheme No. 1, the Residential Design Codes, Local Planning Policies and other planning instruments, with the exception of the following:

- a. Applications requiring the exercise of a discretion under Clause 29 of TPS 1 by “Absolute Majority”;
- b. Applications for a non-residential development that are not supported by Council Officers, but excluding minor additions/alterations; ~~(see condition 2.d. below);~~

	c. Applications for modification to a development approval previously considered by Council where the modifications increase the extent of non-compliance approved by Council, or result in a non-compliance issue that cannot be dealt with under delegated authority; d. Applications for a change of use to an Unlisted Use or building works to an Unlisted Use; e. Applications for a change of use from a non- conforming use to another non-conforming use, or building works to a building with a non-conforming use, but excluding minor additions/alterations; -(see condition 2.d. below); f. Applications for development approval (where required) which propose demolition of an existing building that is <u>located in a 'heritage protected place':</u> <u>Note 4 – see Note 3 above for the definition of 'heritage protected place'.</u> <u>i. listed in the State Register of Heritage Places; or</u> <u>ii. listed in the Town's Local Heritage Survey;</u> g. Applications which propose either a parking shortfall (in the case of a new development) or a net increase in an existing parking shortfall where <u>in either case</u> the shortfall is not supported by Council Officers. <u>h.</u> Applications where the Town is not the determining authority. <u>i. Applications where three (3) or more Elected Members have submitted a written request to the CEO for the application to be referred to Council for determination ("call-in"); or</u> <u>j. Applications which in the opinion of the Chief Community Planner or Manager Development Services should be considered by Council.</u> <u>h.k.</u> <u>2.3.</u> Make recommendations to the Western Australian Planning Commission in relation to applications for subdivision and/or amalgamation and process applications for subdivision clearance.
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	3.4. Authority to refer and/or make recommendations to the Western Australian Planning Commission, Department of Planning, Lands and Heritage (DPLH), Department of Biodiversity, Conservation and Attractions (DBCA), Heritage Council WA and other government departments and instrumentalities in relation to applications for land use or development., except those considered by the delegate or sub-delegate to be major or as requiring Council consideration. 4.5. Perform all functions associated with applications for review to the State Administrative Tribunal including preparing responses and representing Council except as outlined in Local Planning Policy 28. 5.6. Acknowledge existing use for purpose of application for development approval where current approval documentation is not available. 6.7. Approve or refuse Form 15A and Form 15C applications for built strata subdivisions, acting on behalf of the Western Australian Planning Commission. 7.8. Make recommendations to the Metropolitan Inner South Joint Development Assessment Panel in relation to DAP applications, following community consultation (where required under Council Policy) and consideration (if required) by the Design Review Panel. 9. Authority to approve a temporary work or temporary use in accordance with <u>schedule 2, Part 7</u> Clauses 61(1)(f)<u>item 7</u> and 61(2)(d)(<u>f</u>) respectively of the <i>Planning and Development (Local Planning Schemes) Regulations 2015</i>. 8.10. <u>Authority to determine whether works comprising the erection of, or alterations or additions to a single house, require development approval in accordance with Schedule 2, Part 7, Clause 61A of the Planning and Development (Local Planning Schemes) Regulations 2015.</u>
Council Conditions on this Delegation:	1. This delegation is not to be exercised: a. where three (3) or more Elected Members have submitted a written request to the CEO for the application to be referred to Council for determination ("call-in"); or b. for applications which in the opinion of the Chief Community Planner or Manager Development Services are

	major or should be considered by Council, or may have the potential to impact upon the community; 2.1. Subject to condition 1, I this delegation may be exercised in relation to: a. The approval or refusal of an application for new residential dwellings, or works associated with or incidental to residential dwellings; or b. Applications where one or more objections are received and the delegated Officer has determined that the objections: i. cannot be upheld as the development or the specific variations that were the subject of consultation satisfy relevant objectives or design principles; or ii. are not planning considerations; or iii. do not relate to the matters that were the subject of consultation; or iv. have or can be addressed through amended plans or conditions; c. The approval or refusal of applications for signs, or the refusal of 'X' (prohibited) uses where non-conforming use rights do not apply; or d. The approval or refusal of applications for minor additions/alterations to the development types listed in clauses Function 2b and e; or e. Applications for an amendment to a development approval which seek to extend the period of time within which the development is to substantially commence; or f. Amendments to DAP applications where the applicant has requested the application to be determined by the Town provided that the exceptions listed in Function 2 above do not apply; or g. Parking shortfalls, the subject of function 1.2 g. In exercising this discretion, Council Officers are to have regard
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	to <u>Schedule 2, Part 9A of the <i>Planning and Development (Local Planning Schemes) Regulations 2015</i> and any other matter that is considered relevant in determining the acceptability of the parking shortfall.</u>the following matters in determining the acceptability of the parking provided: i. — The extent of the shortfall; ii. — Where provided, a parking needs/demand assessment prepared by the applicant, providing specific details of the nature of the use, hours of operation, number of staff, likely patronage etc; iii. — Whether the development delivers a good urban design outcome or public benefit eg. Improved street activation; retention of mature on-site trees; retention of a building of heritage importance; iv. — Whether the development is within 400m of a high frequency bus route or train station; v. — Whether the development is within 400m of a public car park; vi. — Written justification from the applicant in support of the proposed car parking provision; vii. — Demonstrated availability of on-street parking; viii. — The provision of end-of-trip facilities; ix. — The reciprocal use of car bays between uses on the same site where the demand for parking will not coincide; x. — Any other matters considered relevant. h. Applications where under Local Planning Policy 23 'Parking' the on-site car parking provision is at Council's discretion as there is no prescribed parking requirement for the development proposed. In considering the adequacy of the parking provision, Council Officers are to have regard to the same criteria listed in condition g.
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Express Power to Sub-Delegate:		<i>Planning and Development (Local Planning Schemes) Regulations 2015: Schedule 2, Clause 83 Local government CEO may delegate powers</i>			
Sub-Delegate/s:		1002.01	Chief Community Planner		
		1107.01	Manager Development Services		
		1109.01	Coordinator Urban Planning		
		1110.01-03	Senior Planning Officer		
		1111.01-05	Planning Officer		
CEO Conditions on this Sub-Delegation:		That the sub-delegation to Planning Officers: a. only relates to the approval of development applications for patios, front fences and outbuildings to residential dwellings (where no objections have been received to any required community consultation); and b. does not authorise Officers to approve applications that they have assessed.			
Compliance Links:		<i>Planning and Development Act 2005; <u>Planning and Development (Local Planning Schemes) Regulations 2015.</u></i>			
Record Keeping:		Exercise of authority to be recorded in CM9.			
Version	Approved, Amended, Rescinded	Date	Authority	Resolution Number	Key Changes/Notes
1	Approved	21/5/2019	Council	87/2019	Adopted.
2	Amended	28/6/2019	CEO	-	Sub-delegates and CEO conditions added.
3	Amended	16/7/2019	Council	134/2019	Item 11.2
4	Amended	19/5/2020	Council	393/2020	Item 11.1 Annual Review
5	Amended	28/07/2021	CEO	D21/62996	New sub-delegate added
6	Amended	13/9/2021	CEO	D21/72514	New sub-delegate added
7	Amended		CEO		Annual Review

Part 11 – Statutory Authorisations and Delegations to Local Government from State Government Entities

Division 1 – *Environmental Protection Act 1986*

11.1.1 Noise Control – Environmental Protection Notices

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Environment

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Western Australia
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No. 47. 19-Mar-2004
Page: 919 [Pdf](#) - 476kb

EV401

ENVIRONMENTAL PROTECTION ACT 1986

Section 20

Delegation No. 52

Pursuant to section 20 of the *Environmental Protection Act 1986*, the Chief Executive Officer hereby delegates as follows—

Powers and duties delegated—

All the powers and duties of the Chief Executive Officer, where any noise is being or is likely to be emitted from any premises not being premises licensed under the Act, to serve an environmental protection notice under section 65(1) in respect of those premises, and where an environmental protection notice is so served in such a case, all the powers and duties of the Chief Executive Officer under Part V of the Act in respect of that environmental protection notice.

