



City of Perth

**Delegated Authority
Register
2018/2019**



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Note 1: All values exclude GST.

Note 2: The Function Delegated is provided as a reference only. Delegates shall only act in full understanding of the delegated statutory power, inclusive of conditions.

Note 3: All documents are kept in accordance with the Local Government Act 1995; the Local Government (Administration) Regulations 1996, other relevant legislation and the City of Perth's record keeping policies and procedures.



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1. Statutory Delegations – Local Government Act 1995

1.1. Delegations to Committees of Council

| 1.1.1. Audit and Risk Committee | | |
|--|--|-----------------------------|
| Function Delegated: | The authority to meet with the City’s Auditor at least once every year [s.7.12A(2)]. | |
| Statutory Power Delegated: | <i>Local Government Act 1995:</i> <ul style="list-style-type: none"> Section 7.12A(2) Duties of local government with respect to audits | |
| Power Originally Assigned to: | The Local Government | |
| Statutory Power of Delegation: | <i>Local Government Act 1995:</i> <ul style="list-style-type: none"> Section 5.16 Delegation of some powers and duties to certain committees Section 5.17 Limits on delegation of powers and duties to certain committees Section 7.1B Delegation of some powers and duties to audit committees | |
| Power Delegated to: | Audit and Risk Committee. | |
| Council’s Conditions on Delegation: | Nil. Sub-delegation is prohibited by s.7.1B. | |
| Compliance Links: | Department of Local Government Guideline No.9 Audit in Local Government | |
| Version Control | | |
| Version | Decision Reference | Date Delegated |
| 1 | 232/10 | 11/05/2010 |
| 1 | Annual Review | 29/12 26/06/12 |
| 1 | Annual Review | 25/06/13 319/13 |
| 1 | Annual Review | 24/06/14 270/14 |
| 2 | Annual Review | 09/06/15 OCM Trim 99056/15 |
| 2 | Annual Review | 01/08/17 OCM Trim 196152/17 |
| 2 | Annual Review | 28/06/18 OCM CM 162912/18 |



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1.2. Delegations to the CEO

| 1.2.1. Appoint Authorised Persons | | |
|--|--|------------------------------------|
| Function Delegated: | Authority to appoint persons or classes of persons as authorised persons for the purpose of fulfilling prescribed functions within the <i>Local Government Act 1995</i> . | |
| Statutory Power Delegated: | <i>Local Government Act 1995</i> : <ul style="list-style-type: none"> Section 3.24 Authorising persons under this subdivision (Part 3, Division 3, Subdivision 2 – Certain provisions about land) Section 9.10 Appointment of authorised persons | |
| Power Originally Assigned to: | The Local Government | |
| Statutory Power of Delegation: | <i>Local Government Act 1995</i> : <ul style="list-style-type: none"> Section 5.42 Delegation of some powers or duties to the CEO Section 5.43 Limitations on delegations to the CEO | |
| Power Delegated to: | Chief Executive Officer | |
| Council's Conditions on Delegation: | Nil. | |
| Statutory Power to Sub-delegate: | <i>Local Government Act 1995</i> : <ul style="list-style-type: none"> Section 5.44 CEO may delegate some powers and duties to other employees | |
| Compliance Links: | <i>Local Government Act 1995</i> <i>Local Government (Functions and General) Regulations 1996</i> : <ul style="list-style-type: none"> Regulation 32A Excluded authorisations (Act s.9.2) City of Perth Local Laws | |
| Version Control | | |
| Version | Decision Reference | Date Delegated |
| 1 | 88/10 | 16/02/10 |
| 1 | Annual Review | 29/12 26/06/12 |
| 2 | Annual Review / Amended | 25/06/13 319/13 CEO Trim 77838/13 |
| 2 | Annual Review | 24/06/14 270/14 CEO Trim 234521/14 |
| 3 | Annual Review | 09/06/15 OCM Trim 99056/15 |
| 3 | Amend / Review | CEO Trim 114331/15 |
| 3 | Annual Review | 01/08/17 OCM Trim 196152/17 |
| 3 | CEO Annual Review | 16/08/17 CEO Trim 204825/17 |
| 4 | CEO amendment | 21/09/17 CEO Trim 237249/17 |
| 5 | CEO Sub-delegation amended | 09/04/18 CM 90076/18 |
| 5 | Annual Review | 28/06/18 OCM CM 162912/18 |



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| 1.2.2. Additional powers when notice is given to the owner or occupier of Land Under Section 3.25 | | |
|---|--|-----------------------------------|
| Function Delegated: | <p>Authority to do anything necessary to achieve the purpose for which a notice has been given. [s.3.26(2)]</p> <p>Authority to recover costs associated with achieving the purpose for which a notice has been given. [s.3.26(3)]</p> | |
| Statutory Power Delegated: | <p><i>Local Government Act 1995:</i></p> <ul style="list-style-type: none"> Section 3.26 Additional powers when notices given. | |
| Power Originally Assigned to: | The Local Government | |
| Statutory Power of Delegation: | <p><i>Local Government Act 1995:</i></p> <ul style="list-style-type: none"> Section 5.42 Delegation of some powers or duties to the CEO Section 5.43 Limitations on delegations to the CEO | |
| Power Delegated to: | Chief Executive Officer | |
| Council's Conditions on Delegation: | Nil. | |
| Statutory Power to Sub-delegate: | <p><i>Local Government Act 1995:</i></p> <ul style="list-style-type: none"> Section 5.44 CEO may delegate some powers and duties to other employees | |
| Compliance Links: | <p><i>Local Government Act 1995:</i></p> <ul style="list-style-type: none"> Section 3.25 Notices requiring certain things to be done by owner or occupier of land Schedule 3.1 Powers under notices to owners or occupiers of land | |
| Version Control | | |
| Version | Decision Reference | Date Delegated |
| 1 | 88/10 | 16/02/2010 |
| 1 | Annual Review | 26/06/12 294/12 |
| 1 | Annual Review | 25/06/13 319/13 CEO Trim 77838/13 |
| 1 | Annual Review | 24/06/14 270/14 |
| 2 | Annual Review / Amended | CEO Trim 234521/14 |
| 3 | Annual Review | 09/06/15 OCM Trim 99056/15 |
| 3 | Amend / Review | CEO Trim 114331/15 |
| 3 | Annual Review | 01/08/17 OCM Trim 196152/17 |
| 4 | CEO Annual Review/Amend | 16/08/17 CEO Trim 204825/17 |
| 4 | Annual Review | 28/06/18 OCM CM 162912/18 |



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| 1.2.3. Particular Things Local Governments Can Do on Land that is Not Local Government Property | | |
|---|--|------------------------------------|
| Function Delegated: | Authority to do any of the things prescribed in Schedule 3.2 of the <i>Local Government Act 1995</i> [s.3.27] | |
| Statutory Power Delegated: | <i>Local Government Act 1995:</i> <ul style="list-style-type: none"> Section 3.27 Particular things local governments can do on land that is not local government property | |
| Power Originally Assigned to: | The Local Government | |
| Statutory Power of Delegation: | <i>Local Government Act 1995:</i> <ul style="list-style-type: none"> Section 5.42 Delegation of some powers or duties to the CEO Section 5.43 Limitations on delegations to the CEO | |
| Power Delegated to: | Chief Executive Officer | |
| Council's Conditions on Delegation: | Nil. | |
| Statutory Power to Sub-delegate: | <i>Local Government Act 1995:</i> <ul style="list-style-type: none"> Section 5.44 CEO may delegate some powers and duties to other employees | |
| Compliance Links: | <i>Local Government Act 1995:</i> <ul style="list-style-type: none"> Section 3.25 Notices requiring certain things to be done by owner or occupier of land Schedule 3.2 Particular things local governments can do on land even though it is not local government property | |
| Version Control | | |
| Version | Decision Reference | Date Delegated |
| 1 | 88/10 | 16/02/2010 |
| 1 | Annual Review | 29/12 26/06/12 |
| 1 | Annual Review | 25/06/13 319/13 CEO Trim 77838/13 |
| 1 | Annual Review | 24/06/14 270/14 CEO Trim 234521/14 |
| 2 | Annual Review | 09/06/15 OCM Trim 99056/15 |
| 2 | Amend / Review | CEO Trim 114331/15 |
| 2 | Annual Review | 01/08/17 OCM Trim 196152/17 |
| 3 | CEO Annual Review/Amend | 16/08/17 CEO Trim 204825/17 |
| 3 | Annual Review | 28/06/18 OCM CM 162912/18 |



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| 1.2.4. Powers of Entry | | |
|--|---|------------------------------------|
| Function Delegated: | Authority to: <ol style="list-style-type: none"> 1. enter on to land to perform any function of the local government under the Act. [refers s.3.28] 2. give a notice of entry. [s.3.32] 3. seek and execute an entry under warrant. [s.3.33] 4. execute entry in an emergency. [s.3.34] 5. give notice and effect entry by opening a fence. [s.3.36] | |
| Statutory Power Delegated: | <i>Local Government Act 1995:</i> <ul style="list-style-type: none"> • Section 3.32 Notice of entry • Section 3.33 Entry under Warrant • Section 3.34 Entry in an emergency • Section 3.36 Opening fences | |
| Power Originally Assigned to: | The Local Government | |
| Statutory Power of Delegation: | <i>Local Government Act 1995:</i> <ul style="list-style-type: none"> • Section 5.42 Delegation of some powers or duties to the CEO • Section 5.43 Limitations on delegations to the CEO | |
| Power Delegated to: | Chief Executive Officer | |
| Council's Conditions on Delegation: | Nil. | |
| Statutory Power to Sub-delegate: | <i>Local Government Act 1995:</i> <ul style="list-style-type: none"> • Section 5.44 CEO may delegate some powers and duties to other employees | |
| Compliance Links: | <i>Local Government Act 1995</i> <ul style="list-style-type: none"> • Part 3, Division 3, Subdivision 3, Section 3.31 | |
| Version Control | | |
| Version | Decision Reference | Date Delegated |
| 1 | 88/10 | 16/02/2010 |
| 1 | Annual Review | 26/06/12 294/12 |
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| 2 | Annual Review | 24/06/14 270/14 CEO Trim 234521/14 |
| 3 | Annual Review | 09/06/15 OCM Trim 99056/15 |
| 3 | Amend / Review | CEO Trim 114331/15 |
| 3 | Annual Review | 01/08/17 OCM Trim 196152/17 |
| 4 | CEO Annual Review/Amend | 16/08/17 CEO Trim 204825/17 |
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| 1.2.5. Disposing of Confiscated or Uncollected Goods | | |
|--|---|------------------------------------|
| Function Delegated: | 1. Sell or otherwise dispose of confiscated or uncollected goods in accordance with Section 3.58 of the Local Government Act 1995 [s.3.47]. 2. Authority to recover expenses incurred for removing and impounding and in disposing of confiscated or uncollected goods [s.3.48]. | |
| Statutory Power Delegated: | <i>Local Government Act 1995:</i> <ul style="list-style-type: none"> Section 3.47 Confiscated or uncollected goods, disposal of Section 3.48 Impounding expenses, recovery of | |
| Power Originally Assigned to: | The Local Government | |
| Statutory Power of Delegation: | <i>Local Government Act 1995:</i> <ul style="list-style-type: none"> Section 5.42 Delegation of some powers or duties to the CEO Section 5.43 Limitations on delegations to the CEO | |
| Power Delegated to: | Chief Executive Officer | |
| Council's Conditions on Delegation: | Nil. | |
| Statutory Power to Sub-delegate: | <i>Local Government Act 1995:</i> <ul style="list-style-type: none"> Section 5.44 CEO may delegate some powers and duties to other employees | |
| Compliance Links: | <i>Local Government Act 1995:</i> <ul style="list-style-type: none"> Part 3, Division 3, Subdivision 3 Section 3.58 Disposing of Property | |
| Version Control | | |
| Version | Decision Reference | Date Delegated |
| 1 | 88/10 | 16/02/2010 |
| 1 | Annual Review | 26/06/12 294/12 |
| 1 | Annual Review | 25/06/13 319/13 CEO Trim 77838/13 |
| 1 | Annual Review | 24/06/14 270/14 CEO Trim 234521/14 |
| 2 | Annual Review | 09/06/15 OCM Trim 99056/15 |
| 2 | Amend / Review | CEO Trim 114331/15 |
| 2 | Annual Review | 01/08/17 OCM Trim 196152/17 |
| 3 | CEO Annual Review/Amend | 16/08/17 CEO Trim 204825/17 |
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| 1.2.6. Disposal of Sick or Injured Animals | | |
|--|---|------------------------------------|
| Function Delegated: | Authority to destroy and dispose of an animal that is determined to be too sick or injured to treat [s.3.47A(1)]. | |
| Statutory Power Delegated: | <i>Local Government Act 1995:</i> <ul style="list-style-type: none"> Section 3.47A(1) Sick or injured animals, disposal of | |
| Power Originally Assigned to: | The Local Government | |
| Statutory Power of Delegation: | <i>Local Government Act 1995:</i> <ul style="list-style-type: none"> Section 5.42 Delegation of some powers or duties to the CEO Section 5.43 Limitations on delegations to the CEO | |
| Power Delegated to: | Chief Executive Officer | |
| Council's Conditions on Delegation: | Nil. | |
| Statutory Power to Sub-delegate: | <i>Local Government Act 1995:</i> <ul style="list-style-type: none"> Section 5.44 CEO may delegate some powers and duties to other employees | |
| Compliance Links: | <i>Local Government Act 1995:</i> <ul style="list-style-type: none"> Part 3, Division 3, Subdivision 3 | |
| Version Control | | |
| Version | Decision Reference | Date Delegated |
| 1 | 88/10 | 16/02/2010 |
| 1 | Annual Review | 26/06/12 294/12 |
| 1 | Annual Review | 25/06/13 319/13 CEO Trim 77838/13 |
| 1 | Annual Review | 24/06/14 270/14 CEO Trim 234521/14 |
| 2 | Annual Review | 09/06/15 OCM Trim 99056/15 |
| 2 | Amend / Review | CEO Trim 114331/15 |
| 2 | Annual Review | 01/08/17 OCM Trim 196152/17 |
| 3 | CEO Annual Review/Amended | 16/08/17 CEO Trim 204825/17 |
| 4 | CEO Sub-Delegation Amendment | 09/04/18 CEO CM 90076/18 |
| 4 | Annual Review | 28/06/18 OCM CM 162912/18 |



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1.2.7. Close Thoroughfares to Vehicles

| | |
|--|--|
| Function Delegated: | Determine to: <ol style="list-style-type: none"> 1. Close a thoroughfare (wholly or partially) to vehicles or particular classes of vehicles [s.3.50(1), (1a) and (2)]. 2. Give public notice, and provide to the Commissioner of Main Roads and consider submissions relevant to road closures for proposed closures of thoroughfares for a period exceeding 4- weeks [s.3.50(4)]. 3. Where level or alignment of a thoroughfare is fixed or altered or where draining water from a thoroughfare to private land, notify affected owners and consider any submissions made [s.3.51]. |
| Statutory Power Delegated: | <i>Local Government Act 1995:</i> <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 |
| Power Originally Assigned to: | The Local Government |
| Statutory Power of Delegation: | <i>Local Government Act 1995:</i> <ul style="list-style-type: none"> • Section 5.42 Delegation of some powers or duties to the CEO • Section 5.43 Limitations on delegations to the CEO |
| Power Delegated to: | Chief Executive Officer |
| Council's Conditions on Delegation: | Nil. |
| Statutory Power to Sub-delegate: | <i>Local Government Act 1995:</i> <ul style="list-style-type: none"> • Section 5.44 CEO may delegate some powers and duties to other employees |
| Compliance Links: | <i>Local Government Act 1995:</i> <ul style="list-style-type: none"> • Part 3, Division 3, Subdivision 5 |

Version Control

| Version | Decision Reference | Date Delegated |
|---------|----------------------------|------------------------------------|
| 1 | 88/10 | 16/02/2010 |
| 1 | Annual Review | 26/06/12 294/12 |
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| 2 | Annual Review | 24/06/14 270/14 CEO Trim 234521/14 |
| 3 | Annual Review | 09/06/15 OCM Trim 99056/15 |
| 3 | Amend / Review | CEO Trim 114331/15 |
| 3 | Annual Review | 01/08/17 OCM Trim 196152/17 |
| 4 | CEO Annual Review/Amended | 16/08/17 CEO Trim 204825/17 |
| 5 | CEO Sub-Delegation Amended | 09/04/18 CEO CM 90076/18 |
| 5 | Annual Review | 28/06/18 OCM CM 162912/18 |



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| 1.2.8. Reserves under Control of Local Government | | |
|---|---|------------------------------------|
| Function Delegated: | Authority to do anything for the purposes of controlling and managing land that is vest in or under the management of the City [s.3.54(1)]. | |
| Statutory Power Delegated: | <i>Local Government Act 1995:</i> <ul style="list-style-type: none"> Section 3.54 Reserves under control of a local government | |
| Power Originally Assigned to: | The Local Government | |
| Statutory Power of Delegation: | <i>Local Government Act 1995:</i> <ul style="list-style-type: none"> Section 5.42 Delegation of some powers or duties to the CEO Section 5.43 Limitations on delegations to the CEO | |
| Power Delegated to: | Chief Executive Officer | |
| Council's Conditions on Delegation: | Nil. | |
| Statutory Power to Sub-delegate: | <i>Local Government Act 1995:</i> <ul style="list-style-type: none"> Section 5.44 CEO may delegate some powers and duties to other employees | |
| Compliance Links: | <i>Local Government Act 1995</i> <ul style="list-style-type: none"> Section 3.53 Control of certain unvested facilities | |
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| Version | Decision Reference | Date Delegated |
| 1 | 88/10 | 16/02/2010 |
| 1 | Annual Review | 26/06/12 294/12 |
| 1 | Annual Review | 25/06/13 319/13 CEO Trim 77838/13 |
| 1 | Annual Review | 24/06/14 270/14 CEO Trim 234521/14 |
| 2 | Annual Review | 09/06/15 OCM Trim 99056/15 |
| 2 | Amend / Review | CEO Trim 114331/15 |
| 2 | Annual Review | 01/08/17 OCM Trim 196152/17 |
| 3 | CEO Annual Review/Amended | 16/08/17 CEO Trim 204825/17 |
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1.2.9. Expressions of Interest and Tenders

| | |
|-----------------------------------|---|
| Function Delegated: | Authority to determine: <ol style="list-style-type: none">1. to call tenders [F&G Reg 11] or tender exemption [F&G Reg 11(2)] in accordance with the City's Purchasing Policy requirements, where the total consideration under any resulting contract is in accordance with the Council Conditions on Delegation and the expense is included in the adopted Annual Budget.2. to call tenders for the disposal of impounded goods in accordance with section 3.58 [s.3.47].3. to invite tenders though not required to do so [F&G Reg 13].4. in writing, before tenders are called, the criteria, for deciding which tender/s should be accepted [F&G Reg 14(2a)].5. to vary tender information after public notice of invitation to tender and before the close of tenders [F&G Reg 14(5)].6. seek clarification from tenderers in relation to information contained in their tender submission [F&G Reg 18(4a)].7. to accept or reject tenders [F&G Reg 18(1),(2),(4) and (4a)].8. to decline any tender [F&G Reg 18(5)].9. that a variation proposed is minor in context of the total goods and services sought through the invitation, and to make minor variations before entering into a contract [F&G Reg 20].10a. execution of extension options and variations to contract for the supply of goods or service that does not materially change the scope of the original contract beyond a variation [F&G Reg 21a]10. to accept another tender where within 6 months of either accepting a tender a contract has not been entered into or the successful tenderer agrees to terminate the contract [F&G Reg 18(6) and (7)].11. when to seek Expressions of Interest and to invite Expressions of Interest to supply goods or services [F&G Reg 21]12. 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 [F&G Reg 23].13. the information that is to be disclosed to those interested in submitting a tender [F&G Reg 14(4)(a)]. |
| Statutory Power Delegated: | <i>Local Government Act 1995:</i> <ul style="list-style-type: none">• Section 3.57 Tenders for providing goods or services• Section 3.47 Confiscated or uncollected goods, disposal of <i>Local Government (Functions and General) Regulations 1996:</i> <ul style="list-style-type: none">• Regulation 11 When tenders have to be publicly invited• Regulation 13 Requirements when local government invites tenders though not required to do so• Regulation 14(2a) and (5) Publicly inviting tenders, requirements for• Regulation 18(2), (4), (4a), (5), (6) and (7) Rejecting and accepting tenders• Regulation 20 Variation of requirements before entry into contract• Regulation 21 Limiting who can tender, procedure for• Regulation 23 Rejecting and accepting expressions of interest to be acceptable tenderer |



