



City of **Perth**

Additional Report – Item 14.5

Agenda Briefing Session

21 June 2022

To the Lord Mayor and Councillors

Please find enclosed an additional report for the Agenda Briefing Session to be held on Tuesday, 21 June 2022 in the Council Chamber, Level 9, 27 St Georges Terrace, Perth commencing at 5.00pm.



Michelle Reynolds
Chief Executive Officer
20 June 2022

Table of Contents

14. Corporate Services Reports	3
14.5 Review of Delegations.....	3

14. Corporate Services Reports

14.5 Review of Delegations

Responsible Officer	Melissa Murphy – General Manager Corporate Services
Voting Requirements	Absolute Majority
Attachments	Attachment 14.5A – Draft Register of Delegations and Authorisations 2022/23 (with tracked changes) ↓  Attachment 14.5B – Register of Delegations and Authorisations 2021/22 ↓ 

Purpose

For Council to complete the review of its delegations as required by sections 5.18 and 5.46 of the *Local Government Act 1995* and other laws.

Recommendation

That Council:

1. ENDORSES the review of its delegations in accordance with sections 5.18 and 5.46 of the *Local Government Act 1995*.
 2. DELEGATES its functions strictly as stated in the Register of Delegations and Authorisations (Attachment 14.5A).
-

Background

1. Sections 5.18 and 5.46 of the *Local Government Act 1995* require Council to review its delegations to Committees of Council and the CEO each financial year. The last review for financial year 2020/2021 was considered by Council at its meeting on 6 July 2021. Similar provisions are also contained in other acts under which delegations are given by Council.
2. The annual review of delegations requires the City to consider if:
 - a. There are any changes in legislation affecting the current delegations;
 - b. The current delegations are fit for purpose and promote efficient and effective decision making; and
 - c. The conditions on delegations are appropriate and ensure Council has appropriate oversight over decision making.
3. Since Council adoption of the Register of Delegations and Authorisations for 2021/2022, the following amendments have been made as passed by Council or otherwise sub-delegated by the CEO within their delegated power from Council.

Table of Amendments to the Delegations and Authorisations Register 2021/2022

Version	Decision Reference	Synopsis of Changes
1.0	Council Resolution OCM-21/07-167	Completely revised register of Council Delegations adopted
2.0	CEO Briefing Note Record # 140197/21	CEO, following Council adoption of revised register, delegated authority to employees.
3.0	CEO Briefing Notes Record #'s 180135/21, 241297/21, 241307/21, 241316/21	Amendments to financial delegations, addition of Principal Safe City Operations, establishment of Commercial Services Alliance and changes to Governance and Strategy roles.
4.0	CEO Briefing Note Record # 272405/21	Amendment to delegations due to organizational changes in community development.
5.0	CEO Briefing Note Record # 6749/22	Amendment to delegations due to organizational changes in community development.
6.0	CEO Briefing Note Record # 34455/22	Amendment to delegations to add Alliance Manager Properties
7.0	Council Resolutions OCM-22/03-033, OCM-22/03-039 CEO Briefing Notes Record #'s 50204/22, 61684/22	Modification by Council to delegation 2.13 by Council. Addition of Delegation 2.22A by Council. Addition of delegation 2.27 by CEO. Removal of delegate in delegation 2.17 by CEO.
8.0	CEO Briefing Note Record # 101856/22	Amendment to delegations relating to land, roads and property, financial management and the <i>Building Act 2011</i> to add new position titles and rename existing position titles.

Discussion

4. The review of the City’ statutory delegations sought to identify any necessary amendments to statutory delegations in line with legislation and the City’s current Policies and operations, but also any opportunities for improvement to the clarity and useability of the register and efficiency and appropriateness of the delegations.
5. The extent of the review consisted of:
 - a. Circulating the current Register of Delegations and Authorisations for 2021/22 to General Managers and Alliance Managers for feedback, particularly noting current employees with delegated authority who have had a title change, or new employees seeking delegated authority;
 - b. A review of the legislation granting delegated authority to determine if any amendments were made since the time of the last review period and if so, whether they impact employee roles with delegated authority;
 - c. Noting the Delegation Register Templates by WALGA and the Department of Local Government, Sport and Cultural Industries (DLGSCI).
6. Few changes have been proposed by the review process as evinced by the tracked changes in Attachment 14.5A. This is attributable to:
 - a. the extensive overhaul of the Register for 2021/2022 which remains appropriate and aligned with the WALGA Template and DLGSCI Guidelines which remain unchanged since last review;
 - b. ongoing amendments over the 2021/2022 financial year that were implemented throughout the operation of the Register; and
 - c. no amendments being made to legislation, regulations, or local laws since the time of the last review period that require the modification of existing delegated functions or the implementation of new delegations.
7. The Register of Delegations and Authorisations for the 2022/2023 financial year has had minor amendments based on considerations of commercial operations, along with modifying current or including new employee titles who are granted delegated authority under sub-delegation by the CEO.
8. Slight formatting changes were made to correct errors in references to legislation, regulations and local laws and specific provisions therein.
9. The proposed changes are as follows:

Summary of the changes proposed

Delegation	Substantive Changes
2.9. Tender exempt procurement	The authority in Function 1 to: <ol style="list-style-type: none"> a) undertake exempt procurement; and b) enter into an agreement directly with a supplier that has been delegated to the CEO (and further sub-delegated to employees) has been reworded to clarify the applicability and primacy of the <i>Local Government (Functions and General) Regulations 1996</i> (Regulations) and to improve clarity in referring to CP 2.2 Purchasing that generally governs procurement.