Persons to whom delegation made—

This delegation is made to any person for the time being holding or acting in the office of Chief Executive Officer under the *Local Government Act 1995*.

Pursuant to section 59(1)(e) of the *Interpretations Act 1984*, Delegation No. 32, dated 4 February 2000 is hereby revoked.

Dated this 9th day of January 2004.

Approved—

FERDINAND TROMP, A/Chief Executive Officer.

Dr JUDY EDWARDS MLA, Minister for the Environment.

11.1.2 Noise Management Plans – Keeping Log Books, Noise Control Notices, Calibration and Approval of Non-Complying Events

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Environment

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Western Australia
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No. 232. 20-Dec-2013
Page: 6282 [Pdf](#) - [3Mb](#)

EV402

ENVIRONMENTAL PROTECTION ACT 1986

Delegation No. 112

I, Jason Banks, in my capacity as Acting Chief Executive Officer of the Department of Environment Regulation responsible for the administration of the *Environmental Protection Act 1986* ("the Act"), and pursuant to section 20 of the Act, hereby delegate to any person for the time being holding or acting in the office of a Chief Executive Officer under the *Local Government Act 1995*, my powers and duties under the *Environmental Protection (Noise) Regulations 1997*, other than this power of delegation, in relation to--

- (a) waste collection and other works--noise management plans relating to specified works under regulation 14A or 14B;
- (b) bellringing or amplified calls to worship--the keeping of a log of bellringing or amplified calls to worship requested under regulation 15(3)(c)(vi);
- (c) community activities--noise control notices in respect of community noise under regulation 16;
- (d) motor sport venues--noise management plans in relation to motor sport venues under Part 2 Division 3;
- (e) shooting venues--noise management plans in relation to shooting venues under Part 2 Division 4;
- (f) calibration results--requesting, under regulation 23(b), details of calibration results undertaken and obtained under Schedule 4;
- (g) sporting, cultural and entertainment events--approval of events or venues for sporting, cultural and entertainment purposes under Part 2 Division 7, subject to the following limitation--
 - (i) Subregulation 18(13)(b) is not delegated.

Under section 59(1)(e) of the *Interpretation Act 1984*, Delegation No. 68, gazetted 22 June 2007 is hereby revoked.

Dated the 12th day of December 2013.

JASON BANKS, Acting Chief Executive Officer.

Approved by--

JOHN DAY, Acting Minister for Environment; Heritage.

11.1.3 Noise Management Plans

Published by:
Environment

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Western Australia
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No. 71. 16-May-2014
Page: 1548 [Pdf](#) - [2Mb](#)

EV405

ENVIRONMENTAL PROTECTION ACT 1986

Delegation No. 119

I, Jason Banks, in my capacity as the Acting Chief Executive Officer of the Department responsible for the administration of the *Environmental Protection Act 1986* ("the Act"), and pursuant to section 20 of the Act, hereby delegate to the holder for the time being of the offices of--

(a) Chief Executive Officer under the *Local Government Act 1995*; and

(b) to any employee of the local government under the *Local Government Act 1995* who is appointed as an Authorised Person under section 87 of the Act,

all my powers and duties in relation to noise management plans under regulation 13 of the *Environmental Protection (Noise) Regulations 1997*, other than this power of delegation.

Under section 59(1)(e) of the *Interpretation Act 1984*, Delegation No. 111, gazetted 20 December 2013, is hereby revoked.

Dated the 1st day of May 2014.

JASON BANKS, Acting Chief Executive Officer.

Division 2 – Planning and Development Act 2005

11.2.1 Instrument of Authorisation – Sign Development Applications for Crown Land as Owner

DoL FILE 1738/2002v8; 858/2001v9

PLANNING AND DEVELOPMENT ACT 2005

INSTRUMENT OF AUTHORISATION

I, **Donald Terrence Redman MLA**, Minister for Lands, a body corporate continued by section 7(1) of the *Land Administration Act 1997*, under section 267A of the *Planning and Development Act 2005*, HEREBY authorise, in respect of each local government established under the *Local Government Act 1995* and listed in Column 2 of the Schedule, the person from time to time holding or acting in the position of Chief Executive Officer of the relevant local government, to perform the powers described in Column 1 of the Schedule subject to the conditions listed in Column 3 of the Schedule.

Dated the *2nd* day of *June* 2016



**HON DONALD TERRENCE REDMAN MLA
MINISTER FOR LANDS**

SCHEDULE

This is the Schedule referred to in an Instrument of Authorisation relating to Development Applications under the *Planning and Development Act 2005*

Column 1

The power to sign as owner in respect of Crown land that is:

- a reserve managed by the local government pursuant to section 46 of the *Land Administration Act 1997* and the development is consistent with the reserve purpose and the development is not for a commercial purpose; or
- the land is a road of which the local government has the care, control and management under section 55(2) of the *Land Administration Act 1997* and where there is no balcony or other structure proposed to be constructed over that road unless that structure comes within the definition of a "minor encroachment" in the Building Regulations 2012 (Regulation 45A), or is an "awning, verandah or thing" (Regulation 45B), or is a ground anchor, and where the development is consistent with the use of the land as a road,

in respect of development applications being made under or referred to in:

- (i) section 99(2) of the *Planning and Development Act 2005* in respect of development for which approval is required under a regional interim development order (as that term is defined in that Act);
- (ii) section 103(2) of the *Planning and Development Act 2005* in respect of development for which approval is required under a local interim development order (as that term is defined in that Act);
- (iii) section 115 of the *Planning and Development Act 2005* in respect of development within a planning control area (as that term is defined in that Act);
- (iv) section 122A of the *Planning and Development Act 2005* in respect of which approval is required under an improvement scheme (as that term is defined in that Act);
- (v) section 162 of the *Planning and Development Act 2005* in respect of developments for which approval is required under a planning scheme or interim development order (as those terms are defined in that Act);
- (vi) section 163 of the *Planning and Development Act 2005* in respect of development on land which is comprised within a place entered in the Register maintained by the Heritage Council under the *Heritage of Western Australia Act 1990*, or of which such a place forms part;
- (vii) section 171A of the *Planning and Development Act 2005* in respect of a prescribed development application (as that term is defined in that section of that Act).