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| Power Originally Assigned to: | The Local Government |
| Statutory Power of Delegation: | <p><i>Local Government Act 1995:</i></p> <ul style="list-style-type: none"> Section 5.42 Delegation of some powers or duties to the CEO Section 5.43 Limitations on delegations to the CEO |
| Power Delegated to: | Chief Executive Officer |
| Council's Conditions on Delegation: | <p>May only call tenders or expressions of interest where there is an adopted budget for the proposed procurement, with the exception being in the period immediately prior to the adoption of a new Annual Budget where the proposed procurement is required to fulfil a contract of the City, with an imminent expiry date or work that must commence within three months of the proposed adoption date of the new Annual budget and the value of the proposed contract has been included in the draft Annual Budget papers.</p> <p>May only accept a tender where the consideration under the proposed resulting contract is \$1,000,000 (excl. GST) per annum or less and is covered in the annual budget.</p> <p>Accept any Tender exempt procurement process under Council Policy 9.7 to the value where there is an adopted budget for the proposed procurement.</p> <p>May only agree to variations of a contract in accordance with Policy 9.8 - Contract Variations – Authority to Incur a Liability.</p> |
| Statutory Power to Sub-delegate: | <p><i>Local Government Act 1995:</i></p> <ul style="list-style-type: none"> Section 5.44 CEO may delegate some powers and duties to other employees |
| Compliance Links: | <p><i>Local Government (Functions and General) Regulations 1996:</i></p> <ul style="list-style-type: none"> Part 4, Division 2 <p><i>Local Government (Functions and General) Regulations 1996:</i></p> <ul style="list-style-type: none"> Regulation 31 Anti-avoidance provision for Act s. 3.58 <p>Council Policy 9.7 - Purchasing Council Policy 9.8 - Contract Variations – Authority to Incur a Liability Council Policy 12.1 - Council Vehicles – Lord Mayor and Employees Council Policy 9.5 - Sponsorship</p> |

Version Control

| Version | Decision Reference | Date Delegated |
|---------|-------------------------|-----------------------------------|
| 1 | 88/10 | 16/02/2010 |
| 1 | Annual Review | 26/06/12 294/12 |
| 2 | Amended | 04/06/12 282/13 |
| 2 | Annual Review / Amended | 25/06/13 319/13 CEO Trim 77838/13 |
| 2 | Annual Review | 24/06/14 270/14 |
| 3 | Annual Review / Amended | CEO Trim 234521/14 |
| 4 | Annual Review | 09/06/15 OCM Trim 99056/15 |
| 4 | Amend / Review | CEO Trim 114331/15 |
| 5 | Annual Review / Amended | 28/06/16 OCM Trim 109222/16 |
| 6 | Annual Review / Amended | 01/08/17 OCM Trim 196152/17 |
| 7 | CEO Annual Review/Amend | 16/08/17 CEO Trim 204825/17 |
| 8 | CEO Amend / Review | 12/12/17 CEO CM 350759/17 |
| 9 | Annual Review | 28/06/18 OCM CM 162912/18 |



| 1.2.10. Disposing of Property | |
|--|---|
| Function Delegated: | <p>1. Authority to dispose of property to:</p> <ol style="list-style-type: none"> a) the highest bidder at public auction [s.3.58(2)(a)]; or b) the person who at public tender called by the local government makes what is, in the opinion of the local government, the most acceptable tender, whether or not it is the highest tender [s.3.58(2)(b)] <p>Authority to dispose of property by direct negotiation only in accordance with section 3.58(3) of the Act.</p> |
| Statutory Power Delegated: | <p><i>Local Government Act 1995:</i></p> <ul style="list-style-type: none"> • Section 3.58(2) and (3) Disposing of property |
| Power Originally Assigned to: | The Local Government |
| Statutory Power of Delegation: | <p><i>Local Government Act 1995:</i></p> <ul style="list-style-type: none"> • Section 5.42 Delegation of some powers or duties to the CEO • Section 5.43 Limitations on delegations to the CEO |
| Power Delegated to: | Chief Executive Officer |
| Council's Conditions on Delegation: | <ol style="list-style-type: none"> 1. This delegation may only be used where the disposal complies with the requirements of: <ol style="list-style-type: none"> a) Section 3.58 of the <i>Local Government Act 1995</i>; and b) Regulation 30 of the <i>Local Government (Functions and General) Regulations 1996</i>. 2. Authority for the Disposal of land and / or building assets is limited to matters specified in the Annual Budget or Corporate Business Plan and in any other case, requires a specific resolution of Council. 3. The Chief Executive Officer is limited to determining disposals of property (written down assets) for any single project, or where not part of a project a single event, to an aggregated maximum value of \$1,500,000. 4. The Chief Executive Officer is limited to determining disposals of property (freehold land asset), by lease to an aggregated maximum value of \$50,000 per annum subject to no more than a variation of valuation of 10% to market rates. 5. The Chief Executive Officer is limited to determining disposal of art to the value of \$500. 6. The Chief Executive Officer may not dispose of land by sale or absolute transfer. 7. Authority to determine the method of disposal: <ol style="list-style-type: none"> a. Where a public auction is determined as the method of disposal: <ol style="list-style-type: none"> i. a reserve price has been set through independent valuation; ii. where the reserve price is not achieved at auction negotiation may be undertaken to achieve the sale of the property at up to a 10% variation on the set reserve price. b. Where a public tender is determined as the method of disposal and the tender does not achieve a reasonable price for the disposal of the property, then the CEO is to determine if better value could be achieved through |



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| | <p>another disposal method and if so, must determine not to accept any tender and use an alternative disposal method.</p> <p>c. Where a direct negotiation is determined [s.3.58(3)] as the method of disposal, authority to:</p> <ul style="list-style-type: none"> i. negotiate the sale of the property up to a 10% variance on the valuation; and ii. consider any public submissions received and determine if to proceed with the disposal, ensuring that the reasons for such a determination are recorded. <p>8. Where the material market value of the property is determined as being less than \$20,000 (Reg 30(3) excluded disposal) may be undertaken:</p> <ul style="list-style-type: none"> i. without reference to Council resolution; and ii. in any case be undertaken to ensure that best value return is achieved for the City however, where the property is determined as having a Nil material market value, then the disposal must ensure the City achieves an environmentally responsible disposal. |
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| Statutory Power to Sub-delegate: | <p><i>Local Government Act 1995:</i></p> <ul style="list-style-type: none"> • Section 5.44 CEO may delegate some powers and duties to other employees |
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| Compliance Links: | <p><i>Local Government (Functions and General) Regulations 1996:</i></p> <ul style="list-style-type: none"> • Regulation 30 Dispositions of property excluded from Act s.3.58 |
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Version Control

| Version | Decision Reference | Date Delegated |
|---------|------------------------------|------------------------------------|
| 1 | 88/10 | 16/02/2010 |
| 1 | Annual Review | 26/06/12 294/12 |
| 2 | Annual Review / Amended | 25/06/13 319/13 CEO Trim 77838/13 |
| 3 | Annual Review / Amended | 24/06/14 270/14 CEO Trim 234521/14 |
| 4 | Annual Review | 09/06/15 OCM Trim 99056/15 |
| 4 | Amend / Review | CEO Trim 114331/15 |
| 4 | Annual Review | 01/08/17 OCM Trim 196152/17 |
| 4 | CEO Annual Review/Amend | 16/08/17 CEO Trim 204825/17 |
| 5 | CEO Sub-delegation amendment | 09/04/18 CM 90076/18 |
| 6 | Annual Review | 28/06/18 OCM CM 162912/18 |



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| 1.2.11. Electors' General Meeting | | |
|--|---|------------------------------------|
| Function Delegated: | Authority to determine the day, date and time of the annual Electors' General Meeting [s.5.75(2)]. | |
| Statutory Power Delegated: | <i>Local Government Act 1995:</i> <ul style="list-style-type: none"> Section 5.27(2) Electors' general meetings | |
| Power Originally Assigned to: | The Local Government | |
| Statutory Power of Delegation: | <i>Local Government Act 1995:</i> <ul style="list-style-type: none"> Section 5.42 Delegation of some powers or duties to the CEO Section 5.43 Limitations on delegations to the CEO | |
| Power Delegated to: | Chief Executive Officer | |
| Council's Conditions on Delegation: | Nil. | |
| Statutory Power to Sub-delegate: | <i>Local Government Act 1995:</i> <ul style="list-style-type: none"> Section 5.44 CEO may delegate some powers and duties to other employees | |
| Compliance Links: | <i>Local Government Act 1995:</i> <ul style="list-style-type: none"> Part 5, Division 2, Subdivision 4 – Electors' meetings | |
| Version Control | | |
| Version | Decision Reference | Date Delegated |
| 1 | 88/10 | 16/02/2010 |
| 1 | Annual Review | 26/06/12 294/12 |
| 1 | Annual Review / Amended | 25/06/13 319/13 CEO Trim 77838/13 |
| 2 | Annual Review | 24/06/14 270/14 CEO Trim 234521/14 |
| 3 | Annual Review | 09/06/15 OCM Trim 99056/15 |
| 3 | Amend / Review | CEO Trim 114331/15 |
| 3 | Annual Review | 01/08/17 OCM Trim 196152/17 |
| 3 | CEO Annual Review | 16/08/17 CEO Trim 204825/17 |
| 3 | Annual Review | 28/06/18 OCM CM 162912/18 |



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| 1.2.12. Senior Employees | | |
|--|--|------------------------------------|
| Function Delegated: | Authority to advertise the position of a senior employee if the position becomes vacant [s.5.37(3)]. | |
| Statutory Power Delegated: | <i>Local Government Act 1995:</i> <ul style="list-style-type: none"> Section 5.37 (3) Senior employees | |
| Power Originally Assigned to: | The Local Government | |
| Statutory Power of Delegation: | <i>Local Government Act 1995:</i> <ul style="list-style-type: none"> Section 5.42 Delegation of some powers or duties to the CEO Section 5.43 Limitations on delegations to the CEO | |
| Power Delegated to: | Chief Executive Officer | |
| Council's Conditions on Delegation: | Nil. | |
| Statutory Power to Sub-delegate: | <i>Local Government Action 1995:</i> <ul style="list-style-type: none"> Section 5.44 CEO may delegate some powers and duties to other employees | |
| Compliance Links: | <i>Local Government (Administration) Regulations 1996:</i> <ul style="list-style-type: none"> Regulation 18A Vacancy in position of CEO or senior employee to be advertised (Act s.5.36(4) and 5.37(3)) Regulation 18B Contracts of CEOs and senior employees, content of (Act s.5.39(3)(c)) Council Policy 12.6 – Staff – Local Government Employees – Senior Employees | |
| Version Control | | |
| Version | Decision Reference | Date Delegated |
| 1 | 88/10 | 16/02/2010 |
| 1 | Annual Review | 26/06/12 294/12 |
| 1 | Annual Review | 25/06/13 319/13 CEO Trim 77838/13 |
| 2 | Annual Review | 24/06/14 270/14 CEO Trim 234521/14 |
| 3 | Annual Review | 09/06/15 OCM Trim 99056/15 |
| 3 | Amend / Review | CEO Trim 114331/15 |
| 3 | Annual Review | 01/08/17 OCM Trim 196152/17 |
| 3 | CEO Annual Review/Amend | 16/08/17 CEO Trim 204825/17 |
| 3 | Annual Review | 28/06/18 OCM CM 162912/18 |



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| 1.2.13. Payments from Municipal or Trust Fund | | |
|---|---|-----------------------------------|
| Function Delegated: | Authority to make payments from the municipal or trust fund [FM Reg 12(1)(a)]. | |
| Statutory Power Delegated: | <i>Local Government (Financial Management) Regulations 1996:</i> <ul style="list-style-type: none"> Regulations 12(1)(a) Payments from municipal fund or trust fund, restrictions on making | |
| Power Originally Assigned to: | The Local Government | |
| Statutory Power of Delegation: | <i>Local Government Act 1995:</i> <ul style="list-style-type: none"> Section 5.42 Delegation of some powers or duties to the CEO Section 5.43 Limitations on delegations to the CEO | |
| Power Delegated to: | Chief Executive Officer | |
| Council's Conditions on Delegation: | Approval of civic functions in accordance with Policy 10.12 is limited to up to \$5,000 per function, subject to sufficient appropriate budget. This condition is limited to a period of three months pending a review of Policy 10.12. | |
| Statutory Power to Sub-delegate: | <i>Local Government Act 1995:</i> <ul style="list-style-type: none"> Section 5.44 CEO may delegate some powers and duties to other employees | |
| Compliance Links: | <i>Local Government (Financial Management) Regulations 1996:</i> <ul style="list-style-type: none"> Regulations 5 CEO's duties as to financial management Regulations 11 Payments, procedures for making etc. Policy 10.12 – Provision of Hospitality | |
| Version Control | | |
| Version | Decision Reference | Date Delegated |
| 1 | 88/10 | 16/02/2010 |
| 1 | Annual Review | 26/06/12 294/12 |
| 2 | TRIM 123459/12 | 04/10/12 |
| 3 | TRIM 137658/12 | 05/11/12 |
| 4 | Annual Review / Amended | 25/06/13 319/13 CEO Trim 77838/13 |
| 4 | Annual Review | 24/06/14 270/14 |
| 5 | Annual Review / Amended | CEO Trim 234521/14 |
| 6 | Annual Review | 09/06/15 OCM Trim 99056/15 |
| 6 | Amend / Review | CEO Trim 114331/15 |
| 6 | Annual Review | 01/08/17 OCM Trim 196152/17 |
| 6 | CEO Annual Review | 16/08/17 CEO Trim 204825/17 |
| 7 | Annual Review | 28/06/18 OCM CM 162912/18 |



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| 1.2.13. Artwork Acquisitions | | |
|--|---|------------------------------------|
| A. Purchase Artworks | | |
| Function Delegated: | Authority to determine and purchase works of art for the City's collections [FM Reg 12(1)(a)]. | |
| Statutory Power Delegated: | <i>Local Government (Financial Management) Regulations 1996:</i> <ul style="list-style-type: none"> Regulation 12(1)(a) Payments from municipal fund or trust fund, restrictions on making | |
| Power Originally Assigned to: | The Local Government | |
| Statutory Power of Delegation: | <i>Local Government Act 1995:</i> <ul style="list-style-type: none"> Section 5.42 Delegation of some powers or duties to the CEO Section 5.43 Limitations on delegations to the CEO | |
| Power Delegated to: | Chief Executive Officer | |
| Council's Conditions on Delegation: | Purchase works of art up to the value of \$30,000 must be in accordance with Council Policy 18.2 Cultural Collections and within the Annual Budget allocations. Decisions to purchase works of art must evidence consideration of the recommendations of the City's Manager Arts, Culture and Heritage and / or Collections and Infrastructure Coordinator as appropriate. | |
| Statutory Power to Sub-delegate: | <i>Local Government Act 1995:</i> <ul style="list-style-type: none"> Section 5.44 CEO may delegate some powers and duties to other employees | |
| Compliance Links: | <i>Local Government (Financial Management) Regulations 1996:</i> <ul style="list-style-type: none"> Regulation 5 CEO's duties as to financial management Regulation 11 Payments, procedures for making etc. | |
| Version Control | | |
| Version | Decision Reference | Date Delegated |
| 1 | New Delegation | 25/06/13 319/13 CEO Trim 77838/13 |
| 1 | Annual Review | 24/06/14 270/14 CEO Trim 234521/14 |
| 2 | Annual Review | 09/06/15 OCM Trim 99056/15 |
| 2 | Amend / Review | CEO Trim 114331/15 |
| 3 | Annual Review / Amended | CEO Trim 111873/16 |
| 4 | Annual Review / Amended | 01/08/17 OCM Trim 196152/17 |
| 5 | CEO Annual Review / Amended | 16/08/17 CEO Trim 204825/17 |
| 6 | Annual Review | 28/06/18 OCM CM 162912/18 |



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1.2.13. Determine Grants, Sponsorship and Donation Allocations

B. Determine Allocation

| | |
|--|---|
| Function Delegated: | Authority to determine allocation [FM Reg 12(1)(a)] of the City's: <ol style="list-style-type: none"> Grants up to the value of \$5,000, in accordance with Council Policy 18.13 Sponsorship and Grants; Sponsorships up to a value of \$5,000, in accordance with Council Policy 18.13 Sponsorship and Grants; Donation up to a value of \$1,000, in accordance with Council Policy 18.4 Donations. |
| Statutory Power Delegated: | <i>Local Government (Financial Management) Regulations 1996:</i> <ul style="list-style-type: none"> Regulation 12(1)(a) Payments from municipal fund or trust fund, restrictions on making |
| Power Originally Assigned to: | The Local Government |
| Statutory Power of Delegation: | <i>Local Government Act 1995:</i> <ul style="list-style-type: none"> Section 5.42 Delegation of some powers or duties to the CEO Section 5.43 Limitations on delegations to the CEO |
| Power Delegated to: | Chief Executive Officer |
| Council's Conditions on Delegation: | Decisions must be in accordance with the requirements of relevant Council Policies and be within Annual Budget allocations. Records evidencing assessment against criteria must be retained. |
| Statutory Power to Sub-delegate: | <i>Local Government Act 1995:</i> <ul style="list-style-type: none"> Section 5.44 CEO may delegate some powers and duties to other employees |
| Compliance Links: | <i>Local Government (Financial Management) Regulations 1996:</i> <ul style="list-style-type: none"> Regulation 5 CEO's duties as to financial management Regulation 11 Payments, procedures for making etc. <p>Council Policy 18.13 - Sponsorship and Grants Council Policy 18.14 - Donations</p> |