	<p>Function 3 has been amended to clarify that GST is excluded from the maximum contract cap of \$2,000,000 consistent with other delegations dealing with procurement.</p> <p>Function 4 that references regulation 11(2)(f) has been deleted as it simply duplicates the conditions of activation from the provision and the City’s Purchasing Policy.</p>
<p>2.11. Varying and extending tender contracts</p>	<p>Function 1 that delegates authority to vary contracts provided the original scope of the contract is unchanged has been amended by changing the wording from “successful tenderer” to “regulated tender”. This is done to add clarity that this delegation is not applicable to non-regulated tenderers, i.e. those under \$250,000.</p> <p>After consultation with the Procurement Manager and General Manager Infrastructure and Operations, it is suggested to revise the contract variation limit of 20% found in Condition 3 of the delegation.</p> <p>As it currently exists, it is an absolute limit that prevents any consideration of a variation to a contract that greater than 20%. That means that for smaller-scale contracts, where a \$40,000 contract needs to be increased to \$60,000 which is a 50% increase, the variation is outright prohibited.</p> <p>To serve the interests of commercial efficiency, it is recommended that variations of any value or percentage should be considered, but not necessarily accepted by the City, subject to relevant approval and proper justification processes.</p> <p>Checks and balances already exist that require justifying variations to contracts, escalation to an officer with the necessary Financial Authority where necessary, and in contracts being consistent with the Annual Budget.</p> <p>The variation limit should instead be based on the total Financial Authority given to the approving officer, and if the total contract value (including variation) exceeds the person’s individual limit, it simply escalates to the next Line Manager up to the maximum contract limit of \$2,000,000 found in the CEO’s delegated Financial Authority. Any variation over \$500,000 could currently only be approved by a General Manager or the CEO which greatly limits the number of officers that could approve higher-sum variations.</p> <p>Any variation over \$250,000 can only be approved by 20 Officers within the organisation, and furthermore, any variation over \$500,000 could currently only be approved by a General Manager, CFO, or the CEO, which greatly limits the number of Officers that could approve higher-sum variations.</p> <p>Removing the variation condition unlocks flexibility to attend to CP 2.2. Purchasing Policy and implement a Line Manager approval process for variations over certain amounts, up to the CEO’s Financial Authority.</p>

	<p>It is worth noting that here are no variation limits on regulated tenders as per the <i>Local Government (Functions and General) Regulations 1996</i>.</p> <p>If approved by Council, the corresponding CEO condition will be revised accordingly.</p>
2.13. Disposing of land or buildings	Function 9 and Council Condition 5 which gives authority to dispose of Shop 3, Regal Place Car Park, 81-95 Royal Street, East Perth has been deleted as it is no longer applicable.
2.15 Defer, Grant Concessions, Waive or Write Off Debts	Section 4 of the Council Conditions on this delegation has been amended to reflect the administrative process that currently operates with respect to waiving individual rate debts equal to \$10.00 or below.
7.1. Prohibition Orders 7.2 Registration of Food Businesses 7.4. Prosecutions and Debt Recovery 11.7. Issue of approval or refusal under section 81C of the Road Traffic Act 1974 11.9, Deputy of the Local Government under the Health (Miscellaneous Provision) Act 1911	The position ‘Alliance Manager Community Safety and Amenity’ has been changed to ‘Alliance Manager Community Services’ to reflect the renaming of the position since last review.
9.2. Planning Approval – City of Perth City Planning Scheme No. 2	Condition 2 of Council’s conditions on this delegation has been amended so that the conditions applicable to the authority in Function 1 for determining development applications are also applied to determining amendments and extensions to development applications as provided in Function 3.

Stakeholder Engagement

10. Each General Manager of the City was engaged for consultation on the delegations particular to their Alliance and provided commentary based on current commercial operations which included advice from Alliance Managers and other Managers.
11. As this review is minor in nature and the majority of the Register remains the same as the 2021/2022 Register, external stakeholders were not consulted.

Decision Implications

12. Council is required to review its delegations under the *Local Government Act 1995* and some other acts at least once every financial year. Failure to complete the review will mean the City is in breach of the *Local Government Act 1995*.
13. By delegating its functions under various acts, decision on the matters delegated will be undertaken by the City and not by Council.

Strategic, Legislative and Policy Implications

Strategy	
Strategic Pillar (Objective)	Sustainable
Related Documents (Issue Specific Strategies and Plans):	Nil.