Column 2

City of Albany
City of Armadale
Shire of Ashburton
Shire of Augusta-Margaret River
Town of Bassendean
City of Bayswater
City of Belmont
Shire of Beverley
Shire of Boddington
Shire of Boyup Brook
Shire of Bridgetown-Greenbushes
Shire of Brookton
Shire of Broome
Shire of Broomehill-Tambellup
Shire of Bruce Rock
City of Bunbury
Shire of Busselton
Town of Cambridge
City of Canning
Shire of Capel
Shire of Carnamah
Shire of Carnarvon
Shire of Chapman Valley
Shire of Chittering
Shire of Christmas Island
Town of Claremont
City of Cockburn
Shire of Cocos (Keeling) Islands
Shire of Collie
Shire of Coolgardie
Shire of Coorow
Shire of Corrigin
Town of Cottesloe
Shire of Cranbrook
Shire of Cuballing
Shire of Cue
Shire of Cunderdin
Shire of Dalwallinu
Shire of Dandaragan
Shire of Dardanup
Shire of Denmark
Shire of Derby/West Kimberley
Shire of Donnybrook-Balingup
Shire of Dowerin
Shire of Dumbleyung
Shire of Dundas
Town of East Fremantle
Shire of East Pilbara
Shire of Esperance
Shire of Exmouth
City of Fremantle
City of Greater Geraldton

Shire of Gingin
Shire of Gnowangerup
Shire of Goomalling
City of Gosnells
Shire of Halls Creek
Shire of Harvey
Shire of Irwin
Shire of Jerramungup
City of Joondalup
Shire of Kalamunda
City of Kalgoorlie-Boulder
Shire of Katanning
Shire of Kellerberrin
Shire of Kent
Shire of Kojonup
Shire of Kondinin
Shire of Koorda
Shire of Kulin
City of Kwinana
Shire of Lake Grace
Shire of Laverton
Shire of Leonora
City of Mandurah
Shire of Manjimup
Shire of Meekatharra
City of Melville
Shire of Menzies
Shire of Merredin
Shire of Mingenew
Shire of Moora
Town of Moosman Park
Shire of Mount Magnet
Shire of Mt Marshall
Shire of Mukinbudin
Shire of Mundaring
Shire of Murchison
Shire of Murray

Column 3

In accordance with and subject to approved Government Land policies.

Any signature subject to the following endorsement:
Signed only as acknowledgement that a development application is being made in respect of a proposal that includes Crown land, Crown reserves under management for the purpose, or a road and to permit this application to be assessed under the appropriate provision of the *Planning and Development Act 2005* (including any planning scheme). The signature does not represent approval or consent for planning purposes. Further, in the event that development approval is granted for the proposal, the above signature should not be taken as an acknowledgement of or consent to the commencement or carrying out of the proposed development or to any modification of the tenure or reservation classification of the Crown land component.

Shire of Nannup
 Shire of Narembeen
 Shire of Narrogin
 Town of Narrogin
 City of Nedlands
 Shire of Ngaanyatjaraku
 Shire of Northam
 Shire of Northampton
 Shire of Nungarin
 Shire of Peppermint Grove
 Shire of Perenjori
 City of Perth
 Shire of Pingelly
 Shire of Plantagenet
 Town of Port Hedland
 Shire of Quairading
 Shire of Ravensthorpe
 City of Rockingham
 Shire of Roebourne
 Shire of Sandstone
 Shire of Serpentine Jarrahdale
 Shire of Shark Bay
 City of South Perth
 City of Stirling
 City of Subiaco
 City of Swan

Shire of Tammin
 Shire of Three Springs
 Shire of Toodyay
 Shire of Trayning
 Shire of Upper Gascoyne
 Town of Victoria Park
 Shire of Victoria Plains
 Town of Vincent
 Shire of Wagin
 Shire of Wandering
 City of Wanneroo
 Shire of Waroona
 Shire of West Arthur
 Shire of Westonia
 Shire of Wickepin
 Shire of Williams
 Shire of Wiluna
 Shire of Wongan-Ballidu
 Shire of Woodanilling
 Shire of Wyalkatchem
 Shire of Wyndham-East Kimberley
 Shire of Yalgoo
 Shire of Yilgarn
 Shire of York



HON DONALD TERRENCE REDMAN MLA
 MINISTER FOR LANDS

2nd day of June 2016

11.2.2 Development Control Powers – Metropolitan Region Scheme

PL405

PLANNING AND DEVELOPMENT ACT 2005
INSTRUMENT OF DELEGATION

Del 2022/03 Powers of Local Governments Metropolitan Region Scheme

Delegation of certain powers and functions of the Western Australian Planning Commission relating to the Metropolitan Region Scheme.

Preamble

Under section 16 of the Planning and Development Act 2005 (the Act) the Western Australian Planning Commission (the WAPC) may, by resolution published in the *Government Gazette*, delegate any function to an officer of a public authority or to a local government, a committee established under the Local Government Act 1995 or an employee of a local government

In accordance with section 16(4) of the Act, a reference in this instrument to a function or a power of the WAPC includes and extends to, without limitation or restriction, any of the powers, privileges, authorities, discretions, duties and responsibilities vested in or conferred upon the WAPC by the Act or any other written law as the case requires.

Resolution under section 16 of the Act (delegation)

On 8 December 2021, pursuant to section 16 of the Act, the WAPC resolved—

- A. To delegate to local governments, and to members and officers of those local governments, its functions in respect of the determination, in accordance with Part IV of the Metropolitan Region Scheme, of applications for approval to commence and carry out development specified in clauses 1 and 2 of Section A, within their respective districts, subject to the conditions set out in clauses 1 to 4 of Section B;
- B. To revoke its delegation of powers and functions to local governments as detailed in the notice entitled “DEL 2017/02 Powers of local governments (MRS)” published in the *Government Gazette* on 30 May 2017, to give effect to this delegation.

SAM FAGAN, Secretary, Western Australian Planning Commission.

PLANNING AND DEVELOPMENT ACT 2005
INSTRUMENT OF DELEGATION
SECTION A—Types of Development

1. Development on zoned land

Applications for development on land zoned under the MRS except—

- (a) where the land is subject to a resolution under Clause 32 of the MRS; or
- (b) where the land is subject to the declaration of a planning control area under Section 112 of the *Planning and Development Act 2005*; or

- (c) where that land is partly within the development control area described in section 10 of the *Swan and Canning Rivers Management Act 2006* or is outside the development control area but abuts waters within the development control area and the Swan River Trust objects to the proposal, or a referral body recommends refusal; or
- (d) where the local government is of the opinion that the application should be determined by the WAPC on the grounds that the proposal is of State or regional importance or is in the public interest, or
- (e) in respect of public works undertaken by public authorities.

2. Development on regional road reservations

Applications for developments on or abutting land that is reserved in the MRS for the purpose of a regional road.

SECTION B—Conditions

1. Referral requirements for development on land within or abutting a regional road reservation

The following applications for development on land that abuts or is fully or partly reserved as regional road reservation (classified as Category 1, 2 and 3) shall be referred to Main Roads WA (MRWA) or the Department of Planning, Lands and Heritage, as applicable, for transport planning related comments and recommendations before being determined by the local government subject to the process explained in clause 4, Section B.

Type of regional road reservation in the MRS	Classification on plans SP 693 (PRR) and SP 694 (ORR)	Referral Agency
Primary Regional Road (PRR)	Category 1, 2 and 3	Main Roads WA
Other Regional Road (ORR)	Category 1, 2 and 3	Department of Planning, Lands and Heritage

The regional road network (PRR and ORR) changes periodically with amendments to the MRS. This clause relates to all regional road reservations in the MRS as amended from time to time. Regional roads subject to this notice and the relevant agency that is responsible for their planning are shown on accompanying editions of plans SP 693 (PRR, MRWA) and SP 694 (ORR, WAPC).