Version Control

| Version | Decision Reference | Date Delegated |
|---------|-----------------------------|------------------------------------|
| 1 | New Delegation | 25/06/13 319/13 CEO Trim 77838/13 |
| 2 | Annual Review / Amended | 24/06/14 270/14 CEO Trim 234521/14 |
| 3 | Annual Review | 09/06/15 OCM Trim 99056/15 |
| 3 | Amend / Review | CEO Trim 114331/15 |
| 4 | Annual Review / Amended | CEO Trim 111873/16 |
| 5 | Amended | CEO Trim 126067/16 |
| 6 | Amended | 13/12/16 OCM SCH 39 TRIM 230806/16 |
| 7 | Annual Review / Amended | 01/08/17 OCM Trim 196152/17 |
| 8 | CEO Annual Review / Amended | 16/08/17 CEO Trim 204825/17 |
| 9 | Annual Review | 28/06/18 OCM CM 162912/18 |



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| 1.2.13. Determine Application for Payment of Legal Representation Costs | | |
|---|---|------------------------------------|
| C. Authority to Determine | | |
| Function Delegated: | Authority to determine an application for payment of legal representation costs [FM Reg 12(1)(a)] | |
| Statutory Power Delegated: | <i>Local Government (Financial Management) Regulations 1996:</i> <ul style="list-style-type: none"> Regulation 12(1)(a) Payments from municipal fund, restrictions on making | |
| Power Originally Assigned to: | The Local Government | |
| Statutory Power of Delegation: | <i>Local Government Act 1995:</i> <ul style="list-style-type: none"> Section 5.42 Delegation of some powers or duties to the CEO Section 5.43 Limitations on delegations to the CEO | |
| Power Delegated to: | Chief Executive Officer | |
| Council's Conditions on Delegation: | <p>The determination of the application must only occur:</p> <ol style="list-style-type: none"> In circumstances where a delay until the next Council Meeting would be detrimental to the rights of the applicant; In accordance with Council Policy 10.16 - Legal Representation for Members and Employees; and For an amount not exceeding \$5,000. <p>The determination must be reported to Council at the next Ordinary Council Meeting.</p> | |
| Statutory Power to Sub-delegate: | Nil. | |
| Compliance Links: | <i>Local Government (Financial Management) Regulations 1996:</i> <ul style="list-style-type: none"> Regulation 5 – CEO's duties as to financial management Regulation 11 – Payments, procedures for making etc. | |
| Version Control | | |
| Version | Decision Reference | Date Delegated |
| 1 | New Delegation | 13/12/16 OCM SCH 52 TRIM 230806/16 |
| 1 | Annual Review | 01/08/17 OCM Trim 196152/17 |
| 2 | CEO Annual Review / Amended | 16/08/17 CEO Trim 204825/17 |
| 2 | Annual Review | 28/06/18 OCM CM 162912/18 |



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1.2.14. Power to Defer, Grant Concessions, Waive or Write Off Debts

| | |
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| Function Delegated: | <ol style="list-style-type: none"> Waive or grant a concession in relation to any amount of money which is owed to the City. Write off any amount of money which is owed to the City. <p><i>Note: Section 6.12(2) of the Local Government Act 1995 does not allow money owed to the City in respect of rates and services charges to be waived or for a concession in relation to such money to be granted.</i></p> |
| Statutory Power Delegated: | <p><i>Local Government Act 1995:</i></p> <ul style="list-style-type: none"> Section 6.12 Power to defer, grant discounts, waive or write off debts |
| Power Originally Assigned to: | The Local Government |
| Statutory Power of Delegation: | <p><i>Local Government Act 1995:</i></p> <ul style="list-style-type: none"> Section 5.42 Delegation of some powers or duties to the CEO Section 5.43 Limitations on delegations to the CEO |
| Power Delegated to: | Chief Executive Officer |
| Council's Conditions on Delegation: | <p>All necessary measures have been taken to recover the debt. The debt remained unpaid for a period of 90 days after its due date for payment.</p> |
| Statutory Power to Sub-delegate: | <p><i>Local Government Act 1995:</i></p> <ul style="list-style-type: none"> Section 5.44 CEO may delegate some powers and duties to other employees |
| Compliance Links: | <p><i>Local Government Act 1995:</i></p> <ul style="list-style-type: none"> Section 6.12 Power to defer, grant discounts, waive or write off debts |

Version Control

| Version | Decision Reference | Date Delegated |
|---------|-----------------------------|-----------------------------------|
| 1 | 88/10 | 16/02/2010 |
| 1 | Annual Review | 26/06/12 294/12 |
| 2 | CEO sub-delegation Amended | 04/12/12 152809/12 |
| 3 | Amended | 282/13 – 04/06/13 |
| 3 | Annual Review / Amended | 25/06/13 319/13 CEO Trim 77838/13 |
| 3 | Annual Review | 24/06/14 270/14 |
| 4 | Annual Review / Amended | CEO Trim 234521/14 |
| 5 | CEO sub-delegation Amended | ELG 30/06/2014 234542/14 |
| 6 | Annual Review | 09/06/15 OCM Trim 99056/15 |
| 6 | Amend / Review | CEO Trim 114331/15 |
| 7 | Annual Review / Amended | CEO Trim 111873/16 |
| 7 | Annual Review | 01/08/17 OCM Trim 196152/17 |
| 8 | CEO Annual Review / Amended | 16/08/17 CEO Trim 204825/17 |
| 9 | CEO Sub-delegation Amended | 09/04/18 CM 90076/18 |
| 9 | Annual Review | 28/06/18 OCM CM 162912/18 |



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1.2.15. Power to Invest and Manage Investments

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|--|---|
| Function Delegated: | <ol style="list-style-type: none"> The authority to invest money held in the municipal or trust fund that is not, for the time being, required for any other purpose [s.6.14(1)]. <ol style="list-style-type: none"> Including, where, as result of amendment to legislation or the ability arises to invest to the advantage of the City contrary to the provisions of Council Policy 9.3 Management of Investments. The authority to establish and document internal control procedures to be followed by employees to ensure control over investments, enabling the identification of the nature and location of all investments and the transactions related to each investment [FM Reg. 19]. |
| Statutory Power Delegated: | <p><i>Local Government Act 1995:</i></p> <ul style="list-style-type: none"> Section 6.14(1) Power to invest <p><i>Local Government (Financial Management) Regulations 1996:</i></p> <ul style="list-style-type: none"> Regulation 19 Investments, control procedures for |
| Power Originally Assigned to: | The Local Government |
| Statutory Power of Delegation: | <p><i>Local Government Act 1995:</i></p> <ul style="list-style-type: none"> Section 5.42 Delegation of some powers or duties to the CEO Section 5.43 Limitations on delegations to the CEO |
| Power Delegated to: | Chief Executive Officer |
| Council's Conditions on Delegation: | <p>Investments must be in accordance with Council Policy 9.3 Management of Investments.</p> <p>Procedures must be documented and reviewed to the Chief Executive's satisfaction within each two-year period.</p> |
| Statutory Power to Sub-delegate: | <p><i>Local Government Act 1995:</i></p> <ul style="list-style-type: none"> Section 5.44 CEO may delegate some powers and duties to other employees |
| Compliance Links: | <p><i>Trustees Act 1962:</i></p> <ul style="list-style-type: none"> Part III Investments |

Version Control

| Version | Decision Reference | Date Delegated |
|---------|-----------------------------|-----------------------------------|
| 1 | 88/10 | 16/02/2010 |
| 1 | Annual Review | 26/06/12 294/12 |
| 2 | Annual Review / Amended | 25/06/13 319/13 CEO Trim 77838/13 |
| 2 | Annual Review | 24/06/14 270/14 |
| 3 | Annual Review / Amended | CEO Trim 234521/14 |
| 4 | Annual Review | 09/06/15 OCM Trim 99056/15 |
| 4 | Amend / Review | CEO Trim 114331/15 |
| 4 | Annual Review | 01/08/17 OCM Trim 196152/17 |
| 5 | CEO Annual Review / Amended | 16/08/17 CEO Trim 204825/17 |
| 6 | CEO Amend | 13/09/17 CEO Trim 231179/17 |
| 6 | Annual Review | 28/06/18 OCM CM 162912/18 |



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| 1.2.16. Agreement as to Payment of Rates and Service Charges | | |
|--|--|------------------------------------|
| Function Delegated: | Authority to make an agreement with a person for the payment of rates or service charges [s.6.49]. | |
| Statutory Power Delegated: | <i>Local Government Act 1995:</i> <ul style="list-style-type: none"> Section 6.49 Agreement as to payment of rates and service charges | |
| Power Originally Assigned to: | The Local Government | |
| Statutory Power of Delegation: | <i>Local Government Act 1995:</i> <ul style="list-style-type: none"> Section 5.42 Delegation of some powers or duties to the CEO Section 5.43 Limitations on delegations to the CEO | |
| Power Delegated to: | Chief Executive Officer | |
| Council's Conditions on Delegation: | Agreements must be in accordance with the requirements of Council Policy 9.9 Overdue Rates | |
| Statutory Power to Sub-delegate: | <i>Local Government Act 1995:</i> <ul style="list-style-type: none"> Section 5.44 CEO may delegate some powers and duties to other employees | |
| Compliance Links: | <i>Local Government Act 1995:</i> <ul style="list-style-type: none"> Part 6, Division 6, Sub-division 4 Payment of rates and service charges <i>Local Government (Financial Management) Regulations 1996:</i> <ul style="list-style-type: none"> Part 5 Rates and Service Charges Council Policy 9.9 Overdue Rates | |
| Version Control | | |
| Version | Decision Reference | Date Delegated |
| 1 | 88/10 | 16/02/2010 |
| 2 | Annual Review | 26/06/12 294/12 |
| 3 | CEO | 27/03/13 35892/13 |
| 4 | Annual Review / Amended | 25/06/13 319/13 CEO Trim 77838/13 |
| 5 | Annual Review | 24/06/14 270/14 CEO Trim 234521/14 |
| 6 | Annual Review | 09/06/15 OCM Trim 99056/15 |
| 7 | Amend / Review | CEO Trim 114331/15 |
| 7 | Annual Review | 01/08/17 OCM Trim 196152/17 |
| 8 | CEO Annual Review / Amended | 16/08/17 CEO Trim 204825/17 |
| 9 | CEO Review Amend | 13/09/17 CEO Trim 231179/17 |
| 9 | Annual Review | 28/06/18 OCM CM 162912/18 |



Delegated Authority Register 2018/19

| 1.2.17. Determine the Date that Rates or Service Charges are Due or Payable | | |
|---|---|------------------------------------|
| Function Delegated: | Authority to determine the date on which rates or service charges become due and payable [s.6.50(1)]. | |
| Statutory Power Delegated: | <i>Local Government Act 1995:</i> <ul style="list-style-type: none"> Section 6.50(1) Rates or service charges due and payable | |
| Power Originally Assigned to: | The Local Government | |
| Statutory Power of Delegation: | <i>Local Government Act 1995:</i> <ul style="list-style-type: none"> Section 5.42 Delegation of some powers or duties to the CEO Section 5.43 Limitations on delegations to the CEO | |
| Power Delegated to: | Chief Executive Officer | |
| Council's Conditions on Delegation: | Nil. | |
| Statutory Power to Sub-delegate: | <i>Local Government Act 1995:</i> <ul style="list-style-type: none"> Section 5.44 CEO may delegate some powers and duties to other employees | |
| Compliance Links: | <i>Local Government Act 1995:</i> <ul style="list-style-type: none"> Part 6, Division 6, Sub-division 4 Payment of rates and service charges <i>Local Government (Financial Management) Regulations 1996:</i> <ul style="list-style-type: none"> Part 5 Rates and Service Charges | |
| Version Control | | |
| Version | Decision Reference | Date Delegated |
| 1 | 88/10 | 16/02/2010 |
| 1 | Annual Review | 26/06/12 294/12 |
| 1 | Annual Review | 25/06/13 319/13 CEO Trim 77838/13 |
| 1 | Annual Review | 24/06/14 270/14 CEO Trim 234521/14 |
| 2 | Annual Review | 09/06/15 OCM Trim 99056/15 |
| 2 | Amend / Review | CEO Trim 114331/15 |
| 2 | Annual Review | 01/08/17 OCM Trim 196152/17 |
| 2 | CEO Annual Review | 16/08/17 CEO Trim 204825/17 |
| 2 | Annual Review | 28/06/18 OCM CM 162912/18 |



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| 1.2.18. Local Government May Require Lessee to Pay Rent | | |
|---|---|------------------------------------|
| Function Delegated: | <p>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 local government [s.6.60(2)].</p> <p>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 the notice [s.6.60(4)].</p> | |
| Statutory Power Delegated: | <p><i>Local Government Act 1995:</i></p> <ul style="list-style-type: none"> • Section 6.60(2) Local government may require lessee to pay rent • Section 6.60(4) Local government may recover the amount of the rate or service charge as a debt if rent not paid | |
| Power Originally Assigned to: | The Local Government. | |
| Statutory Power of Delegation: | <p><i>Local Government Act 1995:</i></p> <ul style="list-style-type: none"> • Section 5.42 Delegation of some powers or duties to the CEO • Section 5.43 Limitations on delegations to the CEO | |
| Power Delegated to: | Chief Executive Officer | |
| Council's Conditions on Delegation: | Nil. | |
| Statutory Power to Sub-delegate: | <p><i>Local Government Act 1995:</i></p> <ul style="list-style-type: none"> • Section 5.44 CEO may delegate some powers and duties to other employees | |
| Compliance Links: | <p><i>Local Government Act 1995:</i></p> <ul style="list-style-type: none"> • Part 6, Division 6, Sub-division 4 Payment of rates and service charges <p><i>Local Government (Financial Management) Regulations 1996:</i></p> <ul style="list-style-type: none"> • Part 5 Rates and Service Charges | |
| Version Control | | |
| Version | Decision Reference | Date Delegated |
| 1 | 88/10 | 16/02/2010 |
| 1 | Annual Review | 26/06/12 294/12 |
| 1 | Annual Review | 25/06/13 319/13 CEO Trim 77838/13 |
| 1 | Annual Review | 24/06/14 270/14 CEO Trim 234521/14 |
| 2 | Annual Review | 09/06/15 OCM Trim 99056/15 |
| 2 | Amend / Review | CEO Trim 114331/15 |
| 2 | Annual Review | 01/08/17 OCM Trim 196152/17 |
| 3 | CEO Annual Review / Amended | 16/08/17 CEO Trim 204825/17 |
| 4 | CEO Review Amend | 13/09/17 CEO Trim 231179/17 |
| 4 | Annual Review | 28/06/18 OCM CM 162912/18 |



Delegated Authority Register 2018/19

| 1.2.19. Actions Against Land Where Rates or Service Charges Unpaid | | |
|--|--|------------------------------------|
| Function Delegated: | <p>Authority to take possession of land and hold the land as against a person having an estate or interest in the land where any rates or service charges in respect of the rateable land have been unpaid for at least three years [s.6.64(1)].</p> <p>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 [s.6.64(3)].</p> | |
| Statutory Power Delegated: | <p><i>Local Government Act 1995:</i></p> <ul style="list-style-type: none"> Section 6.64(1) and (3) Actions to be taken | |
| Power Originally Assigned to: | The Local Government | |
| Statutory Power of Delegation: | <p><i>Local Government Act 1995:</i></p> <ul style="list-style-type: none"> Section 5.42 Delegation of some powers or duties to the CEO Section 5.43 Limitations on delegations to the CEO | |
| Power Delegated to: | Chief Executive Officer | |
| Council's Conditions on Delegation: | Nil. | |
| Statutory Power to Sub-delegate: | <p><i>Local Government Act 1995:</i></p> <ul style="list-style-type: none"> Section 5.44 CEO may delegate some powers and duties to other employees | |
| Compliance Links: | <p><i>Local Government Act 1995:</i></p> <ul style="list-style-type: none"> Part 6, Division 6, Sub-division 4 Payment of rates and service charges <p><i>Local Government (Financial Management) Regulations 1996:</i></p> <ul style="list-style-type: none"> Part 5 Rates and Service Charges | |
| Version Control | | |
| Version | Decision Reference | Date Delegated |
| 1 | 88/10 | 16/02/2010 |
| 1 | Annual Review | 26/06/12 294/12 |
| 1 | Annual Review | 25/06/13 319/13 CEO Trim 77838/13 |
| 1 | Annual Review | 24/06/14 270/14 CEO Trim 234521/14 |
| 2 | Annual Review | 09/06/15 OCM Trim 99056/15 |
| 2 | Amend / Review | CEO Trim 114331/15 |
| 2 | Annual Review | 01/08/17 OCM Trim 196152/17 |
| 2 | CEO Annual Review | 16/08/17 CEO Trim 204825/17 |
| 2 | Annual Review | 28/06/18 OCM CM 162912/18 |



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| 1.2.20. Objection and Review – Objection to Rate Record | | |
|---|---|------------------------------------|
| Function Delegated: | <p>Authority to extend the time for a person to make an objection to a rate record [s.6.76(4)].</p> <p>Authority to consider an objection to a rate record and either allow it or disallow it wholly or in part [s.6.76(5)].</p> | |
| Statutory Power Delegated: | <p><i>Local Government Act 1995:</i></p> <ul style="list-style-type: none"> Section 6.76(4) and (5) Grounds of objection | |
| Power Originally Assigned to: | The Local Government | |
| Statutory Power of Delegation: | <p><i>Local Government Act 1995:</i></p> <ul style="list-style-type: none"> Section 5.42 Delegation of some powers or duties to the CEO Section 5.43 Limitations on delegations to the CEO | |
| Power Delegated to: | Chief Executive Officer | |
| Council's Conditions on Delegation: | Nil. | |
| Statutory Power to Sub-delegate: | <p><i>Local Government Act 1995:</i></p> <ul style="list-style-type: none"> Section 5.44 CEO may delegate some powers and duties to other employees | |
| Compliance Links: | <p><i>Local Government Act 1995:</i></p> <ul style="list-style-type: none"> Part 6, Division 6, Sub-division 4 Payment of rates and service charges <p><i>Local Government (Financial Management) Regulations 1996:</i></p> <ul style="list-style-type: none"> Part 5 Rates and Service Charges | |
| Version Control | | |
| Version | Decision Reference | Date Delegated |
| 1 | 88/10 | 16/02/2010 |
| 1 | Annual Review | 26/06/12 294/12 |
| 1 | Annual Review | 25/06/13 319/13 CEO Trim 77838/13 |
| 1 | Annual Review | 24/06/14 270/14 CEO Trim 234521/14 |
| 2 | Annual Review | 09/06/15 OCM Trim 99056/15 |
| 2 | Amend / Review | CEO Trim 114331/15 |
| 2 | Annual Review | 01/08/17 OCM Trim 196152/17 |
| 2 | CEO Annual Review | 16/08/17 CEO Trim 204825/17 |
| 2 | Annual Review | 28/06/18 OCM CM 162912/18 |