Legislation, Delegation of Authority and Policy	
Legislation:	Sections 3.57 and 3.58 of the <i>Local Government Act 1995</i> (WA) Regulations 11, 21A and 30 of the <i>Local Government (Functions and General) Regulations 1996</i> (WA) Clause 77 of the <i>City of Perth City Planning Scheme No. 2</i> Section 81C of the <i>Road Traffic Act 1974</i> Section 26 of the <i>Health (Miscellaneous Provisions) Act 1911</i>
Authority of Council/CEO:	Council deciding to delegate or authorise functions requires a resolution of Council in accordance with the various acts under which the delegation is made.
Policy:	CP2.2 Purchasing

Financial Implications

Nil.

Further Information

Nil.



City of Perth

Register of Delegations and Authorisations



Adopted by Council: [Click or tap to enter a date.](#)

Contents

Guidance Notes	6
Introduction	6
Legislation	6
Delegation by the Council	7
Delegation by the Chief Executive Officer	7
Acting Through Another Person	7
Council Appointed Delegates, Authorised Persons and Officers other than the CEO	8
Principles underpinning delegations	8
Employees with delegated authority	10
Table of Amendments to the Delegated Authority Register	11
1. Delegations to Committees	12
2. Delegations under the <i>Local Government Act 1995</i>	13
Delegations relating to land, roads and property	13
2.1. Notices requiring certain things to be done by owner or occupier of land	13
2.2. Close Thoroughfares to Vehicles	14
2.3. Obstruction of Footpaths and Thoroughfares	16
2.4. Dangerous Excavations in or Near Public Thoroughfares	18
2.5. Crossing from Public Thoroughfare to Private Land or Private Thoroughfare	19
2.6. Requirement to Construct or Repair Crossings	20
2.7. Private Works on, over or under Public Places	21
Delegations relating to financial management	22
2.8. Initiating an expression of interest, tender or a panel of pre-qualified suppliers	22
2.9. Tender exempt procurement	24
2.10. Deciding on an expression of interest, tender or a panel of pre-qualified suppliers	25
2.11. Varying and extending tender contracts	27
2.12. Disposing of property other than land or buildings	28
2.13. Disposing of land or buildings	30
2.14. Payments from Municipal or Trust Fund	32
2.15. Defer, Grant Concessions, Waive or Write Off Debts	33
2.16. Power to Invest and Manage Investments	34
Delegations relating to rates and service charges	35
2.17. Agreement as to Payment of Rates and Service Charges	35
2.18. Recovery of rates debts	36
2.19. Recovery of rates debts – Actions Against Land	37
2.20. Amendment or Objection to Rate Record	38

Delegations relating to Governance	39
2.21. Administer the City's local laws	39
2.22. Appointment of an Acting Chief Executive Officer	42
2.22A. Complaints of Breaches of the Code of Conduct for Council Members, Committee Members and Candidates	43
2.23. Electoral Roll Eligibility	44
2.24. Destruction of Electoral Papers	45
2.25. Public Access to Information	46
2.26. Withdrawal and Extension time for payment of Infringement Notices	47
2.27. Receive and acknowledge primary and annual returns	48
3. Delegations under the Building Act 2011	49
3.1. Grant or refuse a building, demolition or occupancy permit or building approval certificate	49
3.2. Building Orders	51
3.3. Inspection and Copies of Building Records	52
3.4. Designate Authorised Persons and Appoint Approved and Authorised Officers	53
3.5. Alternative and Performance Solutions	54
3.6. Referrals and Issuing Certificates	55
4. Delegations under the Bush Fires Act 1954	56
4.1. Functions of the local government	56
4.2. Prosecution of Offences	57
5. Delegations under the Cat Act 2011	58
5.1. Cat Registrations	58
5.2. Cat Control Notices	59
5.3. Approval to Breed Cats	60
5.4. Waive or Discount Registration Fees	61
5.5. Applications to keep additional cats	62
5.6. Infringement Notices – Extensions and Withdrawals	63
6. Delegations under the Dog Act 1976	64
6.1. Registration of Dogs	64
6.2. Keeping of multiple dogs without an approved kennel establishment	65
6.3. Recovery of Moneys Due Under the Dog Act 1976	66
6.4. Dangerous Dog Deal with Objections	67
7. Delegations under the Food Act 2008	68
7.1. Prohibition orders	68
7.2. Registration of Food Businesses	69
7.3. Appoint authorised officers and designated officer	70