The road categories shown on plans SP 693 (PRR) and SP 694 (ORR) classify the regional roads based on—

- (a) the permissible vehicular access arrangements to the subject land via the regional road frontage
 - Category 1 road means that frontage access is not allowed (control of access);
 - Category 2 road means that frontage access may be allowed subject to approval; and
- (b) the legibility and statutory powers of current road land requirements defined for the purpose of regional road reservation in the MRS
 - Category 3 road means that the subject regional road reservation is not accurately defined or is subject to review by the agency that is responsible for planning of the regional road.

“Category 1 road” applies where regional roads—

- (a) are constructed or planned to a fully controlled and grade separated freeway standard; or
- (b) are constructed or planned to an access controlled arterial standard, (i.e. functioning as Primary Distributor or Integrator Arterial (District Distributor) road with widely spaced signalised intersections or roundabouts, and a few, if any, direct access points to individual sites or local streets.

“Category 2 road” applies where regional roads—

- (a) are constructed or planned to a partially access controlled arterial standard, (i.e. a primary or district distributor road with direct connections to local streets and driveways to larger sites, but with some restriction of direct frontage access to individual properties); or
- (b) have direct frontage access to abutting properties due to the historic development of the road and properties.

“Category 3 road” applies where regional road reservation is not accurately defined or is under review.

Tables 1, 2 and 3 below outline the category of the regional road reservation and the criteria for referring development applications to agencies for comment in accordance with this instrument of delegation.

Table 1—Referral process of development applications with respect to Category 1 (PRR or ORR reservations in the MRS)

Respective referral agency (as per Section B)	
Referral is required in these instances	Referral is not required in these instances
1. Where a development application has one or more of the following characteristics— (a) Development, including earthworks and drainage, which encroaches or impacts upon the road reservation; or (b) Development with potential for a significant increase in traffic using any access, either directly or indirectly, onto the road reservation; or (c) Development, which involves direct vehicle access to and/or from the regional road reservation.	1. Where the local government first decides to refuse the application under the MRS; or 2. Under circumstances where the application is for an ancillary and incidental addition or modification to an existing authorised development, which does not encroach upon the road reservation and has no intention to alter existing access arrangements.

Table 2—Referral process of development applications with respect to Category 2 (PRR or ORR reservations in the MRS)

Respective referral agency (as per Section B)	
Referral is required in these instances	Referral is not required in these instances
1. Where a development application has one or more of the following characteristics— (a) Development, including earthworks and drainage, which encroaches or impacts upon the road reservation; or (b) Development with potential for a significant increase in traffic on the regional road using any access, either directly or indirectly, onto the road reservation; or (c) Development, which involves the retention of more than one existing access; or additional, relocated or new access between the subject land and the road reservation; or (d) Development, which proposes retention of an existing access between the subject land and the road reservation, where alternative access is or could be made available from side or rear streets or from rights of way at rear; or (e) Development on a lot affected by the regional road reservation where— • all or part of the proposed development is within the regional road reservation; and • has a construction value greater than \$50 000; or (f) Development on a lot affected by the regional road reservation where— • none of the proposed development is within the regional road reservation; and • has a construction value greater than \$250 000	1. Where the local government first decides to refuse the application under the MRS; or 2. Under circumstances where the application is for an ancillary and incidental addition or modification to an existing authorised development, which does not encroach upon the road reservation and has no intention to alter existing access arrangements.

Table 3—Referral process of development applications with respect to Category 3 (PRR or ORR reservations in the MRS)

Respective referral agency (as per Section B)	
Referral is required in these instances	Referral is not required in these instances
1. All development applications, other than those where local government first decides to refuse it.	1. Where the local government first decides to refuse the application under the MRS

Notes—

- (1) Copies of plans SP 693 (PRR) and SP 694 (ORR) are available from the WAPC's website: "Resolutions and instruments of delegation—WAPC Powers of local governments (MRS)". (<http://www.DPLH.wa.gov.au/1212.asp>).
- (2) In determining applications under this delegation, local governments shall have due regard to relevant WAPC and MRWA policy and guidelines, including but not limited to the Commission's D C Policy—5.1 *Regional Roads (Vehicular Access)*, the Transport Impact Assessment Guidelines, and MRWA *Driveways Policy*, which set out the principles and requirements to be applied when considering proposals for vehicle access to or from developments abutting certain categories of regional roads.
(<http://www.DPLH.wa.gov.au/publications/812.asp>; and <https://www.mainroads.wa.gov.au/BuildingRoads/StandardsTechnical/RoadandTrafficEngineering/GuidetoRoadDesign/Pages/Driveways.aspx>)
- (3) Local governments shall ensure that sufficient transport information accompanies the development application to assist the referral agency in assessing the transport implications of the proposal. This information should be provided in accordance with the WAPC's *Transport Impact Assessment Guidelines*. <http://www.DPLH.wa.gov.au/publications/1197.asp>
- (4) With regard to proposals for new noise-sensitive developments, the local government shall have due regard to the provisions of Commission's *State Planning Policy—5.4 Road and Rail Transport Noise and Freight Considerations in Land Use Planning*. (<http://www.DPLH.wa.gov.au/publications/1182.asp>)

2. Referral requirements for development on land abutting the Swan River Trust Development Control Area

Applications for development on land that is outside the development control area but abutting land that is in the development control area, or which in the opinion of the local government are likely to affect waters in the development control area, shall be referred to the Swan River Trust for comment and recommendation before being determined by the local government.

3. Referral requirements for development on land abutting other reservations

Applications for development on land abutting land reserved in the MRS for purposes other than regional roads or Parks and Recreation (where the reservation corresponds with the Swan River Trust development control area and is covered by Clause 2, Section B of this notice) shall be referred to the public authority responsible for that reserved land for comment and recommendation before being determined by the local government.

In the case of land reserved for the purpose of Parks and Recreation, which is not vested or owned by another public authority, the applications shall be referred to the Department of Planning, Lands and Heritage before being determined by the local government.

4. For the purpose of this Instrument of Delegation

- (a) Where an application is referred by the local government to a public authority for comment and recommendation, the public authority shall provide comment and a recommendation, if any, within 30 days of receipt of the application. If no comment or recommendation is received within that 30 day period the local government may determine the application on the available information.
- (b) Where the recommendation provided by the public authority specified in the delegation notice is not acceptable to the local government the application, together with the recommendations provided by all public authorities consulted and the reasons why the recommendation is not acceptable to the local government, shall be referred immediately to the WAPC for determination.
- (c) The powers delegated to a member or officer of a local government may only be exercised by a member or officer who has been delegated power from the local government to consider and determine applications for approval to commence and carry out development within the local government district under the local government's local planning scheme.

Interpretation

In this Instrument of Delegation, unless the context otherwise requires—

- A reference to a 'position' or 'classification' contemplates and includes a reference to its successor in title.
- "access" means both entry and exit from either a road or abutting development by a vehicle.
- "Commission" or "WAPC" means the "Western Australian Planning Commission".