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| 1.2.21. General Review of Imposition of Rate or Service Charge | | |
|--|---|------------------------------------|
| Function Delegated: | Authority to refer to the State Administrative Tribunal a question of general interest as to whether a rate or service charge was imposed in accordance with the Act [s.6.82(1)]. | |
| Statutory Power Delegated: | <i>Local Government Act 1995:</i> <ul style="list-style-type: none"> Section 6.82(1) General review of imposition of rate or service charge | |
| Power Originally Assigned to: | The Local Government | |
| Statutory Power of Delegation: | <i>Local Government Act 1995:</i> <ul style="list-style-type: none"> Section 5.42 Delegation of some powers or duties to the CEO Section 5.43 Limitations on delegations to the CEO | |
| Power Delegated to: | Chief Executive Officer | |
| Council's Conditions on Delegation: | Nil. | |
| Statutory Power to Sub-delegate: | <i>Local Government Act 1995:</i> <ul style="list-style-type: none"> Section 5.44 CEO may delegate some powers and duties to other employees | |
| Compliance Links: | <i>Local Government Act 1995:</i> <ul style="list-style-type: none"> Part 6, Division 6, Sub-division 4 Payment of rates and service charges <i>Local Government (Financial Management) Regulations 1996:</i> <ul style="list-style-type: none"> Part 5 Rates and Service Charges | |
| Version Control | | |
| Version | Decision Reference | Date Delegated |
| 1 | 88/10 | 16/02/2010 |
| 1 | Annual Review | 26/06/12 294/12 |
| 1 | Annual Review | 25/06/13 319/13 CEO Trim 77838/13 |
| 1 | Annual Review | 24/06/14 270/14 CEO Trim 234521/14 |
| 2 | Annual Review | 09/06/15 OCM Trim 99056/15 |
| 2 | Amend / Review | CEO Trim 114331/15 |
| 2 | Annual Review | 01/08/17 OCM Trim 196152/17 |
| 2 | CEO Annual Review | 16/08/17 CEO Trim 204825/17 |
| 2 | Annual Review | 28/06/18 OCM CM 162912/18 |



Delegated Authority Register 2018/19

| 1.2.22. Dangerous Excavations in or Near Public Thoroughfares | | |
|---|---|------------------------------------|
| Function Delegated: | <p>Authority to 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 considered to be dangerous [ULP Reg 11(1)].</p> <p>Grant permission, and impose conditions as thought fit, to make or make and leave an excavation of specified dimensions and in a specified way in a specified part of a public thoroughfare or on a specified part of land adjoining a public thoroughfare [ULP Reg 11(4), (6), (7) and (8)].</p> | |
| Statutory Power Delegated: | <p><i>Local Government (Uniform Local Provisions) Regulations 1996:</i></p> <ul style="list-style-type: none"> Regulation 11 (1), (4), (6) and (7) Dangerous excavation in or near public thoroughfare – Sch.9.1 cl.6 | |
| Power Originally Assigned to: | The Local Government. | |
| Statutory Power of Delegation: | <p><i>Local Government Act 1995:</i></p> <ul style="list-style-type: none"> Section 5.42 Delegation of some powers or duties to the CEO Section 5.43 Limitations on delegations to the CEO | |
| Power Delegated to: | Chief Executive Officer | |
| Council's Conditions on Delegation: | Nil. | |
| Statutory Power to Sub-delegate: | <p><i>Local Government Act 1995:</i></p> <ul style="list-style-type: none"> Section 5.44 CEO may delegate some powers and duties to other employees | |
| Compliance Links: | <p><i>Local Government Act 1995:</i></p> <ul style="list-style-type: none"> Section 3.37 Contraventions that can lead to impounding <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 | |
| Version Control | | |
| Version | Decision Reference | Date Delegated |
| 1 | 88/10 | 16/02/2010 |
| 1 | Annual Review | 26/06/12 294/12 |
| 2 | Annual Review / Amended | 25/06/13 319/13 CEO Trim 77838/13 |
| 2 | Annual Review | 24/06/14 270/14 CEO Trim 234521/14 |
| 3 | Annual Review | 09/06/15 OCM Trim 99056/15 |
| 3 | Amend / Review | CEO Trim 114331/15 |
| 3 | Annual Review | 01/08/17 OCM Trim 196152/17 |
| 4 | CEO Annual Review / Amended | 16/08/17 CEO Trim 204825/17 |
| 4 | Annual Review | 28/06/18 OCM CM 162912/18 |



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| 1.2.23. Crossing from Public Thoroughfare to Private Land or Private Thoroughfare | | |
|---|--|------------------------------------|
| Function Delegated: | Authority to approve the construction of a crossing giving access from a thoroughfare to private land or a private thoroughfare serving the land [ULP Reg 12(1)]. | |
| Statutory Power Delegated: | <i>Local Government (Uniform Local Provisions) Regulations 1996:</i> <ul style="list-style-type: none"> Regulation 12(1) Crossing from public thoroughfare to private land or private thoroughfare – Sch. 9.1 Cl.7(2) | |
| Power Originally Assigned to: | The Local Government | |
| Statutory Power of Delegation: | <i>Local Government Act 1995:</i> <ul style="list-style-type: none"> Section 5.42 Delegation of some powers or duties to the CEO Section 5.43 Limitations on delegations to the CEO | |
| Power Delegated to: | Chief Executive Officer | |
| Council's Conditions on Delegation: | Nil. | |
| Statutory Power to Sub-delegate: | <i>Local Government Act 1995:</i> <ul style="list-style-type: none"> Section 5.44 CEO may delegate some powers and duties to other employees | |
| Compliance Links: | <i>Local Government (Uniform Local Provisions) Regulations 1996:</i> <ul style="list-style-type: none"> Regulation 14(2) Role of Commissioner of Main Roads in some cases – Sch. 9.1 Cl. 7(2) | |
| Version Control | | |
| Version | Decision Reference | Date Delegated |
| 1 | 88/10 | 16/02/2010 |
| 1 | Annual Review | 26/06/12 294/12 |
| 1 | Annual Review | 25/06/13 319/13 CEO Trim 77838/13 |
| 1 | Annual Review | 24/06/14 270/14 CEO Trim 234521/14 |
| 2 | Annual Review | 09/06/15 OCM Trim 99056/15 |
| 2 | Amend / Review | CEO Trim 114331/15 |
| 2 | Annual Review | 01/08/17 OCM Trim 196152/17 |
| 3 | CEO Annual Review / Amended | 16/08/17 CEO Trim 204825/17 |
| 3 | Annual Review | 28/06/18 OCM CM 162912/18 |



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| 1.2.24. Requirement to Construct or Repair Crossing | | |
|---|---|------------------------------------|
| Function Delegated: | 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 Reg 13(1)]. | |
| Statutory Power Delegated: | <i>Local Government (Uniform Local Provisions) Regulations 1996:</i> <ul style="list-style-type: none"> Regulation 13(1) and (2) Requirement to construct or repair crossing – Sch. 9.1 Cl. 7(3) | |
| Power Originally Assigned to: | The Local Government. | |
| Statutory Power of Delegation: | <i>Local Government Act 1995:</i> <ul style="list-style-type: none"> Section 5.42 Delegation of some powers or duties to the CEO Section 5.43 Limitations on delegations to the CEO | |
| Power Delegated to: | Chief Executive Officer | |
| Council's Conditions on Delegation: | Nil. | |
| Statutory Power to Sub-delegate: | <i>Local Government Act 1995:</i> <ul style="list-style-type: none"> Section 5.44 CEO may delegate some powers and duties to other employees | |
| Compliance Links: | Nil. | |
| Version Control | | |
| Version | Decision Reference | Date Delegated |
| 1 | 88/10 | 16/02/2010 |
| 1 | Annual Review | 26/06/12 294/12 |
| 1 | Annual Review | 25/06/13 319/13 CEO Trim 77838/13 |
| 1 | Annual Review | 24/06/14 270/14 CEO Trim 234521/14 |
| 2 | Annual Review | 09/06/15 OCM Trim 99056/15 |
| 2 | Amend / Review | CEO Trim 114331/15 |
| 2 | Annual Review | 01/08/17 OCM Trim 196152/17 |
| 2 | CEO Annual Review / Amended | 16/08/17 CEO Trim 204825/17 |
| 3 | Annual Review | 28/06/18 OCM CM 162912/18 |



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| 1.2.25. Private Works on, over or under Public Places | | |
|---|--|------------------------------------|
| Function Delegated: | <p>Authority to grant permission to construct anything on, over, or under a public thoroughfare or other public place that is local government property, subject to any conditions.</p> <p>Authority to grant permission and impose conditions, to construct a specified thing on, over, or under a specified public thoroughfare or public place that is local government property [ULP Reg 17(3) and (5)].</p> | |
| Statutory Power Delegated: | <p><i>Local Government (Uniform Local Provisions) Regulations 1996:</i></p> <ul style="list-style-type: none"> Regulation 17 (3) and (5) Private works on, over, or under public places – Sch. 9.1 cl. 8 | |
| Power Originally Assigned to: | The Local Government | |
| Statutory Power of Delegation: | <p><i>Local Government Act 1995:</i></p> <ul style="list-style-type: none"> Section 5.42 Delegation of some powers or duties to the CEO Section 5.43 Limitations on delegations to the CEO | |
| Power Delegated to: | Chief Executive Officer | |
| Council's Conditions on Delegation: | <p>Approval is to be granted subject to a bond for work being performed and the payment of costs for trench resurfacing as required.</p> <p>Owners and occupiers of adjoining properties are to be advised of the works.</p> <p>In the case of major infrastructure works, where there may be objections for owners or occupiers of adjoining properties, the matter is to be referred to Council for determination.</p> <p>This Delegation applies to, but is not limited to, the following:</p> <ul style="list-style-type: none"> ground anchors; verandas and awnings; pilings; and signs. | |
| Statutory Power to Sub-delegate: | <p><i>Local Government Act 1995:</i></p> <ul style="list-style-type: none"> Section 5.44 CEO may delegate some powers and duties to other employees | |
| Compliance Links: | <p><i>Local Government (Uniform Local Provisions) Regulations 1996:</i></p> <ul style="list-style-type: none"> Regulation 17 Private works on, over, or under public places Sch. 9.1 cl. 8 | |
| Version Control | | |
| Version | Decision Reference | Date Delegated |
| 1 | 88/10 | 16/02/2010 |
| 1 | Annual Review | 26/06/12 294/12 |
| 2 | Annual Review / Amended | 25/06/13 319/13 CEO Trim 77838/13 |
| 2 | Annual Review | 24/06/14 270/14 CEO Trim 234521/14 |
| 3 | Annual Review / Amended | 09/06/15 OCM Trim 99056/15 |
| 3 | Amend / Review | CEO Trim 114331/15 |
| 3 | Annual Review | 01/08/17 OCM Trim 196152/17 |
| 4 | CEO Annual Review / Amended | 16/08/17 CEO Trim 204825/17 |
| 4 | Annual Review | 28/06/18 OCM CM 162912/18 |



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| 1.2.26. Sole Supplier of Goods and Services | | |
|---|--|------------------------------------|
| Function Delegated: | Authority to determine that, because of the unique nature of the goods or services required or for any other reason, it is unlikely that there is more than one potential supplier [F&G Reg 11(2)(f)]. | |
| Statutory Power Delegated: | <i>Local Government (Functions and General) Regulations 1996:</i> <ul style="list-style-type: none"> Regulation 11(2)(f) When tenders have to be publicly invited | |
| Power Originally Assigned to: | The Local Government. | |
| Statutory Power of Delegation: | <i>Local Government Act 1995:</i> <ul style="list-style-type: none"> Section 5.42 Delegation of some powers or duties to the CEO Section 5.43 Limitations on delegations to the CEO | |
| Power Delegated to: | Chief Executive Officer | |
| Council's Conditions on Delegation: | The Chief Executive Officer being satisfied that: <ol style="list-style-type: none"> adequate market research has been undertaken to verify that no alternative supplier of the goods or services is available; and sufficient investigation into the use of potential substitute goods or services has been undertaken. | |
| Statutory Power to Sub-delegate: | <i>Local Government Act 1995:</i> <ul style="list-style-type: none"> Section 5.44 CEO may delegate some powers and duties to other employees | |
| Compliance Links: | <i>Local Government Act 1995:</i> <ul style="list-style-type: none"> Section 3.57 Tenders for providing goods or services <i>Local Government (Functions and General) Regulations 1996:</i> <ul style="list-style-type: none"> Part 4, Division 2 Tenders for providing goods or services (s.3.57) Council Policy 9.7 - Purchasing | |
| Version Control | | |
| Version | Decision Reference | Date Delegated |
| 1 | Annual Review | 26/06/12 294/12 |
| 2 | Annual Review / Amended | 25/06/13 319/13 CEO Trim 77838/13 |
| 2 | Annual Review | 24/06/14 270/14 CEO Trim 234521/14 |
| 3 | Annual Review | 09/06/15 OCM Trim 99056/15 |
| 3 | Amend / Review | CEO Trim 114331/15 |
| 3 | Annual Review | 01/08/17 OCM Trim 196152/17 |
| 4 | CEO Annual Review / Amended | 16/08/17 CEO Trim 204825/17 |
| 4 | Annual Review | 28/06/18 OCM CM 162912/18 |



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| 1.2.27. Rate Exemptions | | |
|--|---|------------------------------------|
| Function Delegated: | Authority to determine applications for rate exemptions that accord with the <i>Local Government Act 1995</i> and Council Policy 9.13 – Not Rateable Properties (Rate Exemptions) and Partial Exemptions. | |
| Statutory Power Delegated: | <i>Local Government Act 1995:</i> <ul style="list-style-type: none"> Section 6.26 – Rateable land | |
| Power Originally Assigned to: | The Local Government. | |
| Statutory Power of Delegation: | <i>Local Government Act 1995:</i> <ul style="list-style-type: none"> Section 5.44 Delegation by local government | |
| Power Delegated to: | Chief Executive Officer | |
| Council's Conditions on Delegation: | The exempt properties are to reviewed on a triennial or in some case an annual basis for continued eligibility | |
| Statutory Power to Sub-delegate: | <i>Local Government Act 1995:</i> <ul style="list-style-type: none"> Section 5.44 CEO may delegate some powers and duties to other employees | |
| Compliance Links: | Council Policy 9.13 – Not Rateable Properties (Rate Exemptions) and Partial Rate Exemptions | |
| Version Control | | |
| Version | Decision Reference | Date Delegated |
| 1 | New Delegation | OCM 18/02/14 |
| 2 | CEO Sub-Delegation | TRIM 80283/14 |
| 2 | Annual Review | 24/06/14 270/14 CEO Trim 234521/14 |
| 3 | Annual Review | 09/06/15 OCM Trim 99056/15 |
| 3 | Amend / Review | CEO Trim 114331/15 |
| 3 | Annual Review | 01/08/17 OCM Trim 196152/17 |
| 3 | CEO Annual Review | 16/08/17 CEO Trim 204825/17 |
| 3 | Annual Review | 28/06/18 OCM CM 162912/18 |



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| 1.2.28. Heritage Rate Concessions | | |
|--|---|-----------------------------|
| Function Delegated: | Authority to determine applications for Heritage Rate Concessions only that accord with the Local Government Act 1995 and Council Policy CP 9.2 – Heritage Rate Concessions (LGA s.6.47) | |
| Statutory Power Delegated: | <i>Local Government Act 1995:</i> <ul style="list-style-type: none"> • Section 6.47 - Concessions | |
| Power Originally Assigned to: | The Local Government. | |
| Statutory Power of Delegation: | <i>Local Government Act 1995:</i> <ul style="list-style-type: none"> • Section 5.44 Delegation by local government | |
| Power Delegated to: | Chief Executive Officer | |
| Council's Conditions on Delegation: | For clarity: <ol style="list-style-type: none"> 1. The Delegation is limited to only determining Heritage Rate Concessions. A Waiver of Rates must be determined by Council. 2. Where an application has merit and does not accord with Council Policy CP 9.2 – Heritage Rate Concession, the application must be referred to Council for decision. | |
| Statutory Power to Sub-delegate: | <i>Local Government Act 1995:</i> <ul style="list-style-type: none"> • Section 5.44 CEO may delegate some powers and duties to other employees | |
| Compliance Links: | Council Policy 9.2 – Heritage Rate Concessions | |
| Version Control | | |
| Version | Decision Reference | Date Delegated |
| 1 | New Delegation | OCM 09/06/2015 |
| 2 | CEO Sub-Delegation | TRIM 96414/15 |
| 2 | Annual Review | 09/06/15 OCM Trim 99056/15 |
| 3 | Amend / Review | CEO Trim 114331/15 |
| 3 | Annual Review | 01/08/17 OCM Trim 196152/17 |
| 3 | CEO Annual Review | 16/08/17 CEO Trim 204825/17 |
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2. Statutory Delegations – Other Legislation