7.4.	Prosecutions and Debt Recovery _____	71
8.	Delegations under the Graffiti Vandalism Act 2016 _____	72
8.1.	Give Notice Requiring Obliteration of Graffiti _____	72
8.2.	Notices – Deal with Objections and Give Effect to Notices _____	73
8.3.	Obliterate Graffiti on Private Property _____	74
8.4.	Powers of Entry _____	75
9.	Delegations under the Planning and Development Act 2005 _____	76
9.1.	Illegal Development _____	76
9.2.	Planning Approval – City of Perth City Planning Scheme No.2 _____	77
9.3.	Planning Approval – City of Subiaco Town Planning Scheme No.4 _____	79
9.4.	Issue of Heritage Conservation Notices _____	80
10.	Delegations under the <i>Public Health Act 2016</i> and <i>Health (Miscellaneous Provisions) Act 1911</i> _____	81
10.1.	Appoint authorised officers and approved persons _____	81
10.2.	Enforcement Agency Reports to the Chief Health Officer _____	82
10.3.	Commence Proceedings _____	83
11.	Authorisations given by Council to the CEO and other employees _____	85
11.1.	Execution of documents by employees _____	85
11.2.	Execution of documents to implement decisions of Council and other bodies _____	85
11.3.	Execution of documents by common seal _____	86
11.4.	Execution of documents by common seal _____	86
11.5.	Issue of certificate of compliance under Section 39 of the <i>Liquor Control Act 1988</i> _____	87
11.6.	Issue of certificate of compliance under Section 40 of the <i>Liquor Control Act 1988</i> _____	87
11.7.	Issue of approval or refusal under section 81C of the <i>Road Traffic Act 1974</i> _____	87
11.8.	Comments on development applications _____	88
11.9.	Deputy of the Local Government under the <i>Health (Miscellaneous Provision) Act 1911</i> _____	88
12.	Authorisations and Delegations given by the State Government to the Council, CEO and other employees _____	89
12.1.	<i>Environmental Protection Act 1986</i> – Noise Control – Serve Environmental Protection Notices _____	89
12.2.	<i>Environmental Protection Act 1986</i> – Noise Control – Keeping of log books, noise control notices, calibration and approval of non-complying events _____	90
12.3.	<i>Environmental Protection Act 1986</i> – Noise management plans – Construction sites _____	91
12.4.	<i>Planning and Development Act 2005</i> – Western Australian Planning Commission – Referral Arrangements _____	92
12.5.	<i>Planning and Development Act 2005</i> – Western Australian Planning Commission – Development Applications _____	96
12.6.	<i>Planning and Development Act 2005</i> – Western Australian Planning Commission – Section 15 of the <i>Strata Titles Act 1985</i> _____	108107

- 12.7. *Planning and Development Act 2005* – Minister for Lands – Sign Development Applications for Crown Land as Owner _____ [110409](#)
- 12.8. *Road Traffic Code 2000* – Main Roads Western Australia – Main Road Traffic Management Signs (Temporary related to Maintenance and Road Works) _____ [113412](#)
- 12.9. *Road Traffic Code 2000* – Main Roads Western Australia – Traffic Management for Events [115414](#)
- 12.10. *Road Traffic (Vehicles) Act 2012* – Department of Transport – Approval for Certain Local Government Vehicles as Special Use Vehicles _____ [117416](#)

DRAFT

Guidance Notes

Introduction

The purpose of delegated authority is to improve operational efficiency by reducing the time taken to make decisions, within the constraints of the relevant legislation, and to ensure decisions are made lawfully by the delegate.

The Delegated Authority Register details where the power to delegate is derived from, including the relevant legislation and Council policies. The Register is reviewed at least one every financial year, in accordance with the relevant legislation.

Legislation

Acts, regulations and local laws where delegations or authorisations occur are:

- *Building Act 2011*
 - *Building Regulations 2012*
- *Bush Fires Act 1954*
 - *Bush Fires Regulations 1954*
 - *Bush Fires (Infringements) Regulations 1978*
- *Cat Act 2011*
 - *Cat Regulations 2012*
 - *Cat (Uniform Local Provisions) Regulations 2013*
- *Caravan Parks and Camping Grounds Act 1995*
 - *Caravan Parks and Camping Grounds Regulations ~~1996~~1997*
- *Dog Act 1976*
 - *Dog Regulations 2013*
- *Food Act 2008*
 - *Food Regulations 2009*
- *Graffiti Vandalism Act 2016*
- *Health (Miscellaneous Provisions) Act 1911*
 - *Health (Asbestos) Regulations 1992*
 - *Health (Public Buildings) Regulations 1992*
- *Liquor Control Act 1988*
- *Local Government Act 1995*
 - *Local Government (Financial Management) Regulations 1996*
 - *Local Government (Functions and General) Regulations 1996*
 - *Local Government (Parking for People with Disabilities) Regulations 2014*
 - *Local Government (Uniform Local Provisions) regulations 1996*
 - *City of Perth Activities on Land Local Law 2002*
 - *City of Perth Air Conditioning Units Local Law 2004*
 - *City of Perth Outdoor Dining Local Law 2019*
 - *City of Perth Dog Local Law 2011*
 - *City of Perth Fencing Local Law 2015*
 - *City of Perth Health Local Law 2000*
 - *City of Perth Local Government Property Local Law 2005*
 - *City of Perth Parking Local Law 2017*
 - *City of Perth Public Trading Local Law 2005*

- *City of Perth Special Events Local Law 2007*
- *City of Perth Thoroughfares and Public Places Local Law 2017*
- [Local Government \(Miscellaneous Provisions\) Act 1960](#)
- [Metropolitan Redevelopment Authority Act 2011](#)
- *Planning and Development 2005*
 - *Planning and Development Local Planning Schemes Regulations 2015*
 - *City of Perth City Planning Scheme No.2*
 - *City of Subiaco Town Planning Scheme No.4*
- *Public Health Act 2016*
- *Road Traffic Act 1974*
- [Strata Titles Act 1985](#)
- [Swan and Canning Rivers Management Act 2006](#)

Delegation by the Council

Several acts allow for the Council to delegate to the Chief Executive Officer (CEO) the exercise of any of its powers or the discharge any of its duties under that Act. There may be limits however on what can be delegated by the Council.