- “development” has the same meaning given to it in and for the purposes of the *Planning and Development Act 2005* or “development means the development or use of any land, including—
 - (a) any demolition, erection, construction, alteration of or addition to any building or structure on the land;
 - (b) the carrying out on the land of any excavation or other works;
 - (c) in the case of a place to which a Conservation Order made under section 59 of the *Heritage of Western Australia Act 1990* applies, any act or thing that—
 - (i) is likely to change the character of that place or the external appearance of any building; or
 - (ii) would constitute an irreversible alteration of the fabric of any building”.
 - “local road” means a public road other than a private road or a road subject of reservation under Part II of the MRS.
 - “not acceptable” means that the local government wishes to determine the application, as a delegate of the WAPC, in a manner that is inconsistent with the recommendation received from the public agency to which the local government was required to consult under this Notice of Delegation.
 - Main Roads WA means Main Roads Western Australia
 - “regional road” means any road designated under the region Scheme as follows—
 - (a) land coloured red in the Scheme Map—Primary Regional Roads; and
 - (b) land coloured dark blue in the Scheme Map—Other Regional Roads.
 - “reserved land” means land reserved under Part II of the MRS.
 - “road reservation” means land reserved for the purposes of a regional road in the MRS.
 - “significant increase in traffic” means generating more than 100 vehicle trips in the peak hour and would therefore require a transport assessment to accompany the development application. Refer to the Commission’s *Transport Impact Assessment Guidelines*
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PL403

PLANNING AND DEVELOPMENT ACT 2005

INSTRUMENT OF DELEGATION

Del 2017/02 Powers of Local Governments and Department of Transport

Metropolitan Region Scheme

Delegation of certain powers and functions of the Western Australian Planning Commission relating to the Metropolitan Region Scheme

Preamble

Under section 16 of the *Planning and Development Act 2005* (the Act) the Western Australian Planning Commission (the WAPC) may, by resolution published in the *Government Gazette*, delegate any function to an officer of a public authority or to a local government, a committee established under the *Local Government Act 1995* or an employee of a local government.

In accordance with section 16(4) of the Act, a reference in this instrument to a function or a power of the WAPC includes and extends to, without limitation or restriction, any of the powers, privileges, authorities, discretions, duties and responsibilities vested in or conferred upon the WAPC by the Act or any other written law as the case requires.

Resolution under section 16 of the Act (delegation)

On 24 May 2017, pursuant to section 16 of the Act, the WAPC resolved—

- A. To delegate to local governments, and to members and officers of those local governments, its functions in respect of the determination, in accordance with Part IV of the Metropolitan Region Scheme, of applications for approval to commence and carry out development specified in clauses 1 and 2 of Section A, within their respective districts, subject to the conditions set out in clauses 1 to 4 of Section B;
- B. To delegate to the Managing Director, Policy, Planning and Investment—Transport, of the Department of Transport, and the person or persons from time to time holding or acting in that office, its functions in respect of the determination, in accordance with Part IV of the Metropolitan Region Scheme (MRS), of applications for approval to commence and carry out development specified in clause 3, Section A, subject to the conditions set out in clause 5 of Section B.
- C. To revoke its delegation of powers and functions to local governments as detailed in the notice entitled "DEL 2011/02 Powers of local governments (MRS)" published in the *Government Gazette* on 10 June 2014, to give effect to this delegation.

KERRINE BLENKINSOP, Secretary,
Western Australian Planning Commission.

PLANNING AND DEVELOPMENT ACT 2005

INSTRUMENT OF DELEGATION

SECTION A—Types of Development

1. Development on zoned land

Applications for development on land zoned under the MRS except—

- (a) where the land is subject to a resolution under Clause 32 of the MRS; or
- ~~(b) where the land is subject to the declaration of a planning control area under Section 112 of the Planning and Development Act 2005; or~~
- (c) where that land is partly within the development control area described in section 10 of the *Swan and Canning Rivers Management Act 2006* or is outside the development control area but abuts waters within the development control area; or
- (d) where the local government is of the opinion that the application should be determined by the WAPC on the grounds that the proposal is of State or regional importance or is in the public interest; or
- (e) in respect of public works undertaken by public authorities.

2. Development on regional road reservations

Applications for developments on or abutting land that is reserved in the MRS for the purpose of a regional road, but excluding any application relating to large format digital signage.

3. Large Format Digital Signage applications

Applications from any public authority for development in relation to large format digital signage, on land reserved under the MRS for the purpose of a Primary Regional Road.

SECTION B—Conditions

1. Referral requirements for development on land within or abutting a regional road reservation

The following applications for development on land that abuts or is fully or partly reserved as regional road reservation (classified as Category 1, 2 and 3) shall be referred to Main Roads WA (MRWA) or the Department of Planning (DoP), as applicable, for transport planning related comments and recommendations before being determined by the local government subject to the process explained in clause 4, Section B.

Type of regional road reservation in the MRS	Classification on plans SP 693 (PRR) and SP 694 (ORR)	Referral Agency
Primary Regional Road (PRR)	Category 1, 2 and 3	Main Roads WA
Other Regional Road (ORR)	Category 1, 2 and 3	Department of Planning

The regional road network (PRR and ORR) changes periodically with amendments to the MRS. This clause relates to all regional road reservations in the MRS as amended from time to time. Regional roads subject to this notice and the relevant agency that is responsible for their planning are shown on accompanying editions of plans SP 693 (PRR, MRWA) and SP 694 (ORR, WAPC).

The road categories shown on plans SP 693 (PRR) and SP 694 (ORR) classify the regional roads based on—

- (a) the permissible vehicular access arrangements to the subject land via the regional road frontage
 - Category 1 road means that frontage access is not allowed (control of access);
 - Category 2 road means that frontage access may be allowed subject to approval; and
- (b) the legibility and statutory powers of current road land requirements defined for the purpose of regional road reservation in the MRS
 - Category 3 road means that the subject regional road reservation is not accurately defined or is subject to review by the agency that is responsible for planning of the regional road.

“Category 1 road” applies where regional roads—

- (a) are constructed or planned to a fully controlled and grade separated freeway standard; or
- (b) are constructed or planned to an access controlled arterial standard (i.e. functioning as Primary Distributor or Integrator Arterial (District Distributor) road with widely spaced signalised intersections or roundabouts, and a few, if any, direct access points to individual sites or local streets.

“Category 2 road” applies where regional roads—

- (a) are constructed or planned to a partially access controlled arterial standard (i.e. a primary or district distributor road with direct connections to local streets and driveways to larger sites, but with some restriction of direct frontage access to individual properties); or
- (b) have direct frontage access to abutting properties due to the historic development of the road and properties.

“Category 3 road” applies where regional road reservation is not accurately defined or is under review.

For enquiries and assistance regarding—

- (a) PRR Category 1, 2 and 3—call Main Roads WA on 138 138.
- (b) ORR Category 1, 2 and 3—call Department of Planning on (08) 6551 9000.

Tables 1, 2 and 3 below outline the category of the regional road reservation and the criteria for referring development applications to agencies for comment in accordance with this instrument of delegation.

Table 1—Referral process of development applications with respect to Category 1 (PRR or ORR reservations in the MRS)

Respective referral agency (as per Section B)	
Referral is required in these instances	Referral is not required in these instances
1. Where a development application has one or more of the following characteristics— (a) Development, including earthworks and drainage, which encroaches or impacts upon the road reservation; or (b) Development with potential for a significant increase in traffic using any access, either directly or indirectly, onto the road reservation; or (c) Development, which involves direct vehicle access to and/or from the regional road reservation.	1. Where the local government first decides to refuse the application under the MRS; or 2. Under circumstances where the application is for an ancillary and incidental addition or modification to an existing authorised development, which does not encroach upon the road reservation and has no intention to alter existing access arrangements.