2.1. Bush Fires Act 1954

| 2.1.1. Powers, Duties and Functions of a Local Government | | |
|---|--|------------------------------------|
| Function Delegated: | All powers, duties and functions of the local government under the <i>Bush Fires Act 1954</i> . | |
| Statutory Power Delegated: | <i>Bush Fires Act 1954</i> | |
| Power Originally Assigned to: | The Local Government. | |
| Statutory Power of Delegation: | <i>Bush Fires Act 1954:</i> <ul style="list-style-type: none"> Section 48 Delegation by local governments | |
| Power Delegated to: | Chief Executive Officer | |
| Council's Conditions on Delegation: | Authority excludes powers and duties that: <ol style="list-style-type: none"> are prescribed in the Act with a requirement for a resolution of the local government; or are prescribed by the Act for performance by designated offices. | |
| Statutory Power to Sub-delegate: | Nil. | |
| Compliance Links: | <i>Bush Fires Act 1954</i> <i>Bush Fires Regulations 1954</i> <i>Bush Fires (Infringement) Regulations 1978</i> | |
| Version Control | | |
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| 1 | 88/10 | 16/02/2010 |
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2.2. Food Act 2008

| 2.2.1. Prohibition Orders | | |
|--|---|------------------------------------|
| Function Delegated: | Determine to: <ol style="list-style-type: none"> 1. Serve a Prohibition Order on the proprietor of a food business in accordance with s65 of the <i>Food Act 2008</i> [s65]. 2. Give a Certificate of Clearance, where inspection demonstrates compliance with a Prohibition Order and any Improvement Notices [s66]. 3. 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 [s67(4)]. | |
| Statutory Power Delegated: | <i>Food Act 2008:</i> <ul style="list-style-type: none"> • Section 65(1) Prohibition Order • Section 66 Certificate of Clearance • Section 67(4) Request for Re-Inspection | |
| Power Originally Assigned to: | Enforcement Agency (The Local Government). | |
| Statutory Power of Delegation: | <i>Food Act 2008:</i> <ul style="list-style-type: none"> • Section 118(2)(b) Local government (enforcement agency) may delegate a function conferred on it • Section 118(3) Delegation subject to conditions [s119] and guidelines adopted [s120] • Section 118(4) Sub-delegation only permissible if expressly provided in regulations | |
| Power Delegated to: | Chief Executive Officer Director Community and Commercial Services Manager Health and Activity Approvals Coordinator Environmental Health | |
| Council's Conditions on Delegation: | Nil. | |
| Statutory Power to Sub-delegate: | Nil. The <i>Food Regulations 2009</i> do not provide for sub-delegation. | |
| Compliance Links: | <i>Food Act 2008</i> <i>Food Regulations 2009</i> Department of Health: <i>Food Act 2008</i> Regulatory Guideline No. 1: Introduction of Regulatory Food Safety Auditing in WA Department of Health: Food Unit Fact Sheet 8: Guide to Regulatory Guideline No.1 Department of Health: WA Priority Classification System Department of Health: <i>Food Act 2008</i> Verification of Food Safety Program Guideline | |
| Version Control | | |
| Version | Decision Reference | Date Delegated |
| 1 | 354/10 | 16/02/2010 |
| 1 | Annual Review | 26/06/12 294/12 |
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| 2.2.2. Determine Compensation | | |
|--|---|------------------------------------|
| Function Delegated: | Determine to refuse or pay on an application for compensation from a person on whom a prohibition notice has been served, who has suffered loss as a result of the making of the order; and considers that there were insufficient grounds for making the order [s.70(2) and (3)]. | |
| Statutory Power Delegated: | <i>Food Act 2008:</i> <ul style="list-style-type: none"> Section 70 (2) and (3) Compensation | |
| Power Originally Assigned to: | Enforcement Agency (The Local Government). | |
| Statutory Power of Delegation: | <i>Food Act 2008:</i> <ul style="list-style-type: none"> Section 118(2)(b) Local government (enforcement agency) may delegate a function conferred on it Section 118(3) Delegation subject to conditions [s119] and guidelines adopted [s120] Section 118(4) Sub-delegation only permissible if expressly provided in regulations | |
| Power Delegated to: | Chief Executive Officer | |
| Council's Conditions on Delegation: | The level of compensation to be paid in respect of any single claim is not to exceed \$5,000. | |
| Statutory Power to Sub-delegate: | Nil. The <i>Food Regulations 2009</i> do not provide for sub-delegation. | |
| Compliance Links: | <i>Food Act 2008</i> <i>Food Regulations 2009</i> Department of Health: <i>Food Act 2008</i> Regulatory Guideline No. 1: Introduction of Regulatory Food Safety Auditing in WA Department of Health: Food Unit Fact Sheet 8: Guide to Regulatory Guideline No.1 Department of Health: WA Priority Classification System Department of Health: <i>Food Act 2008</i> Verification of Food Safety Program Guideline | |
| Version Control | | |
| Version | Decision Reference | Date Delegated |
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| 2.2.3. Registration of Food Businesses | | |
|--|--|------------------------------------|
| Function Delegated: | Determine: <ol style="list-style-type: none"> 1. Applications for registration of a food business in respect of any premises for the purposes of Part 9 of the <i>Food Act 2008</i> and issue a certificate of registration [s.110(1)]. 2. After considering an application, to grant (with or without conditions) or refuse the application [s.110(5)]. 3. To vary the conditions cancel the registration of a food business in respect of any premises under Part 9 of the <i>Food Act 2008</i> [s.112(1)]. | |
| Statutory Power Delegated: | <i>Food Act 2008:</i> <ul style="list-style-type: none"> • Section 110(1) and (5) Registration of food business • Section 112 Variation of conditions or cancellation of registration of food businesses | |
| Power Originally Assigned to: | Enforcement Agency (The Local Government). | |
| Statutory Power of Delegation: | <i>Food Act 2008:</i> <ul style="list-style-type: none"> • Section 118(2)(b) Local government (enforcement agency) may delegate a function conferred on it • Section 118(3) Delegation subject to conditions [s119] and guidelines adopted [s120] • Section 118(4) Sub-delegation only permissible if expressly provided in regulations | |
| Power Delegated to: | Chief Executive Officer Director Community and Commercial Services Manager Health and Activity Approvals Coordinator Environmental Health Environmental Health Officer Senior Environmental Health Officer | |
| Council's Conditions on Delegation: | Nil. | |
| Statutory Power to Sub-delegate: | Nil. The <i>Food Regulations 2009</i> do not provide for sub-delegation. | |
| Compliance Links: | <i>Food Act 2008</i> <i>Food Regulations 2009</i> Department of Health: <i>Food Act 2008</i> Regulatory Guideline No. 1: Introduction of Regulatory Food Safety Auditing in WA Department of Health: Food Unit Fact Sheet 8: Guide to Regulatory Guideline No.1 Department of Health: WA Priority Classification System Department of Health: <i>Food Act 2008</i> Verification of Food Safety Program Guideline | |
| Version Control | | |
| Version | Decision Reference | Date Delegated |
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| 2.2.4. Appoint Authorised Officers | | |
|--|---|------------------------------------|
| Function Delegated: | 1. Appoint a person to be an authorised officer for the purposes of the <i>Food Act 2008</i> [s.122(1)]. 2. Appoint a person to be a Designated Officer for the purposes of the <i>Food Act 2008</i> [s126(13)]. | |
| Statutory Power Delegated: | <i>Food Act 2008:</i> <ul style="list-style-type: none"> Section 122(1) Appointment of authorised officers Section 126(13) Infringement Notices | |
| Power Originally Assigned to: | Local Government. | |
| Statutory Power of Delegation: | <i>Food Act 2008</i> – Section 118(2)(b). | |
| Power Delegated to: | Chief Executive Officer Director Community and Commercial Services Manager Health and Activity Approvals Coordinator Environmental Health | |
| Council's Conditions on Delegation: | Nil. | |
| Statutory Power to Sub-delegate: | Nil. The <i>Food Regulations 2009</i> do not provide for sub-delegation. | |
| Compliance Links: | <i>Food Act 2008</i> <ul style="list-style-type: none"> Section 122(3) required the Enforcement Agency to maintain a list of authorised officers appointed by the agency. Section 123(1) requires the Enforcement Agency to provide each authorised officer with a certificate of authority as an authorised officer. <i>Food Regulations 2009</i> Department of Health: Guideline on the Appointment of Authorised Officers as Meat Inspectors Department of Health: Guideline on the Appointment of Authorised Officers Department of Health: Guideline on the Appointment of Authorised Officers – Designated Officers only (section 126) Department of Health: Guideline on the Appointment of Authorised Officers – Appointment of persons to assist with the discharge of duties of an authorised officer. | |
| Version Control | | |
| Version | Decision Reference | Date Delegated |
| 1 | 354/10 | 16/02/2010 |
| 1 | Annual Review | 26/06/12 294/12 |
| 2 | Annual Review / Amended | 25/06/13 319/13 CEO Trim 77838/13 |
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| 2.2.5. Prosecutions | | |
|--|--|------------------------------------|
| Function Delegated: | Institute proceedings for an offence under the <i>Food Act 2008</i> [s.125]. | |
| Statutory Power Delegated: | <i>Food Act 2008:</i> | |
| | <ul style="list-style-type: none"> • Section 125 Institution of proceedings | |
| Power Originally Assigned to: | Enforcement Agency (The Local Government). | |
| Statutory Power of Delegation: | <i>Food Act 2008:</i> | |
| | <ul style="list-style-type: none"> • Section 118(2)(b) Local government (enforcement agency) may delegate a function conferred on it • Section 118(3) Delegation subject to conditions [s119] and guidelines adopted [s120] • Section 118(4) Sub-delegation only permissible if expressly provided in regulations | |
| Power Delegated to: | Chief Executive Officer Director Community and Commercial Services Manager Health and Activity Approvals Coordinator Environmental Health Environmental Health Officer Senior Environmental Health Officer | |
| Council's Conditions on Delegation: | Nil. | |
| Statutory Power to Sub-delegate: | Nil. The <i>Food Regulations 2009</i> do not provide for sub-delegation. | |
| Compliance Links: | <i>Food Act 2008</i> <i>Food Regulations 2009</i> Food Regulation: Department of Health Compliance and Enforcement Policy | |
| Version Control | | |
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| 1 | New Delegation | 25/06/13 319/13 CEO Trim 77838/13 |
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2.3. Building Act 2011

| 2.3.1. Grant of Building Permit | | |
|--|---|------------------------------------|
| Function Delegated: | Authority to: <ol style="list-style-type: none"> grant a building permit [s.20(1)]. refuse a building permit [s.20(2)]. impose, vary or revoke conditions on a demolition permit [s.27(1) and (3)]. determine approved alternative building solution to meet performance requirement in the Building Code relating to fire detection and early warning [Reg.55]. determine approval / refusal of battery powered smoke alarm and determine application form [Reg.61]. | |
| Statutory Power Delegated: | <i>Building Act 2001:</i> <ul style="list-style-type: none"> Section 20 Grant of Building Permit Section 27 (1) and (3) Impose Conditions on Permit <i>Building Regulations 2012</i> <ul style="list-style-type: none"> Regulation 55 (Smoke Alarms) Terms used Regulation 61 Local Government approval of battery powered smoke alarms | |
| Power Originally Assigned to: | Permit Authority (Local Government in accordance with s.6(3)). | |
| Statutory Power of Delegation: | <i>Building Act 2011:</i> <ul style="list-style-type: none"> Section 127 Delegation: special permit authorities and local governments | |
| Power Delegated to: | Manager Development Approvals Principal Building Surveyor Senior Building Surveyor | |
| Council's Conditions on Delegation: | Nil. | |
| Statutory Power to Sub-delegate: | <i>Building Act 2011:</i> <ul style="list-style-type: none"> Section 127(6A) Delegation: special permit authorities and local governments (powers of sub-delegation limited to CEO) | |
| Compliance Links: | <i>Building Act 2011:</i> <ul style="list-style-type: none"> Section 22 Further Grounds for Not Granting an Application <i>Building Services (Registration Act) 2011:</i> <ul style="list-style-type: none"> Section 7 <i>Home Building Contracts Act 1999</i> <ul style="list-style-type: none"> Part 3A, Division 2 <i>Building Services (Complaint Resolution and Administration) Act 2001</i> <ul style="list-style-type: none"> Part 7, Division 2 <i>Building and Construction Industry Training Levy Act 1990</i> <i>Heritage of Western Australia Act 1990</i> | |
| Version Control | | |
| Version | Decision Reference | Date Delegated |
| 1 | 719/11 | 06/12/2012 |
| 1 | Annual Review | 294/12 26/06/12 |
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| 2.3.2. Grant of Demolition Permit | | |
|--|---|------------------------------------|
| Function Delegated: | Authority to: <ul style="list-style-type: none"> grant a demolition permit [s.21(1)]. refuse a demolition permit [s.21(2)]. impose, vary or revoke conditions on a demolition permit [s.27(1) and (3)]. | |
| Statutory Power Delegated: | <i>Building Act 2011:</i> <ul style="list-style-type: none"> Section 21 Grant of Demolition Permit Section 27 (1) and (3) Impose Conditions on Permit | |
| Power Originally Assigned to: | Permit Authority (Local Government in accordance with s.6(3)). | |
| Statutory Power of Delegation: | <i>Building Act 2001:</i> <ul style="list-style-type: none"> Section 127 Delegation: special permit authorities and local governments | |
| Power Delegated to: | Manager Development Approvals Principal Building Surveyor Senior Building Surveyor | |
| Council's Conditions on Delegation: | Nil. | |
| Statutory Power to Sub-delegate: | <i>Building Act 2011:</i> <ul style="list-style-type: none"> Section 127(6A) Delegation: special permit authorities and local governments (powers of sub-delegation limited to CEO) | |
| Compliance Links: | <i>Building Act 2011:</i> <ul style="list-style-type: none"> Section 22 Further Grounds for Not Granting an Application <i>Building Services (Complaint Resolution and Administration) Act 2011</i> <ul style="list-style-type: none"> Part 7, Division 2 <i>Building and Construction Industry Training Levy Act 1990</i> <i>Heritage of Western Australia Act 1990</i> | |
| Version Control | | |
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| 2.3.3. Grant Occupancy Permit or Building Approval Certificate | | |
|--|--|------------------------------------|
| Function Delegated: | Authority to: <ul style="list-style-type: none"> require an applicant to provide any document or information required in order to determine an application [s.55]. grant or modify an occupancy permit or building approval certificate [s.58]. impose, add, vary or revoke conditions on an occupancy permit or building approval certificate [s.62(1) and (3)]. extend the period in which an occupancy permit or modification, or building approval certificate has effect [s.65(4)]. | |
| Statutory Power Delegated: | <i>Building Act 2011:</i> <ul style="list-style-type: none"> Section 55 Further Information Section 58 Grant of Occupancy Permit, Building Approval Certificate Section 62(1) and (3) Conditions Imposed by Permit Authority Section 65(4) Extension of Period of Duration | |
| Power Originally Assigned to: | Permit Authority (Local Government in accordance with s.6(3)). | |
| Statutory Power of Delegation: | <i>Building Act 2001:</i> <ul style="list-style-type: none"> Section 127 Delegation: special permit authorities and local governments | |
| Power Delegated to: | Manager Development Approvals Principal Building Surveyor Senior Building Surveyor | |
| Council's Conditions on Delegation: | Nil. | |
| Statutory Power to Sub-delegate: | <i>Building Act 2011:</i> <ul style="list-style-type: none"> Section 127(6A) Delegation: special permit authorities and local governments (powers of sub-delegation limited to CEO) | |
| Compliance Links: | <i>Building Services (Registration Act) 2011 – Section 11</i> <i>Building Services (Complaint Resolution and Administration) Act 2011</i> <ul style="list-style-type: none"> Part 7, Division 2 <i>Building and Construction Industry Training Levy Act 1990</i> | |
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| 2.3.4. Designate Authorised Persons | | |
|--|---|------------------------------------|
| Function Delegated: | Authority to designate an employee as an authorised person [s.96(3)]. | |
| Statutory Power Delegated: | <i>Building Act 2011:</i> <ul style="list-style-type: none"> Section 96(3) Authorised Persons | |
| Power Originally Assigned to: | Permit Authority (Local Government in accordance with s.6(3)). | |
| Statutory Power of Delegation: | <i>Building Act 2001:</i> <ul style="list-style-type: none"> Section 127 Delegation: special permit authorities and local governments | |
| Power Delegated to: | Chief Executive Officer Director Planning and Development | |
| Council's Conditions on Delegation: | Nil. | |
| Statutory Power to Sub-delegate: | <i>Building Act 2011:</i> <ul style="list-style-type: none"> Section 127(6A) Delegation: special permit authorities and local governments (powers of sub-delegation limited to CEO) | |
| Compliance Links: | <i>Building Act 2011</i> | |
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2.3.5. Building Orders

| | |
|--|---|
| Function Delegated: | <p>Authority to:</p> <ol style="list-style-type: none"> 1. make Building Orders [s.110] in relations to: <ol style="list-style-type: none"> a. Building work, b. Demolition Work, c. An existing building or incidental structure. 2. give notice of a proposed building order and consider submissions received in response and determine actions [s.111(1)(c)] 3. revoke a Building Order [s.117]. 4. if there is non-compliance with a building order, cause an authorised person to: <ol style="list-style-type: none"> a. Take any action specified in the order; or b. Commence or complete any work specified in the order; or c. If any specified action was required by the order to cease, to take such steps as are reasonable to cause the action to cease [s.118(2)]. 5. take court action to recover as a debt, reasonable costs and expenses incurred in doing anything in regard to non-compliance with a building order [s.118(3)]. 6. 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. |
| Statutory Power Delegated: | <p><i>Building Act 2011:</i></p> <ul style="list-style-type: none"> • Section 110(1) A Permit Authority (Local Government) may make a Building Order • Section 111(1) Notice of proposed building order other than building order (emergency) • Section 117(1) and (2) A Permit Authority (Local Government) may revoke a Building Order or notify that it remains in effect • Section 118(2) and (3) Permit authority may give effect to building order if non-compliance • Section 133(1) A Permit Authority (Local Government) may commence a prosecution for an offence against this Act |
| Power Originally Assigned to: | Permit Authority (Local Government in accordance with s.6(3)). |
| Statutory Power of Delegation: | <p><i>Building Act 2011:</i></p> <ul style="list-style-type: none"> • Section 127 Delegation: special permit authorities and local governments |
| Power Delegated to: | <p>Director Planning and Development Manager Development Approvals Principle Building Surveyor Senior Development Compliance Officer</p> |
| Council's Conditions on Delegation: | Nil. |
| Statutory Power to Sub-delegate: | <p><i>Building Act 2011:</i></p> <ul style="list-style-type: none"> • Section 127(6A) Delegation: special permit authorities and local governments (powers of sub-delegation limited to CEO) |
| Compliance Links: | <p><i>Building Act 2011:</i></p> <ul style="list-style-type: none"> • 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 |



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| 2.3.6. Inspection and Copies of Building Records | | |
|--|---|------------------------------------|
| Function Delegated: | Authority to determine an application from an interest person to inspect and copy a building record [s.131(2)]. | |
| Statutory Power Delegated: | <i>Building Act 2011:</i> <ul style="list-style-type: none"> Section 131(2) Inspection, Copies of Building Records | |
| Power Originally Assigned to: | Permit Authority (Local Government in accordance with s.6(3)). | |
| Statutory Power of Delegation: | <i>Building Act 2011:</i> <ul style="list-style-type: none"> Section 127 Delegation: special permit authorities and local governments | |
| Power Delegated to: | Manager Development Approvals Applications Team Leader Principal Building Surveyor | |
| Council's Conditions on Delegation: | Nil. | |
| Statutory Power to Sub-delegate: | <i>Building Act 2011:</i> <ul style="list-style-type: none"> Section 127(6A) Delegation: special permit authorities and local governments (powers of sub-delegation limited to CEO) | |
| Compliance Links: | <i>Building Act 2011</i> | |
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2.4. Planning and Development Act 2005

| 2.4.1. Illegal Development | | |
|--|--|------------------------------------|
| Function Delegated: | <ol style="list-style-type: none"> 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: <ol style="list-style-type: none"> (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. to | |
| Statutory Power Delegated: | <i>Planning and Development Act 2005:</i> <ul style="list-style-type: none"> • Section 214(2), (3) and (5) | |
| Power Originally Assigned to: | The Local Government. | |
| Statutory Power of Delegation: | <i>Local Government Act 1995:</i> <ul style="list-style-type: none"> • Section 5.42 | |
| Power Delegated to: | Chief Executive Officer | |
| Council's Conditions on Delegation: | Nil. | |
| Statutory Power to Sub-delegate: | Nil. | |
| Compliance Links: | Part 13 of the <i>Planning and Development Act 2005</i> | |
| Version Control | | |
| Version | Decision Reference | Date Delegated |
| 1 | New Delegation | 527/12 30/10/12 |
| 1 | Annual Review | 25/06/13 319/13 CEO Trim 77838/13 |
| 1 | Annual Review | 24/06/14 270/14 CEO Trim 234521/14 |
| 1 | Annual Review | 01/08/17 OCM Trim 196152/17 |
| 1 | CEO Annual Review | 16/08/17 CEO Trim 204825/17 |
| 1 | Annual Review | 28/06/18 OCM CM 162912/18 |