Delegation by the Chief Executive Officer

Some Act allows for the CEO to delegate their powers, or delegations made to them, to another employee or person. There may be limits however on what can be delegated by the CEO.

A register of delegations to the CEO and other employees is kept and reviewed a least once per financial year.

If a person is exercising a power or duty that they have been delegated, the Act requires that records be kept whenever the delegated authority is exercised.

The record is to contain the following information:

- How the person exercised the power or discharged the duty;
- When the person exercised the power or discharged the duty; and
- The persons or classes or person, other than Council or committee members or employees of the local government, directly affected by the exercise of the power or the discharge the duty under Regulation 19 of the *Local Government (Administration) Regulations 1996*.

Business units responsible for a work process are to ensure that data is captured and records managed in accordance with all legislation.

A person to whom delegated authority is delegated under the Act is a 'designated employee' under section 5.74(1) of the Act and is required to complete a primary and annual return. Designated employees must refer to relevant legislation prior to making any decisions under delegated authority.

Acting Through Another Person

The Act does not specifically define the meaning of the term 'acting through', however, section 5.45(2) states:

'Nothing in this division is to be read as preventing –

- (a) a local government from performing any of its functions by acting through a person other than the CEO; or
(b) a CEO from performing any of his or her functions by acting through another person.'

The 'Department of Local Government and Communities Guideline No. 17 – Delegations' establishes the principal issue in determining whether a statutory function or duty is suitable for 'acting through' is that, where a statute provides no discretion in carrying out a function or duty, then the function or duty may be undertaken through the acting through concept.

Where a statute allows for discretion on the part of the decision maker, then the function must be:

- delegated;
- where applicable a person authorised; or
- a policy implemented that provides sufficient control

for another person to have that authority and fulfil the function or duty.

Where considered appropriate and effective in operation, discretionary matters will be determined by Council through policy. The policy decision may then be implemented by officers through the 'acting through' concept. In these instances, there is no need for a delegated authority as it is the responsibility of the CEO to implement the City's policies.

Council Appointed Delegates, Authorised Persons and Officers other than the CEO

Under certain legislation, Council is not able to delegate the responsibility for appointing authorised persons to the CEO or the CEO is unable to delegate down. In these instances, appointment of delegates and authorised persons must be approved by Council.

Principles underpinning delegations

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

In managing the delegations and sub-delegations the following principles are to be obeyed:

- (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 City and the City'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 and Code of Conduct.
- (j) the principles of delegation above apply generally to sub-delegation.
- (k) sub-delegations should reflect the City'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.
- (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.
- (o) a delegation which results the expenditure of City funds is to be limited to authorising expenditure within the budget approved by the Council. A delegate who incurs expenditure beyond or without an approved source of funds is liable for that expenditure.

Employees with delegated authority

The following employees have delegated authority:

- Chief Executive Officer
- Executive Director Governance and Strategy
- Manager Governance and Executive Services
- Governance Coordinator
- General Manager Corporate Services
- Senior Corporate Governance Officer
- Chief Financial Officer
- Financial Controller
- Financial Accounting Lead
- Revenue Services Lead
- Senior Rates Coordinator
- Senior Rates Officer
- Rates Officer
- Rates Support Officer
- Financial Accountant
- Strategic Procurement Lead
- Category Specialist
- Alliance Manager ICT Services
- General Manager Community Development
- Alliance Manager Arts and Culture
- Alliance Manager Customer Experience
- Alliance Manager Community Services
- Principal Environmental Health
- Senior Environmental Health Officer
- Environmental Health Officer
- Alliance Manager City Events
- Coordinator Activity Approvals
- Senior Activity Approvals Officer – Events
- Activity Approvals Officer – Events
- Activity Approvals Officer – Obstructions
- Activity Approvals Officer – Compliance
- Coordinator Safe City Rangers
- Chief Bush Fire Control Officer
- Deputy Chief Bush Fire Control Officer
- Bush Fire Control Officer
- Coordinator Surveillance
- Team Leader Rangers Patrol
- General Manager Planning and Economic Development
- Alliance Manager Development Approvals
- Principal Building Surveyor
- Senior Building Surveyor
- Team Leader Applications