Table 2—Referral process of development applications with respect to Category 2 (PRR or ORR reservations in the MRS)

Respective referral agency (as per Section B)	
Referral is required in these instances	Referral is not required in these instances
1. Where a development application has one or more of the following characteristics— (a) Development, including earthworks and drainage, which encroaches or impacts upon the road reservation; or (b) Development with potential for a significant increase in traffic on the regional road using any access, either directly or indirectly, onto the road reservation; or	1. Where the local government first decides to refuse the application under the MRS; or 2. Under circumstances where the application is for an ancillary and incidental addition or modification to an existing authorised development, which does not encroach upon the road reservation and has no intention to alter existing access arrangements.

Respective referral agency (as per Section B)	
Referral is required in these instances	Referral is not required in these instances
(c) Development, which involves the retention of more than one existing access; or additional, relocated or new access between the subject land and the road reservation; or (d) Development, which proposes retention of an existing access between the subject land and the road reservation, where alternative access is or could be made available from side or rear streets or from rights of way at rear; or (e) Development on a lot affected by the regional road reservation where— • all or part of the proposed development is within the regional road reservation; and • has a construction value greater than \$20 000; or (f) Development on a lot affected by the regional road reservation where— • none of the proposed development is within the regional road reservation; and • has a construction value greater than \$150 000	

Table 3—Referral process of development applications with respect to Category 3 (PRR or ORR reservations in the MRS)

Respective referral agency (as per Section B)	
Referral is required in these instances	Referral is not required in these instances
1. All development applications, other than those where local government first decides to refuse it.	1. Where the local government first decides to refuse the application under the MRS

Notes—

- (1) Copies of plans SP 693 (PRR) and SP 694 (ORR) are available from the WAPC's website: "Resolutions and instruments of delegation—WAPC Powers of local governments (MRS)". (<http://www.planning.wa.gov.au/1212.asp>)
- (2) In determining applications under this delegation, local governments shall have due regard to relevant WAPC and MRWA policy and guidelines, including but not limited to the Commission's DC Policy—5.1 *Regional Roads (Vehicular Access)*, the Transport Impact Assessment Guidelines, and MRWA *Driveways Policy*, which set out the principles and requirements to be applied when considering proposals for vehicle access to or from developments abutting certain categories of regional roads.
(<http://www.planning.wa.gov.au/publications/812.asp>; and <https://www.mainroads.wa.gov.au/BuildingRoads/StandardsTechnical/RoadandTrafficEngineering/GuidetoRoadDesign/Pages/Driveways.aspx>)
- (3) Local governments shall ensure that sufficient transport information accompanies the development application to assist the referral agency in assessing the transport implications of the proposal. This information should be provided in accordance with the WAPC's *Transport Impact Assessment Guidelines*. <http://www.planning.wa.gov.au/publications/1197.asp>
- (4) With regard to proposals for new noise-sensitive developments, the local government shall have due regard to the provisions of Commission's *State Planning Policy—5.4 Road and Rail Transport Noise and Freight Considerations in Land Use Planning*. (<http://www.planning.wa.gov.au/publications/1182.asp>)
- (5) With regard to development application for the display of advertisements on land reserved under the MRS local government should have regard to the Commission's DC Policy 5.4 *Advertising on Reserved Land*. (<http://www.planning.wa.gov.au/publications/825.asp>)

2. Referral requirements for development on land abutting the Swan River Trust Development Control Area

Applications for development on land that is outside the development control area but abutting land that is in the development control area, or which in the opinion of the local government are likely to affect waters in the development control area, shall be referred to the Swan River Trust for comment and recommendation before being determined by the local government.

3. Referral requirements for development on land abutting other reservations

Applications for development on land abutting land reserved in the MRS for purposes other than regional roads or Parks and Recreation (where the reservation corresponds with the Swan River Trust development control area and is covered by Clause 2, Section B of this notice) shall be referred to the public authority responsible for that reserved land for comment and recommendation before being determined by the local government.

In the case of land reserved for the purpose of Parks and Recreation, which is not vested or owned by another public authority, the applications shall be referred to the Department of Planning before being determined by the local government.

4. For the purpose of this Instrument of Delegation (excluding applications under clause 3, Section A)—

- (a) Where an application is referred by the local government to a public authority for comment and recommendation, the public authority shall provide comment and a recommendation, if any, within 30 days of receipt of the application. If no comment or recommendation is received within that 30 day period the local government may determine the application on the available information.
- (b) Where the recommendation provided by the public authority specified in the delegation notice is not acceptable to the local government the application, together with the recommendations provided by all public authorities consulted and the reasons why the recommendation is not acceptable to the local government, shall be referred immediately to the WAPC for determination.
- (c) The powers delegated to a member or officer of a local government may only be exercised by a member or officer who has been delegated power from the local government to consider and determine applications for approval to commence and carry out development within the local government district under the local government's local planning scheme.

5. Referral Requirements for applications from a public authority for large format digital signage development on land within a Primary Regional Road reservation

Where applications for large format digital signage development relate to land that is reserved as Primary Regional Roads (PRR) reservation in the MRS, the following shall apply—

- (a) DoT shall refer the application to the relevant local government and Main Roads WA for comment and recommendation;
- (b) the local government and Main Roads WA shall provide their comments and recommendations, if any, to the delegate within 30 days of receipt of the application;
- (c) Once the 30 day period has elapsed, the delegate may determine the application, even in the absence of comments and recommendations; and
- (d) the delegate is not bound to follow any recommendation received.

Interpretation

In this Instrument of Delegation, unless the context otherwise requires—

- A reference to a 'position' or 'classification' contemplates and includes a reference to its successor in title.
- "access" means both entry and exit from either a road or abutting development by a vehicle.
- "Commission" or "WAPC" means the "Western Australian Planning Commission".
- "development" has the same meaning given to it in and for the purposes of the *Planning and Development Act 2005* or "development means the development or use of any land, including—
 - (a) any demolition, erection, construction, alteration of or addition to any building or structure on the land;
 - (b) the carrying out on the land of any excavation or other works;
 - (c) in the case of a place to which a Conservation Order made under section 59 of the *Heritage of Western Australia Act 1990* applies, any act or thing that—
 - (i) is likely to change the character of that place or the external appearance of any building; or
 - (ii) would constitute an irreversible alteration of the fabric of any building".
- "DoT" means the Department of Transport
- "Large format digital signage" means an electronic billboard whether freestanding or attached to another structure with a display area of greater than 13m² "local government" means a local government within the area covered by the MRS.
- "local road" means a public road other than a private road or a road subject of reservation under Part II of the MRS.
- "not acceptable" means that the local government wishes to determine the application, as a delegate of the WAPC, in a manner that is inconsistent with the recommendation received from the public agency to which the local government was required to consult under this Notice of Delegation.
- Main Roads WA means Main Roads Western Australia
- "Public authority" means any of the following—
 - (a) a Minister of the Crown in right of the State;

- (b) a department of the Public Service, State trading concern, State instrumentality or State public utility;
- (c) any other person or body, whether corporate or not, who or which, under the authority of a written law, administers or carries on for the benefit of the State, a social service or public utility;
- "regional road" means any road designated under the region Scheme as follows—
 - (a) land coloured red in the Scheme Map—Primary Regional Roads; and
 - (b) land coloured dark blue in the Scheme Map—Other Regional Roads.
- "reserved land" means land reserved under Part II of the MRS.
- "road reservation" means land reserved for the purposes of a regional road in the MRS.
- "significant increase in traffic" means generating more than 100 vehicle trips in the peak hour and would therefore require a transport assessment to accompany the development application. Refer to the Commission's *Transport Impact Assessment Guidelines*

PLANNING

PL101

*CORRECTION***PLANNING AND DEVELOPMENT ACT 2005****INSTRUMENT OF DELEGATION**

Del 2017/02 Powers of Local Governments and Department of Transport

Metropolitan Region Scheme

Certain typographical errors were recorded in the Instrument of Delegation, made under the *Planning and Development Act 2005*, and published on 30 May 2017 from page 2738 to 2743 of the *Government Gazette*.