2.5. City Planning Scheme

| 2.5.1. City Planning Scheme No.2 – Planning Approval | |
|--|--|
| Function Delegated: | <ol style="list-style-type: none"> 1. Authority to determine development applications for the commencement or continuation of any development or use of any land or building and apply discretion where provided. 2. Authority to require or waive the requirement for an applicant to advertise a proposal. 3. Authority to comment on applications referred to the Council by other authorities. 4. Authority to determine the advertising content of a proposed sign at: <ol style="list-style-type: none"> a. 267 (Lot 10) St Georges Terrace, Perth (OCM 01/04/14). b. 81 (Lot 81) St Georges Terrace, Perth (OCM 01/04/14). 5. Determine, in accordance with clause 77 of the Deemed Provisions, whether to approve, refuse, or approve with conditions an application by an owner to: <ol style="list-style-type: none"> a. to amend an approval so as to extend the period within which any development approved must be substantially commenced; b. to amend or delete any condition to which an approval is subject; c. to amend an aspect of the development approved which, if amended, would not substantially change the development approved; or d. to cancel an approval. |
| Statutory Power Delegated: | <p>City Planning Scheme No.2</p> <ul style="list-style-type: none"> • CPS2 clauses 32,33,36 and 37; and • Clauses 64 1 (f) and 64 (1A & 1B) of the supplemental Provisions to the Deemed Provisions. <p>The relevant clauses of the <i>Planning and Development (Local Planning Schemes) Regulations 2015</i> – Schedule 2 Deemed Provisions for Local Planning schemes including clauses 64, 67, 68, 72 and 77.</p> |
| Power Originally Assigned to: | The Local Government. |
| Statutory Power of Delegation: | The relevant clauses of the <i>Planning and Development (Local Planning Schemes) Regulations 2015</i> – Schedule 2 Deemed Provisions for Local Planning Schemes – including clauses 81 to 84. |
| Power Delegated to: | Chief Executive Officer Director Planning and Development Manager Development Approvals |
| Council’s Conditions on Delegation: | <p>In relation to Delegated Authority 1 above:</p> <ol style="list-style-type: none"> 1. The delegation of power may not be exercised where: <ol style="list-style-type: none"> a. the application is a non-complying application for the purposes of clause 36 of the Scheme and clause 64 of the <i>Planning and Development (Local Planning Schemes) Regulations 2015</i> – Schedule 2 Deemed Provisions for Local Planning Schemes, where the non-compliance is considered major or involves a request for bonus plot ratio other than in accordance with clause 28(6) of the Scheme; or |



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| | <p>b. the application is for development that may have a detrimental impact on a place that is:</p> <ol style="list-style-type: none"> i. entered on the Heritage List or is located within a Heritage Area prepared in accordance with clauses 8 and 9 of the <i>Planning and Development (Local Planning Schemes) Regulations 2015 – Schedule 2 Deemed Provisions for Local Planning Schemes</i>; or ii. entered in the Register of Heritage Places under the <i>Heritage of Western Australia Act 1990</i>, or is the subject of an order under Part 6 of the <i>Heritage of Western Australia Act 1990</i>; <p>2. Where an objection(s) to an application has been received from a landowner/occupier as a result of public consultation, approval or conditional approval shall only be issued where, in the opinion of the Delegated Officer, the issue(s) raised in the submission(s):</p> <ol style="list-style-type: none"> a. can be resolved through the placement of reasonable conditions on the approval; or b. does not relate to valid planning and development considerations associated with the proposal; <p>In relation to Delegated Authority 3 above, comment may only be made on proposals that are considered minor in nature.</p> <p>Authority may not be exercised where any elected member has requested that the application be referred to the Council for determination.</p> <p>Details of approvals issued under delegated authority are to be made available to elected members on a weekly basis.</p> | |
| <p>Statutory Power to Sub-delegate:</p> | <p>The relevant clauses of the <i>Planning and Development (Local Planning Schemes) Regulations 2015 – Schedule 2 Deemed Provisions for Local Planning Schemes – including clause 83.</i></p> | |
| <p>Compliance Links:</p> | <p><i>City Planning Scheme No. 2</i> and subordinate Schemes:</p> <ul style="list-style-type: none"> • TPS 11 City of Perth Town Planning Scheme No.11 (Wesley Trust) • TPS 13 City of Perth Town Planning Scheme No.13 (SGIO) • TPS 14 City of Perth Town Planning Scheme No.14 (Withernsea) • TPS 16 City of Perth Town Planning Scheme No.16 (AMP) • TPS 21 City of Perth Town Planning Scheme No.21 (FAI Site) • TPS 23 City of Perth Town Planning Scheme No.23 (Paragon) • TPS 24 City of Perth Town Planning Scheme No.24 (131-137 Adelaide Terrace) • LPS 26 City of Perth Local Planning Scheme No.26 (East Perth Redevelopment Area) <p><i>Planning and Development Act 2005 Planning and Development Regulations 2009 Planning and Development (Local Planning Schemes) Regulations 2015 – Schedule 2 Deemed Provisions for Local Planning Schemes</i></p> | |
| <p>Version Control</p> | | |
| <p>Version</p> | <p>Decision Reference</p> | <p>Date Delegated</p> |
| <p>1</p> | | <p>88/10 – 16/02/2010</p> |
| <p>1</p> | <p>Annual Review</p> | <p>26/06/12 294/12</p> |



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| 1 | Annual Review | 25/06/13 319/13 CEO Trim 77838/13 |
| 2 | New DA.4(a)= sign content | 01/04/14 |
| 2 | Annual Review | 24/06/14 270/14 CEO Trim 234521/14 |
| 3 | Annual Review | 09/06/15 OCM Trim 99056/15 |
| 4 | New legislation – The Planning and Development (Local Planning Schemes) Regulations 2015 – Schedule 2 Deemed Provisions for Local Planning Schemes | 24/11/15 OCM 509/15 |
| 5 | Annual Review / Amended | 01/08/17 OCM Trim 196152/17 |
| 5 | CEO Annual Review | 16/08/17 CEO Trim 204825/17 |
| 6 | Annual Review | 28/06/18 OCM CM 162912/18 |



| 2.5.1. City Planning Scheme No.2 – Planning Approval | |
|---|--|
| A. City of Subiaco Town Planning Scheme No.4. Planning Approval | |
| Function Delegated: | Authority to determine an application for planning approval for the commencement or continuation of any development or use of any land or building. |
| Statutory Power Delegated: | <p>The relevant clauses of 'Town Planning Scheme No.4' including but not limited to Part 4: Development Approval.</p> <p>The relevant sections/clauses of <i>The Planning and Development (Local Planning Schemes) Regulations 2015</i> – Schedule 2 Deemed Provisions for Local Planning Schemes, including but not limited to Part 7: Requirement for Development Approval, Part 8: Applications for Development Approval, and Part 9: Procedure for dealing with applications for Development Approval.</p> |
| Power Originally Assigned to: | The Local Government. |
| Statutory Power of Delegation: | <p>Clause 80 of 'Town Planning Scheme No.4'</p> <p>The relevant clauses of <i>The Planning and Development (Local Planning Schemes) Regulations 2015</i> – Schedule 2 Deemed Provisions for Local Planning Schemes – including clauses 81 to 84.</p> |
| Power Delegated to: | Chief Executive Officer |
| Council's Conditions on Delegation: | <p>The delegation of power does not apply in the following circumstances:</p> <ul style="list-style-type: none">a. applications for unauthorised development (retrospective applications), where an officers recommendation is to undertake prosecution proceedings in relation to a matter connected with the unauthorised development for which approval has been sought.b. the application is for planning approval where the development may have a detrimental impact on a place that is:<ul style="list-style-type: none">i. entered in the Register of Heritage Places under the <i>Heritage of Western Australia Act 1990</i>, orii. the subject of an order under the <i>Heritage of Western Australia Act 1990</i>, Part 6, oriii. subject to a declaration under clause 55 of the Scheme that it is significant and worthy of preservation, or included on a Heritage List prepared in accordance of clause 8 of <i>The Planning and Development (Local Planning schemes) Regulations 2015</i> – Schedule 2 Deemed Provisions for Local Planning Schemes; oriv. located within an Heritage Area designated under clause 59 of the Scheme or clause 9 of <i>The Planning and Development (Local Planning Schemes) Regulations 2015</i> – Schedule 2 Deemed Provisions for Local Planning Schemes; or the subject of a heritage agreement entered into under clause 56 of the Scheme or Clause 10 of <i>The Planning and Development (Local Planning Schemes) Regulations 2015</i> – Schedule 2 Deemed Provisions for Local Planning Schemes.c. where 5 or more objections are received on valid planning grounds. |



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| | <p>d. delegation may not be exercised where any elected member has requested that the application be referred to the Council for determination.</p> <p>i. details of approval issued under delegated authority are to be made available to elected members on a weekly basis.</p> | |
| Statutory Power to Sub-delegate: | <p>Clause 83 of <i>The Planning and Development (Local Planning Schemes) Regulations 2015</i> – Schedule 2 Deemed Provisions for Local Planning Schemes.</p> | |
| Compliance Links: | <p>City of Subiaco – ‘Town Planning Scheme No.4’; <i>Planning and Development Act 2005</i>; <i>Planning and Development Regulations 2009</i>; <i>The Planning and Development (Local Planning Schemes) Regulations 2015</i> – Schedule 2 Deemed Provisions for Local Planning Schemes; and <i>Local Government (Constitution) Regulations 1998</i></p> | |
| Version Control | | |
| Version | Decision Reference | Date Delegated |
| 1 | New Delegation | 28/06/16 OCM Trim 109222/16 and CEO Trim 111873/16 |
| 1 | Annual Review | 01/08/17 OCM Trim 196152/17 |
| 1 | CEO Annual Review | 16/08/17 CEO Trim 204825/17 |
| 1 | Annual Review | 28/06/18 OCM CM 162912/18 |



| 2.5.2. City Planning Scheme No.2 – Appoint Authorised Officers | | |
|--|--|-----------------------------|
| Function Delegated: | Authority to appoint Authorised Officers for the purposes of entering any building or land to determine whether the provisions of this Scheme have been or are being observed in accordance with relevant clauses of the <i>Planning and Development (Local Planning Schemes) Regulations 2015</i> – Schedule 2 Deemed Provisions – including clause 79. | |
| Statutory Power Delegated: | City Planning Scheme No.2 <ul style="list-style-type: none"> • Clause 63 Authorised Entry The relevant clauses of <i>The Planning and Development (Local Planning Schemes) Regulations 2015</i> – Schedule 2 Deemed Provisions for Local Planning Schemes including clause 79. | |
| Power Originally Assigned to: | Council (Local Government) | |
| Statutory Power of Delegation: | The relevant clauses of <i>The Planning and Development (Local Planning Schemes) Regulations 2015</i> – Schedule 2 Deemed Provisions for Local Planning Schemes including clauses 81 to 84.. | |
| Power Delegated to: | Chief Executive Officer | |
| Council’s Conditions on Delegation: | Nil. | |
| Statutory Power to Sub-delegate: | The relevant clauses of the <i>Planning and Development (Local Planning Schemes) Regulations 2015</i> – Schedule 2 Deemed Provisions for Local Planning Schemes including clause 83. | |
| Compliance Links: | <i>The Planning and Development (Local Planning Schemes) Regulations 2015</i> – Schedule 2 Deemed Provisions for Local Planning Schemes | |
| Version Control | | |
| Version | Decision Reference | Date Delegated |
| 1 | New Delegation | 09/06/2015 OCM 99056/15 |
| 2 | New legislation – The Planning and Development (Local Planning Schemes) Regulations 2015 – Schedule 2 Deemed Provisions for Local Planning Schemes | 24/11/15 OCM 509/15 |
| 3 | Annual Review / Amended | 01/08/17 OCM Trim 196152/17 |
| 3 | CEO Annual Review | 16/08/17 CEO Trim 204825/17 |
| 4 | CEO Amendment | 21/09/17 CEO Trim 237249/17 |
| 4 | Annual Review | 28/06/18 OCM CM 162912/18 |



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| 2.5.2. City Planning Scheme No.2 – Appoint Authorised Officers | | |
|---|---|-----------------------------|
| A. City of Subiaco Town Planning Scheme No.4. – Appoint Authorised Officers | | |
| Function Delegated: | Authority to appoint Authorised Officers for the purposes of entering any building or land to determine whether the provisions of this Scheme have been or are being observed. | |
| Statutory Power Delegated: | Clause 79 of <i>The Planning and Development (Local Planning Schemes) Regulations 2015</i> – Schedule 2 Deemed Provisions for Local Planning Schemes. | |
| Power Originally Assigned to: | Chief Executive Officer | |
| Statutory Power of Delegation: | Clause 80 of ‘Town Planning Scheme No.4’ The relevant clauses of <i>The Planning and Development (Local Planning Schemes) Regulations 2015</i> – Schedule 2 Deemed Provisions for Local Planning Schemes – including clauses 81 to 84. | |
| Power Delegated to: | Nil. | |
| Council’s Conditions on Delegation: | Nil. | |
| Statutory Power to Sub-delegate: | Clause 83 of <i>The Planning and Development (Local Planning Schemes) Regulations 2015</i> – Schedule 2 Deemed Provisions for Local Planning Schemes. | |
| Compliance Links: | | |
| Version Control | | |
| Version | Decision Reference | Date Delegated |
| 1 | New Delegation | 28/06/16 OCM Trim 109222/16 |
| 1 | Annual Review | 01/08/17 OCM Trim 196152/17 |
| 1 | CEO Annual Review | 16/08/17 CEO Trim 204825/17 |
| 2 | CEO Amendment | 21/09/17 CEO Trim 237249/17 |
| 2 | Annual Review | 28/06/18 OCM CM 162912/18 |



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2.6. Cat Act 2011

| 2.6.1. Cat Act – Registrations | | |
|--|---|-----------------------------|
| Function Delegated: | <ol style="list-style-type: none"> 1. Grant or refuse to grant the registration of the cat [s.9(1)(a)]. 2. Renew or refuse to renew the registration of the cat [s9(1)(b)]. 3. Require an applicant to provide any additional document or information required to determine the application [s9(5)]. 4. Refuse to consider an application, where the applicant has not complied with a request for information [s9(6)]. 5. Cancel the registration of a cat [s10]. 6. Give notice of decisions [s13]. | |
| Statutory Power Delegated: | <i>Cat Act 2011</i> <ul style="list-style-type: none"> • Section 9 Registration • Section 10 Cancellation of registration • Section 13 Notice to be given of certain decisions made under this Subdivision | |
| Power Originally Assigned to: | The Local Government. | |
| Statutory Power of Delegation: | <i>Cat Act 2011</i> <ul style="list-style-type: none"> • Section 44 Delegation by local government | |
| Power Delegated to: | Chief Executive Officer | |
| Council's Conditions on Delegation: | Nil. | |
| Statutory Power to Sub-delegate: | <i>Cat Act 2011</i> <ul style="list-style-type: none"> • Section 45 Delegation by CEO of local government | |
| Compliance Links: | <i>Cat Act 2011</i> <ul style="list-style-type: none"> • Part 2 Division 1 – Registration and tagging | |
| Version Control | | |
| Version | Decision Reference | Date Delegated |
| 1 | New Delegation | 28/06/16 OCM Trim 109222/16 |
| 1 | Annual Review | 01/08/17 OCM Trim 196152/17 |
| 2 | CEO Annual Review / Amended | 16/08/17 CEO Trim 204825/17 |
| 3 | CEO Sub-delegation amended | 09/04/18 CM 90076/18 |
| 3 | Annual Review | 28/06/18 OCM CM 162912/18 |



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2.6.2. Cat Act – Breeder Approvals

| | |
|--|---|
| Function Delegated: | <ol style="list-style-type: none"> 1. Grant or refuse to grant an approval for the person to breed cats [s.37(1)(a)]. 2. Renew or refuse to renew an approval for the person to breed cats [s.37(1)(b)]. 3. Require an applicant to provide any document or information required to determine the application [s.37(3)]. 4. Refuse to consider an application, where the applicant has not complied with a request for information [s.37(4)]. 5. Cancel an approval to breed cats [s.38]. 6. Give notice of decisions [s.40]. |
| Statutory Power Delegated: | <i>Cat Act 2011</i> <ul style="list-style-type: none"> • Section 37 Approval to breed cats • Section 38 Cancellation of approval to breed cats • Section 40 Notice to be given of certain decisions made under this Subdivision. |
| Power Originally Assigned to: | The Local Government. |
| Statutory Power of Delegation: | <i>Cat Act 2011</i> <ul style="list-style-type: none"> • Section 44 Delegation by local government |
| Power Delegated to: | Chief Executive Officer |
| Council's Conditions on Delegation: | Nil. |
| Statutory Power to Sub-delegate: | <i>Cat Act 2011</i> <ul style="list-style-type: none"> • Section 45 Delegation by CEO of local government |
| Compliance Links: | <i>Cat Act 2011</i> <ul style="list-style-type: none"> • Part 3 Division 4 – Breeding of cats |

Version Control

| Version | Decision Reference | Date Delegated |
|---------|-----------------------------|------------------------------------|
| 1 | New Delegation | OCM 10/12/13 CEO Trim 154059/13 |
| 1 | Annual Review | 24/06/14 270/14 CEO Trim 234521/14 |
| 1 | Annual Review | 01/08/17 OCM Trim 196152/17 |
| 2 | CEO Annual Review / Amended | 16/08/17 CEO Trim 204825/17 |
| 3 | CEO Sub-delegation amended | 09/04/18 CM 90076/18 |
| 3 | Annual Review | 28/06/18 OCM CM 162912/18 |



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| 2.6.3. Cat Act – Appoint Authorised Persons | | |
|---|---|------------------------------------|
| Function Delegated: | 1. Appoint Persons or classes of persons to be authorised for the purposes of performing particular functions under this Act [s.48(1)]. 2. Determine conditions on any authorisation [s.48(3)]. 3. Cancel or vary an authorisation [s.48(4)]. | |
| Statutory Power Delegated: | <i>Cat Act 2011</i> <ul style="list-style-type: none"> Section 48 Authorised Persons | |
| Power Originally Assigned to: | The Local Government. | |
| Statutory Power of Delegation: | <i>Cat Act 2011</i> <ul style="list-style-type: none"> Section 44 Delegation by local government | |
| Power Delegated to: | Chief Executive Officer | |
| Council's Conditions on Delegation: | Nil. | |
| Statutory Power to Sub-delegate: | <i>Cat Act 2011</i> <ul style="list-style-type: none"> Section 45 Delegation by CEO of local government | |
| Compliance Links: | <i>Cat Act 2011</i> <ul style="list-style-type: none"> Part 4 Division 3 | |
| Version Control | | |
| Version | Decision Reference | Date Delegated |
| 1 | New Delegation | OCM 10/12/13 CEO Trim 154059/13 |
| 1 | Annual Review | 24/06/14 270/14 CEO Trim 234521/14 |
| 1 | Annual Review | 01/08/17 OCM Trim 196152/17 |
| 1 | CEO Annual Review | 16/08/17 CEO Trim 204825/17 |
| 2 | CEO Amendment | 21/09/17 CEO Trim 237249/17 |
| 2 | Annual Review | 28/06/18 OCM CM 162912/18 |