- Senior Development Compliance Officer
- Technical Officer (within the Development Approvals Unit)
- Alliance Manager Transport and Urban Design
- Senior Traffic Engineer
- General Manager Infrastructure and Operations
- Alliance Manager Infrastructure and Assets
- Lead Project Delivery
- Alliance Manager Operations
- Coordinator Parks Operations
- General Manager Commercial Services
- Alliance Manager Properties
- Alliance Manager Parking Services
- Manager Parking Services

Table of Amendments to the Delegated Authority Register

Version	Decision reference	Synopsis of changes
1.0	Council Resolution (OCM-21-07-167)	Completely revised register of Council Delegations adopted
2.0	CEO Briefing Note 140197/21	CEO, following Council adoption of revised register, delegated authority to employees.
3.0	CEO Briefing Notes 180135/21, 241297/21, 241307/21, 241316/21	Amendments to financial delegations, addition of Principal Safe City Operations, establishment of Commercial Services Alliance and changes to Governance and Strategy roles.
4.0	CEO Briefing Note 272405/21	Amendment to delegation 2.8 due to changes to procurement roles. Change effective 21/12/21.
5.0	CEO Briefing Note 6749/22	Amendment to delegations due to organizational changes in community development.
6.0	CEO Briefing Note 34455/22	Amendment to delegations to add Alliance Manager Properties
7.0	Council Resolution (OCM-22/03-033) (OCM-22/03-039) CEO Briefing Notes 50204/22, 61684/22	Modification by Council to delegation 2.13 by Council. Addition of Delegation 2.22A by Council. Addition of delegation 2.27 by CEO. Removal of delegate in delegation 2.17 by CEO.
8.0	CEO Briefing Note	Amendment to delegations relating to land, roads and property, financial management and the <i>Building Act 2011</i> to add new position titles and rename existing position titles.

1. Delegations to Committees

There are no delegations to committees of the Council.

DRAFT

2. Delegations under the *Local Government Act 1995*

Under section 5.42 of the *Local Government Act 1995* the Council of the City of Perth, as the local government for the district, has the power to delegate to the CEO of the City of Perth its powers and duties under that Act. This power of delegation is limited by section 5.43 of that Act, regulation 18G of the *Local Government (Administration) Regulations 1996* and regulation 6 of the *Local Government (Financial Management) Regulations 1996*.

Delegations relating to land, roads and property

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

The functions delegated by Council to the CEO	Authority to: 1. authorise a person to exercise the powers given to the local government under Part 3, Division 3, Subdivision 2 of the <i>Local Government Act 1995</i> . [s 3.24] 2. give a person who is the owner or the occupier of land a notice in writing relating to the land requiring the person to do anything specified in the notice that – a. is prescribed in Schedule 3.1, Division 1 of the <i>Local Government Act 1995</i> ; or b. is for the purpose of remedying or mitigating the effects of any offence against a provision prescribed in Schedule 3.1, Division 2 of the <i>Local Government Act 1995</i> . [s 3.25(1)(a) and (b)] 3. do anything necessary to achieve the purpose for which the notice was given under section 3.25. [s 3.26(2)] 4. recover the cost from the person who failed to comply with the notice given under section 3.25 of anything done by the City to meet the requirements of that notice. [s 3.26(3)]
These functions can be found	<i>Local Government Act 1995</i> : <ul style="list-style-type: none"> Section 3.24 Authorising persons under this Subdivision Section 3.25 Notices requiring certain things to be done by owner or occupier of land Section 3.26 Additional powers when notices given
The Council's conditions on this delegation	The exercise of this delegation must be consistent with the relevant legislation, Council Policy and Annual Budget.
The function delegated by the CEO to employees	The same functions.
The employees to who this function is delegated	General Manager Community Development Alliance Manager Community Services General Manager Planning and Economic Development Alliance Manager Development Approvals
The CEO's conditions on this delegation in addition to any conditions from Council.	No conditions.

2.2. Close Thoroughfares to Vehicles

The functions delegated by Council to the CEO	<p>Authority to:</p> <ol style="list-style-type: none"> 1. Close a thoroughfare (wholly or partially) to vehicles or particular classes of vehicles. [s3.50(1) and (1a)(2)] 2. Give public notice and provide notice to the Commissioner of Main Roads and consider submissions relevant to road closures for proposed closures of thoroughfares for a period exceeding 4 weeks. [s3.50(4) and (5)] 3. Revoke an order to close a thoroughfare. [s3.50(6)] 4. Partially and temporarily close a thoroughfare without public notice for repairs or maintenance, where is it unlikely to have a significant adverse effect on users of the thoroughfare. [s3.50A] 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 made before determining to fix or alter the level or alignment of a thoroughfare or draining water from a thoroughfare to private land. [s3.51]
This function can be found	<p><i>Local Government Act 1995:</i></p> <ul style="list-style-type: none"> • Section 3.50 Closing certain thoroughfares to vehicles • Section 3.50A Partial closure of thoroughfare for repairs or maintenance • Section 3.51 Affected owners to be notified of certain proposals
The Council's conditions on this delegation	The exercise of this delegation must be consistent with the relevant legislation, Council Policy and Annual Budget.
The function delegated by the CEO to employees	The same functions.
The employees to who this function is delegated	<p>General Manager Planning and Economic Development Alliance Manager Transport and Urban Design Senior Traffic Engineer General Manager Infrastructure and Operations Alliance Manager Infrastructure and Assets Alliance Manager Operations General Manager Community Development Alliance Manager City Events Coordinator Activity Approvals Senior Activity Approvals Officer – Events Activity Approvals Officer – Events Activity Approvals Officer – Obstructions Activity Approvals Officer – Compliance Alliance Manager Community Services Principal Safe City Operations Coordinator Safe City Rangers Coordinator Surveillance Team Leader Rangers Patrol General Manager Commercial Services Alliance Manager Parking Services Manager Parking Services</p>