The errors are corrected as follows—

1. On page 2739, the text of Resolution C is deleted and replaced with the following words—
 "TO REVOKE its delegation of powers and functions to local governments and the Department of Transport as detailed in the notice entitled "DEL 2015/02 Powers of local governments and Department of Transport (MRS)" published in the *Government Gazette* on 18 December 2015, to give effect to this delegation."

PLANNING

PL402

PLANNING AND DEVELOPMENT ACT 2005**AMENDMENT TO INSTRUMENT OF DELEGATION—POWERS OF LOCAL GOVERNMENT AND DOT**

Notice of amendment to the Instrument of Delegation, Instrument of Delegation 2017/02—Powers of Local Governments and Department of Transport, Metropolitan Region Scheme, as gazetted on 30 May 2017

Preamble

Under section 16 of the *Planning and Development Act 2005* (the Act), the Western Australian Planning Commission (WAPC) may, by resolution published in the *Government Gazette*, delegate any function to a member, committee or officer of the WAPC or to a public authority or to a member or officer of a public authority.

In accordance with section 16 (4) of the Act, a reference in this instrument to a function or power of the WAPC includes and extends to, without limitation or restriction, any of the powers, privileges, authorities, discretions, duties and responsibilities vested in or conferred on the WAPC by the Act or any other written law as the case requires.

Resolution under section 16 of the Act (delegation)

On 12 December 2018, pursuant to section 16 of the Act, the WAPC resolved—

- A To amend the Instrument of Delegation 2017/02—Powers of Local Governments and Department of Transport, Metropolitan Region Scheme as gazetted on 30 May 2017, as set out in Schedule 1 below.
-

SAM FAGAN, Secretary,
Western Australian Planning Commission.

Schedule 1**1. Instrument of delegation amended**

The amendments within this Schedule are to the Schedules set out in the Instrument of Delegation 2017/02—Powers of Local Governments and Department of Transport, Metropolitan Region Scheme, as gazetted on 30 May 2017 and as amended.

2. Amendment to Section A

1. The word "but excluding any application relating to large format digital signage" are deleted from clause 2.
2. Clause 3 is deleted.

3. Amendments to Section B

1. The words in brackets "(excluding applications under clause 3, Section A)" are deleted from the title to clause 4.
 2. Clause 5 is deleted.
 3. In the interpretation section the terms "Large format digital signage" and "Public Authority" and their respective definitions, are deleted.
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11.2.3 WA Planning Commission – Section 15 of the Strata Titles Act 1985

PL402

PLANNING AND DEVELOPMENT ACT 2005

INSTRUMENT OF DELEGATION

Del 2020/01 Powers of Local Governments

Delegation to local governments of certain powers and functions of the Western Australian Planning Commission relating to the issuing of certificates of approval under section 15 of the *Strata Titles Act 1985*.

Preamble

Under section 16 of the *Planning and Development Act 2005* (the Act) the Western Australian Planning Commission (the WAPC) may, by resolution published in the *Government Gazette*, delegate any function under the Act or any other written law to a local government, a committee established under the *Local Government Act 1995* or an employee of a local government.

In accordance with section 16(4) of the Act, a reference in this instrument to a function or a power of the WAPC includes and extends to, without limitation or restriction, any of the powers, privileges, authorities, discretions, duties and responsibilities vested in or imposed on the WAPC by the Act or any other written law as the case requires.

Resolution under section 16 of the Act (delegation)

On 19 March 2020, pursuant to section 16 of the Act, the WAPC RESOLVED—

- A. To delegate to local governments, and to members and officers of those local governments, its powers and functions under section 15 of the *Strata Titles Act 1985* as set out in clause 1 of Schedule, within their respective districts, subject to the conditions set out in clause 2 of Schedule 1;

- B. To declare that this instrument recording its resolution is to take effect upon the proclamation of the *Strata Titles Amendment Act 2018*.

SAM FAGAN, Secretary,
Western Australian Planning Commission.

Schedule 1

1. Applications made under section 15 of the *Strata Titles Act 1985*

Power to determine applications for the issuing of a certificate of approval under section 15 of the *Strata Titles Act 1985*, except those applications that—

- (a) propose the creation of a vacant lot;
- (b) propose vacant air stratas in multi-tiered strata scheme developments;
- (c) propose the creation or postponement of a leasehold scheme;
- (d) in the opinion of the WAPC as notified to the relevant local government in writing, or in the opinion of the relevant local government as notified to the WAPC in writing, relate to—
 - i. a type of development; and/or
 - ii. land within an area,

which is of state or regional significance, or in respect of which the WAPC has determined is otherwise in the public interest for the WAPC to determine the application.

2. Reporting requirements

A local government that exercises the power referred to in clause 1 is to provide WAPC with data on all applications determined under this Instrument of Delegation at the conclusion of each financial year in the format prescribed by the WAPC.

Division 3 – Main Roads Act 1930

10.3.1 Traffic Management – Events on Roads

A list of local governments authorised for Traffic Management for Events can be found on the Main Roads WA website [here](#)

WESTERN AUSTRALIA
ROAD TRAFFIC CODE 2000
REGULATION 297(2)
INSTRUMENT OF AUTHORISATION

RELATING TO
TRAFFIC MANAGEMENT FOR EVENTS

Pursuant to Regulation 297(2) of the *Road Traffic Code 2000* the Commissioner of Main Roads ("the Commissioner") hereby authorises (Insert name of Local Government) (Authorised Body) by itself, its employees, consultants, agents and contractors (together "Representatives") to, from the date indicated below, erect, establish, display, alter or take down such road signs of whatsoever type or class (except for permanent traffic control signals) as may be required for the purpose and duration of any:

- i) "event" subject to an order from the Commissioner of Police pursuant to Part VA of the *Road Traffic Act 1974*;
- ii) race meeting or speed test for which the Minister referred to in section 83 of the *Road Traffic Act 1974* has, under that provision, temporarily suspended the operation of any provisions of the *Road Traffic Act 1974* or regulations made under that Act; or
- iii) public meeting or procession the subject of a permit granted by the Commissioner of Police under the *Public Order in Streets Act 1984*;

or as may be required for the purpose of controlling traffic on a road adjacent to, or in the vicinity of, any event or organised activity approved by the Authorised Body under its local laws, on a road (other than a main road or highway) within its jurisdiction, SUBJECT ALWAYS to the following terms and conditions:

- (a) the Authorised Body shall at all times observe, perform and comply with the provisions of the "Traffic Management for Events Code of Practice" (as amended or replaced from time to time in consultation with the Traffic Management for Events Advisory Group) issued by Main Roads Western Australia ("the Code") referring to the version which is current at the time of the event, a copy of which can be obtained from Main Roads Western Australia from www.mainroads.wa.gov.au or by contacting Main Roads by phone;
- (b) the Authorised Body shall develop and implement procedures that will satisfy the Commissioner that traffic management implemented by the Authorised Body, its employees, agents and contractors will in all respects conform to and comply with the requirements of the Code; and
- (c) the Authorised Body shall ensure that its Representatives comply with the terms and conditions identified above at paragraphs (a) and (b) as if they were named in those paragraphs in place of the Authorised Body.