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2.6.4. Cat Act – Waive or Discount Registration Fees

| | | |
|--|--|-----------------------------|
| Function Delegated: | 1. Waive or discount prescribed fees in relation to registration of cats [Schedule 3 – cl. 1(4)] | |
| Statutory Power Delegated: | <i>Cat Regulations 2011</i> <ul style="list-style-type: none">• Schedule 1 – clause 1: Fees payable | |
| Power Originally Assigned to: | The Local Government. | |
| Statutory Power of Delegation: | <i>Cat Act 2011</i> <ul style="list-style-type: none">• Section 44 Delegation by local government | |
| Power Delegated to: | Chief Executive Officer | |
| Council's Conditions on Delegation: | Nil. | |
| Statutory Power to Sub-delegate: | <i>Cat Act 2011</i> <ul style="list-style-type: none">• Section 45 Delegation by CEO of local government | |
| Compliance Links: | <i>Cat Act 2011</i> <i>Cat Regulations 2012</i> | |
| Version Control | | |
| Version | Decision Reference | Date Delegated |
| 1 | New Delegation | 01/08/17 OCM Trim 196152/17 |
| 1 | CEO Annual Review | 16/08/17 CEO Trim 204825/17 |
| 1 | Annual Review | 28/06/18 OCM CM 162912/18 |



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2.7. Liquor Control Act 1988

| 2.7.1. Liquor Control Act – Extended Trading Permit | | |
|---|--|-----------------------------|
| Function Delegated: | <ol style="list-style-type: none"> 1. Approved or otherwise through consultation the issue of an extended trading permit [s.60 (4) (h)(ia)], [s.61] and [s.61a] 2. Approved or otherwise through consultations the issue of an extended trading permit for extended areas [s.61] 3. Approved or otherwise through consultation the issue of an extended trading permit for the sale of wine or beer [s.61a] <p>The City's advice will accompany an application to the liquor licensing authority that is responsible for determining applications for an extended trading permit.</p> | |
| Statutory Power Delegated: | <i>Liquor Control Act 1988</i> <ul style="list-style-type: none"> • Section 60 Extended trading permit, purposes, effect and conditions of • Section 61 Extended trading permit for extended areas [s.60(4)(h)] pre-requisites for grant of • Section 61a Extended trading permit for the sale of wine or beer [s.60(4)(ia)] | |
| Power Originally Assigned to: | The Local Government. | |
| Statutory Power of Delegation: | <i>Local Government Act 1995</i> <ul style="list-style-type: none"> • Section 5.42 Delegation of some power or duties to CEO • Section 5.43 Limitations on delegations to CEO | |
| Power Delegated to: | Chief Executive Officer | |
| Council's Conditions on Delegation: | Decisions must be in accordance with the requirements of Council Policy 14.4 – Extended Trading Permits | |
| Statutory Power to Sub-delegate: | <i>Local Government Act 1995</i> <ul style="list-style-type: none"> • Section 5.44 CEO may delegate power and duties to other employees. | |
| Compliance Links: | <i>Liquor Control Act 1988</i> <ul style="list-style-type: none"> • Part 3 Division 4 <p>Council Policy 14.4 – Extended Trading Permits</p> | |
| Version Control | | |
| Version | Decision Reference | Date Delegated |
| 1 | New Delegation | 28/06/16 OCM Trim 109222/16 |
| 1 | Annual Review | 01/08/17 OCM Trim 196152/17 |
| 1 | CEO Annual Review | 16/08/17 CEO Trim 204825/17 |
| 1 | Annual Review | 28/06/18 OCM CM 162912/18 |



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2.8. Dog Act 1976

| 2.8.1. Dog Act – Registrations | | |
|--|---|-----------------------------|
| Function Delegated: | <ol style="list-style-type: none"> 1. Direct a registration officer to refuse to effect or renew a registration of a dog or cancel an existing registration [s.16]. 2. Determine that a dog cannot be registered where no application has been made [s.17A]. 3. Determine, for the purposes of assessing whether a dog can be registered or remain registered, that a dog is not, or will not be, appropriately confined [s.16, s.17A]. 4. Determine, for the purposes of assessing whether a dog can be registered or remain registered, that a dog is destructive, unduly mischievous, or to be suffering from an infectious or contagious disease [s.16, 17A]. | |
| Statutory Power Delegated: | <i>Dog Act 1976</i> <ul style="list-style-type: none"> • Section 16 Registration procedure • Section 17A If no application for registration made | |
| Power Originally Assigned to: | The Local Government. | |
| Statutory Power of Delegation: | <i>Dog Act 1976</i> <ul style="list-style-type: none"> • Section 10AA Delegation of local government powers and duties | |
| Power Delegated to: | Chief Executive Officer | |
| Council's Conditions on Delegation: | The Chief Executive Officer may delegate the above powers. | |
| Statutory Power to Sub-delegate: | <i>Dog Act 1976</i> <ul style="list-style-type: none"> • Section 10AA(3) The delegation may expressly authorise the delegate to further delegate the power or duty. | |
| Compliance Links: | <i>Dog Act 1976</i> <ul style="list-style-type: none"> • Section 17 Notices of refusal to register inform the owner of the right under section 17(1) to apply to the State Administrative Tribunal for a review of the decision. | |
| Version Control | | |
| Version | Decision Reference | Date Delegated |
| 1 | New Delegation | 01/08/17 OCM Trim 196152/17 |
| 1 | CEO Annual Review | 16/08/17 CEO Trim 204825/17 |
| 1 | Annual Review | 28/06/18 OCM CM 162912/18 |



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| 2.8.2. Dog Act – Waive Registration Fees | | |
|--|---|-----------------------------|
| Function Delegated: | 1. To discount or waive a registration fee for any individual dog or any class of dogs within its district excluding a dangerous dog [s.15(4A), s.15(4B)]. | |
| Statutory Power Delegated: | <i>Dog Act 1976</i> <ul style="list-style-type: none"> Section 15(4A) Registration periods and fees | |
| Power Originally Assigned to: | The Local Government. | |
| Statutory Power of Delegation: | <i>Dog Act 1976</i> <ul style="list-style-type: none"> Section 10AA Delegation of local government powers and duties | |
| Power Delegated to: | Chief Executive Officer | |
| Council's Conditions on Delegation: | The Chief Executive Officer may delegate the above powers. | |
| Statutory Power to Sub-delegate: | <i>Dog Act 1976</i> <ul style="list-style-type: none"> Section 10AA(3) The delegation may expressly authorise the delegate to further delegate the power or duty. | |
| Compliance Links: | <i>Dog Act 1976</i> <i>Dog Local Law 2011 (CONSOLIDATED – Dog Amendment Local Law 2013)</i> | |
| Version Control | | |
| Version | Decision Reference | Date Delegated |
| 1 | New Delegation | 01/08/17 OCM Trim 196152/17 |
| 1 | CEO Annual Review | 16/08/17 CEO Trim 204825/17 |
| 1 | Annual Review | 28/06/18 OCM CM 162912/18 |



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| 2.8.3. Dog Act – Appoint Authorised Officers | | |
|--|---|---------------------------|
| Function Delegated: | 1. Appoint a person to be an authorised officer for the purposes of the <i>Dog Act 1976</i> [s.29(1), s.11]. 2. Appoint a person to be a registration officer for the purposes of the <i>Dog Act 1976</i> [s.29(1), s.11(3)]. | |
| Statutory Power Delegated: | <i>Dog Act 1976</i> <ul style="list-style-type: none"> • Section 29(1) Power to seize dogs • Section 11 Staff and services | |
| Power Originally Assigned to: | The Local Government. | |
| Statutory Power of Delegation: | <i>Dog Act 1976</i> <ul style="list-style-type: none"> • Section 10AA Delegation of local government powers and duties | |
| Power Delegated to: | Chief Executive Officer | |
| Council’s Conditions on Delegation: | The Chief Executive Officer may delegate the above powers. | |
| Statutory Power to Sub-delegate: | <i>Dog Act 1976</i> <ul style="list-style-type: none"> • Section 10AA(3) The delegation may expressly authorise the delegate to further delegate the power or duty. | |
| Compliance Links: | <i>Dog Act 1976</i> <ul style="list-style-type: none"> • Section 11(3) a person appointed as an authorised officer under this delegation must be provided with a certificate of authorisation and must furnish it when requested in the process of exercising any authority under the Act. <i>Dog Regulations 2013</i> <ul style="list-style-type: none"> • Section 35(6) a person authorised to issue an infringement cannot withdraw an infringement • Schedule 1, Form 1 The certificate of authorisation must be in the prescribed form (subject to section 31 of the <i>Public Health Act 2016</i>) | |
| Version Control | | |
| Version | Decision Reference | Date Delegated |
| 1 | New Delegation | 28/06/18 OCM CM 162912/18 |



2.9. Public Health Act 2016

| 2.9.1. Appoint Authorised Officers | | |
|--|--|----------------------------|
| Function Delegated: | <ol style="list-style-type: none"> 1. Appoint a qualified person to be an environmental health officer [s.17] 2. Designate environmental health officers (either as a person or as a class of persons) to be authorised officers for the purposes of the <i>Public Health Act 2016</i> or another specified Act or for the purposes of the specified provisions of this Act or another specified Act [s.24] 3. Designate a qualified person (either as a person or as a class of persons) who is not an environmental health officer to be an authorised officer for the purposes of the <i>Public Health Act 2016</i> or another specified Act or for the purposes of the specified provisions of this Act or another specified Act [s.24] | |
| Statutory Power Delegated: | <i>Public Health Act 2016</i> <ul style="list-style-type: none"> • Section 24 Designation of authorised officers • Section 17 Appointment of environmental health officers | |
| Power Originally Assigned to: | The Local Government. | |
| Statutory Power of Delegation: | <i>Public Health Act 2016</i> <ul style="list-style-type: none"> • Section 21 Enforcement agency may delegate | |
| Power Delegated to: | Chief Executive Officer | |
| Council's Conditions on Delegation: | <p>The appointer of authorised officers who are not environmental health officers must be satisfied they are suitably qualified for the powers and duties they are authorised for and have regard to any guidelines issues by the Department under s.29(1).</p> <p>A person cannot be appointed as an Environmental Health Officer unless they meet the qualifications determined and published by the Department under s.18.</p> | |
| Statutory Power to Sub-delegate: | Nil. | |
| Record Keeping Requirements: | Records of authorisation to be retained in TRIM Container: P1027271 CORPORATE MANAGEMENT – AUTHORISATIONS – Register A List of Authorised Officers and Environmental Health Officers is to be maintained | |
| Compliance Links: | <i>Public Health Act 2016:</i> <ul style="list-style-type: none"> • Section 30 Certificates of authority • Section 18 Chief Health Officer to approve qualifications and experience required by environmental health officers • Section 25 Certain authorised officers required to have qualifications and experience • Section 29 Chief Health Officer may issue guidelines about qualifications and experience of authorised officers • Section 27 Lists of authorised officers to be maintained | |
| Version Control | | |
| Version | Decision Reference | Date Delegated |
| 1 | New Delegation | 11/04/17 OCM Trim 77934/17 |
| 2 | Annual Review | 28/06/18 OCM CM 162912/18 |



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2.10. Health (Miscellaneous Provisions) Act 1911

| 2.10.1. Appoint Authorised and Approved Persons – Health (Asbestos) Regulations 1992 | | |
|--|---|---------------------------|
| Function Delegated: | The authority to appoint in writing, persons or classes of persons to be authorised officers or approved officers for the purposes of the <i>Criminal Procedure Act 2004</i> Part 2. | |
| Statutory Power Delegated: | <i>Health (Asbestos) Regulations 1992</i> <ul style="list-style-type: none"> Regulation 15D(5) Infringement Notices | |
| Power Originally Assigned to: | The Local Government. | |
| Statutory Power of Delegation: | <i>Health (Asbestos) Regulations 1992</i> <ul style="list-style-type: none"> Regulation 15D(7) Infringement Notices <p>A local government may delegate a power or duty conferred or imposed on it by this regulation to the chief executive officer of the local government.</p> | |
| Power Delegated to: | Chief Executive Officer | |
| Council's Conditions on Delegation: | An officer authorised to issue an infringement ('authorised officer') may not be appointed to withdraw an infringement ('approved officer'). | |
| Statutory Power to Sub-delegate: | Nil. | |
| Compliance Links: | <i>Health (Asbestos) Regulations 1992</i> Authorised officers must be issued with card or certificate that advised they are authorised to issue infringements for officers specified under Schedule 1 of these Regulations. <i>Criminal Procedure Act 2004</i> Part 2 | |
| Version Control | | |
| Version | Decision Reference | Date Delegated |
| 1 | New Delegation | 28/06/18 OCM CM 162912/18 |



3. Statutory Delegations to Local Government from External Agencies

3.1. Environmental Protection Act 1986

3.1.1 Noise Control – Serve Environmental Protection Notices [s.65(1)]

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 the 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 –

FERNINAND TROMP, A/Chief Executive Officer.

Dr JUDY EDWARDS MLA, Minister for the Environment.



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3.1.2 Noise Control – Keeping of Log Books, Noise Control Notices, Calibration and Approval of Non Complying Events [Reg 16]

Government Gazette No.232, 20 December 2013

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.



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3.1.3 Noise Control – Noise Management Plans – Construction Sites [Reg. 13]

Government Gazette No.71 – 16 May 2014

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

Approved by –

Hon ALBERT JACOBS JP MLA, Minister for Environment: Heritage



3.2 Planning and Development Act 2005

3.2.1 Western Australia Planning Commission – Referral Arrangements

Government Gazette No. 65 – 9 May 2014 (pages 1410-1412)

PL403*

PLANNING AND DEVELOPMENT ACT 2005

RESOLUTION

RES 2014/01 RESOLUTION UNDER CLAUSE 32 OF THE MRS

Resolution made under clause 32 of the Metropolitan Region Scheme regarding development control powers of the Western Australian Planning Commission

On 25 March 2014, pursuant to clause 32 of the Metropolitan Region Scheme (MRS), the West Australian Planning Commission (WAPC) resolved –

- A TO REVOKE its resolution made under clause 32 of the MRS as detailed in the notice entitled “RES 2011/01 Resolution under Clause 32 of the MRS” published in the *Government Gazette* of 1 November 2011 (pages 4612-4614);
- B TO REQUIRE all local governments within the MRS area to refer applications for development of the classes and in the locations specified in clauses 1 to 4 of the Schedule 1 to the WAPC for determination;
- C TO REQUIRE the local governments specified in clauses 5 to 10 of Schedule 1 to refer applications for development of the classes and in the locations specified in clauses 5 to 10 of Schedule 1 to the WAPC for determination;
- D TO CONFIRM that words used in the schedule to this resolution have the meanings given to them in the *Planning and Development Act 2005* (Act) and the MRS. In the case of any inconsistency, the Act prevails;
- E TO DECLARE that the resolution takes effect when notice of the resolution is published in the *Government Gazette*.

TIM HILLYARD, Secretary, Western Australian Planning Commission.



SCHEDULE 1

REFERRAL ARRANGEMENTS FOR LOCAL GOVERNMENTS IN THE AREA COVERED BY THE MRS

1. Development of State or Regional Significance

All applications made under clause 28 of the MRS for approval to commence and carry out development that the WAPC, by notice in writing in each case, advises the local government are of State or regional importance or in the public interest.

2. Development in the Rural Zone

The following classes of applications made under clause 28 of the MRS for approval to commence and carry out development on land in the Rural zone in the MRS—

- (a) Extractive industry—all applications; and
- (b) Any other use which in the opinion of the local government or the WAPC may not be consistent with the Rural zone

3. Poultry Farms

Applications made under clause 28 of the MRS for approval to commence and carry out development of new poultry farms or any extension or addition in excess of 100 square meters to the improvements of an existing poultry farm in the Rural, Urban or Urban Deferred zones in the MRS.

4. Development in Activity Centres

Applications made under clause 28 of the MRS for approval to commence and carry out development relating to a building or extension/s to an existing building for shop-retail purposes—

- (a) where the local government or the WAPC considers that the development proposed may be of State or regional significance;
- (b) where the development proposed is major development which the local government considers is appropriately located in an activity centre of a higher level of the Activity Centre Hierarchy that the activity centre in which it is proposed to be located;
- (c) where the development proposed is major development which the WAPC (after consulting the relevant local government) considers is appropriately located in an activity centre of a higher level of the Activity Centre Hierarchy that the activity centre in which it is proposed to be located;
- (d) for Strategic metropolitan centre or Secondary centre developments where the development proposed is major development;
- (e) for District centre developments, where the development is major development and where approval of the proposal would result in the shop/retail floorspace exceeding 20 000m² of shop/retail floorspace (net lettable area); or
- (f) where the development proposed is wholly or partly located in zoned land in specialised centres;

except where the application complies with an activity centre structure plan or equivalent plan or strategy for the activity centre endorsed by the WAPC.

For the purpose of this resolution—

“*activity centre*” means the categories of activity centres set out in Table 2 and Table 3 of State Planning Policy 4.2, namely—



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- Capital City;
- Strategic metropolitan centres;
- Secondary centres;
- District centres; and
- Neighbourhood centres.

“*activity centre structure plan*” means a structure plan prepared as required under 6.4 of State Planning Policy 4.2;

“*major development*” means development as defined in appendix 1 of State Planning Policy 4.2, namely—

- Development of any building where the building is used or proposed to be used for *shop-retail* purposes and where the shop-retail net lettable area of the proposed building is more than 10000m²; or
- Development of any extension/s to an existing building where the extension/s is used or proposed to be used for *shop-retail* purposes and where the shop-retail net lettable area of the extension/s is more than 5000m².

“*net lettable area*” is defined in Appendix 1 of State Planning Policy 4.2;

“*shop-retail*” means the land use activities included in “Planning land use category 5: Shop/retail” as defined by the WAPC’s Perth Land Use and Employment Survey (as amended from time-to-time);

“*specialised centres*” means the centres identified in clause 5.1.1 of State Planning Policy 4.2, which focus on regionally significant economic or institutional activities that generate many work and visitor trips, which therefore require a high level of transport accessibility;

“*State Planning Policy 4.2*” means State Planning Policy No.4.2—Activity Centres for Perth and Peel, published in the *Government Gazette* on 31 August 2010.

5. Stirling and Glendalough Station Precincts

The City of Stirling, in the areas defined in WAPC plan No. 4.1495/1, is to refer for determination by the WAPC the following classes of applications under clause 28 of the MRS for approval to commence and carry out development on land—

- (i) All applications that include non-residential uses and/or development; and
- (ii) All application for 5 or more residential dwellings.

6. Kwinana Industrial Area

The City of Kwinana is to refer for determination by the WAPC all applications made under clause 28 of the MRS for all classes of development for the area shown on WAPC plan No. 4.1489/1, except where development is estimated by the applicant to be less than \$250,000 in respect of which the council may decide at its discretion to submit or not to the WAPC.

7. North Coogee Industrial Area

The City of Cockburn is to refer for determination by the WAPC all application made under clause 28 of the MRS for all classes of development for the area shown on WAPC plan No. 4.1472/1.

8. Parliament House Precinct 6

The City of Perth is to refer for determination by the WAPC all applications for approval to commence and carry out development within—



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- (a) The area depicted as the Inner Precinct on WAPC plan 3.2096; and
- (b) The area depicted as the Outer Precinct on WAPC plan 3.2096, where the development proposed will exceed the specified height limits, previously determined by the WAPC.

9. Lots 6, 8 and 9 Scarborough Beach Road, Osborne Park

The City of Stirling is to refer for determination by the WAPC those applications made under Clause 28 of the MRS for the area shown on WAPC plan 4.1544.

10. Leach Highway and Stock Road—Leach Highway to South Street

The Cities of Fremantle and Melville are to refer for determination by the WAPC those applications made under Clause 28 of the MRS for the area shown on WAPC plan 1.7068.



3.2.2 Western Australia Planning Commission – Development Applications

Government Gazette No.83 – 10 June 2014 (pages 1810-1816)

PL402*

PLANNING AND DEVELOPMENT ACT 2005

INSTRUMENT OF DELEGATION

DEL 2011/02 Powers of Local Governments (MRS)

Notice of delegation to local governments, and certain officers, 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 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 27 May 2014, 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 (MRS), of applications for approval to commence and carry out development specified in clauses 1 and 2, within their respective districts, subject to the exceptions and conditions set out in clauses 1 to 5 and Schedule 1;
- B. TO DELEGATE to the Director General 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 2A, subject to the exceptions and conditions set out in clauses 3A;
- 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* of 23 December 2011 (pages 5462-5467) to give effect to this delegation.

TIM HILLYARD, Secretary,
Western Australian Planning Commission.



PLANNING AND DEVELOPMENT ACT 2005

Instrument of Delegation

1. Development on zoned land

Applications for development on land zoned under the MRS except—

- (i) where the land is subject to a resolution under Clause 32 of the MRS; or
- (ii) where the land is subject to the declaration of a planning control area under Section 112 of the *Planning and Development Act 2005*; or
- (iii) 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
- (iv) 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
- (v) in respect of public works undertaken by public authorities.

2. Development on regional road reservations

Applications for development, on land reserved under the MRS for the purpose of a regional road, but excluding any application relating to large format digital signage.

2A. Applications for development in relation to large format digital signage, on land reserved under the MRS for the purpose of a regional road.

3A. Referral Requirements for development on land on or abutting a Primary Regional Roads and Other Regional Roads reservation

Development applications that are on land that abut or that are fully or partly reserved as Primary Regional Roads (PRR) or Other Regional Roads (ORR) in the MRS shall be referred to the relevant local government and/or public authority, where required, for comment and recommendation, and in this regard the following shall apply—

- (i) the local government or public authority shall provide its comment and recommendation, if any, within 30 days of receipt of the application;
- (ii) if no comment or recommendation is received within that 30 day period, the delegate may determine the application in the absence of any comment and recommendation; and
- (iii) the delegate is not bound to follow any recommendation received.

3. Referral Requirements for development on land on or abutting a Primary Regional Roads and Other Regional Roads reservation

Development applications that are on land that abut or that are fully or partly reserved as Primary Regional Roads (PRR) or Other Regional Roads (ORR) in the MRS shall be referred to the relevant Public Authority, where required, for comment and recommendation, before being determined by the local government as outlined in Tables 1 and 2. The road categories 1, 2 and 3 are as shown on plans SP 693 (PRR) and SP 694 (ORR).



Table 1 – Referrals for Primary Regional Roads (Red)

| PRIMARY REGIONAL ROADS (PRR)—) - Red | | |
|---|---|--|
| Column 1 Primary Regional Road (PRR-Red) | Column 2 Referral of development application to Public Authority required for Category 1 and 2 | Column 3 Referral of development application to Public Authority not required for Category 1 and 2. |
| Category 1 No vehicle access permitted. Public Authority Main Roads WA | 1. A development application which has one or more of the following characteristics— (a) includes any earthworks, change in design levels and drainage that encroaches or impacts upon the regional road reservation. (b) has the potential for a significant increase in traffic using any access, either directly or indirectly, onto the regional road reservation; or (c) involves direct access between the subject land and the regional road reservation. 2. All other applications except those listed as non referral for Category 1 in Column 3. | 1. In the case of a Category 1 or 2 road, a development application which the local government resolves to refuse under the MRS for reasons relating to the regional road reservation. 2. In the case of a Category 2 road, a development application of four or fewer dwellings, where the application proposes (or a condition is imposed to require) all of the following outcomes— (a) No development, including car parking, earthworks or drainage, encroaching or impacting upon the regional road reservation excepting an existing crossover or temporary landscaping and where the level of the reserved portion is constructed at the existing or planned road kerb level; (b) The access arrangements are consistent with the agreed access strategy (Refer to Note 3). (c) The rationalisation of the existing crossovers to reduce the number of crossovers to one; (d) No additional, relocated or new access between the development site and the regional road reservation; (e) The development being designed so that all vehicles can enter and exit in a forward gear; and (f) Development being designed to comply with all appropriate policy and standards related to noise. |
| Category 2 Limited vehicle access permissible Public Authority Main Roads WA | 3. A development application which has one or more of the following characteristics— (a) proposes earthworks, change in design levels, drainage or car parking, that would encroach or impact upon the regional road reservation; (b) has the potential for a significant increase in traffic using any access, either directly or indirectly, onto the regional road reservation; (c) involves additional, relocated or new access between the subject land and the regional road reservation; (d) proposes retention of an existing access between the subject land and the regional road reservation, where there is an alternative access to a local road or laneway; or (e) involves the construction of entrance ramps. | 3. A development application which has one or more of the following characteristics— (a) proposes the erection of a boundary fence that does not encroach into the road reservation, provided that the fence has adequate sight truncations to any access to the regional road; |



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| | | |
|---|---|---|
| | <p>4. All other applications except those listed as non referral for Category 2 in Column 3.</p> | <p>(b)proposes temporary or replacement signage (of no greater dimensions) relating to the use of the development attached to the existing building or structure and which is outside the reservation area; or</p> <p>(c)proposes a change of use with no structural modifications or additions to an authorised development and the new use does not require any additional car parking bays under the local planning scheme, provided that all of the existing development, including carparking, is situated outside of the reservation area.</p> |
| <p>Category 3 Public Authority Main Roads WA</p> | <p>5. All development applications except those listed as non referral for Category 3 in Column 3.</p> | <p>4. In the case of a Category 3 road, a development application that the local government resolves to refuse under the MRS for reasons relating to the regional road reservation.</p> <p>5. A development application which has one or more of the following characteristics—</p> <p>(a)Proposes temporary or replacement signage (of no greater dimensions) relating to the use of the existing development, provided it is attached to the existing building or structure and it is outside the reservation area or any road reservation requirement plan formally adopted by the WAPC; or</p> <p>(b)Proposes a change of use with no structural modifications or additions to an authorised development, and the new use does not require any additional car parking bays under the local planning scheme, provided that all of the existing development, including car parking, is situated outside the reservation area or any road reservation requirement plan formally adopted by the WAPC.</p> |



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Table 2 – Referrals for Other Regional Roads (Blue)

| OTHER REGIONAL ROADS (ORR)—Blue | | |
|---|---|---|
| Column 1 Other Regional Road (ORR-Dark Blue) | Column 2 Referral of development application to Public Authority required for Category 1 and 2 | Column 3 Referral of development application to Public Authority not required for Category 1 and 2. |
| Category 1 <i>No Vehicle access permitted.</i> Public Authority Department of Planning | 1. A development application that has the potential to increase traffic flows by more than 100 veh/hr in peak period requiring Transport Assessment (refer to the Transport Assessment Guidelines Volume 1, Table 1 – See note 6). | 1. All other applications except those listed a referral on Column 2, Category 1 and 2. |
| Category 2 <i>Limited vehicle access permissible</i> Public Authority Department of Planning | 2. A development application which has all of the following characteristics— <ul style="list-style-type: none"> (a) the lot is affected by a regional road reservation (b) all or part of the proposed development is within the regional road reservation. (c) has a construction value greater than \$10,000 3. A development application which has all of the following characteristics— <ul style="list-style-type: none"> (a) the lot is affected by a regional road reservation (b) none of the proposed development is within the regional road reservation. (c) has a construction value greater than \$100,000 | |
| Category 3 Public Authority Department of Planning | 4. All development applications except those listed as non-referral for Category 3 in Column 3. | 2. In the case of a Category 3 road, a development application that the local government resolves to refuse under the MRS for reasons relating to the regional road reservation. 3. A development application which has one or more of the following characteristics— <ul style="list-style-type: none"> (a) proposes temporary or replacement signage (of no greater dimensions) relating to the use of the existing development, provided it is attached to the existing building or structure and it is outside the reservation area or any road |



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| | | |
|--|--|--|
| | | <p>reservation requirement plan formally adopted by the WAPC; or</p> <p>(b) proposes a change of use with no structural modifications or additions to an authorised development, and the new use does not require any additional car parking bays under the local planning scheme, provided that all of the existing development, including car parking, is situated outside the reservation area or any road reservation requirement plan formally adopted by the WAPC.</p> |
|--|--|--|

Notes—

1. PRR are shown coloured ‘Red’ and ORR shown coloured ‘Dark Blue’ in the MRS.
2. Plans SP 693 (PRR) and SP 694 (ORR) show regional road categories in the MRS and are amended from time to time. The latest versions are available on the Planning WA website at <http://www.planning.wa.gov.au/1212.asp>
3. Plan SP 693 also shows additional roads under the control of Main Roads WA that are not currently reserved in the MRS and sections of road where access strategies have been agreed.
4. In determining applications under this delegation, local governments shall have regard to WAPC Policy DC 5.1. Regional Roads (Vehicular Access), SPP 5.4 Road and Rail Transport Noise and Freight Considerations in Land Use Planning and any other relevant policies/advice of the relevant public authority.
5. 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—Infrastructure Planning and Coordination on (08) 6551 9000;
 - (c) the categories referred to in Tables 1 and 2, see the section headed “Interpretations.”
6. Local Governments shall ensure that transport information is provided in accordance with the WAPC Transport Assessment Guidelines for Developments, (available at: <http://www.planning.wa.gov.au/publications/1197.asp>)
7. Tables 1 and 2 indicate the relevant public authority for referrals by local authorities. The relevant public authority will liaise with other authorities as required, eg. DoP, DoT, MRWA or PTA, prior to responding to local government to ensure that integrated transport planning outcomes are not adversely affected by development proposals.

4. 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.

5. 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



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control area and is covered by Clause 4 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.

Schedule 1

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 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.

Interpretations

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

“access” means both entry and exit from either a road or abutting development by a vehicle.

“development” has the same meaning given to it in and for the purposes of the Planning and Development Act 2005.

“local government” means a local government within the area covered by the MRS.

“local road” means a 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 authority to which the local government was required to consult under this Notice of Delegation.

“regional road” means any road designated under the 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.

“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. a primary or district distributor road with widely-spaced signalised intersections or roundabouts, and few, if any, direct access points to individual sites or local streets).

“category 2 road” applies where regional roads—



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- (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.



3.2.3 Western Australia Planning Commission – Section 25 of Strata Titles Act 1985

Government Gazette No.98 – 9 June 2009 (Pages 1936-1937)

PI409*

PLANNING AND DEVELOPMENT ACT 2005

INSTRUMENT OF DELEGATION

DEL 2009/03 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 25 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 26 May 2009, 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 25 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.

TONY EVANS,
Western Australian Planning Commission.



SCHEDULE 1

1. Applications made under section 25 of the Strata Titles Act 1985

Power to determine applications for the issuing of a certificate of approval under section 25 of the Strata Titles Act 1985 for a plan of subdivision, re-subdivision or consolidation, except those applications that—

- (a) propose the creation of a vacant lot;
- (b) propose vacant air stratas in multi-tiered strata scheme developments;
- (c) 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.

3. 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.



3.3 Main Roads Western Australia

3.3.1 Control Certain Roadside Advertisements of Highways and Main Road

Refer OCM 24/04/12 – Item Reference 182/12



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3.3.2 MRWA – Traffic Management Signs (Temporary related to Maintenance and Road Works)

TRIM 77239/13

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**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 the **CITY OF PERTH** ("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.



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Dated: 15.2.2005

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

Leon Wenzel
 Name of Witness

ACKNOWLEDGMENT BY AUTHORISED BODY

The CITY OF PERTH agrees to observe, perform and be bound by the above conditions.

THE COMMON SEAL OF THE
 CITY OF PERTH
 WAS AFFIXED PURSUANT TO A RESOLUTION
 OF THE COUNCIL IN THE PRESENCE OF

 Dr Peter Natrass
 The Right Hon the Lord Mayor of City of Perth

Dated: 7/12/04

 Frank Edwards
 Chief Executive Officer

Dated: 3/12/04

 Signature of Witness

Dated: 3/12/04

 Name of Witness



3.3.3 MRWA – Traffic Management for Events

TRIM 77239/13

**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 **CITY OF PERTH** (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*.



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Dated: 1/9/08

THE COMMON SEAL OF THE
COMMISSIONER OF MAIN ROADS

WAS AFFIXED BY

[Signature]
COMMISSIONER OF MAIN ROADS



FOR THE TIME BEING IN THE
PRESENCE OF:

[Signature]
Signature of Witness

[Printed Name]
Name of Witness (please print)

ACKNOWLEDGMENT BY AUTHORISED BODY

The CITY OF PERTH agrees to unconditionally observe, perform and be bound by the above conditions.

THE COMMON SEAL OF THE
CITY OF PERTH

WAS AFFIXED PURSUANT TO A
RESOLUTION OF THE COUNCIL
IN THE PRESENCE OF

[Signature]
Ms Lisa Scaffidi
The Right Hon the Lord Mayor of City of Perth

Dated: 5/2/08

[Signature]
Frank Edwards
Chief Executive Officer

Dated: 5/2/08

[Signature]
Signature of Witness

Dated: 5/2/08

[Printed Name]
Name of Witness



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3.4 Table of Amendments/Reviews

| Item | Decision Reference |
|---|--|
| Created | April 2007 (TRIM 102409/07) |
| Review Approved | 5 June 2007 (Minute 372/07) |
| Amended | 21 August 2007 (TRIM 94819/07) |
| Amended | 19 February 2008 (Minute 83/08) |
| Amended | 28 April 2008 (TRIM 48490/08) |
| Review Approved | 3 June 2008 (Minute 309/08) |
| Amended | 16 September 2008 (Minute 843/08) |
| Amended | 16 February 2009 (TRIM 16099/09) |
| Review Approved | 10 March 2009 (Minute 142/09) |
| Amended | 14 July 2009 (Minute 405/09) |
| Review Approved | 16 February 2010 (Minute 88/10) |
| Amended | 11 May 2010 (Minute 232/10) |
| Amended | 22 June 2010 (Minute 315/10) |
| Amended | 13 July 2010 (Minute 354/10) |
| Review Approved | 7 June 2011 (Minute 265/11) |
| Amended | 6 December 2011 (Minute 719/11) |
| Amended and Review Approved | 26 June 2012 (Minute 294/12) |
| 1.23 Amended | 04/10/12 (TRIM:123459/12) |
| New Delegation | 30 October 2012 (Minute 527/12) |
| 1.23 Amended | 05/11/12 (TRIM: 137658/12) |
| 1.16 Amended | 04/12/12 (TRIM: 152809/12) |
| 1.16 Amended (CEO Sub-delegation) | 27/03/13 (35892/13) |
| Annual Review | OCM 25/06/13 319/13 TRIM 67905/13 and CEO 77838/13 |
| 1.2.7 Amended | CEO 114417/13 |
| 2.6.1, 2.6.2 and 2.6.3 New Delegations | OCM 10/12/13 and CEO 154059/13 |
| 1.3.1 New CEO Delegation | 7660/14 |
| 1.2.27 New Delegation | OCM 18/02/14 |
| 3.1.3 Replaced | As per GG 232 20/12/13 |
| 1.2.27 CEO Sub-delegation | TRIM 80283/14 |
| 2.5.1 (4)(a) New – sign content approval 267 St Georges Tce | OCM 01/04/14 |
| 2.5.1 (4)(b) New sign content approval 81 St Georges Tce | OCM 22/04/14 |
| Annual Review / Amendments | OCM 24/06/14 270/14 |
| Annual Review / Amendments | CEO Trim 234521/14 |
| 1.3.3 new CEO delegation | CEO 292481/14 |
| 1.2.14 CEO sub-delegation Amended | ELG 30/06/2014 TRIM 234542/14 |
| Annual Review / Amendments | OCM 09/06/14 |
| Annual Review / Amendments | OCM 28/06/16 and CEO 111873/16 |
| New Delegation | 13/12/16 OCM SCH 52 TRIM 230806/16; 13/12/16 OCM SCH 38 TRIM 230806/16; 13/12/16 OCM SCH 39 TRIM 230806/16 |
| Administrative amendments to Staff titles – Various | 10/02/17 |
| 2.9.1 New Delegation | 11/04/17 OCM Trim 77934/17 |
| Annual Review / Amendments – 2017 | 01/08/17 OCM Trim 196152/17 |
| New Delegations 2.6.4, 2.8.1, 2.8.2 | 01/08/17 OCM Trim 196152/17 |
| CEO Review / Amendments | 16/08/17 CEO Trim 204825/17 |
| CEO Amendments to 1.3.1 – Add position | 04/09/17 CEO CM 221372/17 |
| CEO Amendment to DA 1.2.15, 1.2.16, 1.2.18 | 13/09/17 CEO CM 231179/17 |
| CEO Amendments to 12.2.1, 2.6.3, 2.5.2, 2.5.2A | 21/09/17 CEO CM 237249/17 |
| 1.2.9 CEO Amendment | 12/12/17 CEO CM 350759/17 |
| CEO Amendments to 1.2.6, 1.2.7, 2.6.1, 2.6.2, 1.2.1, 1.2.10, 1.2.14, 1.2.7, | 9 April 2018 (CM 90076/18) |
| Annual Review / Amendments – 2018 | 26/06/18 OCM CM 162912/18 |
| Liquor Control Act – Liquor Licencing Revoked | 25/09/18 OCM CM 254806/18 |



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