<p>The CEO's conditions on this delegation in addition to any conditions from Council.</p>	<p>Only the following listed officers may close a thoroughfare in an emergency:</p> <ul style="list-style-type: none">General Manager Infrastructure and OperationsGeneral Manager Community DevelopmentGeneral Manager Planning and Economic DevelopmentGeneral Manager Commercial ServicesAlliance Manager Infrastructure and AssetsManager Parking ServicesAlliance Manager Parking ServicesAlliance Manager Community ServicesAlliance Manager Transport and Urban DesignCoordinator Safe City RangersCoordinator SurveillanceSenior Traffic EngineerTeam Leader Rangers Patrol <p>All closures, other than:</p> <ol style="list-style-type: none">1. emergency closures; and2. closures during an event as determined by Alliance Manager Community Services or Alliance Manager City Events; <p>must be evaluated by the Transport and Urban Design Unit for impact on traffic flows, before being acted upon.</p>
--------------------------------------------------------------------------------------------	---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

2.3. Obstruction of Footpaths and Thoroughfares

The functions delegated by Council to the CEO	<p>Authority to:</p> <ol style="list-style-type: none"> 1. 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: <ol style="list-style-type: none"> a. prevent damage to the footpath; or b. prevent inconvenience to the public or danger from falling materials [ULP 5(2)]. 2. 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. [ULP r.6(2) and (4)]. 3. 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 [ULP r.6(6)]. 4. 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 [ULP r.7A]. 5. 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 [ULP r.7].
This function can be found	<p><i>Local Government (Uniform Local Provisions) Regulations 1996:</i></p> <ul style="list-style-type: none"> • Regulation 6 Obstruction of public thoroughfare by things placed and left - Sch. 9.1 cl.3(1)(a)
The Council's conditions on this delegation	<ol style="list-style-type: none"> 1. The exercise of this delegation must be consistent with the relevant legislation, Council Policy and Annual Budget. 2. Actions under this Delegation must comply with procedural requirements detailed in the <i>Local Government (Uniform Local Provisions) Regulations 1996</i>. 3. Permission may only be granted where, the proponent has: <ol style="list-style-type: none"> a. Where appropriate, obtained written permission from each owner of adjoining or adjacent property which may be impacted by the proposed obstruction. b. Where appropriate, 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. Where appropriate, provided pedestrian and traffic management plans which are sufficient for the protection of public safety and amenity.
The function delegated by the CEO to employees	<p>The same functions and the authority to:</p> <ol style="list-style-type: none"> 1. determine a sum sufficient for a deposit to cover the cost of repairing damage to the thoroughfare resulting from granting permission for obstruction of a thoroughfare, if the damage is not made good by the applicant. 2. determine if protective structures, necessary for public safety, are kept and maintained to the satisfaction of the local government.

	3. determine if repair of damage to a thoroughfare is to the satisfaction of the local government.
The employees to who this function is delegated	General Manager Infrastructure and Operations Alliance Manager Operations General Manager Community Development Alliance Manager Community Services Alliance Manager City Events Coordinator Activity Approvals Activity Approvals Officer - Events General Manager Planning and Economic Development Alliance Manager Development Approvals Principal Building Surveyor Technical Officer (within the Development Approvals Unit)
The CEO's conditions on this delegation in addition to any conditions from Council.	No conditions.

DRAFT

2.4. Dangerous Excavations in or Near Public Thoroughfares

The functions delegated by Council to the CEO	<p>Authority to:</p> <ol style="list-style-type: none"> 1. fill in or fence an excavation, or request the owner or occupier to fill in or fence an excavation, on land that adjoins a thoroughfare if it is determined to be dangerous. [ULP 11(1)] 2. Approve or refuse permission to make an excavation in a public thoroughfare or land adjoining a public thoroughfare [ULP 11(4)] 3. Impose conditions on approval [ULP 11(6)] 4. Renew an approval [ULP 11(8)] 5. Vary the conditions of approval at any time [ULP 11(8)]
This function can be found	<p><i>Local Government (Uniform Local Provisions) Regulations 1996:</i></p> <ul style="list-style-type: none"> • Regulation 11 Dangerous excavation in or near public thoroughfare – Sch.9.1 cl.6
The Council's conditions on this delegation	The exercise of this delegation must be consistent with the relevant legislation, Council Policy and Annual Budget.
The function delegated by the CEO to employees	<p>The same functions and the authority to:</p> <ol style="list-style-type: none"> 1. determine a sum sufficient for a deposit to cover the cost of repairing damage to the thoroughfare resulting from granting permission for the excavation, if the damage is not made good by the applicant. 2. determine if protective structures, necessary for public safety, are kept and maintained to the satisfaction of the local government. 3. determine if repair of damage to a thoroughfare is to the satisfaction of the local government.
The employees to who this function is delegated	<p>General Manager Infrastructure and Operations Alliance Manager Infrastructure and Assets Coordinator Parks Operations General Manager Planning and Economic Development Alliance Manager Development Approvals Principal Building Surveyor Senior Development Compliance Officer General Manager Community Development Alliance Manager City Events Coordinator Activity Approvals Senior Activity Approvals Officer – Events</p>
The CEO's conditions on this delegation in addition to any conditions from Council.	No conditions.

2.5. Crossing from Public Thoroughfare to Private Land or Private Thoroughfare

The functions delegated by Council to the CEO	Authority to approve the construction of a crossing, giving access from a thoroughfare to private land or a private thoroughfare serving the land. [ULP 12(1)]
This function can be found	<i>Local Government (Uniform Local Provisions) Regulations 1996:</i> <ul style="list-style-type: none"> Regulation 12 Crossing from public thoroughfare to private land or private
The Council's conditions on this delegation	The exercise of this delegation must be consistent with the relevant legislation, Council Policy and Annual Budget.
The function delegated by the CEO to employees	The same functions.
The employees to who this function is delegated	General Manager Infrastructure and Operations Alliance Manager Infrastructure and Assets Lead Project Delivery General Manager Community Development Alliance Manager City Events General Manager Planning and Economic Development Alliance Manager Development Approvals Technical Officer (within the Development Approvals Unit) Principal Building Surveyor
The CEO's conditions on this delegation in addition to any conditions from Council.	No conditions.

2.6. Requirement to Construct or Repair Crossings

The functions delegated by Council to the CEO	Authority to issue a notice requiring an owner or occupier to construct, repair a crossing from a public thoroughfare to private land or a private thoroughfare serving that land. [ULP 13(1)]
This function can be found	<i>Local Government (Uniform Local Provisions) Regulations 1996:</i> <ul style="list-style-type: none"> Regulation 13 Requirement to construct or repair crossing – Sch. 9.1
The Council's conditions on this delegation	The exercise of this delegation must be consistent with the relevant legislation, Council Policy and Annual Budget.
The function delegated by the CEO to employees	The same functions.
The employees to who this function is delegated	General Manager Infrastructure and Operations Alliance Manager Operations Alliance Manager Infrastructure and Assets General Manager Planning and Economic Development Alliance Manager Development Approvals Senior Development Compliance Officer Technical Officer (within the Development Approvals Unit) Principal Building Surveyor General Manager Community Development Alliance Manager City Events Coordinator Activity Approvals Senior Activity Approvals Officer – Events
The CEO's conditions on this delegation in addition to any conditions from Council.	No conditions.

2.7. Private Works on, over or under Public Places

The functions delegated by Council to the CEO	Authority to: 1. grant permission to construct anything on, over, or under a public thoroughfare or other public place that is local government property. [ULP 17(3)] 2. impose conditions on permission granted to construct a specified thing on, over, or under a specified public thoroughfare or public place that is local government property. [ULP 17(5)]
This function can be found	<i>Local Government (Uniform Local Provisions) Regulations 1996:</i> • Regulation 17 Private works on, over, or under public places – Sch. 9.1 cl. 9
The Council's conditions on this delegation	1. The exercise of this delegation must be consistent with the relevant legislation, Council Policy and Annual Budget. 2. Approval is to be granted subject to a bond for work being performed and the payment of costs for trench resurfacing as required. 3. Owners and occupiers of adjoining properties are to be advised of the works. 4. In the case of major infrastructure works, where there may be objections from owners or occupiers of adjoining properties, the matter is to be referred to Council for determination. 5. This Delegation applies to, but is not limited to, the following: a. ground anchors b. verandas c. awnings d. pilings e. signs.
The function delegated by the CEO to employees	The same functions and the authority to: 1. determine the amount an applicant is to deposit with the City a sum sufficient in the opinion of the delegate to cover the cost of repairing damage to the public thoroughfare or public place resulting from the construction. 2. determine if repair of damage to a thoroughfare is to the satisfaction of the local government.
The employees to who this function is delegated	General Manager Infrastructure and Operations Alliance Manager Operations Alliance Manager Infrastructure and Assets General Manager Planning and Economic Development Alliance Manager Development Approvals Principal Building Surveyor Technical Officer (within the Development Approvals Unit) General Manager Community Development Alliance Manager City Events Coordinator Activity Approvals Senior Activity Approvals Officer – Events
The CEO's conditions on this delegation in addition to any conditions from Council.	No conditions.