By executing and returning the acknowledgment at the foot of this authorisation, the Authorised Body agrees to observe, perform and comply with the above terms and conditions.

The powers in this Instrument of Authorisation do not change or replace:

- 1) any prior Instrument of Authorisation from the Commissioner of Main Roads for the purposes of undertaking traffic management for works on roads; and
- 2) any powers and responsibilities of a local government provided in regulation 9 of the *Road Traffic (Events on Roads) Regulations 1991*.

Dated:

**THE COMMON SEAL OF THE
COMMISSIONER OF MAIN ROADS**

WAS AFFIXED BY

COMMISSIONER OF MAIN ROADS

FOR THE TIME BEING IN THE
PRESENCE OF:

Signature of Witness

Name of Witness (please print)

ACKNOWLEDGMENT BY AUTHORISED BODY

.....(*Insert name of Local Government*)..... agrees to unconditionally observe,
perform and be bound by the above conditions.

THE COMMON SEAL of

[Insert name of Local Government]

Was hereunto affixed pursuant to a
resolution of the Council in the
presence of:

Signature of Chief Executive Officer

Signature of Witness

Name of Witness (please print)

11.3.2 Traffic Management – Road Works

A list of Local Governments authorised for the purposes of *Road Traffic Code 2000* r.297(2) are available on Main Roads WA website here

**WESTERN AUSTRALIA
ROAD TRAFFIC CODE 2000
REGULATION 297(2)
INSTRUMENT OF AUTHORISATION**

Pursuant to Regulation 297(2) of the Road Traffic Code 2000 the Commissioner of Main Roads ("the Commissioner") hereby authorises
("Authorised Body") by itself, its employees, consultants, agents and contractors (together "Representatives") to, from the date indicated below, erect, establish, display, alter or take down such traffic signs and traffic control devices of whatsoever type or class (except for permanent traffic control signals) as may be required for the purpose and duration of any works, survey or inspection, associated with the construction, maintenance or repair on a road (other than a main road or highway), any adjoining land or any portion thereof within its jurisdiction, SUBJECT ALWAYS to the following terms and conditions:

- (a) the Authorised Body shall at all times observe, perform and comply with the provisions of the "Traffic Management for Works on Roads Code of Practice" (as amended or replaced from time to time in consultation with the Traffic Management for Roadworks Advisory Group) issued by Main Roads Western Australia ("the Code") referring to the version which is current at the time of the relevant works, a copy of which can be obtained from Main Roads Western Australia from www.mainroads.wa.gov.au or by contacting Main Roads by phone;
- (b) the Authorised Body shall develop and implement procedures that will satisfy the Commissioner that traffic management implemented by the Authorised Body, its employees, agents and contractors will in all respects conform to and comply with the requirements of the Code; and
- (c) the Authorised Body shall ensure that its Representatives comply with the terms and conditions identified above at paragraphs (a) and (b) as if they were named in those paragraphs in place of the Authorised Body.

By executing and returning the acknowledgment at the foot of this authorisation, the Authorised Body agrees to observe, perform and comply with the above terms and conditions.

This Instrument of Authorisation replaces any prior Instrument of Authorisation under Regulation 297(2) of the Road Traffic Code 2000 between the Commissioner and the Authorised Body. The Commissioner's delegation dated 17 July 1975 to a number of Local Governments outside the Perth metropolitan area, is not affected by this Instrument of Authorisation except that this Instrument of Authorisation prevails wherever roadworks are concerned. That 1975 delegation was made under Regulation 301 of the Road Traffic Code 1975 and related to non-regulatory signage.

Dated:

THE COMMON SEAL OF THE)
COMMISSIONER OF MAIN ROADS)
WAS AFFIXED BY)
)
)
COMMISSIONER OF MAIN ROADS)
FOR THE TIME BEING IN THE PRESENCE OF:)

Signature of Witness

Name of Witness

ACKNOWLEDGMENT BY AUTHORISED BODY

..... agrees to observe, perform and be
bound by the above conditions.

THE COMMON SEAL OF THE)
.....)
WAS AFFIXED PURSUANT TO A RESOLUTION)
OF THE COUNCIL IN THE PRESENCE OF)

Chief Executive Officer

Witness

Division 4 – Road Traffic (Vehicles) Act 2012

11.4.1 Approval for Certain Local Government Vehicles to be Special Use Vehicles



Government of Western Australia
Department of Transport
Driver and Vehicle Services

ROAD TRAFFIC (VEHICLES) ACT 2012

Road Traffic (Vehicles) Regulations 2014

RTVR-2017-202046

APPROVAL UNDER REGULATION 327(4)(f) FOR CERTAIN LOCAL GOVERNMENT VEHICLES AS SPECIAL USE VEHICLES

Pursuant to the *Road Traffic (Vehicles) Regulations 2014* (the *Regulations*), I, Christopher Davers, Assistant Director Strategy and Policy, Driver and Vehicle Services, Department of Transport, and delegate of the Chief Executive Officer of the Department of Transport by way of a delegation instrument dated 7 August 2017, hereby approve vehicles owned by a local government and ordinarily used by persons authorised or appointed by that local government to perform functions on its behalf under:

- (a) the *Local Government Act 1995*;
- (b) regulations made under the *Local Government Act 1995*;
- (c) a local law;
- (d) any other legislation empowering a local government to authorise or appoint persons to perform functions on the behalf of the local government (including but not limited to the *Dog Act 1976*); or
- (e) any combination of the above paragraphs (a) to (d);

as special use vehicles for the purposes of paragraph "f" of the definition of "*special use vehicle*" in regulation 327(4) of the *Regulations*, with the effect that those vehicles may be fitted with one or more yellow flashing lights under regulation 327(3)(b) of the *Regulations*, subject to the following conditions:

CONDITIONS

1. Those lights must emit rotating, flashing yellow coloured light(s) and must not be a strobe light.
2. At least one flashing light shall be mounted on top of the vehicle and when lit, shall be visible in normal daylight up to a distance of not less than 200 metres to vehicles approaching from any direction.
3. No part of the lens of the flashing lights is visible either directly or indirectly to the driver when seated in the normal driving position.
4. If more than one flashing light is fitted, they must be placed symmetrically about the centre line of the vehicle or combination of vehicles.
5. An on/off switch for the flashing lights must be installed so as to be easily operated from the driver's seat.
6. Any additional equipment fitted to the vehicle must not interfere with the overall safe operation of the vehicle.
7. Any vehicle fitted with flashing lights for the purposes of this approval must: